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THE KUFR NIKAH BILL OF GANIEF HENDRICKS – ADVOCATE M.S.KHAN'S CLARIFICATION

“You knew all along what our immutable position was, i.e. do not tinker with or amend our recommendations. Your bill is therefore a product of error and is incompatible with the Shariah..... 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.” – Advocate M.S.Khan

We reproduce here the full statement of Advocate Khan – the statement he sent to Hendricks:

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)