

Comparison Table on Sri Lankan Muslim Members of Parliament (MPs) positions on MMDA reforms from 2019 - 2023

Document setting out positions	11 July 2019	22 November 2022	8 June 2023
Document setting out positions	Minutes of a meeting of Muslim MPs in the wake of discussion on Muslim law reforms after the Easter attacks of April 2019. These meetings led to a joint Cabinet paper by Minister of Muslim Affairs and Minister of Justice on MMDA reforms.	Letter submitted to Minister of Justice Hon. Wijedasa Rajapakse by Muslim Civil Society Alliance (ACJU, Muslim Council, Shooraa Council, All Ceylon YMMA Conference) and endorsed by Muslim MPs.	Letter submitted by Muslim MPs to the Minister of Justice, Hon. Wijedasa Rajapakse.
Signatories	<ol style="list-style-type: none"> 1. Hon. Ameer Ali 2. Hon. A.H.M.Fowzie 3. Hon. Faizer Musthafa 4. Hon. Ishak Mohamed 5. Hon. K.Kader Masthan 6. Hon. M.A.M. Maharroof 7. Hon. M.H.A.Haleem (Min. of Postal Services and Muslim Religious Affs) 8. Hon. Mujeeb-ur-Rahman 9. Hon. Naseer Ahamed 10. Hon. Rauff Hakeem 11. Hon. S.M.Ismail 12. Hon. Seyed Ali Zahir Moulana 	<ol style="list-style-type: none"> 1. Hon. Ali Sabri Raheem 2. Hon. Faizal Cassim 3. Hon. H M M Harees 4. Hon. Imran Maharroof 5. Hon. Imtiaz Bakeer Marker 6. Hon. Ishak Mohamed 7. Hon. K.Kader Masthan 8. Hon. Kabir Hashim 9. Hon. M.H.A.Haleem 10. Hon. M.S. Thowfeek 11. Hon. Marjaan Faleel 12. Hon. Mujeeb-ur-Rahman 13. Hon. Naseer Ahmed 14. Hon. Rauff Hakeem 15. Hon. S.M Marikkar 	<ol style="list-style-type: none"> 1. Hon. A H M Fowzie 2. Hon. A L M Athaulla 3. Hon. Ali Sabri Raheem 4. Hon. Faizal Cassim 5. Hon. H M M Harees 6. Hon. Imran Maharroof 7. Hon. Imtiaz Bakeer Marker 8. Hon. Ishak Rahuman 9. Hon. K. Kader Masthan 10. Hon. M. H. A. Haleem 11. Hon. M Muzzamil 12. Hon. M S Thowfeek 13. Hon. Marjaan Faleel 14. Hon. Naseer Ahamed (Min. of Environment) 15. Hon. Rishad Bathiudeen 16. Hon. S M M Muzhaaraff 17. Hon. S M Marikkar <p style="font-size: small; margin-top: 10px;">*MPs who did not sign - Hon. Rauff Hakeem, Hon. Ali Sabry (Min. of Foreign Affairs) and Hon. Kabir Hashim.</p>
Signature of bride	Bride to be able to sign marriage register.	Bride to be able to sign marriage register.	Bride to be able to sign marriage register.
Signature of wali (male guardian)	Signature of Wali's (male guardian) to be a mandatory.	Signature of Wali (male guardian) to be optional and subject to the preference of the bride.	Signature of Wali's (male guardian) to be mandatory. Bridegroom and Wali are the contracting parties to a marriage.
Minimum age of marriage	18 years. <u>No reference to 'No exceptions'.</u>	18 years. <u>No reference to 'No exceptions'.</u>	18 years, with a provision for 16-17 years olds to be married with approval of Quazi.

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Mata'a (compensation)	Registration and nikah ceremony to be mandatory to validate a marriage.	<i>No mention</i>	Registration of marriage to be mandatory, but non-registration will not invalidate a marriage.
Polygamy	Mata'a is to be paid to the wife for Talaq, Fasah and Khula type divorces. Recommends that compensation for Fasah (divorce by wife) should only be paid if the wife has been compelled under duress exerted upon her by husband to seek a Fasah in order to avoid paying mata'a.	<i>No mention</i>	Mata'a to be paid to the wife in Talaq, Fasah and Khula type divorces, but <u>only if the wife is not at "matrimonial fault" (matrimonial fault is undefined).</u>
Divorce	Retain polygamy. Introduce conditions - adequately looking after wife, children and future wife, financial capacity to look after all, inform present wife/wives. Subsequent marriages without Quazi permission are punishable by imprisonment. If the wife doesn't give permission, the wife may apply for a divorce.	<i>No mention</i>	Retain polygamy but regulated by law. Conditions agreed in Amendment Bill by the Ministry of Justice are acceptable. <u>Subsequent marriages contrary to conditions will still be valid,</u> but will be a punishable offence.
Kaikuli	<i>No mention</i>	<i>No mention</i>	Retain existing divorce types and unequal procedures under current MMDA in their entirety.
Sect and madhab	Provisions to be made for recovery of Kaikuli, Mahr and moveable and immovable property.	<i>No mention</i>	<i>No mention</i>
Marriage registrar	Sect-specific provisions to remain.	<i>No mention</i>	Shafi'i madhab (school of jurisprudence) to apply predominantly. Sect law to apply in divorce.
	'Adequate representation of males and females' as marriage registrars.	<i>No mention</i>	Only males to be appointed as Muslim Marriage Registrars.

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Quazi system	<i>No mention</i>	Retention of the terms 'Quazi' and 'Board of Quazi'. Unclear as to substantive changes recommended to address abuse of power.	Quazi system to be retained. Powers and duties not to be reduced.
Qualification of Quazi (judges)	Required to be attorneys-at-law having sound knowledge of Muslim law.	Required to be between 35 - 60 years of age AND an Attorney-at-law or holder of BA in Law <u>or Islamic scholar from a reputed Islamic institution or in public service for at least 20 years.</u>	Judicial Service Commission to decide.
Women as Quazis	Address gender discrimination by removing the word 'male', to permit women to be appointed as Quazi.	Women are permitted to be appointed as Quazi and to the Board of Quazi.	Justification specifies only males can be Quazis, but the recommendation is that appointments be of 'suitable persons' by the Judicial Service Commission (JSC).
Women in other positions	'Adequate representation for males and females' at the Advisory Board and Board of Quazis.	<i>No mention</i>	<i>No mention</i>
Maintenance	Remove jurisdiction over maintenance from Quazi and bring it under District Court.	<i>No mention</i>	<i>No mention</i>
Lawyers before Quazi	No representation by lawyers before Quazis.	<i>No mention</i>	No representation by lawyers before Quazis.
Other	Acceptance of all decisions on which there was unanimous agreement between Justice Saleem Marsoof and Faaiz Mustapha groups involved the 2018 report.	<i>No mention</i>	Board of Quazi to be retained. Advisory Board to be retained.