



JAMIATUL ULAMA

KwaZulu-Natal – South Africa

COUNCIL OF MUSLIM THEOLOGIANs
EDUCATING * ENLIGHTENING * SERVING

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JAMIATUL ULAMA KZN STATEMENT ON THE JUDGEMENT AGAINST THE ISLAMIC CALL TO PRAYER (AZAAN)

On the 21st August 2020, in the matter between Mr. Chandra Giri Ellaurie and Madrasah Taleemuddeen, Isipingo Beach Durban, Judge Sidwell Mngadi ruled that the Azaan at the institute should not be heard beyond the boundaries of the institute.

The court ruling stems from an application made by Mr Ellaurie against Madrasah Taleemuddeen, which sought not only to prevent the Madrasah from the sound of its Azaan extending beyond the boundaries of its property but also for the Madrasah to be shut down and its property be sold to the State or a non-Muslim entity. A point to note here, is that the Madrasah does not use any amplifying equipment for the Azaan and had this been the case, then the applicant's objections may have carried some weight.

Another point to note is the fact that the applicant had not concealed from the court his opposition to the Islamic faith and that he considers Islam to be a *false religion, which should not be protected by the constitution!*

It is truly distressing that we still find pockets of intolerance and bigotry within our Rainbow Nation, given our country's history. However, this is a reality of life that every country and community has their fair share of bigots and extremists, so there is nothing surprising that an application of this nature was made.

Nevertheless, what is surprising and more shocking is that a Judge, versed in South African Law, which gives the highest value to fostering tolerance, diversity and the embracing of all religious beliefs, would choose to entertain such intolerance and ignore the freedom of religious expression entrenched in the constitution of the Republic of South Africa.

The judgement, which we believe to be ill-conceived and a stain on the South African Judiciary, bodes ill not only for the religious expression of the Islamic faith but sets a dangerous precedent for curtailing the religious expression & freedom of practice of all faiths.

As such, it is our duty, both religious and civic to appeal and oppose this judgement. The motion for appeal has already begun and the Jamiatul Ulama KZN will apply to join the proceedings as *Amicus Curiae* (friend of the court) to support the appeal to the fullest extent.

We thank and commend all organisations, notably the Isipingo Beach Christian Fellowship and all individuals who have given their support to the Muslim community against this unfair judgement.

Executive Committee
Jamiatul Ulama KZN