

11/4/10/13  
CC/TE

PS:

It would be appreciated if the document can be circulated to all the parties in the negotiating process.

With Thanks  
MR S. Bayat.

To

DR T. ELLOFF

Head of Administration

7/1

CC  
TE

TO: DR THEUNIS ELOFF  
HEAD OF ADMINISTRATION: MULTI PARTY NEGOTIATIONS  
COUNCIL.  
WORLD TRADE CENTRE  
KEMPTON PARK

FOR: THE PLANNING COMMITTEE  
MULTI PARTY NEGOTIATIONS COUNCIL

FROM: THE DAWAH FOUNDATION OF SOUTH AFRICA AND THE  
CONCERNED MUSLIMS OF SOUTH AFRICA

RE: MUSLIM PERSONAL LAW IN SOUTH AFRICA AND MEMORANDUM  
SUBMITTED ON THURSDAY 11th NOVEMBER 1993 AND FURTHER  
MEMORANDUM SUBMITTED ON MONDAY 15th NOVEMBER 1993

We enclose a further Memorandum in which we humbly propose how the interim Bill of Rights should read and that same be amended accordingly:

**RELIGION, BELIEF AND OPINION**

- 14-
1. Every person shall have the right to freedom of conscience, religion, thought, belief and opinion, which shall include academic freedom in institutions of higher learning.
  2. Without derogating from the generality of sub-section (1), religious observances may be conducted at state or state-aided institutions under rules established by an

- 2 -

appropriate authority for that purpose, provided that such observances are conducted on an equitable basis and attendance at them is free and voluntary.

3. Nothing in this section shall preclude legislation recognising -

(a) personal and family law under religion;

(b) the validity of marriages concluded under religious law subject to specified procedures or legislation amending laws so as to make other proper provision for the application of religious law among persons adhering to such religious law and to regulate the conflict of law relating thereto.

4. Every person shall have the right to the recognition and application of systems of law in accordance with the following provisions:

(a) South African law, including its rules on conflicts of law, shall be the general law.

(b) The law of religious groups such as Islamic law including tribunals shall be recognised and applied in accordance with choice of law rules relating thereto.

(c) Judicial notice shall be taken of the systems of law referred to in sub sections (a) and (b) above.



- 3 -

(d) All legal disputes, other than those settled out of court, shall be settled by a court of law, whether in the first instance or on appeal or review.

PREPARED BY ADVOCATE SHERIFF MOHAMED AND SULETMAN BAYAT.

ADVOCATE SHERIFF MOHAMED



SULETMAN BAYAT



CONTACT PERSONS: ADVOCATE SHERIFF MOHAMED

14th Floor, Huguenot Chambers

Queen Victoria Street

CAPE TOWN

TEL.: 248 446

FAX NO.: 236693

OR

SULETMAN BAYAT

17 Stenmet Road

ATHLONE

7764

CAPE TOWN

TEL: 692 1756

- 4

P.O. Box 14606

KENWYN

DATE: 25 NOVEMBER 1993