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29 Muharram 1445 – 17 August 2023

LAWYER ZEHIR'S COMMENTS ON THE OFFENSIVE MARRIAGE BILL

Zehir Omar ATTORNEYS / GQWETHA

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Your Ref.:

Our Ref.:

PERSONAL FILE

14 AUGUST 2023

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PEACE BE UPON YOU AND ALLAH'S MERCY AND BLESSINGS

Dear Sir

RE: MARRIAGES BILL NO 48914

1. The telephonic discussion with our Mr Omar refers.
2. We are pleased to inform you that there is no reference in the Marriages Bill No 48914 to *MUSLIMS/ISLAM*.
3. Ammaar cannot be found guilty of having contravened Section 22 (8) upon him, not being a *MARRIAGE OFFICER* solemnizing a *NIKAH* between Haroon and Fatima.
4. The reason for this is the following:-
Nikah is not a *MARRIAGE* as define in Section 1 of the Marriages Bill No 48914.
The closest it may be suggested that a *NIKAH* comes to a marriage as defined in the Bill-

"A marriage to mean... subsisting monogamous or polygamous marriage concluded before or after commencement of this act.

5. A marriage is defined to be a marriage between two persons i.e. a man and a man and woman and a woman may solemnize a marriage. A NIKAH prohibits a union between a man and a man and woman and a woman. A NIKAH is restricted between a man and woman.
6. A marriage may only be solemnized between two people of the age of 18 or more. A NIKAH can be solemnized between a man and woman who have reached the age of puberty. A man and women who have reached the age of 14 years for example may solemnize a NIKAH.

7. Monogamy is define as a :-

"A relationship with only one partner at a time rather than multiple partners."

8. A NIKAH contemplates a union between a man with up to 4 women i.e wives.

9. Polygamy is defined as:-

"having more than one wife or husband at the same time."

10. NIKAH does not permit a woman having more than 1 husband.

11. Under the circumstances, it can never be said that solemnizing NIKAH is solemnizing a marriage that is prohibited by Section 22(8) of the Marriage Bill No 48914.

Yours Faithfully
ZEHIR OMAR ATTORNEYS

