

HIGH COURT'S VERDICT, STALE & REDUNDANT

Written by UUCSA

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QUESTION

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The non-Muslim Women's Legal Centre has nothing to gloat about in the verdict handed down by the kuffaar court. What the court has decreed is old wine in a new plastic bottle. As far as Muslim marriages are concerned, the position remains unchanged in terms of even the kuffaar law.

The order to the government to introduce legislation within 24 months to recognize Muslims marriages and to plan for their consequences has really no practical significance. What the court has said in its verdict is precisely what all the courts in the country have been decreeing for about 20 years. The kuffaar courts have always, without exception, decreed that Muslim marriages are valid for purposes of maintenance, custody, inheritance, etc. regardless of the fact that such marriages have not been contracted in accordance with the secular laws of the land.

Whenever non-Muslim women posing as Muslims have sought the assistance of the courts against their Muslim husbands who had suffered the misfortune of having married these

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non-Muslim women, the courts have invariably come to their aid and had decreed in their favour in a grossly unjust manner. The injustice is in fact in terms of the country's constitution and laws. Verdicts have been issued in violation of the even the matrimonial system known as Antenuptial contract which excludes the rubbish accrual clause.

Thus, whatever the courts have been ordering, granting and ruling, is what the High Court has in its latest verdict ordered the government to enact as a formal piece of legislation. There is nothing new in this.

Muslims in reality are not adversely affected by this verdict more than the injustice which the courts had committed over the past twenty years since the ANC came to power.

It should also be understood that the verdicts of the courts are in total contravention of the Shariah. The stance of the courts in South Africa, and in fact all over the world, is suppression of Islam and the denial of the freedom of religion as the secular constitution falsely purports. There is no freedom of religion, especially for the Islamic religion, in South Africa nor in a country such as Pakistan nor anywhere else in the world. In this era, the whole world has ganged up to obliterate Islam which is a plot which they will not succeed in because Allah Azza Wa Jal Himself has undertaken the Responsibility of protecting Islam which shall endure until just before the Day of Qiyaamah.

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