

Muslim Civil Society Alliance

18th November 2022

Dr. Wijedasa Rajapaksha PC,
Minister of Justice,
Ministry of Justice,
Colombo 12.

Hon. Minister,

Re: Reforms to the Muslim Marriage and Divorce Act (MMDA)

We the Muslim Civil Society Alliance learn that Reforms proposed to the MMDA by the Advisory Committee on Muslim Law Reforms has been forwarded to the Cabinet for discussion and decision. We are aware that the said Advisory Committee appointed by the former Minister of Justice, Hon. Ali Sabri PC has handed over the two reports, the original report dated 16.06.2021 and an additional report dated 05.10.2021. We are made to understand that the said report dated 16.06.2022 consists of two parts. Part one is said to have proposed reforms within the existing Quazi system, which are very progressive. Further the additional report has proposed that polygamous marriages of Muslim males be permitted subject to very stringent conditions. The position of the Muslim Civil Society Alliance which is a broad-based organization representing numerous Muslim organizations is as follows;

- The Quazi system should not be abolished but reformed as suggested by the Committee;
- Polygamous marriages of Muslim males should be permitted subject to the stringent conditions specified in the additional report of the Committee.

Apart from the above we wish to submit for your consideration the following proposals which could be conveniently incorporated in the proposed amendments proposed by the Committee;

1. The retention of the term and office of 'Quazi' and 'Board of Quazis'

The Committee is said to have proposed that the term 'Quazi' and 'Board of Quazis' be changed respectively to 'Muslim Marriage and Divorce Adjudicator' and 'Muslim

Marriage and Divorce Tribunal'. However, we are of the opinion that the said terms should not be changed in the MMDA as the said terms are deep rooted in this psyche of the Muslim community of this Country and have sentimental value amongst Muslims.

All Ceylon Jamiyyathul Ulema, The Muslim Council of Sri Lanka,
The National Shoora Council, The All Ceylon YMMA Conference,
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2. Women be permitted to be appointed as 'Quazis' and as 'Members of the Board of Quazis'.

There is no disagreement regarding women being appointed as 'Quazis' and as members of 'Board of Quazis'.

3. Qualification of 'Quazis' and members of the 'Board of Quazis' be enhanced.

It is proposed that the minimum qualification for the said positions of Quazi and members of the Board of Quazi be enhanced.

When it relates to Quazis it be enacted that the person should be a Muslim and not below the age of thirty-five years and not above sixty years.

A Quazi should be an Attorney at law or the holder of a Bachelor's degree in Law from an University or Institution approved by the University Grants Commission or an Islamic scholar from a reputed Islamic Institution or a person who had been in the public service for a period of not less than 20 years.

As far as the position of members of the Board of Quazis is concerned he/she should be an Attorneys at Law who is a Muslim with a minimum of 10 years of experience and within the age group of 35 to 65 years.

4. Remuneration for Quazis

In view of the fact that the entry qualifications for a Quazi are being enhanced his/her remuneration should be increased and be on par with an equivalent point in the salary scale applicable to public servants who are subject to the same entry qualification.

5. Age of marriage to be 18 and Bride to sign the Marriage Certificate

As already decided by the Cabinet of Ministers the age of Marriage should be 18 and the consent of the bride should be reflected in the certificate of marriage by her signature appearing thereon.

6. The Position and Role of the Wali be optional.

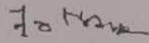
We propose that the requirement of a 'Wali' (guardian of the Bride) should be made optional and subject to the preference of the Bride.

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We wish to add that we have had consultations with a broad section of the Muslim community and that the consensus was that the abolition of the Quazi system and of the institution of Polygamy totally would unacceptable and result in great resentment within the community.

Thanking You,
Yours Faithfully,


Faisz Musthapha PC
Chairperson

Endorsed by:

Hon. Rauf Hakeem.

Hon. Rishad Bathiudeen, M.P

Hon. Kabir Hashim.

Hon. Imthiaz Bakeer Markar.

Hon. Naseer Ahamed, M.P.

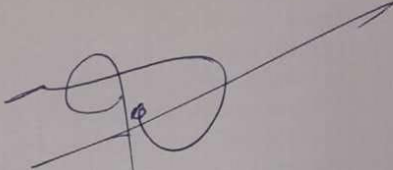
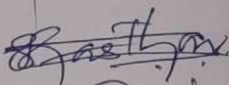
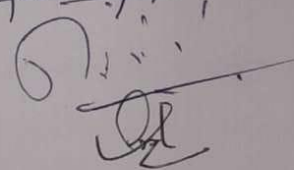
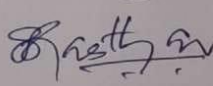
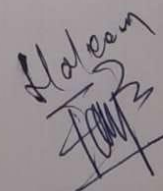
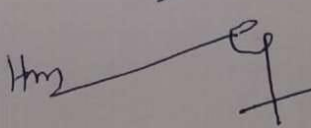
Hon. K. Kader Masthan, M.P.

Hon A L M Athaullah.

Hon. Abdul Haleem.

Hon. Faizal Cassim.

Hon. H. M. M. Harees.







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Hon. S. M. M. Muszhaaraff.

Hon. M. S. Thowfeek.

Hon. S. M. Marikkar.

Hon Imran Maharroof.

Hon. Ishak Rahuman.

Hon. Mujibur Rahuman

Hon. Ali Sabri Raheem.

Hon. Marjan Faleel.

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A collection of handwritten signatures in black ink, corresponding to the names listed on the left. The signatures are written in a cursive style. The first signature is a simple horizontal line. The second signature is more complex, with a loop and a tail. The third signature is a series of horizontal strokes. The fourth signature is a series of horizontal strokes with a tail. The fifth signature is a series of horizontal strokes with a tail. The sixth signature is a series of horizontal strokes with a tail. The seventh signature is a series of horizontal strokes with a tail. The eighth signature is a series of horizontal strokes with a tail.

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