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The Majlis

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Part Seven

THE KNB (KUFR NIKAH BILL)

Mr.HENDRICKS – THERE IS NO CONUNDRUM TO FIGURE OUT!

In his red herring response which is a conspicuous attempt to divert focus from the core issue underlying this dispute, Mr.Hendricks says:

"Bearing in mind these developments over the past few months, I am still trying to figure out why The Majlis acts - in this haughty, high-n-mighty manner - is preventing me from carrying out my duties as an MP; someone who is giving concrete effect to the ConCourt order."

If a man professes that he is a Muslim, he has no 'duty as an MP' to perpetrate KUFR thereby confirming his abode in Jahannam. There is no conundrum underlying our criticism. The marriage bill fabricated by the Al Jahannam Party is KUFR. It is our obligation to warn Muslims of the plot of Iblees who has harnessed in agents to give effect to his conspiracy.

We are obliged by the Shariah of Allah Azza Wa Jal to maintain our 'haughty, high-n-mighty manner' to demolish the KUFR which Hendricks is seeking to pass off as shariah-compliant. The duty of a Muslim is never to sustain kufr. Kufr does not become halaal on account of a chap being an MP. The abode of MPs is Jahannam. A Muslim's first allegiance is to Allah Ta'ala, not to the kuffaar concourt.

Furthermore, even the concourt has not imposed it on you, Mr.Hendricks, to betray your religion – to commit kufr and purchase eternal perdition in the Aakhirat. It is the obligation of the government to give effect to the concourt order. You are a puny non-entity.

Hendricks and his party have no standing in terms of the Shariah. You are not a representative of the Muslim community. You have no mandate from the Ulama nor from the Muslim community to interfere with the Shariah and to speak on our behalf. Your MP status means nil in terms of the Shariah. You have no right of making unintelligent noises in parliament regarding the Shariah and the Muslim community.

We are not interfering with your haraam MP occupation. On the contrary, you are the one who is arrogantly interfering with the Shariah and seeking to prescribe kufr to the Muslim community. But you will fail miserably.

In his essay of non-response, Hendricks further says:

"And as a matter of fact, AL JAMA-AH also requested one of the most acclaimed advocates respected by the allies' Ulama, namely Advocate Saleem Khan S. C., to put together a panel from their ranks to assist the Party submitting a Shariah compliant Bill to Parliament."

Hendricks presents the name of Advocate M.S.Khan in a manner to convey the impression that this advocate is in support of his KNB. Advocate M.S.Khan in a statement which he sent to Hendricks clarified his stance. We again reproduce the full statement of Advocate Khan to dismiss the misconception Hendricks has created by mentioning the name of Advocate Khan as well as of others.

Assalamu Alaikum Ummathi Muhammadur Rasullulah

Are Al Jamaah's attorneys and counsel non-Muslims? If so then this is unacceptable. There are so many competent firms of Muslim Lawyers, i.e. both advocates and attorneys in practice in all our provinces that the resort to non- Muslim lawyers is most unfortunate.

A non-Muslim lawyer will not even begin to understand the intricacies of this case given the absence of basic principles of Shariah. Lest I am accused of discriminating against non- Muslim Lawyers, if they are that, the opinion which is a product of the instruction received by the advocate from the attorney who would have received instructions from you Mr.Hendrichs lacks a basic understanding of the concept 'Shariah' or as they incorrectly describe it as 'Shariah Law'. It is Shariah which means Islamic Law. The word law is redundant. A Muslim lawyer would be aware of this, Mr Hendricks.

A far more fundamental flaw is a misunderstanding of the word 'Shariah'. Shariah is Islamic Law. Any contamination of a recordal of Shariah, no matter how slight, would render such recordal as being incapable of qualifying as Shariah. Should anyone intentionally attempt to pass off a contaminated recordal or text of Shariah as Shariah, he would be, Naoozoobillah, waging war against ALLAH SWT.

Mufti EmraanVawda, an Alim and an advocate of note correctly described our, i.e. the team of Alims and my views on the matter of the Al Jamah Bill. We made it patently

clear that the amendments recommended by us, if supported by you and the Legislature will enable Muslims to escape the Un-Islamic provisions of the Bill.

Mufti Vawda, would you please circulate such printed recommendations, so all can see what I mean. I was adamant that if such recommendations were changed, we would lose such escape provisions and the contaminated Bill would remain just that. We reasoned that a contaminated Bill with escape provisions was better than an Islamically arbitrary, incompatible and contaminated law which Parliament would otherwise pass.

You say you understood me approve your amendments to our recommendations. This is contrary to the very basis of the conditions prohibiting amendments of our recommendations to which I subjected you. But, no matter, let us accept that through an error you were led to believe that your amendments to our recommendation would be acceptable. You knew all along what our immutable position was ie. do not tinker with or amend our recommendations. ***Your Bill is therefore a product of error and incompatible with Shariah***, as the contemplated 'escape provision' is lost.

Please abandon that Bill and I would urge all members of political parties who read this message to draw it to the attention of the relevant select committees and to Parliament. …… And ALLAH SWT knows best.

(Note, all underlining and emphasis are ours –The Majlis)

(End of Advocate Khan's statement)

Hendricks has also attempted to show that Mufti Emraan Vawda is supportive of his KNB. In a statement published by Mufti Emraan Vawda, he stated:

Having had this experience with the Al Jama-ah Party, I then took the trouble to enquire more about its members. It appears that this is a recurring *modus operandi* that they employ, where they engage with some member of society or an Aalim, and no sooner the meeting is concluded, they use the engagement as a promotional tool to give the impression that this person or Aalim is supportive of their party. Hence I would caution members of the public to be extremely weary if ever they interact with the members of this party, and that they do not take their claims of endorsement on face value. Their averments should always be verified.

(End of statement)

This *modus operandi* of Hendricks will not succeed to make his KNB palatable to the Muslim community. Kufr is most abhorrent to all sincere Muslims.

THE MARRIAGE BILL OF HENDRICKS IS A HARAAM, KUFR DEVICE. THE CLAIM THAT IT IS SHARIAH-COMPLIANT IS A BLATANT FALSEHOOD. HENDRICKS HAS HITHERTO MISERABLY FAILED TO ANSWER THE CORE ISSUE WHICH IS HIS UTTERLY BASELESS CLAIM:

(1) THAT SHARIAH LAW IS RECOGNIZED IN SOUTH AFRICA
(2) THAT THE SHARIAH CONSEQUENCES OF NIKAH ARE RECOGNIZED.