



"VOICE of ISLAM"



Roses have thorns
The Haqq too has thorns!
We strike baatil with the Haqq.
Then it crushes the brains of baatil.
(Qur'aan)



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Be obedient to your parents. Your children will be obedient to you. Desist from the women of others. They will desist from your women. (Hadith)

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THE KUFR 'MUSLIM' MARRIAGES BILL- ITS UNCONSTITUTIONALITY

Besides the kufr of the bill, it boggles the mind to contemplate that this atrocity dubbed MMB would ever make it to parliament. The bill is cluttered with unconstitutionality which favour its scuttling. Some random examples of the bill's conflicts - conflict with the constitution and with the Shariah are briefly discussed in this article.

FASKH

Section 1, of the bill under the definitions, explains:

"Faskh" means a decree of dissolution of a marriage granted by a court, upon the application of a husband or wife, on any ground or basis permitted by Islamic law,"

Firstly, the husband does not and cannot apply for faskh according to the Shariah. This provision is therefore absurdly in conflict with the Shariah.

The Divorce Act No. 70 of 1979 provides for dissolution of marriage on the grounds of irretrievable breakdown of the marriage. Islamic law does not recognize this concept of 'irretrievable breakdown of the marriage'. Therefore, in terms

of MMB which restricts the grounds for dissolution to "any ground or basis permitted by Islamic law", there is a clash with the Divorce Act.

Even if a Muslim has opted to be governed by MMB, the above restriction denies him/her of his/her constitutional right to apply for dissolution on the grounds of irretrievable breakdown of the marriage.

Thus, the restriction provided in MMB is unconstitutional. Justice Moseneke of the Constitutional Court in the Gumedede Case, averred:

"Courts are required not only to apply customary law but also to develop it. Section 39 (2) of the Constitution makes plain that when a court embarks on the adaptation of customary law it must promote the spirit, purport and objects of the Bill of Rights. The adaptation of customary law serves a number of important constitutional purposes. Firstly, this process would ensure that customary law, is brought into harmony with our supreme law and its

values, and brought in line with international human rights standards. Secondly, the adaptation would salvage and free customary law from its stunted and deprived past. And lastly, it would fulfil and reaffirm the historically plural character of our legal system, which now sits under the umbrella of one controlling law - the Constitution."

While the position adopted by the judge is intolerable to Muslims, it is clear that the courts will interpret MMB in the light of the Constitution. Any provision found to be in conflict with the word or ethos of the Constitution will be struck down. This will create resentment in the Muslim community who will perceive such an act as an interference in our religion, and an attempt to deny us religious freedom. Such scenarios will develop in abundance when the courts are compelled to become entangled in religious issues on which there exists legislation. A number of MMB provisions are wasteful and in conflict with the Constitution. The many challenges which will

develop in the wake of MMB if legislated will indeed be debilitating for the government.

TERMINOLOGY

The MMB is loaded with religious terminology such as faskh, mafqud al-khabar, adam al-infaq, junun, dharar, ayb, shiqaq, etc.. These Islamic terms have Shariah meanings which are not and, in fact, cannot be adequately stated or covered by a document such as MMB. The ramifications and ambiguities of these terms will be a Pandora's box for the secular courts. Many of the religious consequences of these concepts will be in stark conflict of the Constitution and other Acts of law. It is therefore unwise for the state to embark on this MMB exercise which will prove to be a nightmare for the state, the courts and the Muslim community.

Consider for example, Section 1 (h) of the MMB, which reads:

"the husband is a spouse in more than one Muslim marriage and fails to treat his wife justly in accordance with the injunctions of the Qur'an and

Sunnah (Dharar)."

Justly"? There is a vast difference between 'justice' as perceived by the Constitution and 'justice' as a concept of the Shariah. What may be just in terms of the Constitution, could be unjust according to the Shariah, and vice versa.

"Dharar" (Harm) has different meanings in terms of the different codes of law. What could be harmful according to the Constitution may not be so according to the Shariah, and vice versa. In short, these religious terms have been misleadingly presented in MMB which merely gives the literal meanings whereas they are comprehensive, having meanings which the literal sense does not convey.

Furthermore, these religious concepts are subject to interpretations of the different sects of Islam. The Constitution will cut across all religious meanings and interpret our religious tenets in its own peculiar ethos. Such conflicts with religion will undoubtedly lead to grievances and discontent.

(Continued on page 8)

(Continued on page 8)

(Continued on page 8)

(Continued on page 8)

UUCSA AND NNB JAMIAT FORCED TO ADMIT THE KUFR OF THE SO-CALLED 'MUSLIM' MARRIAGES BILL

In its latest baseless propaganda pamphlet UUCSA states:

"The Bill has since our last submission been modified by the Department of Justice & Constitutional Development. Some of the changes and provisions of the Bill are in conflict with Islamic Law.If the final draft of the Bill is such that UUCSA cannot endorse it, UUCSA will withdraw its support for the MMB and will inform the public accordingly."

The NNB Jamiat (i.e. the No Name Brand Jamiat of Fordsburg masquerading as 'Jamiatul Ulama SA') in its latest pamphlet on Kufr MMB, stated:

"The Bill has been modified by the Department of Justice and Constitutional Development. Some of the changes and provisions

of the Bill are in conflict with Islamic Law. The (NNB) Jamiat of Fordsburg, together with members of the legal fraternity is in the process of formulating a detailed submission to the Department of Justice and Constitutional Development with a view to correct provisions of the Bill that are un-Islamic."

After having supported the Kufr MMB to the hilt for years along with all the kufr provisions, and being in denial of the existence of these haraam clauses, UUCSA and the NNB Jamiat have now very belatedly, grudgingly and reluctantly conceded that the Kufr MMB contains un-Islamic provisions in conflict with Islamic Law.

The logical conclusion of this (Continued on page 9)

SCRAP THE ATROCIOUS BILL!!

THE 'MUSLIM' MARRIAGES BILL

WHY ARE MUSLIMS SINGLED OUT FOR DISCRIMINATION? WHY IS THERE NO HINDU MARRIAGES BILL? WHY IS THERE NO JEWISH MARRIAGES BILL? WHY IS THERE NO CHRISTIAN MARRIAGES BILL? WHY IS THIS NOT ONLY A 'MUSLIM' MARRIAGES BILL?

WHY MUST MUSLIMS BE FINED R5,000 OUTLAWS? AND R20,000 OR SENT TO JAIL IF WHY DOES THE GOVERNMENT THEY CAN'T AFFORD THESE UN-EVEN ENTERTAIN SUCH A GROSSLY MUST MUSLIMS BE AL DOCUMENT AS THE MMB WHEN TISING THEIR RELI-MOST OF THE PRO-GION WHILE NON-VISIONS OF THE MUSLIMS OF OTHER BILL ARE IN CON-RELIGIOUS PERSUA-FLECT WITH THE SIONS WILL NOT BE CONSTITUTION. COMMITTING TIONAL INCONSIST- ENCIES ARE SO CONSPICUOUS THAT EVEN LAY-MEN CAN DISCERN THEM WITHOUT GION WHICH THE (Continued on page 8)

Questions and Answers

THE MAJLIS Q & A
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Q. What is the status of a person who despite not consuming pork and liquor does not believe these to be 100% haraam?

A. A person who totally abstains from pork and wine, but believes that it is not 100% haraam, is guilty of kufr even if he abhors this *rijs (filth)*. Anything which is 100% haraam must be believed 100% to be haraam. Hating it is not sufficient to save a person from kufr. One has to believe in the way the Shariah commands belief.

Q. If one slips, falls and injures oneself at work, will it be permissible to sue the employer and claim damages?

A. If one slips, falls and injures oneself at work, it is not permissible to sue the employer. The accident was not caused by the employer, hence the Shariah does not permit suing as western law does. However, if the government has a fund from which they pay injured people, then it will be permissible to accept from the government.

Q. Is it permissible to eat horse and donkey meat?

A. While horse meat is halaal, donkey meat is haraam.

Q. My relatives do not observe Purdah. Am I justified to refuse visiting them?

A. If your relatives do not observe Purdah, then do not visit them. You have valid justification for refusing to visit them. Explain the reason to them. The Shariah has precedence and preference. First comes Allah's Law.

Q. Is the practice of shaking hands and hugging after Eid Salaat Sunnah? One reason given is that it creates unity.

A. Shaking hands and hugging after Eid Salaat are bid'ah. Why don't they shake hands before Eid Salaat? The practice of shaking hands after every Salaat is also bid'ah. Confound the imaginary 'unity' erected on the foundations of haraam. Such imagination may not be employed to add rules to the Shariah.

Q. An Imaam of a Masjid after performing Jumuah Salaat, goes to another Masjid and leads the congregation in Jumuah Salaat, and also recites the Khutbah. Is this permissible?

A. It is not permissible for the same Imaam to conduct a second Jumuah Salaat whether in the same Masjid or in another Masjid. The Salaat of the second group performing behind this Imaam will not be valid. If this had really taken place, then they should make qadha of Zuhr Salaat.

Q. Is it permissible to invest in gold trading where one does not have nor receive physical possession of the gold?

A. It is not permissible to invest in the type of gold trading explained in the brochure. Since the gold is not physically acquired nor held on one's behalf, the sale comes within the classification of Riba.

Q. A baalighah girl did not want to marry the boy who had proposed for her. However, her father was adamant that she should get mar-

ried to him. Although she had refused, her father went ahead with the Nikah. When permission was sought from her, she cried. Was the Nikah valid?

A. Since the girl had clearly informed her father that she does not want to marry the boy, her crying was not consent. In the background of her refusal, and abstention from verbal acceptance, her crying signified refusal. As such the Nikah is not valid.

THEY MUST BE BRANDED

Q. The Qaaris who recite the Qur'aan should not be branded faasiq because they shave their beards. No one can see into their hearts. Why does the Majlis judge them so harshly? Only Allah Ta'ala judges people.

A. The Qaadhi *judges* people in terms of the Shariah. If your idea of judgment relates to even the judgment of the Qaadhi, then you are barking up the wrong tree. Judgment in the Aakhirah is the prerogative of Allah Azza Wa Jal, and this will take place in Qiyaamah. Here on earth we are under Shar'i obligation to administer the law and to issue the hukm on the *zaahir* and apply the law of the Shariah. If a man mingles with women, commits zina, consumes liquor, etc., he shall be labelled a faasiq in terms of the Shariah while perhaps in the Aakhirah he may be in a better position than numerous pious men and Ulama. That is for Allah Ta'ala to judge. But here on earth, we are required to apply the law of the *zaahiri* Shariah.

In terms of the Shariah, a man will most certainly be judged from even his outer-appearance. Thus, if a man wears a cross around his neck, he shall be branded a *murtadd*. If a man wears female clothes, he shall be a *mal-oon*, for the simple reason that Rasulullah (sallallahu alayhi wasallam) said so. So regardless of his intention, the *hukm* of the Shariah cannot be cancelled. Intention is never an abrogator (*Naasikh*) of Shar'i *ahkaam*.

What is the difference between zina and shaving the beard, or liquor and shaving the beard, or pork and shaving the beard, or killing a person and shaving the beard, or committing any other haraam act and shaving the beard? In *nafs-e-hurmat-per se* - they are all in the same class of *fisq and fujoor*. These acts of immorality differ only in degree of intensity of *hurmat (prohibition)*. Furthermore, those who believe that there is nothing wrong with shaving the beard and that such a person is not a faasiq, do so at the peril of losing their Imaan because in this attitude is *tahleel-e-haraam (making haraam lawful)*.

The averment that it is wrong to call a shaver of the beard a faasiq is a statement of kufr. The contender must renew his Imaan and Nikah. In making this averment, he is in fact saying that Allah Ta'ala -Nauthibillaah! - has erred for classifying a flagrant

sinner to be a faasiq. The *ahkaam* of the Shariah are the effects of the Revelations of Allah Ta'ala. What this person says is that for fourteen centuries all the Fuqaha have erred in saying that keeping the beard is Waajib and shaving it is haraam. There is no benefit in discussing with such a jaahil who suffers from massive *gha-baawat*.

The beard is of fundamental importance for Taqwa. A man who shaves his beard is among the worst of fussaahq. He is guilty of perpetrating a haraam act, and he invites Allah's *la'nat* every second while his face is beardless.

Q. Shaafis say that their women are allowed to travel without a male mahram as long as they are in a company of women. Is this correct?

A. In a situation of peace and safety, A Shaafi' woman is allowed to travel in a group of *pious* ladies. She may not travel alone nor with a group of women who lack Taqwa. In today's scenario of danger, crime and immorality and non-observance of Hijaab even by the accompanying women, it is not permissible for even a Shaafi' woman to travel without a male mahram.

Q. What are the Islamic requisites when a male doctor examines a female patient?

A. If necessary, and a female doctor is not available, then it is permissible for a male doctor to treat a woman. It will be haraam for the woman to expose more of her body than what is absolutely necessary. Her entire body, including the face must be covered. It is explained in the kitaabs that she should dress in an old garment and cut out from the garment the amount which will expose the part to be treated. Thus, if a doctor has to attend to a specific wound, then that part of the garment covering the wound should be cut open. It will not be permissible, for example, for the woman to roll up her whole sleeve if the wound is on her upper arm. Her whole arm must remain covered, and the dress must be cut to expose only the wound.

Q. Is it permissible to study the kitaabs of Ulama who shave their beards if the kitaabs are authentic?

A. It is not permissible to study the kitaabs of fussaahq unless the intention is to refute their baatil. The *fisq* of the writer permeates his writings.

Q. Is it permissible to salute? Is it like bowing?

A. Saluting is a kuffaar style of respect. It is haraam to emulate the styles of the kuffaar. Greeting with their styles is not permissible. While saluting is not the equivalent of bowing, it is nevertheless not permissible.

Q. In my home I have several cartons of very old records which belonged to my grandparents. The records are in good saleable condition, and are considered collector items. A good sum of money can be obtained for these records. I believe music is haraam. So my questions are: Is it permissible to sell these records to collectors? Would the

income be halaal? If the money is not halaal, could it be used to pay riba fees, charges, tax, etc.?

A. It is not permissible to sell the records regardless of them being collector items and regardless of their value. The income derived by selling the haraam records will not be halaal. If you have already sold the records, then the only avenue for using the haraam money is to give it away to the poor. It may not be used in this case to offset riba fees, charges, tax, etc. It is also not permissible to sell the records with even the intention of giving the money to the poor. The records must be destroyed.

Q. I am of African descent. My parents and other family members were in the habit of collecting and playing various African musical instruments. In addition to these, I have several antique television sets and photographs passed down the family. All these items are extremely valuable to the right collectors. I seek your advice as to what to do. Sell the items or simply destroy them?

A. It is incumbent to remove all the musical instruments, photographs, etc. and to destroy them. It is not permissible to sell them. The same applies to the antique television sets. They have to be destroyed. They may not be sold regardless of their monetary value. Imaan is tested with issues of this nature. The value of the instruments has absolutely no relationship with the value of Imaan. To the Muslim, Allah's Pleasure is of paramount importance.

Q. I am renting a house from a person who is not paying the bank. The bank has threatened to sell the property. Is it Islamically proper for me to withhold paying rent to the owner and pay it directly to the bank?

A. You have to pay rent to the owner of the house regardless of his arrangement with the bank and regardless of the owner not paying the bank. As far as you are concerned, you are living in the house and have to pay rent for your occupation. In the end, you will only be asked to leave the house should the bank repossess it. You will not be losing any money which you have paid. You are paying on a monthly basis for your stay in the house. You may therefore not withhold the rent from the owner. The problem between the owner and the bank is not your concern.

Q. I work in a non-Muslim supermarket. I have to handle and pack also haraam products. Is my salary halaal?

A. Although it is not permissible for the Muslim worker to sell, pack or handle any haraam products at the shop where he works, he is nevertheless, entitled to his full wage for being at the shop. While the salary is contaminated, it is halaal. Be on the lookout for other employment.

Q. A student who has just graduated was given a gift of money. What should he do with the money?

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SOUTH AFRICA 6056

A. He student should immediately return the money to the person. It is demeaning and in conflict with the attribute of *Deeni Ilm* for the graduating student to accept the money.

Q. A deceased lady's surviving relatives are her brothers and sisters. How should her estate be distributed?

A. If the deceased lady has brothers and sisters and no parents, no husband and no children, her estate will be inherited by her brothers and sisters. Each brother will obtain twice the share of a sister.

Q. The deceased left 10 sons and 3 daughters. What is the Islamic distribution? Two sons have also died leaving wives and children.

A. The deceased was survived by ten sons and three daughters. If at the time of his death he had no other relatives but the sons and daughters, then his estate should be divided into 23 equal shares. Each son will receive two shares and each daughter, one share. Thereafter, each deceased son's share should be divided amongst his heirs.

Q. One of the daughter's of the deceased became a murtad after the death of her father. Does she inherit?

A. A murtad does not inherit even if he/she was a Muslim at the time of the death of his/her father. He/she will be considered as being non-existent.

Q. I want to draw up an Islamic Will. However, due to ignorance my marriage is registered in community of property. A lawyer advised that I should apply for divorce. Thereafter I could enter into the antenuptial contract which excludes the accrual system. An Islamic Will, will then be valid. Will the court divorce have any effect on our Nikah? Please advise.

A. The court's annulment of the community of property will have no effect whatsoever on the Nikah. The Nikah remains valid. What the lawyer advised is correct. It is best that the wife should sue for 'divorce'. The husband should not defend the action. He should not appear in court. The registration will then be cancelled. Thereafter it is not necessary to contract the antenuptial contract. An Islamic Will is valid as long as there is no community of property. However, if you want to register, then be sure to select antenuptial contract which excludes the accrual clause.

Q. When should the various Tasbeehs and Duas be recited after Fardh Salaat?

A. The Tasbihhaat and Duas should be recited after one has completed the Sunnat and Nafil Salaat, not before performing the Sunnat Salaat.

Q. I have a R5 Mandela coin. Is it permissible to sell this coin for R500?

A. You may sell the R5 coin for any price, but not for coins of the same metal. Sell the coin in exchange for notes of another currency, e.g. dollars, euros, etc.

Q. Ten years ago when I was mar-

ried, the Mahr-e-Faatimi was arranged. No amount was fixed. Only Mahr-e-Faatimi was mentioned. My husband did not pay the Mahr cash. Now that we are divorced he wants to pay the value of Mahr-e-Faatimi of ten years ago. What is the ruling of the Shariah?

A. Mahr-e-Faatimi is 1.75 kg silver or its price. He has to give you 1.75 kg of silver or its equivalent in cash which is the price of silver today, not the price ten years ago. Currently Mahr-e-Faatimi is approximately R16,000.

Q. Is bovine gelatine halaal? Are the capsules made of this gelatine halaal?

A. Bovine gelatine is haraam. The capsules made from such gelatine are also not halaal.

Q. Was Ibn Taimiyyah and his student, Ibn Qayyim followers of the Ahlus Sunnah Wal Jama'ah?

A. While they had their own concept of the Sunnah, Ibn Taimiyyah and his student, Ibn Qayyim were not of the Ahlus Sunnah Wal Jama'ah. They deviated from the Path of the Sunnah with their own views in conflict with the views of the Four Math-habs which constitute the Ahlus Sunnah Wal Jama'ah.

Q. Is it correct that Hanafis should not recite Qiraa't in Zuhr and Asr if they perform behind an Imaam?

A. Yes, in Zuhr and Asr, you may not recite qiraa't despite the fact that the Imaam's recitation is silent. You have to however recite the Takbeer, Tasbeeh, etc., everything except the qiraa't.

Q. In the Hadith is mentioned that in proximity to Qiyaamah a beast will emerge from the earth and speak with people. Will this be a beast literally speaking? Is the one-eyed Dajjaal to be understood literally?

A. The beast mentioned in the Qur'aan and Hadith is to be taken literally. It is not permissible to give it a symbolic or figurative meaning. It is not only the mention of the beast. There are other episodes surrounding the beast.

The Ahadith pertaining to the one-eyed Dajjaal have a literal meaning. It does not mean anything else.

Q. Ulama of the Deoband School have recently introduced functions called Seerat Jalsahs. These functions are organized in the month of Rabiul Awwal. Lectures on the life of Rasulullah (sallallahu alayhi wasallam), singing nazams and serving food are the salient acts of these functions. These are new developments unheard of some years ago. We know of the moulood functions which the Bid'atis organize during the month of Rabiul Awwal. Do these new functions not resemble the activities of the Bid'atis?

A. These new-fangled 'seerat jalsahs' are bid'ah and not permissible. They are in the same bid'ah category as the moulood functions of the Ahl-e-Bid'ah. Since the new brand of 'deobandi' molvies are deficient in Ilm of the Deen, and since they lack the

suhbat (companionship) of true Mashaaikh of Tasawwuf, they are unable to combat baatil and bid'ah academically. Their deficiencies in Ilm and Tarbiyat have constrained them to vie with the people of baatil by adopting the methods of the Ahl-e-Bid'ah. They are astray and lead others astray. It is not permissible to participate in these 'seerat' functions.

Q. While in Salaat, the Imaam stops the Qiraa't just one or two aayats before the Sajdah Tilaawat ayat. He does so to avoid making Sajdah. Is his practice valid?

A. It is Makrooh to end the Qiraa't just before the Sajdah ayat in order to avoid the Sajdah. It resembles an aversion for Sajdah and this was the trait of shaitaan. However, the Salaat is valid.

Q. Do non-Muslim grandparents have rights over their Muslim grandchildren?

A. Yes, they do have rights. Even non-Muslim grandparents have similar rights over their Muslim grandchildren as Muslim grandparents. This applies to all worldly issues. As long as no conflict with the Shariah is involved, the Muslim grandchildren should respect and assist their non-Muslim grandparents and also give them da'wat of the Deen.

Q. In manufacturing equipment wheat is used for cleansing after haraam products are prepared. Water cannot be used to clean these utensils. A swab test shows that no haraam residue remains in the equipment. Will the halaal product prepared in such utensils be halaal?

A. The equipment will remain impure even if wheat is used to clean the system, and even if a swab test indicates that there is no residue of the haraam substances. If water cannot be used, a pure chemical liquid may be used, if this is possible. A pure liquid which is not fatty, e.g. vinegar, etc. could be used to clean an impure utensil/equipment. But if this too is not possible, then the products prepared in such equipment will be haraam.

Q. The deceased was a pious Muslim. He appointed a pious friend to be the executor of his estate to ensure that his assets will be distributed in accordance with the Shariah's laws. Now some heirs want the executor to resign. They desire to appoint one of themselves, a female, to be the executor. Should he resign?

A. When a person has made someone the *Wasi(executor)* of his estate, he did so because of confidence in that person. The *Wasi* has an *amaanat (trust)* to discharge. It is not permissible for the *Wasi* to abandon the *amaanat* by abstaining from fulfilling the *wasiyyat* of the deceased. There must be a valid Shar'i reason for the *Wasi* withdrawing and refusing to execute the obligation with which he was entrusted. Furthermore, even if there is valid reason, he should not hand over the affairs of the estate to a woman. Rasulullah (sallallahu alayhi wasallam) prohibited the appointment of a female to a position of trust and

leadership.

Q. Is it incumbent for a traveller passing through a city to perform Jumuah Salaat?

A. If a *musaafir (traveller)* happens to be near to a Musjid where Jumuah is being performed, and he is not in a hurry, or he has chosen to remain in the city, then it is incumbent that he performs Jumuah Salaat. If he abstains, he sins. But his Qasr will be valid.

Q. Is it compulsory to remain at home for 40 days after giving birth even if bleeding stops a few days after birth?

A. It is compulsory for females to remain within the home environment for the entire duration of their lives, not only for 40 days after giving birth. They may emerge from their homes fully clad in Islamic style only for needs and for reasons allowed by the Shariah, e.g. to visit relatives. This law applies whether a woman is in the state of nifaas (post natal bleeding) or not. It is not restricted to 40 days or to the duration of bleeding.

Q. Is it permissible to sell Zam Zam water?

A. It is permissible to sell Zam Zam water.

Q. The Islamic school plans to change the system of teaching the Qur'aan Shareef from the floor to desks in the same style as secular education is imparted. Is this permissible?

A. The school may not be described as an 'Islamic' school. It is a non-Muslim secular school. It is not permissible to change to the kuffaar desk system for Qur'aan ta'leem and tilaawat. In these so-called 'Islamic' schools, pupils sit at desks with their backs towards the Qur'aan Majeed. The Qur'aan is treated in exactly the same way as the other school books. The desks are not facing one another. They are lined up, with a pupil with his Qur'aan facing the back of the pupil sitting in front of him. Such disrespect for the Kalaam of Allah Azza Wa Jal is blasphemous.

Q. A Muslim lady participated in the Hindu holy festival known as 'Holi'. On this day, coloured water is splashed on all and sundry. What is the status of this lady in terms of the Shariah?

A. The Hindu festival of *holi* is a ritual of kufr and shirk. A Muslim who participates in *holi* or who even prefers it becomes a *murtad*. Participation in any religious custom of the kuffaar expels the Muslim participant from the folds of Islam. Thus, this lady is no longer a Muslim. She has to repent, renew her Kalimah, and if married, have her Nikah renewed.

The following episode is interesting and fearful: In India there was a great Aalim who was walking in the street on the day of the Hindu Holi festival when they splash coloured water and perhaps coloured cow urine on every person who crosses their path. This Aalim passed by a donkey. In an idle moment, not thinking seriously, the Aalim who was chewing *paan (beetle*

Questions and Answers

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SOUTH AFRICA 6056

leaf) at the time, addressed the donkey and said: "Everyone is happy and splashing coloured water on everyone, but no one is splashing anything on you. Come, I shall splash coloured water on you." So saying, he spat on the donkey his saliva which was red as a result of the paan.

After this Aalim had died, a Buzrug saw him in Jahannum in a dream. When the Buzrug in his dream enquired why he was being punished in Jahannum, he (the Aalim) narrated the episode of the donkey and said that Allah Ta'ala's Wrath overtook him because he had emulated a custom of shirk/kufr even though without intention of kufr.

It is haraam to even jocularly imitate practices of kufr and shirk. Rasulullah (sallallahu alayhi wasallam) would make dua: "O Allah! I seek refuge with You from an evil moment and an evil friend." The Aalim was a victim of an 'evil moment'.

Q. My husband issued three Talaqs by text message. Are the Talaqs valid?

A. All three Talaqs issued by your husband by 'text message' are valid. You are no longer in his Nikah. You have to remain in Iddat. After expiry of the Iddat period you will be free to marry anyone you wish.

Q. I missed Fajr Salaat. I made qadha of it after Zuhr Salaat. Is this correct?

A. If a person has no Qadha Salaat or he has, but not more than five, then it is not permissible for him to perform the Ada Salat (i.e. the Salaat of the present time) unless he first performs the five Qadha Salaat. Thus, if a person has no Qadha, but today missed Fajr Salaat, then it is not permissible for him to perform Zuhr first. He has to compulsorily perform the qadha of Fajr, then engage in Zuhr. If he did in fact perform Zuhr without first performing qadha of Fajr, then he should repeat the Salaat – first Fajr, then Zuhr.

Q. I have been told that Jumuah Salaat is not valid in prison. What should prisoners do on Fridays in prison?

A. Surely, the one who gave you this information must have also informed you what to do. On Fridays, all Muslims of any Math-hab, should perform Zuhr Salaat in prison without Jamaat, and without Athaan and Iqaamah.

Q. In Jumuah when the Muath-thin gives the second Athaan, should he stand in line with the Imaam on the mimbar or may he stand anywhere, even at the side, not directly in line with the Imaam.

A. It is the Sunnah practice of the Ummah since the time of the Sahaabah that the Muath-thin should stand directly in line with the mimbar. Although it is not compulsory for him to stand in the first saff, he has to stand in line with the mimbar.

Q. There is a trend nowadays for the Imaam to recite a very long Surah in the first raka't and a very short Surah in the second raka't. To

justify this practice, some quote the Imaams of the Haram Shareef. Is this correct?

A. It is improper to habitually recite in this manner. During Jumuah and Eid Salaat, the Qiraa't in both raka'ts should be more or less the same. It will therefore be Makrooh to recite a very short Surah in the second raka't in Jumuah and Eid Salaat.

Q. In the Musjids in Natal which I visited, the English lecture begins immediately after the first Athaan of Jumuah. If there is a nikah, this is performed after the lecture. The Sunnats are performed after the Nikah. Is this practice proper?

A. This is a new bid'ah. Bid'ah is not confined to meelad, qiyaam and urs. In our circles (Ahl-e-Deoband) too, acts of bid'ah are perpetrated. The lecture beginning immediately after the Athaan prevents people for engaging in Tahyatul Musjid and the Sunnatul Muakkadah Salaat. Custom constrains the arriving musallis to forego Tahyatul Musjid, and to delay the Sunnatul Muakkadah until after the lecture or the Nikah. This is a despicable bid'ah which interferes with the Salaat and its proper sequence. It disturbs many musallis who are forced to listen to the lecture when it is actually time for the Sunnat Salaat, and to sit through the Nikah ceremony against their wishes. This is not the time for the nikah ceremony which should be performed after the Sunnat and Nafil Salaat. Furthermore, we too have noticed the evil of this bid'ah. After the lecture, the four raka'ts Sunnatul Muakkadah are performed with haste. While many people are still engaging in the Sunnats, the Imaam Sahib hastily mounts the mimbar for the khutbah. The *khushu'* of musallis is ruined by the haste and the Imaam beginning the khutbah before they have completed. Their minds do not fully concentrate on the Salaat. Part of their mind is focused on hastily completing the Salaat before the Imaam mounts the mimbar. This bid'ah trend should be incumbently abandoned. In many places it has assumed the form of hardcore bid'ah. The next generation will believe that this bid'ah order from the Athaan onwards is Waajib. In fact, even presently if someone performs Tahyatul Musjid or the Sunnatul Muakkadah while the lecture is being delivered, there are unfriendly frowns and glances. Everyone feels constrained by custom to abandon the Masnoon Salaat until the lecture has ended.

Q. When does the time of Tajajjud Salaat end?

A. Tahajjud time ends the minute Fajr time begins. Just as Subh Saadiq is about to start, Tahajjud time ends.

Q. Is it permissible to make qadha Salaat during Fajr and Asr times after the Fardh of Fajr and Asr? And is Sajdah Tilaawat permissible during these times?

A. It is permissible to make qadha Salaat during Fajr time even after the Fajr Salaat, and also after Asr Salaat. However, after Asr when it is close to

THE KUFR OF REINTERPRETATION

Q. Amina Wadud has called for a reformation and reinterpretation of the Deen. What is the Shar'i hukm for making such a call? Is it not kufr? In the same way some MPL Project Committee members have also made such calls. Some members of the public accept that by means of the Muslim Marriages Bill (MMB), the Deen will be contaminated. However, despite their acknowledgment of this contamination, they still want MMB to be legislated. Is this not tantamount to kufr or irtidaad?

A. It is not 'tantamount' to kufr and irtidaad. It is clear-cut kufr and irtidaad. Many years ago we had written in detail in *The Majlis* on the kufr of

Amina Wadud. Without the slightest vestige of doubt the call for reinterpretation and reformation of the Deen is kufr – kufr which expels the proponent from the fold of Islam. Such a person is a confirmed *murtadd*.

Those who accept that the Deen will be contaminated by MMB, but despite this fact, promote or condone the MMB or want it to be legislated, lose their Imaan. They are guilty of kufr. They become *murtadd*. In fact, one becomes *murtadd* with even *Istikhfaaf* (the belief of insignificance) of the *Miswak* or of even *kadoo* (marrow). What then will be the fatwa when the issue pertains to reinterpretation/contamination of the Deen?

sunset, perhaps 15 minutes, then it is not permissible to make qadha Salaat unless it is the Asr Salaat of that particular day.

Q. Is processed cheese halaal?

A. Processed cheese is not halaal.

Q. These Qaaris whom you are branding faasiq have spent their whole lives learning and reciting the Holy Book of Allah. They deserve better.

A. Yes, they are deserving. But they deserve *Jubbul Huzn*. While these qurra may have 'spent their entire lives "learning and reciting the Qur'aan", the Book of Allah Ta'ala has had no effect on their hearts, hence they prefer the appearance of the kuffaar to the appearance of the Ambiya and the Sahaabah, and the appearance of Rasulullah (sallallahu alayhi wasallam). They are decidedly evil – extremely evil, and their spending their lives with the Qur'aan will not help them, because Allah Ta'ala has prepared one of the worst valleys of Jahannum for them. In this regard Rasulullah (sallallahu alayhi wasallam) said:

"Seek refuge with Allah from *Jubbul Huzn*. They (the Sahaabah) said: 'O Rasulullah! What is *Jubbul Huzn*?' He said: 'It is a valley in Jahannum. Daily Jahannum seeks refuge from it 400 times.' It was said: 'O Rasulullah! Who will enter it?' He said: 'It has been prepared for such qurraa' who display their deeds. Verily, the most hated qurraa' by Allah are those who visit the rulers.'"

About men of this ilk, Rasulullah (sallallahu alayhi wasallam) will complain to Allah Ta'ala on the Day of Qiyaamah: "Verily, my people have taken this Qur'aan to be an object for discarding." (Qur'aan)

Q. Nowadays lots of tariqas do loud thikr in jamaah. They do some spiritual exercises (tawajjuh) where murids writhe and shake. Is this valid in Islam?

A. The type of loud thikr and spiritual exercises you have mentioned are bid'ah. Stay far from such tariqahs. Most of these tariqas, especially in Turkey, West Africa, North Africa, Syria, etc. are sects of Satanism dubbed *sufi'ism*. They have drifted

very far from the Path of Islam.

Q. Are there any reliable Sufi Tariqas today?

A. In the present age it is best and safest to refrain from joining any Tasawwuf Tariqah. Follow a Math-hab, study the writings of the Auliya and consult with an Aalim any issue which you do not understand.

Q. The qaaris say that they are forced by the Egyptian government to shave their beards. Does this make a difference in the ruling?

A. The claim that the qurraa' are forced to shave by the government is baseless and a lie. There are innumerable Muslims with beards in the Arab countries, including Egypt. Furthermore, if we should accept that this is indeed so, then there is no incumbency to commit a haraam deed for show, fame and money. These fussaqa qurraa' are in fact bartering Allah's Kalaam for a miserable price and on the basis of contemptible motives –riya and the desire for money. They are not being forced by the government to travel to other countries to recite the Qur'aan. The claim is therefore false and a deliberate lie.

Q. Some non-Muslims display supernatural acts. What explanation is there for this?

A. Some kuffaar and fussaqa also display miracles. If a faasiq displays a miracle, the Shariah orders us to believe that he is aided by the shaitaan or he is practising some shaitaani amal. The miracles of fussaqa are not *karaamat*. They are called *Istidraaj*. They are manifestations of *shaitaaniyat* (satanism) and *nafsaaniyat*.

Q. Is it permissible to pay a qaari for reciting the Qur'aan?

A. It is haraam to pay the qaaris money for their recitation. They are exchanging the aayaat of Allah Ta'ala for a miserable price.

Q. I am a layman who has studied the Muslim Marriages Bill. I fail to understand how any Aalim can support this bill. The 'kufr' as mentioned by *The Majlis* is too obvious. How is it possible for Ulama to ever support this bill which undoubtedly compromises the Shariah?

A. While it is also difficult for us to believe that an Aalim would support

Questions and Answers

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a kufir bill such as MMB, the fact is that despite the kufir of the bill being clear, there are many molvis and sheikhs who do support the bill. May Allah Ta'ala guide us all and save us from the evil of our nafs and the traps of shaitaan.

Q. When performing Salaat behind an Imaam, should one recite the Takbeer?

A. When performing Salaat, whether alone or behind an Imaam, the Takbeer (Allahu Akbar) should be recited silently. Reciting the first Takbeer (Takbeer Tahrimah) is Fardh. The other Takbeers are Sunnat.

Q. What is the difference between Makrooh Tahrimi and Haraam?

A. Makrooh Tahreemi and Haraam practically mean the same thing. Both are forbidden and the perpetrators of both are deserving of the punishment of Jahannum. The technical difference between the two terms is of academic significance, and has no relevance as far as practising the Deen is concerned. The consequences of both acts are the punishment and Wrath of Allah Ta'ala.

Q. Is it permissible to eat blue whale meat?

A. Blue whale and all sea animals besides fish are haraam in terms of the Hanafi Math-hab. Whales are mammals. They are not fish, hence are haraam.

Q. The adherents of moulood customs contend that Moulood is permissible even according to Allaamah Suyuti (rahmatullah alayh) and Haji Imdaadullah (rahmatullah alayh), the Shaikh of Hadhrat Maulana Ashraf Ali Thaavi (rahmatullah alayh him) and of other senior Ulama of Deoband. Did they also practise Moulood?

A. People of bid'ah do not think with their Aql (intelligence). They think with their emotions, hence they are unable to understand that Islam is what Rasulullah (sallallahu alayhi wasallam) and the Sahaabah taught. We follow the Islam which has reached us by reliable transmission from the Nabi (sallallahu alayhi wasallam) and the Sahaabah.

People of bid'ah wish us to follow scholars who appeared on the scene many centuries after Rasulullah (sallallahu alayhi wasallam), while they refuse to follow the Sunnah of the Sahaabah who were the Students and Companions of the Nabi (sallallahu alayhi wasallam) to whom Islam was revealed. Whilst we accept the seniority of Allaamah Suyuti (rahmatullah alayh) and Haji Imdaadullah (rahmatullah alayh), we respectfully state with emphasis that among the Proofs of the Shariah there is no such concept as 'Allaamah Suyuti' (rahmatullah alayh) or 'Haji Imdaadullah' (rahmatullah alayhim). If they erred, it does not follow that we should follow their errors. We do not follow the errors, obscurities and personal practices of the Scholars. We follow what the Shariah teaches us.

We are followers of Imaam Abu Hanifah (rahmatullah alayh), not the

AISHAH AND THE 7 FUQAHA

Q. Some enlightened scholars say that Aishah (radhiyallahu anha) had taught the seven Fuqaha of Madina. On this basis they say that it is permissible for females to teach males. Please comment.

A. These modernist 'enlightened scholars' take things out of context, then add their own interpretations to justify their modernist deviated practices. When it is said, for example, 'Aishah (radhiyallahu anha) taught the first seven Fuqaha of Madina', it creates in the mind of the audience the absolutely false idea that Hadhrat Aishah (radhiyallahu anha) had operated a systematic madrasah where males and females would attend and where she would daily impart lessons

followers of Scholars who appeared on the scene of history seven centuries after Rasulullah (sallallahu alayhi wasallam). Islam, according to the Qur'aan, was completed and perfected during the very lifetime of the Nabi (sallallahu alayhi wasallam). There never were any moulood practices during Quroon-e-Thalaathah (*the first three noble eras of Islam*).

The Shariah does not require us to follow Allaamah Suyuti or anyone else who had their own personal views and practices. But we are under Shar'i compulsion to follow the Sahaabah and the Aimmah-e-Mujtahideen. Those who disagree with our stance on Moulood are required to respond to our arguments on the basis of the Four Proofs of the Shariah, not with the views and practices of Ulama who came a thousand years after Rasulullah (sallallahu alayhi wasallam). They simply have no rational explanation and no Shar'i refutation for our arguments, hence they resort to stupid emotionalism.

Q. Is it permissible to use astronomical calculations to determine the beginning of the Islamic months? These calculations will eliminate all the confusion and disputes which generally occur on the occasions of Ramadhaan and Eid.

A. Astronomical calculations may not be utilized to negate an immutable principle of the Shariah. We are under

in academic style. This idea is the furthest from the truth.

Aishah (radhiyallahu anha) never taught the seven Fuqaha of Madina nor anyone else in the conventional style of teaching. What used to occur in that era was that people would come from far and wide to the Sahaabah to seek guidance and to hear from them the Ahaadith of Rasulullah (sallallahu alayhi wasallam). They would come individually to the homes of the Sahaabah, and this included Hadhrat Aishah and the other Wives of Nabi (sallallahu alayhi wasallam). From behind a screen in her hut she would narrate to them what she heard and saw from Rasulullah (sallallahu alayhi wasallam). After hearing the Hadith, they departed. They did not camp there to attend daily classes, etc. Her hut, style and methodology were bereft of the zina paraphernalia which

obligation to abide by the commands of Allah Ta'ala. If there is a clash between a Shar'i command and a mundane issue, the Shariah has precedence.

Rasulullah (sallallahu alayhi wasallam) had commanded the commencement of the Islamic month with the sighting of the hilaal (*crescent moon*), and such sighting has to be established by the reports of reliable, uprighteous Muslims. When these Shar'i requisites have been complied with, then all other conflicting evidence will be set aside.

It should be well understood that Deen is obedience to the commands of Allah Ta'ala. Deen is not the product of rationalism or the effects of our logic and understanding. We may not submit *Mansoos Ahkaam* to our reasoning and abrogate such laws when we believe that the product of *Wahi* is in conflict with reason.

Regarding the Islamic months, there exists a *Mansoos* principle, and that is the actual sighting of the hilaal. The birth of the hilaal and the presence of the moon in its orbit are of no consequence in determining the months.

Consider the times of Salaat. Maghrib begins with sunset. The Shariah does not go beyond this simple rule. It only prescribes Maghrib after sunset. The Shariah does not prescribe how we should determine sunset. It does not order Maghrib to begin with the

accompany the 'educational' institutions of this age.

This was the system of spreading knowledge in the early stages of Islam. For example, Imaam Bukhaari had more than a thousand Hadith teachers (Asaatizah). This does not mean that he sat in their company and acquired knowledge systematically on a daily basis. What happened was that if someone narrated to him a Hadith, then the narrator was automatically regarded as a teacher although Imaam Bukhaari may have met him only once in his lifetime for a few minutes.

The same stupid and misleading impression is created by deviate modernists when they say women participated in Jihad during the time of Rasulullah (sallallahu alayhi wasallam). We have explained this in some detail in our booklet, *The Ladies Tabligh Jamaat*

physical sighting of the phenomenon of sunset. Hence, it is permissible to determine sunset by any means in order to commence Maghrib. But since there exists a revealed principle for the determination of the months, it (this revealed principle) may not be abrogated by the use of astronomical instruments to reject the testimony of uprighteous Muslim witnesses to the sighting. Thus such testimony may not be rejected, for such rejection will be the abrogation of a Shar'i principle.

Q. The Ulama of Deoband have recently initiated Seerat Jalsahs during the month of Rabiul Awwal when the Barelwis organize their meelaad celebrations. Please comment.

A. The seerat jalsahs which are nowadays being organized are haraam bid'ah acts. They are *Tashabbuh bi Ahli Bid'ah* (*imitating the people of Bid'ah*), and *Israaf* (*waste*). These newly innovated practices illustrate the *Ilmi* bankruptcy of the present-day molvis. Unable to neutralize the stupid arguments of the Bid'atis with knowledge, they have decided to follow the Bid'atis in their acts of corruption.

Q. For how long is a man required to support his children?

A. The father has to maintain his children until they are able to support themselves. As far as daughters are concerned, he has to support them until they are married.

Q. How should the Aqeeqah meat be distributed?

A. The Masnoon method of distributing Aqeeqah meat is exactly as the method for Qur'baani meat. One third for the poor, one third for relatives/friend, and one third for oneself. Besides this, it is permissible to distribute in any way which one wishes.

Q. Is it permissible for Hanafis in some instances to combine two Salaats as the Shaafis do?

A. Combining two Salaat during the time of one Salaat as Shaafis do is not valid for Hanafis.

Q. Many Ulama are saying that

(Continued on page 12)

ERRORS ARE NOT DALEEL

Q. Among our senior Ulama of Deoband there were some who listened to the qiraa't of clean-shaven qaaris. What is the answer for this?

A. The errors of elders are never Shar'i daleel. The personal acts and attitudes of elders which conflict with the Shariah must be set aside. Such conflicts with the Shariah are not masaa-il on which to make amal. Allaamah Sha'raani (rahmatullah alayh) and numerous other Ulama said: "He who takes on to the rare/obscure

views of the Ulama, verily he has made his exit from Islam."

We do not make taqleed of the errors of the Ulama of Deoband. The attitude of elevating the errors of seniors to the status of Shar'i masaa-il is the way of the Barelwi grave-worshippers. This is not our way. We are the Muqallideen of Imaam Abu Hanifah (rahmatullah alayh). Those who argue in favour of the fussaag should present Shar'i dalaail, not stupidities and errors of seniors or the personal whims, fancies and idiosyncracies of seniors which conflict with the Shariah.

MOON CONTROVERSY IN U.K.

Currently there prevails a controversy in the United Kingdom regarding the moon issue of last Ramadhan. The controversy is between two Ulama groups, viz. Hizbul Ulama and Wifaaqul Ulama. Both Ulama organizations have written to the Mujlisul Ulama of S.A. presenting their respective sides of the episode.

According to Hizbul Ulama, the hilaal (the crescent moon) for Ramadhan was sighted by at least three persons at the end of the 29th day of Sha'baan, hence they declared the following day to be the 1st of Ramadhan.

According to Wifaaqul Ulama, there was no reliable sighting of the hilaal as reported by Hizbul Ulama, hence they (Wifaaqul Ulama) rejected the announcement, and Sha'baan was kept 30 days. Wifaaqul Ulama found the witnesses to be unreliable.

We have responded to both Ulama Organizations on the basis of the facts they have furnished in their respective letters. We did not and do not enter the fray in the capacity of a Hakam (Arbitrator). Our responses should, therefore not be construed as adjudication in the dispute of two parties. We have merely apprized the groups of the Shariah's stance as we understand and believe it to be without deciding and resolving the dispute.

OUR RESPONSE TO HIZBUL ULAMA

The principle governing the commencement of the Islamic months is *Rooyat-e-Hilaal* i.e. the physical sighting of the moon. This principle is *Mansoos Alayh*. It is the *hukm* stemming from *Nass-e-Qat'i*, and may not be set aside or abrogated by rational reasoning or by astronomical calculations or any other theory of astronomy, etc.

The answers to your questions in the light of the above principle and the Sunnah are as follows:

(1) The Shar'i *Imkaan* (Possibility) of sighting the hilaal is at the end of the 29th day of the Islamic month. This Possibility is established by *Sareeh Nass* of the Hadith. It is such a well-established Shar'i

injunction which does not need elaboration. Only those ignorant of the Shariah will refute this injunction. What the observatories and astronomers say in conflict with this Shar'i principle is *mardood* (rejected and baseless). The *Mansoos Ahkaam* of the Shariah will remain inviolable until the Day of Qiyaamah, and the fate which had overtaken the Shariah of Nabi Musa (alayhis salaam) and Nabi Isaa (alayhis salaam) at the hands of their followers, the Yahood and Nasaara, will, Insha'Allah, not overtake the Final Shariah of Islam. Allah Ta'ala will in every age put in the arena Ulama-e-Haqq to defend the Deen against the predations of the Ahl-e-Baatil.

(2) There is no 'exhaustive list' of questions for the *Shaahid* (Witness) to answer in terms of the Shariah. The only requirement is that he must be *aadil* (just/pious), and if it happens to be the hilaal for Eid, and the horizon is clear and cloudless, then the sighting must be reported by *jamm-e-ghafeer* (a sufficiently large number of people). All other questions are nonsensical and devoid of Shar'i substance and basis.

(3) According to the Shariah, the many questions pertaining to the position, shape, etc. of the hilaal are *abath* and *laghw* (futile and nonsensical). They have no Shar'i significance. Furthermore, if these questions are used to abrogate the *Mansoos Alayh* principle of *Rooyat*, then they (the nonsensical questions) will be *haraam*.

OUR RESPONSE TO WIFAAQUL ULAMA

We had commented on the issue on the basis of the information provided by Hizbul Ulama. Your explanation presents a different angle to the dispute. Our ruling was based on the *adaalat* of the witnesses. However, it appears that Wifaaqul Ulama refutes the *adaalat* of the witnesses. We are not in position to adjudicate in the dispute. Our rulings should therefore not be construed as the effect of *Tahkeem* (Arbitration). We answer on the basis of the information

furnished. Whose information is correct, incorrect, true or false is known to Allah Azza Wa Jal.

In this response we shall content ourselves with only stating the view and the stance we have adopted on the issue of commencing and ending the Islamic months.

(1) We follow only the principle of *Rooyat* – the physical sighting.

(2) In the absence of local physical sighting, if news of a sighting of another place in South Africa reaches us by reliable and authentic transmission in which there is no doubt, we accept and Ramadhan/Eid will be confirmed by us.

(3) To date we do not accept news of sightings from any country. News of Sightings from only within South Africa is accepted. This stance is not because of any belief that the sightings of other countries are not permissible. According to the Ahnaaf the sighting of the East is valid for the West and vice versa. The reason for us not accepting information from outside the country is the lack of a proper arrangement with reliable Shar'i sources. We lack confidence in outside information, hence we limit information of sightings to within the boundaries of South Africa.

(4) We never accept Saudi reports on the hilaal issue. We believe that Saudi Arabia is most unreliable in this regard. Although there have been attempts in South Africa to establish Saudi hegemony here via the moon issue, we are resisting such attempts. There have also been attempts to establish Saudi hegemony by forming a Hilaal Committee of Southern African States. But we have resisted this move too and we are not prepared to compromise our rigid stand for the sake of overtures which are tainted with political and *nafsaani* agendas. Due to Saudi funding for certain Islamic institutions in Southern African countries, the plan for a united Hilaal Committee here appears unholy to us.

(5) We reject in entirety the slightest intrusion into the hilaal domain by astronomy. We come within the scope of the Hadith in which Rasulullah (sallallahu alayhi wasallam) said: "*We are an Ummi nation. We neither count nor calculate.....*" We are 'illiterates' of this calibre, hence we do not have the slightest inclination towards astronomical calculation and even astronomical guidelines regarding feasibility and possibility or impossibility of sighting the hilaal.

(6) Our only criterion for *Imkaan-e-Rooyat* is the ending of the 29th day of the Islamic month. Possibility of sighting the hilaal at the expiry of the 29th day of the Islamic month is a Shar'i possibility even if in terms of astronomy it may be impossible. The *Nass* in this regard overrides astronomy.

(7) If the hilaal is not sighted after 29 days have passed, the month will obviously be 30 days in terms of the Shariah.

(8) Confirmation of the sighting *must* be on the basis of the reporting by *aadil witnesses*. The number will vary from one such witness, male or female, for confirmation of the Ramadhan hilaal, if the horizon is overcast, to *Jamm-e-Ghafeer* if the sky is clear. Regarding the number of witnesses, the various factors such as clear or overcast sky, the moon for Ramadhan and the moon for Eid, are taken into consideration.

(9) If all Shar'i factors are fulfilled and the witnesses are *aadil*, we shall confirm the sighting regardless of the view of the astronomers. Even if a sighting is 'impossible' in terms of astronomical calculations, but if criteria of the Shariah – the *Mansoos Ahkaam* – have been satisfied, we accept the sighting and confirm the commencement of the Islamic month. The Shariah overrides all other considerations. Never, is it permissible to cite astronomical calculations for overriding the Shariah or for casting doubt.

(10) We do not take into ac-

count the size, position, shape, etc. of the hilaal for accepting news of a sighting. The only criterion for accepting a sighting is the *adaalat* of the witnesses. Rasulullah's personal practice in this regard is sufficient and categorical direction for the procedure of accepting reports of sightings. We are averse to the astronomical paraphernalia which appear in questionnaires to which *Aadil* witnesses are subjected to.

It is quite possible for a person to sight the hilaal without applying his mind to the various aspects of the moon such as shape, position, etc. A person who has genuinely sighted the hilaal may forget within minutes the actual physical attributes which had accompanied the hilaal.

Furthermore, the Ahaadith testify that Rasulullah (sallallahu alayhi wasallam) and the Sahaabah had not ventured into such details pertaining to the hilaal. The procedure adopted by Nabi-e-Kareem (sallallahu alayhi wasallam) was extremely simple. The sole criterion was the *adaalat* of the *Shaahid*.

If there is valid doubt in the *adaalat* of the witnesses, the correctness of his answering the variety of questions will be in vain. Even if he answers all the questions correctly, his testimony will be rejected if he is not *aadil*. On the other hand, if his *adaalat* is confirmed in Shar'i terms, then his report of sighting will be accepted regardless of his inability to answer the questionnaire. This is our stance.

(11) We shall reject the report if the person appears on the scene a few days after the reported sighting such as in your case where the 'sighters' testified 8 days after their alleged sighting.

(12) If Hizbul Ulama had declared Ramadhan on the basis of Saudi Arabia's announcement, then we are of the opinion that this was incorrect as the Saudis are unreliable in this regard. The Brother who had asked his question on behalf of Hizbul Ulama did not mention that the three persons had testified only 8 days after their sighting. We had under-

(Continued on page 7)

THE FALLACY OF THE MAJORITY

ABOUT the majority, the Qur'aan Majeed states:

* "Verily, Allah is most Munificent to mankind, but the majority of mankind is ungrateful."

* "And, if you should follow the majority on earth, they will mislead you from the

Path of Allah."

* "The majority of mankind knows not."

* "The majority of people have no Imaan."

* "The majority of people are faasiqoon."

* "The majority among you detests the Haqq."

* "The majority of you are jaahil."

* "Their majority follows nothing but conjecture."

* "Their majority is kaafiroon."

* "In fact, their majority does not know the Haqq, hence they turn away

(from it)."

* "Their majority abhors the Haqq."

* "Their majority are liars."

The majority almost always comes within the scope of one of the aforementioned Qur'aanic epithets. In terms of the Shariah, 'majority' is not a

daleel (proof/evidence). An act does not become a Shar'i law on the basis of 'majority'. If a majority view is in conflict with Shar'i *daleel* it will be *mardood* (rejected). When people who follow their vain desires and worldly objectives are bereft of Shar'i proofs, they seek to save their position with the dumb majority.

MOON CONTROVERSY IN U.K.

(Continued from page 6)

stood from the question that the three 'aadil' witnesses had testified the very same night soon after having sighted the hilaal, that is during Maghrib time of the very first night.

In our opinion the report made 8 days after the event should have been dismissed without the need to listen to their testimony and without bothering to establish the integrity of the witnesses.

(13) Our advice is that witnesses should not come forward to 'prove the correctness of Saudi announcements' as you have mentioned. Saudi Arabia should be expunged from the hilaal equation. The *Zaalim* government of Saudi Arabia has a direct hand in hilaal announcements, and for them political or other expediencies are adequate for tampering with the masaa-il of the Shariah.

(14) We note that Wifaaqul Ulama does use astronomical calculations as a guideline, not for confirming the commencement of the month. As long as the actual confirmation of the hilaal is based on actual *Rooyat*, you are entitled to your methodology and guidelines. The absolute principle of *Rooyat* should never be compromised. We need to clarify the meaning of not compromising this *Mansoos Alayh* principle.

If *aadil* witnesses testify to their personal sighting and all Shar'i conditions regarding numbers of sighters for different occasions are fulfilled, then it will be *Waajib* to accept their testimony even if astronomy says that the sighting is impossible and even if the sighters are unable to answer the astronomical paraphernalia related to the hilaal.

(15) From the explanation furnished by *Batley Moon Sighting Committee*, it appears that the basis for having rejected the CMC's announcement was the 'integrity' factor. According to BMSC the witnesses were not *aadil*. Their *adaalat* was rejected. We are not in position to adjudicate

between CMC and BMSC on this issue. We can only say that if they were confident that the witnesses were not *aadil*, then they were within their right for having rejected the testimony especially in view of it coming 8 days later.

(16) We are in disagreement with BMSC regarding their criteria for establishing *adaalat*. The duration of visibility of the hilaal, visibility conditions, position/shape of the hilaal, location of the hilaal, moonset, 'logical' impossibility of sighting, astronomical impossibility of sighting, etc. are irrelevant for establishing *adaalat* of the witnesses. These factors have no basis in the Qur'aan and Sunnah. At most they are products of opinion and could act as guidelines. Never could these factors be utilized to negate *adaalat*.

The uprighteousness of a person is not reliant on these factors. The *adaalat* of a Buzrug of known and confirmed *Taqwa* may not be negated on the basis of these factors which are all extraneous to the Shar'i concept of *adaalat*. Factors such as donning un-Islamic dress, strutting around with a bare-head, deficiency in performing Salaat with *Jamaa't*, indulgence in futility, sport, and many other factors related to the moral domain are relevant for establishing or negating *adaalat*.

(17) Paragraph No.7 of BMSC's explanation reads as follows:

"*Hazrat Mufti Taqi Usmani Sahib states: 'for when according to calculation it is impossible to sight the moon then according to the majority of the Ulama of today when logically it's impossible to sight the moon such a testimony will be 'muttahu' discredited and due to being discredited the testimony will be void, and you must not decide on such a testimony.'*"

We respectfully differ with this view which is devoid of Shar'i substance. It is a view based on opinion and unsubstantiated by Shar'i facts. Log-

ic and astronomy may not be used to refute, negate or discredit the testimony of an *aadil* man on the issue of *Rooyat-e-Hilaal*. Since this is a *Mansoos* rule, there is no scope for its abrogation nor for rejection on the basis of opinion, logic and astronomy. This is especially so when the simplicity of the procedure to confirm a sighting by Rasulullah (sallallahu alayhi wasallam) is borne in mind. The opinion expressed by Hadhrat Mufti Taqi Sahib is incorrect since it lacks Shar'i *daleel*.

(18) We also disagree with the fatwa of Jamiatur Rashid for the same reasons stated above in No.17.

(19) In paragraph No.9 of its explanation, BMSC states: "*On the night of 1st of Thul Hijjah, in Manchester, at Moulana Hashim Bharuchas house, in the presence of Moulana Shoiab Desai of Sheffield, and most of the imams and senior Ulama of Manchester, one of the most senior Muftis of UK when asked about these issues, very strongly said 'if you do not accept moonset and moonrise times then throw away your namaz timetables as they are sourced from the same place and as accurate as each other. If anyone is in any doubt of this they may observe the moonset and rise time for a month and they will find them to be accurate.'*"

We respectfully differ with the most senior Mufti of UK. The honourable Mufti Sahib did not apply his mind to the issue – the *mas'alah* pertaining to the commencement of the Islamic month. The fundamental principle of the *Rooyat* being established in terms of the Shariah by the testimony of *aadil* witnesses had escaped his mind.

Moonset and moonrise timetables are irrelevant in this regard. These timetables cannot override the *Nass* of the Shariah which unequivocally confirms the *Rooyat* of *aadil* witnesses.

The analogy of Salaat timetables is baseless in the context of hilaal confirmation. The

Mansoos Alayh principle for establishing the hilaal is *actual Rooyat*. The confirmation of the natural phenomena for establishing the times of Namaaz is not reliant on *Rooyat*. To commence Maghrib Salaat, physical sighting of sunset is not conditional, nor is physical sighting of the length of the shadow necessary for Zuhr and Asr Salaat. Even the information of a non-Muslim regarding sunset, the direction of East, West, etc, is valid and may be utilized for initiating acts of *ibaadat*.

Maghrib Salaat time commences immediately after sunset. If sunset is confirmed by any means whatsoever, Maghrib Salaat will be valid. It is not necessary to confirm sunset only by means of *Rooyat*. There is no such principle in the Shariah. The Shariah simply states that Maghrib is after sunset. As far as the commencement of the Islamic month is concerned, the Shariah categorically ordains *Rooyat of the Hilaal*. There is no other phenomenon commanded by the Shariah for commencing the Islamic month.

Birth of the moon, moonrise, moonset or presence of the moon in its orbit or any other phenomenon have not been fixed by the Shariah for beginning the Islamic months. The only valid act for this purpose is *Rooyat of the Hilaal*. Thus the analogy presented by the venerable Mufti Sahib is not valid.

(20) The method for confirming *Rooyat* is as old as Islam. It is not a new development. It is therefore surprising and lamentable to observe the failure of the Ulama to resolve this perennial controversy by adoption of the simple method of Rasulullah (sallallahu alayhi wasallam). The hilaal issue has been made unnecessarily intractable. When the simple methods of the Shariah are ignored, we become saddled with the punishment of discord and dispute.

In conclusion, we reiterate that we are not adjudicating in the dispute between Hizbul Ulama and Wifaaqul Ulama.

THE MOON AND THE PERENNIAL CONFUSION

MORE than 14 centuries after the advent of Rasulullah (sallallahu alayhi wasallam), and after presenting the Ummah with a simple, clear system of establishing the beginnings and endings of the Islamic months, confusion reigns supreme in almost all countries on the issue of the Ramadhaan and Eid moons. It is surprising and lamentable that this simple issue has been made almost intractable by even Ulama. The current controversy on the hilaal issue in the United Kingdom is just one example of this ever-recurring problem.

Elsewhere in these pages the simple Sunnah system for determining the Islamic months has been explained. The root cause for the perennial controversies and disputes regarding the Ramadhaan and Eid *hilaals* (crescent moons) is the adoption of methods which transgress the prescribed limits of the Shariah. When people are not satisfied with the simple methods and systems of Islam, they impose on themselves unnecessary difficulties which lead to these disputes.

With regard to the Ramadhaan *hilaal*, Rasulullah (sallallahu alayhi wasallam) demonstrated an extremely simple way to determine the commencement of the month of Ramadhaan. If this simple and *mubaarak* (blessed) system is adhered to, there will be no ensuing controversy. Hadhrat Ibn Abbaas (radhiyallahu anhu) narrated: "*An A'raabi (a simple rustic/village-dweller) came to the Nabi (sallallahu alayhi wasallam) and said: 'Verily, I saw the hilaal.' He (Rasulullah -sallallahu alayhi wasallam) said: 'Do you testify that there is no deity but Allah?' The A'raabi said: 'Yes!' Rasulullah (sallallahu alayhi wasallam) said: 'Do you testify that Muhammad is the Rasool of Allah?' The A'raabi said: 'Yes!' Rasulullah -sallallahu alayhi wasallam-(turning to Hadhrat Bilaal) said: 'O Bilaal! Announce to the people that they should fast tomorrow.'*" (Abu Dawood, Tirmizi, etc.)

Tirmizi added: "*The amal (practice) according to the majority of the Ulama is on this Hadith. They say: The testimony of a single man will be accepted for Fasting (i.e. for the commencement of Ramadhaan). In fact, if the horizon*

(Continued on page 8)

THE LIGHT OF THE FAQEER

Rasulullah (sallallahu alayhi wasallam) once visited a Faqeer (a very poor Muslim). He had no possessions whatsoever with him. Rasulullah (sallallahu alayhi wasallam) then commented: "If the *noor* (spiritual/celestial light) of this one man is distributed among the people of the world, it will encompass them all."

MMB – AN UNCONSTITUTIONAL MONSTROSITY

The Kufr so-called 'Muslim' Marriages Bill is so hideously unconstitutional that it constrained the *Legal Resources Centre* to comment in its submissions to the Minister of Justice:

"It is our submission that the law as proposed by the Muslim Marriages Bill is **irreconcilably unconstitutional.**" (Our emphasis)

"...accepting Islamic marriage law as contained in the Bill would be more than

just unconstitutional – it would be an absolute abandonment of many of our most important democratic principles.

"It is our submission that in order for the Bill to survive constitutional muster the Bill has to correct every problem addressed in this submission and any other flaws fully, by bringing it completely in line with the Constitution.

To many members of the Muslim community this may seem undesirable, but there does not seem to be a comprehensive solution that is simultaneously able to protect religious rights and adhere to our constitutional principles."

THE KUFR 'MUSLIM' MARRIAGES BILL

(Continued from page 1)

Section 1 (h) refers to the "injunctions of the Qur'an and Sunnah". These terms are detailed and variegated concepts according to the different Islamic sects. Innumerable injunctions of the Qur'aan and Sunnah are in diametric conflict with the Constitution. It is therefore unwise to legislate on such ambiguities which will develop into conflict and unnecessary constitutional wrangles.

Whose interpretation of the "the injunctions of the Qur'an and Sunnah" will the court accept, and what will be the determinant for selection from sect No.1's or sect No.3's or sect No.4's interpretation?

It is important to understand that with regard to the Islamic terminology mentioned in MMB, we are not looking at mere literal translations. These are multi-faceted tenets with different interpretations held by the different sects. It will be unconstitutional to impose the interpretation of one sect on another sect, and any interpretation which conflicts with the principles or ethos of the Constitution will be struck down by the court. This quagmire is a perfect recipe for discontent and strife.

IDDAAH

Defining "Iddah", MMB on page 4 states:

"Iddah" means the mandatory waiting period arising from the dissolution of the marriage by Talaq, Faskh or death which period the wife may not marry: (a) Provided that the 'Iddah' of a divorced woman who menstruates, is three menstrual cycles....."

This provision in terms of the Constitution is discriminatory in that it discriminates against women on the basis of gender. While there is no 'waiting period in which a divorced spouse may not marry' applies to women, it does not apply to men.

TALAAQ (DIVORCE)

MMB provides for the right of Talaq (Divorce) to be vested in only the husband. The woman has no corresponding right of Talaq. This is discrimination based on gender. Thus, in terms of the Constitution, this MMB provision is unconstitutional.

ISLAMIC LAW

Section 1 defining Islamic Law states: "Islamic Law" means the law as derived from the Holy Qur'an, the Sunnah (Prophetic model, the consensus of Muslim Jurists (Isma - should be ijma', not Isma) and analogical deductions based on

the primary sources (Qiyas)."

This is a veritable minefield. Those unacquainted with the meaning of 'Islamic Law' will not understand the quagmire unless they become involved in litigation. The differences are formidable. There are a variety of Schools of Thought with regard to Islamic Law. Even within a specific sect, there are numerous differences of Islamic Law. The consensus mentioned in MMB in this regard is also a subject for interpretation.

DOWER

MMB defining Dower says: "prompt dower" means the dower or part thereof which is payable at the time of the conclusion of a marriage or immediately thereafter upon demand by the wife."

This provision too is unconstitutional in that it discriminates against men. While men are required to pay the woman a sum of money on marriage, the woman is not required to pay him anything. This is discrimination based on gender.

In addition to the total conflict with the Shariah, the Kufri so-called 'Muslim' Marriages Bill is atrociously unconstitutional and does not stand a ghost of a chance to succeed when challenged in the constitutional court should ever this monstrosity be legislated.

JUBBUL HUZN AND THE QAARIS

It is not permissible to attend a gathering where a faasiq qaari recites. Shaving the beard is a kabeerah sin which renders the man a faasiq. Every moment the *ghadab* and *la'nat* of Allah Ta'ala descend on a person who is beardless as a result of shaving his beard.

To attend such a gathering is to honour the faasiq. Rasulullah (sallahu alayhi wasallam) said: "When a faasiq is honoured, the Arsh of Allah shudders." Furthermore, these qaaris with their belief that it is permissible to shave the beard are guilty of bid'ah, and regarding a man of bid'ah, Rasulullah (sallallahu alayhi wasallam) said: "He who honours a man of bid'ah, aids in the demolition of Islam."

When one goes to listen to the *qiraa't* of a faasiq qaari, one is in fact honouring him. The faasiq is given front stage, *musaafahah* (shaking hands) and *muanaqah* (embracing) are made with him. He is respectfully addressed. In general he is treated as a guest of honour. Who-

ever denies this fact, is a liar. Thus the contention that he is not honoured is baseless. Regardless of whether one has the intention of honouring or not honouring, the mere attendance of the function is to aid, support and honour the faasiq qaari who shows absolutely no shame for Allah Ta'ala and the Makhlooq. The actions of the people clearly testify that they are honouring him.

Rasulullah (sallallahu alayhi wasallam) said that in Jahannam there is a valley which daily petitions Allah Ta'ala 400 times to save it from the heat of that valley. The name of this valley in the dregs of Jahannam is *Jubbul Huzn*. When the Sahaabah asked about those who are destined for entry into this terrible Valley of Torment, Rasulullah (sallallahu alayhi wasallam) said that *Jubbul Huzn* has been prepared for the Qaaris who display their *a'maal*. This will be the ultimate destination of fussaah qaaris who barter the Qur'aan Majeed for this dunya.

THE MOON AND THE PERENNIAL CONFUSION

(Continued from page 7)

is overcast, the testimony of even one woman will be accepted for the Ramadhaan *hilaal*.

Reflect on this simplicity! Two simple questions and just two simple words in response, and Rasulullah (sallallahu alayhi wasallam) proclaimed the beginning of Ramadhaan. The many questions which different groups have invented for establishing the *hilaal*-sighting are uncalled for and in conflict with the Sunnah. The size of the *hilaal*, its angle, its position, etc., are all wasteful, divisive and unwarranted. Others again have introduced astronomical calculations, and base their conclusions on possibility or impossibility of sighting as dictated by these calculations. *Valid Shar'i Sha-*

haadat (testimony) is negated on the basis of astronomical data. Edicts of the Shariah may not be superseded by mundane methods and systems. If the sighting of the *hilaal* is confirmed by way of valid Shar'i testimony, it will be haraam to negate it with astronomical data. Even if astronomy says that it is impossible to sight the moon, the sighting confirmed by *Shar'i Shahaadat* will override astronomy.

Furthermore, some consider it necessary to make elaborate arrangements with other countries on the basis of the spurious concept of 'unity'. Therefore some groups insist on having Ramadhaan and Eid with Saudi Arabia. Others again very justifiably reject Saudi sightings as unreliable. If every city/town adheres to the simple system of the Sunnah,

there will be no dispute and no controversy. The baseless ideas of 'unity' should not be presented to mar the harmony in the community thereby creating greater disunity. All the slogans of unity on the moon issue have failed to bring about unity. On the contrary, the more people strive for 'unity' on this issue, the more disunity they create.

All the extra Sunnah arrangements and *hilaal* committees instituted for forging an imaginary unity are the root cause for *fitnah*. Every city should simply go by its own sighting. There is absolutely no need to institute elaborate measures for receiving information of sightings from other centres. The attempt to have Ramadhaan and Eid on the same day in all places is a bid'ah which has no basis in Islam. As long as people refuse to adhere to the simple Sunnah systems and methods, the controversies will continue.

YOUR PREFERENCE!

Ibraaheem Bin Adham (rahmatullah alayh) said to a person: "What do you prefer: A dirham (a silver coin) in your dream or a dinar (a gold coin) while you are awake?" The man said: 'A dinar while I am awake.' Ibrahim said: 'You are a liar! Whatever you love in this world is like a dirham you love in a dream.'

The world with its pleasures and comforts is like a dirham in a dream. Man hankers after this unattainable dirham while he abandons the dinar which is presented to him when he will be awake, that is, in the Hereafter. His love for this world signifies his abhorrence for the treasures of the Aakhirah.

CLARIFICATION

In Vol. 20 No. 7, it was mentioned that on Fridays nails and hair should be cut after Jumuah Salaat. Several readers have queried this statement. Both views are authentic in terms of the Hanafi Math-hab: cutting before or after Jumuah Salaat. However, cutting the nails and hair before Jumuah Salaat appears to be the stronger view, and our senior Ulama generally adhere to this view.

SCRAP THE ATROCIOUS BILL!!!

(Continued from page 1)

DIFFICULTY. ON WHAT BASIS DID THE CABINET APPROVE THIS ATROCIOUSLY UNCONSTITUTIONAL, UN-ISLAMIC PIECE OF PAPER? THIS CONSTITUTIONALLY ATROCIOUS 'BILL' DID NOT DESERVE BEING RELEASED FOR PUBLIC COMMENT. ITS ABODE IS ONLY THE DIRT-BIN.

DID THE LAW ADVISERS OF THE HONOUR-

ABLE MINISTER OF JUSTICE STUDY THE MMB SERIOUSLY?

IT WILL INDEED BE BIZARRE IF THE CABINET SENDS THIS UNCONSTITUTIONAL HYBRIDIZED MMB PAPER ON THE NEXT LEG OF THE LAW-MAKING PROCESS.

THE MUSLIM COMMUNITY URGES THE AUTHORITIES TO FORTHWITH SCRAP THE MMB LEGAL ATROCITY.

SAME SEX MARRIAGES?

"Same sex marriages" - What is the origin of this abomination? It has a history, and it is said that 'history repeats itself'. Hadhrat Kalbi (rahmatullah alayh) narrated that the first being to commit homosexuality was shaitaan. This confirms that homosexuality is pure satanism.

Shaitaan appeared in the form of a handsome lad to the people of the earth. With his wiles and snares he lured them to himself. He convinced them to 'marry' him. Males 'married' him.

This was the origin of 'same sex marriages' which the enlightened constitution of South Africa enshrines.

Allah Ta'ala then sent Nabi Lut (alayhis salaam) to admonish these slaves of shaitaan. When the calls of Nabi Lut (alayhis salaam) fell on deaf ears, the nation of Nabi Lut (alayhis salaam) was utterly destroyed by showers of stones from the heavens. Each stone had inscribed on it the name of the miscreant whom it had to strike. There were five towns which were destroyed. The largest was Sodom which had a population of 400,000. 'History repeating itself' is a historic principle which knows of no exceptions.

THE KUFR MMB

R20,000 FINE FOR PERFORMING A NIKAH ACCORDING TO ALLAH'S LAW!

Section 8 of the Kufr so-called 'Muslim' Marriages Bill reads:

"Any marriage officer who knowingly registers a marriage in contravention of the provisions of this Act, is guilty of an offence and liable on conviction to a fine not exceeding R20,000."

This is the kind of KUFR which the proponents of the MMB are promoting and desiring. They have tried their utmost to conceal all the kufr provisions of the bill from the Muslim public. Therefore, the proponents of the bill (UUCSA, MJC and NNB Jamiat) never breathe a word about these haraam atrocities of kufr. They have laboured to keep the draft bill hidden from the public.

A Nikah according to the Shariah is registered in the Heavens by Allah Ta'ala. It is a sacred bond. It is a bond about which Rasulullah (sallallahu alayhi wasallam) said: **"Nikah is half of Imaan."** 'Molvis' and 'sheikhs' together with some murtad modernists who profess to be 'Muslims' are responsible for such atrocious kufr which is both unconstitutional and in violent conflict with Islam.

The fact that such a dastardly, draconian specimen of kufr has found its way into a Bill which has to be legislated to form part of the secular law,

speaks volumes for the Cabinet's naivety and complete ignorance of the tenets of Islam, hence it has allowed itself to be bamboozled by the 'Muslim' proponents and drafters of the Kufr bill.

Today, without this curse of MMB, Muslims are free to conduct their marriages according to Islam. The law does not interfere with them. Presently Muslims are not criminalized for performing Nikahs, for entering into Nikah and for facilitating Nikahs. But MMB seeks to criminalize this sacred Islamic institution of marriage, and to impose ridiculous fines on the Officers of the Shariah for executing their sacred obligations such as performing Nikahs.

This provision of MMB, like almost all the other provisions, is unconstitutional in that it discriminates against Muslims on the basis of religion. The draconian provisions of MMB are imposed on only Muslims to the exclusion of members of other religious persuasions.

The provision is unconstitutional since it requires Muslims, for the sake of 'recognition' to encumber their religion with a secular requisite, viz., registration. (A Muslim marriage officer will be entitled according to the Shariah to register a marriage if the requirements of the Shariah are fulfilled.) This insidious

provision implies that the Islamic Nikah is inadequate and not valid if it does not comply with the kufr provisions of MMB. Just imagine a Maulana who happens to be a marriage officer, performing the Nikah of a 17 year old adult male – he will be fined R20,000 or jailed for perhaps 5 or 10 years.

If a Muslim marriage officer advises a Muslim couple to refrain from registering their marriage according to a haraam marital regime, he will be convicted and fined R20,000. But in so doing he will be executing his Waajib obligation of Amr Bil Ma'roof, Da'wah and Tableegh. Yet the Kufr MMB sets a fine of R20,000 for him. Where is the principle of freedom of religion enshrined in the Bill of Rights? And, what has happened to the Imaan of the 'Muslims' who assented to this villainy?

This draconian kufr provision is further expanded to bring within its purview even those who are not marriage officers. Section 9 (a) of the Kufr MMB states:

"Any person who facilitates the conclusion of a Muslim marriage, irrespective of whether that person is a marriage officer or not, must inform the prospective spouses that they have a choice whether or not to be bound by the

provisions of this Act."

If the person who may be a parent or the Ustaadh or the Shaikh of the prospective bride/bridegroom advises to refrain from adopting the kufr Act, he/she is liable for a fine of R20,000. Thus, Section 9 (c) of the Kufr MMB states:

"The person facilitating the marriage referred to in paragraph (a) who fails to comply....., is guilty of an offence and liable upon conviction to a fine not exceeding R20,000."

It appears that a degree of insanity had affected the brains of the drafters of this ludicrous, draconian, un-Islamic and unconstitutional provision. It is the Waajib obligation of every Muslim to propagate the Haqq, and to discourage others from electing to be bound by the kufr fetters of the Kufr MMB. The Constitution guarantees freedom of religion. To propagate the tenets of Islam are thus guaranteed by the Constitution. Thus the draconian provisions and the unjust fines are unconstitutional.

There is no fine for a person who facilitates a couple to commit fornication. He is permitted to arrange all the devilish paraphernalia to facilitate fornication, but he will be fined R20,000 for facilitating a marriage in accordance with the Shariah. It is incumbent for a Maulana to advise a prospec-

ive couple whose Nikah he is performing to abstain from adopting any provision which is Haraam. But, the Kufr MMB bans him from doing so, thus denying him his constitutional right to even state the correct Islamic position even on moral issues which come into conflict with the Kufr MMB.

It is not permissible for a Muslim to become a marriage officer at the expense of compromising the Deen. He will become a criminal in terms of MMB if he conducts a Nikah fully in conformity with the Qur'aan and Sunnah, but falls foul of any one of the kufr provisions of the Kufr MMB.

Section 6 (b) of the Kufr MMB states: **"A court may, upon application by any of the spouses, order the cancellation or rectification of any registration of a Muslim marriage effected by a marriage officer."**

A Nikah effected in accordance with the requisites of the Shariah is perpetually binding and valid. Such a Nikah can never be cancelled by a secular court. The cancellation will not be valid. This provision too is un-Islamic and unconstitutional. It is unconstitutional for a secular court to cancel an Islamic Nikah which is religiously valid. The state has no constitutional right to superimpose secular conditions for the validity of a marriage which is valid in terms of Islam.

MMB QUESTIONS

Question 1: *Is it permissible for a non-Muslim judge to adjudicate on Muslim personal law issues such as Talaaq, Faskh, maintenance, etc.?*

Answer: According to the Shariah (i.e. Qur'aan and Sunnah) a non-Muslim judge/court has no *wilayat (jurisdiction)* over a Muslim. The decrees issued by a non-Muslim judge or by even a Muslim judge in a secular court have no Shar'i validity. Decrees on Talaaq, Faskh, maintenance and other issues issued by a non-Muslim judge are not valid.

Question 2: *Is there a basis in the Shariah to make it com-*

pulsory for a man to get consent from a Cabinet Minister of a non-Muslim government, or a non-Muslim court and from the husband's first wife to marry a second wife?

Answer: There is absolutely no basis in the Shariah for a man to acquire the consent of any one of these entities if he wishes to marry a second or a third or a fourth wife. It is a man's inherent Islamic right to marry a second wife. In terms of the Shariah he does not require the consent of even any Muslim authority in a Muslim country governed by the Shariah.

The stipulation of any such consent will be an unlawful

accretion and interference with the Law of the Shariah.

Question 3: *Is there a basis in the Shariah for a husband who pronounces Talaaq Baa-in to obtain the approval of a non-Muslim court declaring the Talaaq to be valid?*

Answer: There is absolutely no basis for this. The Talaaq Baa-in comes into effect immediately the husband pronounces it. The Nikah is immediately and irrevocably terminated with the utterance of one Talaaq Baa-in. Neither is the approval of a non-Muslim Court or of a Muslim Court necessary for the validity of the Talaaq, nor can the disapproval of any court invalidate the Talaaq issued by the husband.

UUCSA AND NNB JAMIAT FORCED TO ADMIT THE KUFR OF THE SO-CALLED 'MUSLIM' MARRIAGES BILL

(Continued from page 1)

admission by the ardent proponents of the Kufr MMB is that right now there is *consensus* of the Muslim community on the fact that MMB contains provisions in conflict with the Shariah. Although UUCSA and the NNB Jamiat have belatedly conceded this irrefutable fact, these conflicting provisions existed in the Kufr Bill since the very inception of this haraam rubbish document. Now they seek to portray that the un-Islamic provisions are a recent accretion stemming from the government's 'modification'. But this

is a great LIE which we shall explain in detail in our next refutation of UUCSA's response to criticism over its support for the Kufr MMB, Insha'Allah.

Presently, the difference between the pro and anti camps is on the issue of engagement with the government. While UUCSA advocates dalliance with the Kufr Bill, the opponents of MMB vehemently oppose the Kufr MMB in its entirety and are calling for its scrapping. But as far as haraam provisions in the Bill are concerned, there is CONSENSUS much to the chagrin of the proponents of Kufr MMB.

Rasulullah (sallallahu alayhi wasallam) said: "I command you with five attributes so that Allah Ta'ala may perfect for you your attributes of excellence:

1. Don't hoard what you cannot eat.
2. Don't build such mansions which you do cannot occupy.
3. Don't hanker after that which tomorrow you will not retain.
4. Fear Allah unto whom you will be assembled.
5. Covet that towards which you are proceeding and where you shall reside forever. (i.e. Jannat).

THE PREDICTED FITNAH HAS OVERTAKEN US

Narrating a Hadith, Hadhrat Abdullah Ibn Mas'ood (radhiyallahu anhu) said:

"How will you be when such a fitnah engulfs you, which will make senile the elders, and cause the little ones to grow (swiftly, i.e. age swiftly), and people will regard such fitnah

to be Sunnah. If anything of the fitnah is left out, they will say that a Sunnah has been abandoned. They said: 'When will it be so?' He said: 'When your Ulama have disappeared, your qurraa' have become abundant, your Fuqaha have become extremely few, your rul-

ers have become abundant, your trustworthy have become few, and when the dunya is pursued with the amal of Aakhirah."

Observe the ulama-e-soo' and the evil qaaris of this age, and you will realize that this Hadith has now materialized.

**PROCESSED
CARRION
CHICKENS
PUMPED WITH
WATER – BEEF
AND PORK USED
TO HOLD THE
WATER**

(The Consumer Editor,
The Times)

**Chicken
fillets
'secretly
pumped up
with water'
to increase
weight**

(Valerie Elliott,
Consumer Editor)

Chicken served in restaurants, hospitals and schools is still being pumped up secretly with water and proteins to increase its size and weight, The Times has learnt.

The Food Standards Agency (FSA) has begun an inquiry into the preparation of 63,000 tons of poultry that were imported from the Netherlands in response to the discovery by trading standards officers. This will put new pressure on caterers to reveal whether the chicken on their menus is bloated with liquid and proteins.

It is not illegal to add water to

chicken but under European Union rules consumers must be told if water has been added.

The Trading Standards Institute said that it was not prepared to let caterers mislead customers.

"Catering establishments have a legal obligation to give a description on a menu that should not be false or misleading," David Pickering, a spokesman for the institute, said. "If someone is selling chicken with added water as chicken, that is a fraud because people are paying chicken prices for water and a product that does not taste any good. If the Dutch authorities and the EU decide not to take this seriously, we will have to look to do more enforcement in this country."

An examination of frozen chicken fillets sold in the North of England found that some products imported from the Netherlands contained as much as 35 per cent water even though the meat content was described as 80 per cent. The suspected chicken was destined for the catering industry, and is believed to have been used in takeaway restaurants, care homes and canteens.

The practice of bulking up meat with liquid was exposed four years ago by the FSA.

Consumers believed that they were buying pure chicken but most of the meat contained water. Some of the processing companies also used beef and pork proteins to hold in the water.

The EU agreed only that products should be labelled "chicken with water" and that

packs should declare whether beef or pork protein had been added. Consumers of catering trade produce, however, never get to see these labels and menus rarely declare if chicken has added water.

Manufacturers have also been criticised for adding hydrolysed chicken protein, which is extracted from parts of the bird not used for food, such as skin, bone, and feathers.

The FSA is discussing whether to step up inspection of chicken products at ports and to order a wider survey of chicken on sale to the catering trade... Chris Huhne, the Liberal Democrats' spokesman on food, is to raise questions in Parliament about the sale of "plastic chicken".

Sue Davies, of Which, the consumer organisation, was shocked to learn that "plastic chicken" was still in circulation. "This is deliberately misleading consumers and needs to be sorted out and stopped. People will be rightly disgusted to think what they are being served up when they think it is chicken."

**THESE ARE THE
HARAAM, DISEASED,
ROTTEN, CANCER-
PRODUCING PLASTIC
CHICKENS CERTIFIED
'HALAAL' BY
SHAITAAN'S
HALAALIZING
OUTFITS.**

THE HEART

**"When a man's heart is
healthy, his body is healthy,
and when his heart is corrupt,
his body becomes corrupted."**

-Hadith

**HADHRAT
AASIYAH**

Hadhrat Aasiyah (rahmatullah alayha) was the wife of Fir'oun, the evil, tyrannical king of Egypt. She had concealed her Imaan. When Fir'oun discovered that she had accepted Imaan from Nabi Musa (alayhis salaam), he ordered that she be put under intense torture. A variety of severe punishments was inflicted on her, but she remained steadfast in her Imaan.

Stakes were driven into her body, but nothing could deter her from Imaan. When Fir'oun ordered her to renounce Imaan, she exclaimed: "You know that my soul and my heart are in Allah's protection. If you dismember me, piece by piece, it will only increase my love for Allah."

While she was being tortured, the Angels of Rahmat would shield her with their wings. It was this special mercy of Allah Ta'ala which fortified her and sustained her love

for Allah Ta'ala. No person can bear such brutal tortures without the aid of Allah Ta'ala. As she was being tortured, Nabi Musa (alayhis salaam) passed nearby. She called out: "O Musa! Tell me: is my Rabb pleased with me?" Nabi Musa (alayhis salaam) responded: "O Aasiyah! The Angels in the heavens are anxiously waiting for you. Allah is mentioning you to them with pride. So ask whatever you wish for, it will be granted." Hadhrat Aasiyah supplicated: "O My Rabb! Build for me a mansion in Jannat by You, and save me from Fir'oun and his misdeeds."

When all the horrendous acts of torture failed to compel her to renounce Imaan, Fir'oun ordered that she be crushed to death with a huge boulder. As the boulder was about to be smashed on her, her glorious soul took flight and entered the celestial abode which Allah Ta'ala had reserved for her.

**CRITERION OF
TRUTH**

A Sage (Buzrug) said: "If you see a sheikh flying in the air, walking on water, eating fire or demonstrating any miraculous act while he forgoes an incumbent duty of Allah or omits a Sunnat act intentionally, then know that he is a liar. His acts are not *karamat*

(*miracles*). His acts are satanic deceptions to lure people to destruction."

Never be deceived by seemingly miraculous demonstrations of people masquerading as men of piety. The criterion of the Haqq is only obedience to the Shariah and the Sunnah of Rasulallah (sallallahu alayhi wasallam).

**A PIOUS
PERSON?**

On the Night of Mi'raaj, Allah Ta'ala said to Rasulallah (sallallahu alayhi wasallam): "O Ahmad! If you desire to be the most pious person, then detach yourself from this world." Rasulallah (sallallahu alayhi wasallam) said: "O my Allah! How should I detach myself from

the world?" Allah Ta'ala responded: "Take from this world food, drink and clothing only what suffices for you. Do not store for tomorrow, and be constant in My remembrance." Rasulallah (sallallahu alayhi wasallam) said: "O Allah! How can I be constant in Your thikr? Allah Ta'ala said: "By secluding yourself from people. Make Salaat your sleep and hunger your food."

issuing Faskh decrees.

The other problem confronting the Ulama is the ignorance of the women, and in some cases the kufr of the women. Even if they have no valid Shar'i grounds, they insist on Faskh. The Shariah is not the toy of the Ulama. It may not be trifled with. The Shariah is the immutable Law of Allah Ta'ala. If there are no valid Shar'i grounds, no authority on earth has the right to decree Faskh.

The misguided author says: "The study shows that the main reason for this is that the ulama bodies are insistent on reconciliation and have on many occasions proved to be partial to men." The reference here is to the difficulty in ob-

taining a Faskh decree from the Ulama.

The authors of the study are of the zindeeq category who are slaves of western mentality. As far as reconciliation goes, this is a command of Islam. The objective is to unite couples, not rent them asunder. As far as possible, it is an obligation on the Ulama to strive for reconciliation, and this has greater emphasis when the woman has no valid Shar'i grounds for Faskh. As far as partiality towards men is concerned, this may be the practice of the ulama-e-soo' (the evil ulama). The community abounds with such evil ulama who are prepared to barter away the Deen for monetary

(Continued on page 11)

MMB IS NOT NEEDED – MMB CANNOT PROVIDE ANY RELIEF

In an article authored by some misguided university lecturer and published by the *Voice of the Cape* proponent of Kufr MMB (the so-called 'Muslim' Marriages Bill), a number of spurious arguments have been tendered to justify MMB. In the convoluted understanding of the lecturer, MMB will be able to supply women with such relief which is not available to them without MMB. This is a myth which is the product of ignorance. The modernist university lecturer lacks proper knowledge of the Shariah, hence her lopsided and baseless arguments.

She (the lecturer) mentions the case of a woman (Ayesha) whose husband was oppressing her. He refused to issue Talaq, and the wife had to struggle to obtain a Faskh (Annulment). She had to go from pillar to post, from one group of Ulama to the other until she finally managed to obtain a Faskh.

Without refuting the facts of the story as presented by the author of the article, the question is: How will MMB if legislated, be able to redress this

situation? What relief will MMB be able to offer a woman such as the one whose story the lecturer tells? At least without MMB, the wife had obtained a valid faskh, albeit after a struggle. The Faskh she had obtained had terminated her Nikah validly in terms of the Shariah. She was thus free to marry another man.

But, the relief she obtained cannot be provided by MMB because the 'faskh' decree issued by a secular court is simply not valid. Even if the secular court decrees a thousand times that the nikah has been annulled, it (the Nikah) will remain intact. The lecturer being ignorant of the Shariah has equated the decree of a secular court to the ruling of a Qaadhi. This understanding is corrupt and baseless. The *secular court has absolutely no wilaayat over Muslims*.

Far from MMB being a solution, it will only complicate and aggravate the woman's situation. It will devolve on the Ulama to thoroughly educate the community on the issue of the invalidity of the secular court's decree of dissolution.

No man who has the slightest understanding of the Deen and some fear for Allah Ta'ala will 'marry' a woman whose nikah is still valid. It will be only a man who feels comfortable in an adulterous relationship who will live and cohabit with another man's wife. The woman brandishing a 'faskh' lotto ticket acquired from a secular court will just not be able to enter into a valid Shar'i Nikah.

Furthermore, she will succeed in obtaining a *baatil (null and void)* 'faskh' ticket after paying exorbitant legal costs, but it will not solve her problem while the faskh ruling she obtains from the Ulama will be effective and at no monetary cost. As for the time lapse and struggle, the Ulama are indeed blameworthy for procrastinating in such matters. However, the procrastination of the secular courts is worse. Months and perhaps years pass without resolution. The delays in the secular courts are notoriously frustrating. In recent years, some Ulama bodies have attended diligently to disputes and have not been indolent in

(Continued from page 10)

gain. But MMB is not a solution for this. MMB cannot sort out the problem of the ulama-e-soo'.

The other difficulty mentioned by the author is: "And, it is not only in cases of divorce that Muslim women experience such challenges. They have difficulty in obtaining maintenance, and the continued non-regulation of polygyny leads to much abuse."

The argument of maintenance is a red herring. Either the author is too stupid and ill-versed with the current laws regarding maintenance or she is deliberately attempting to hoodwink the unwary and the ignorant with this stupid argument. Again, let us assume that the man is recalcitrant. He refuses to maintain his divorced wife. How will MMB solve this issue? What additional relief will MMB offer women, which is not available to them right now without MMB? There is nothing additional which MMB has to offer women on the aspect of maintenance.

According to the Shariah, the divorcee is entitled to maintenance only for the duration of her *iddat* which is generally about three or four months, and for the pregnant woman, it could be longer. 'Muslim' women take the route to the kuffaar courts solely because they are dissatisfied with Allah's Law. Since they are not contented with maintenance for only the *iddat* period, they hasten to the secular court because they know that they will obtain much more for much longer periods, for even years.

A superficial study of MMB leads to the understanding that the court has to grant a maintenance decree for only the *iddat* period. The vast majority of women are completely ignorant of the contents of the bill. They have totally no understanding what the bill is all about. They are fed misinformation by the votaries of Kufr MMB. If any woman is satisfied with the Shariah's ruling of maintenance for the *iddat* period, then what need does she have for MMB? She will voluntarily submit to the Shariah and accept such maintenance. But, since she is not satisfied with this Shar'i decree, she seeks the haraam assistance of the secular court to

extravasate haraam money from her previous husband.

Any man who is faced with paying maintenance according to the Shariah or maintenance according to a court decree will most certainly opt for the former. He understands that the obligation in terms of the Shariah is considerably lighter than the *zulm* of the secular court. The problem therefore is not the man's refusal to pay maintenance. The problem is the kufr of the woman who rejects Allah's Law of maintenance for only the *Iddat* period.

If the divorced woman is satisfied with the Shariah's law of maintenance, but the husband refuses to pay even such maintenance, then the route of the secular court is available to her without MMB. MMB is not required for this. Even today, without Kufr MMB, she is able to take the court route to compel the recalcitrant man to fulfil his Shar'i obligation. When faced with this type of situation, a woman may resort to court action without transgressing the limits of the Shariah. Regardless of the court's decree, she may accept from the man maintenance for only the *Iddat* period.

But no one is prepared for this. They seek to legitimize their haraam desires in the name of Islam with a fraudulent scrap document called MMB. They desire to soothe their conscience with MMB to justify the haraam boodle they intend extracting from a man with the aid of the kuffaar court.

Non-regulation of polygyny does not lead to abuse. It is the kufr attitude in people, generally women, that leads to complications and problems. When one is dissatisfied with the Shariah, the laws of Allah Ta'ala are perceived as 'abuse' - Nauthubillaah! Furthermore, provision of maintenance to a woman is no longer dependent on a legally recognized marriage. Whatever MMB has to offer women in polygynous marriages, is available to them today without MMB.

In a case not so long ago in Cape Town, the second wife was not satisfied with her Shar'i share of inheritance in her husband's estate. The heirs were more than accommodating. One eighth of the estate had to be equally shared be-

MMB IS NOT NEEDED - MMB CANNOT PROVIDE ANY RELIEF

tween the two wives. The second wife was not prepared for this because some murtad attorney had advised her of ways in which she could suck from the estate considerably more. In terms of the Shariah she would have received over a hundred thousand rands. But according to kufr law, she was claiming about half a million.

In most cases the 'hardships' of the women are hallucinatory, and stem from their rejection of the Shariah. For the attainment of their haraam objectives MMB is not necessary. Haraam objectives can be easily achieved right now without MMB. There is a plethora of laws to assist women to extract and usurp haraam money from their ex-husbands. They are not in need of MMB for this. There is no need to enter Jahannum riding on the back of the Shariah. The path to Jahannum is easy and straight via the secular court. All the laws for entry into Hell-Fire are available to women without MMB. So why dupe yourself with MMB?

You cannot remain a Muslim by committing *irtidaad* under cover of MMB. Whether the *irtidaad* is committed under cover of MMB or in terms of the secular laws, it is the same. The woman will become a confirmed *murtaddah*, a confirmed denizen of Jahannam.

Attempting another bamboozling stunt, the lecturer says: "Furthermore, some decisions emanating from the secular courts are at odds with Islamic Law, as was the case in *Hassam and Daniels*, where the wife inherited according to South African Law of intestacy which was contrary to Islamic Law."

It appears that this aunt did not study the bill. If she did read it, she did not understand its contents, hence she makes the aforementioned stupid conclusion. MMB does not deal with Islamic inheritance. The very same kufr law of intestacy will apply even with MMB. It is therefore meaningless to say that the wife had inherited contrary to Islamic law. In fact, that particular wife was more than pleased with the court's decree since it awarded her much more than the Shariah's stipulation.

The aunt has introduced the

inheritance dimension to mislead stupid women into believing that MMB safeguards their inheritance rights. Aunt lecturer, also says: "And, in the absence of legislative recognition, parties in a dispute are forced to approach the local ulama bodies that do not have the will or the authority to enforce a decision."

In the lives of Muslims the Ulama are indispensable. No matter what law is introduced, the services of the Ulama will remain integral to the life of a Muslim from the cradle to the grave.

Regardless of how the modernists and deviates may abhor this reality, it is there to remain for all time. No law of any secular state will ever be able to satisfy the religious needs and demands of the Muslim community. Muslims have absolutely no choice but to refer to the Ulama for guidance in their Deeni affairs. Thus, all those Muslims who are Muslim at heart will never be satisfied with court decrees.

Even if there is 'legislative recognition', Muslims will still be forced by the Shariah to refer to the Ulama for guidance in all their affairs. The Ulama are not in need of coercive power, for their function is only to apprise the parties of the Shariah's position. If the parties are Muslim at heart, they will voluntarily submit to the Shariah's ruling. If they are kaafir at heart, they are not in need of the Shariah's ruling. They know the way to the kuffaar court. If one party is a Muslim and the other party a zindeeq or a munaafiq or a flagrant transgressor who seeks the assistance of the court, the other party has no option but to defend or accept the haraam demands of the recalcitrant one. But MMB is never the solution for any such problem.

Even after recognition, the problems will remain the same. MMB is not a panacea as its jaahil and zindeeq proponents are advertising to gullible women. The courts will operate in terms of the Constitution, not the Shariah. Furthermore, even if we have to stupidly assume that the courts will decide according to the Shariah, then too their verdicts will be null and void. In fact, in a secular state such as South Africa even a court which complies 100% with the Shariah will prove to be ineffective and not viable. Insha'Allah, this shall be explained in a separate article.

The aunt says: "After a drawn out and legitimate consultative process between all sectors of this community and government, cabinet has finally approved the Muslim Marriages Bill (MMB) and has pub-

lished it for comment."

It is indeed surprising that the aunt who happens to be a lecturer at the Faculty of Law, has failed to understand what the cabinet has approved. The cabinet did not approve the bill. The cabinet only approved to release it for comment. To correct this misconception, Mr.M.T.Matibe of the Ministry of Justice & Constitutional Development said: "I note that there appears to be a misunderstanding regarding Cabinet's approval of the Bill. Please note that Cabinet only approved the publication of the Bill in the Gazette, and not the contents of the Bill, nor has Cabinet approved the introduction of the Bill into Parliament. In essence, what the Cabinet approved is that the Bill be subjected to a public consultation again before a decision is taken whether to introduce it into Parliament or not."

The gaffe is unexpected of a professor of law who "teaches Constitutional Law, legal Diversity and Introductory Law Modules."

Aunt Professor of Law says: "The MMB sets out a legislative framework for the recognition and regulation of Muslim marriages. The said legislation is not intended to be forced upon the community as it gives parties the option to choose to be governed by such a marital regime."

This statement further confirms that the professor of constitutional law and legal diversity and introductory law modules has failed to understand what she read in the draft bill, and in addition she fails to comprehend the effect or waste/flotsam of the bill. As the bill currently stands, the Muslim community will by default become bound by the provisions of MMB should it be enacted. If within a prescribed time period, in a prescribed manner Muslims do not opt out, the bill will automatically apply to them.

Although the default position is so rubbish that it will not be able to withstand a constitutional attack, nevertheless, it is a provision of the kufr bill. The greater part of the community will become bound by the provisions of the bill by default. Extremely few will know the law and by design opt out. Thus, the aunt's contention that the legislation will not be forced on Muslims is baseless. It is another matter that constitutionally this MMB atrocity cannot be forced on anyone. But the bill seeks to bring all Muslims within its scope.

The second failure of the aunt is that she fails to understand that optional legislation

(Continued on page 12)

THE FOUNDATION OF WORSHIP

"The foundation of worship rests on three pillars: the eye, the heart and the tongue. The eye is for gaining admonition. The heart is for contemplation, and the tongue is for honesty, tasbeeh and thikrullah." - Abul Hasan Zunjani (rahmatullah alayh).

EFFECTS OF ADULTERY

"Beware of adultery! It entails six effects. Three in this world and three in the Hereafter. The three effects in this world are: (1) Decrease in rizq (sustenance) (2) Shortening of one's lifespan (3) Zulmat (spiritual darkness) engulfing the face. The three calamities in

the Hereafter are: (1) The Wrath of Allah Ta'ala (2) A severe reckoning (3) Entry into Jahannum." -- (Hadith)

When Nabi Musa (alayhis salaam) asked Allah Ta'ala to describe the punishment for adultery, Allah Ta'ala said: "I shall clad him with armour of fire. If this armour is placed on top of a high mountain, it will reduce the mountain to ashes."

Questions and Answers

THE MAJLIS Q & A
P.O. BOX 3393
PORT ELIZABETH
SOUTH AFRICA 6056

(Continued from page 5)

sport is permissible provided there are no haraam activities taking place. Is this view correct?

A. The many Ulama are speaking *nafsaaniyat* and *shaitaaniyat*. They fabricate lies in the name of Rasulullah (sallallahu alayhi wasallam), and deliberately ignore what Nabi-e-Kareem (sallallahu alayhi wasallam) himself said about sport. If you don't know, then he said the following: "Every sport of the Mu'min is baatil....." If you have not seen our book on Sport, you may write for a copy.

SPORT IS HARAAM

Q. I am sending you the fatwa which a Daarul Ifta issued on sport. It is in Urdu. Please explain it for me.

A. The fatwa states: "For any sport to be permissible, the following are the conditions:

- * The objective must be physical exercise, not mere *lahw-la'b* (play/amusement).
- * It should not be made an objective (on which to focus attention).
- * The sport should *per se* be permissible.

* It should not lead to any neglect of Shar'i obligations nor create obliviousness.

* The *satr* should not be exposed.

In the light of these conditions, extract the ruling for playing football."

The fatwa asks you to formulate your own 'fatwa' on the basis of the five conditions mentioned above. This is the ridiculous kind of 'fatwa' which the Daarul Iftas nowadays issue. They lack insight, foresight, hindsight, and are unable to understand the fitnah of baatil. In the sport of our times none of the abovementioned conditions is observed. Furthermore, much more evil accompanies kuffaar sport than what the Daarul Ifta knows or understands. In short, there is no validity for this extremely defective and misleading statement made by the Daarul Ifta.

We lack the time, otherwise a detailed rebuttal of the nonsensical statement can easily be issued. You are a student searching for the truth. If you reflect a bit, and view present-day kuffaar sport and the attitude of Muslims, and the activities surrounding these kuffaar sport, and the haraam practices associated with it, we are sure you could also write a

rebuttal of the *ghutha* which the Daarul Ifta has written.

The very first error in the statement is that the objective must not be *lahw-la'b*. Sport in fact – sport *per se* is *lahw-la'b*, and Rasulullah (sallallahu alayhi wasallam) said that "Every sport of the Mu'min is baatil" *mutlaqan*. The conditions which appear in the statement are nonsensical. The *hurmat* of sport is not reliant on these conditions. Sport is *per se* haraam. The other issues which are inextricably interwoven with sport, especially kuffaar sport, only serve to aggravate the prohibition.

Q. Are Candyland marshmallows which contain Pakistani gelatine halaal? There is a SANHA halaal logo on the wrapper.

A. The Candyland marshmallows are not halaal. Pakistan gelatine is not halaal. It was reliably established that when animals are slaughtered in municipal abattoirs in Pakistan, the slaughterers who are extremely irreligious, do not recite *Bismillaah*. In addition, Pakistan imports gelatine and other ingredients from kuffaar countries.

Pakistan has become notorious for carrion and diseased foods. Besides

gelatine, several other ingredients listed on the wrapper are not halaal. Artificial colours and artificial flavours are generally derived from alcoholic concentrates. Tartrazine is a poison. It causes serious illness in the long term, and no one will know what was the original cause of the disease. The physical, moral and spiritual states of impurity of Pakistan are so terrible, that it will be appropriate to rename the country *Napaakistan (the Impure Land)*.

Almost all sweets and chocolates contain haraam and doubtful ingredients. It is best to abstain. Never be misled by 'halaal' logos' appearing on the wrappers. These halaalizing outfits are so unscrupulous that they halaalize carrion just for the sake of the money. It is difficult to believe that they are Muslim. They are rotten to the core – more rotten than the rotten, diseased carrion chickens they halaalize.

RIZQ

"Whoever wishes that his Rizq be increased, should observe family ties." (Hadith)

(Continued from page 11)

is ineffective – just as good as scrap. MMB is portrayed as a Shariah-compliant measure. Adopting it is voluntary. Opt in cannot be forced on any one. Now when a law is optional and its consequences are reliant on voluntary participation, how will its so-called Shariah decrees be enforced on unwilling Muslims – Muslims who have not opted in? Fundamentally, MMB can be enforced only on those who voluntarily opt in.

If a Muslim is desirous of regulating his/her marital affairs in accordance with the Shariah, what need does he/she have for legislated MMB? A devotee of the Shariah is free to submit to the Shariah without the need for legislation. To gain the rulings of the Shariah, the Muslim will simply obtain the fatwa of the Ulama and act accordingly. He does not need MMB for voluntary submission. Of what use then is MMB even if it could be made 100% Shariah-complaint, which of course is the pipedream of a drunk man?

Making another nonsensical averment, aunt professor says: "Further it regulates polygyny and the registration of a *talaq*, all with the purpose of establishing equity between the spouses and to bring relief to the hardships faced."

Such regulation is kufr since it tampers with the Law of

MMB IS NOT NEEDED

Allah Azza Wa Jal. No person has the right to restrict and encumber the unrestricted laws of Allah Ta'ala. The 'equity' mentioned by the aunt is stupidity. It is a laughable piece of sophistry.

The aunt also says: "In Ayesha's case, if the Bill were in place, she would have been saved the trauma of having to retell her story to three groups of men. She would have had immediate recourse in the South African courts.Also any order granted by the court can be effectively enforced."

The aunt is wrong. She has failed to understand the position of MMB, i.e. if it is legislated. Since it cannot be enforced by virtue of participation being voluntary, how would the bill have rescued Ayesha if her husband did not opt in? Husbands will not voluntarily opt in to saddle themselves with MMB provisions. So how will Ayesha benefit from the assumed 'enforcement'. Only a dumb man will opt in and burden himself with MMB. Therefore, the only recourse Ayesha has, if she is not satisfied with the Shariah, is to proceed to the secular court. Well, that avenue

is open to her even today without MMB. There is no benefit in MMB because no husband will burden himself with MMB rubbish by voluntarily opting in.

Professor aunt speaks about the MMB defining faskh and setting out the grounds for it. She is clearly in the dark regarding Shariah Law. The imperative requisite for the validity of a court's decree is that the judge must be a Muslim who is not subservient to any higher court. His decrees are not subject to appeal. Neither the supreme court nor the constitutional court has the right to cancel the Qaadhi's decree. A secular court's decree of faskh is null and void. The woman will remain in the *nikah* of her hus-

band. In the final analysis she has no option but to turn to the Ulama.

The Muslim community is incumbently required by the Shariah to object to MMB for it mutilates and transmogrifies the Law of Allah Ta'ala. Those who desire that the Shariah be the regulating force in their lives are not in need of MMB, firstly because MMB is not the Shariah. On the contrary, it is plain kufr presented in Islamic hues with Islamic terminology. Secondly, the law does not prevent them from submitting to the Shariah.

Those who cancel their Imaan by rejecting the Shariah, are also not in need of MMB because whatever is available under MMB is available without MMB, and even more

THE WORST ABOMINATION

A Shaikh said: "There is one shaitaan with every woman, and 18 shayaateen with every young lad. A person who kisses a young boy with lust, will be punished in Jahannum for 500 years. He who kisses a woman with lust, is like one who has committed adultery with 70 virgins. He who commits adultery with a virgin is like one who has committed adultery with 70,000 non-virgins."

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