

# Islamic Laws



Grand Ayatollah Seyed Reza Hosseini Nassab



| <b>Title</b>                              | <b>Page Number</b> |
|---|--------------------|
| Ijtihad and Taqlid (Following a Mujtahid) | 6                  |
| Taharat                                   | 10                 |
| Kinds of Water                            | 10                 |
| Rules Concerning Use of Toilet            | 14                 |
| Najasat                                   | 15                 |
| Mutahhiraat                               | 17                 |
| Wudhu                                     | 21                 |
| Ghusl                                     | 27                 |
| Rules to follow after the death           | 41                 |
| Tayammum                                  | 47                 |
| Salat (Prayer)                            | 52                 |
| Fasting                                   | 120                |
| Itikaf (Seclusion)                        | 134                |
| Hajj Rulings                              | 136                |
| Nazr (Vow), Covenant, Oath                | 139                |
| Eating and Drinking                       | 143                |
| Slaughtering and Hunting of Animals       | 145                |

| Title                                   | Page Number |
|---|-------------|
| Marriage                                | 150         |
| Divorce                                 | 157         |
| Inheritance Rules                       | 164         |
| Purchase and Sale                       | 177         |
| Rules regarding lease/rentl             | 187         |
| Rules of Muzaribah                      | 191         |
| Muzari'ah                               | 193         |
| Musaqat                                 | 196         |
| Rahn (Mortgage)                         | 199         |
| Ariyat (Borrowing, Lending)             | 201         |
| Wadi'a (Amanat) Deposit, Custody, Trust | 203         |
| Musaliha (Compromise)                   | 206         |
| Wakalat (Agency)                        | 208         |
| Hajr                                    | 210         |
| Hawala (Transferring the debts etc.)    | 210         |
| Shirkat Partnership                     | 212         |
| Ju'ala                                  | 213         |

| Title  | Page Number |
|--|-------------|
| Wasiyat (Will)                               | 216         |
| Qarz (Debt or Loan)                          | 219         |
| Zamanat (Surety)                             | 220         |
| Usurpation                                   | 221         |
| Banks and free interest loan                 | 224         |
| Promissory Note                              | 225         |
| Key Money Transactions                       | 226         |
| Insurance                                    | 227         |
| Fertilization                                | 228         |
| Dissection of a Body and Transplanting Parts | 228         |
| Khums  | 231         |
| Zakat  | 246         |
| Zakat of Fitra                               | 257         |
| Amr bil Ma'roof and Nahyi 'anil Monkar       | 262         |
| Environmental provisions                     | 265         |

**In the name of Allah**

## **Ijtihad and Taqlid**

(Following a Mujtahid)

Issue No.1- Taqlid (following) in Usule Deen (principles of religion) is not permissible and no Muslim can make taqlid in the fundamentals of religion. He must believe in them through his own insight and understanding, but in the subordinates of religion, that is, in the practical rulings and instructions, if he himself is a Mujtahid (jurist), who is, capable of inferring and deducting from the religious sources and evidence, he should act upon his own views. If a person is not a Mujtahid, he should make taqlid of a Mujtahid, in the same way as people who do not have the expertise and information in some affairs refer and consult the expertise in that field. He who is not a Mujtahid can also act on such precaution which should assure him that he has fulfilled his religious obligations. For example, if some Mujtahid considers an act to be Haraam (forbidden), while others say that it is not, he should not perform that act. Similarly, if a Mujtahid considers an act to be Wajib (obligatory) while others consider it to be Mustahab (recommended), he should perform it.

Issue No.2- Taqlid in the religious laws means to undertake to act, in practice, upon the edicts (Fatawas) of a Mujtahid.

That is to say, that one's actions should be in accordance with the Mujtahid instructions.

Issue No.3- It is necessary for the mujtahid who is followed to be mature, sane, Ithna-Ashari Shia, of legitimate birth, living and just (Adil).

Issue No.4- In the issues that the Mujtahids have different views; one must follow the one who is A'lam (the most learned).

Issue No.5- There are three ways of identifying a Mujtahid and the A'lam:

a) One himself is a learned person and is able to identify a Mujtahid or an A'lam;

b) When two scholars, who are learned and just and possess the capacity to identify a Mujtahid or the A'lam, confirm that a person is a Mujtahid or an A'lam, provided that two other learned and just scholars do not contradict them.

c) When a number of learned scholars who possess the capacity to identify a Mujtahid or an A'lam, certify that a particular person is a Mujtahid or an A'lam, provided that one is satisfied by their statement.

**Issue No. 6-** When one is unable to identify the most learned one, he should follow a Mujtahid that he supposes to be the most learned and if he decides that several Mujtahids are all of equal stature; then he has a choice.

Issue No. 7- If one suspects that the edict of the Mujtahid might have been changed, he can act according to the previous one and investigation is not necessary.

Issue No.8- If the Mujtahid does not give a straightforward fatwa on an issue and expresses a precaution (Ihtiyat) that one should act in such and such a manner, this is called obligatory precaution (Ihtiyate Wajib) and the follower (Muqallid) may either act on that precaution or he may act on the fatwa of another Mujtahid. But if he has given a straightforward fatwa, for example if he says that Qunout is recommended (Mustahab) for prayer, then he says that it is Ihtiyat not to drop it; this is called recommended precaution (Ihtiyat Mustahab) and the follower may either act on it or he may not. In cases that the Mujtahid says: it is likely (Dhahir) like this or it is most likely (Aqwa) like this, these expressions are regarded as fatwa and the follower should act on it.

Issue No.9- It is not permissible to act on the fatwa of a deceased Mujtahid initially.

Issue No.10- If a Mujtahid who is followed by a person, dies, one may still follow him, and if he is more learned (A'lam) than a living Mujtahid, it is obligatory (wajib) to continue to remain in his taqlid, provided that he has acted on his fatwa or at least has undertaken to act, in practice, upon his edicts (Fatawas). But if the living Mujtahid is more learned than his deceased Mujtahid; it is obligatory to follow the living Mujtahid.

Issue No.11- Every Muslim (Mukallaf) must learn the issues (Ahkam) which are of his daily importance; or know the way of acting on Ihtiyat.

Issue No.12- If a person performs his acts for some time without taqlid of a Mujtahid, and later follows a Mujtahid, if his former actions are in accordance with the fatwa of that Mujtahid, then his performed actions are correct, otherwise, he must perform them again.

Issue No.13- It is not allowed to change taqlid from one Mujtahid to another, unless the second Mujtahid is A'lam (the most learned).

Issue No.14- If the fatwa of a Mujtahid changes, the Muqallid must follow the latest fatwa. However, the actions that had been performed according to the former fatwa are valid and correct and it is not necessary to be performed again. It is the same if one changes from one Mujtahid to another one, it is not necessary to perform again the previous actions.

Issue No.15- if two Mujtahids are equal in jurisprudence, one can make taqlid in some issues from one of them and in some other issues from the second one.

\*\*\*\*\*

# Taharat

## Kinds of Water

**Issue No.1-** Water is either pure (Mutlaq) or mixed (Mudhaf). Mixed water means the water which is not said alone and is accompanied by a modifying word. For example, fruit juice, tea, or rose water. Pure water is the one that can be said water without any restrictions and conditions stipulated to it such as the common water in rivers, seas and lakes.

**Issue No.2-** The pure water is of five types and for each one there is a ruling.

1) Kurr water, 2) under-Kurr water, (Qaleel), 3) running water (Jaree), 4) rain water, 5) water of a well.

All of these waters are pure and purifier, but mixed water does not clean but as soon as it meets Najasat becomes Najis.

### Kurr water

**Issue No.3-** Kurr water is the amount of water which if it is poured into a container whose length, breadth and depth are three and half medium spans, fills that container.

**Issue No.4-** If essential Najasat like blood falls in Kurr water, it does not become Najis, unless the colour, smell or taste of the water changes.

**Issue No.5-** If something that has become Najis is washed in Kurr water, it becomes Tahir.

**Issue No.6-** The water from the pipes fitted in the buildings and washrooms and so on which is connected to a tank is treated as running water, provided that the water in the tank by itself or together with the water in the pipes is not less than Kurr.

#### **Under-Kurr water (Qaleel)**

**Issue No.7-** Under-Kurr water is water that its quantity is less than a Kurr and does not spring forth from the earth and is not Rain water.

**Issue No.8-** If a Najis thing contacts under-Kurr water, it makes it Najis. However, if it is poured over a Najis object, only that part which contacts it will be najis. If under-Kurr water like a water fountain which goes from down upward and contacts a Najis object, its lower part does not become Najis.

**Issue No.9-** If an object, that has become Najis, is washed with Tahir under-Kurr water, it becomes Tahir (under the conditions which will be mentioned later). However, the water which is separated from it and is called Ghosaleh is Najis.

#### **Running water, (Jaree)**

**Issue No.10-** The water which springs forth from the earth and then flows (like the water of a spring or a canal) or originates from condensed snow in the mountains and continues to flow is called running water.

**Issue No.11-** The flowing or running water does not become Najis upon contact with any Najasat, unless its smell, colour or taste changes due to that najasat.

**Issue No.12-** If Najasat reaches the running water, only that part of the water will be najis whose smell, colour, or taste changes on account of it, and that end which is connected with the spring will be Tahir even if it may be less than Kurr. However, the water on the other side of the canal will be najis, if it is less than Kurr.

**Issue No.13-** The stationary water that replaces water every time water is drawn from it will be treated as running water. The ruling is the same for the stationary water at the bank of a canal or river which is connected with the water of the canal or river.

### **Rain water**

**Issue No.14-** If the rain water falls on any najis thing, it will make it Tahir, whether it is earth, body, carpet or other than these, provided that it does not contain an essential Najasat, and the water with which it has been washed, is separated.

**Issue No.15-** By rain is meant a sufficient downpour, and not scanty shower or droplets.

**Issue No.16-** If rain water flows and reaches under the roof or somewhere that rain does not fall on it, it will make that place Tahir, provided that the rain has not stopped.

**Issue No.17-** If rain water collects at a place and it is connected to rain, it has the ruling of rain water.

### **water of a well**

**Issue No.18-** The water of a well is Tahir and makes najis things Tahir, though it may be less than Kurr. If a najis thing which does not contain an essential Najasat is washed with it, it becomes Tahir, unless a najasat reaches it and its colour, smell or taste changes.

**Issue No.19-** Though the water of a well does not become najis owing to something najis falling in it, yet, it is recommended that a quantity of water should be drawn from the well for each najis thing and thrown away. Details about this quantity are given in the relevant books of Jurisprudence.

**Issue No.20-** If the quantity of the water which is pumped out from wells, is equal to Kurr, it can make najis objects Tahir, but if it is less than Kurr, as long as the water is flowing continuously, it will be treated as well water and if it comes in contact with Najasat, it does not become najis.

\*\*\*\*\*

### **Rules Concerning Use of Toilet**

**Issue No.1-** While using the toilet, the front or the back part of one's body should not face the Qiblah

**Issue No.2-** After using toilet, the back part must become clean by washing or using some things like toilet paper three times.

**Issue No.3-** The urinary organ cannot be made Tahir with other than water twice at least.

**Issue No.4-** Istibra is a recommended act for men after urinating. Otherwise the moisture comes out of urinary organ is not Tahir.

\*\*\*\*\*

# Najasat

**Issue No.1-** Najis things are the following:

1) Urine 2) Feces 3) semen 4) dead body 5) blood 6) dog 7) pig 8) Alcoholic liquors 9) beer 10) And , as an obligatory precaution, the sweat of an animal who persistently eats Najasat.

**Issue No.2-** blood, Urine, semen and feces of human beings and those animals whose meat is Haraam to eat, and whose blood gushes out forcefully when its large vein (jugular) is slit, are Najis.

**Issue No.3-** Meat, fat or hide which is sold in Muslim Bazaar or a Muslim brings for us as a gift is Tahir.

**Issue No.4-** All food and non-food items (except meat) which are imported from non-Muslim countries like butter, cheese and all kinds of medicines, soaps, wax polish, fabrics and perfumes and so on, if one is not sure of their being Najis, are Tahir.

**Issue No.5-** If grape juice is fermented by fire or other thing is not najis, but it is haraam to drink it.

**Issue No.6-** The perspiration of a person who enters the state of Janabat by haraam sexual act is not Najis. However, as an obligatory precaution, he should not do prayer with that sweat on his body or his clothes.

**Issue No.7-** There are three ways of proving the najasat of anything:

- 1) One should be certain or satisfied that something is najis.
- 2) If a reliable person who possesses, controls or manages a thing such as a landlord or shopkeeper says that it is najis.
- 3) Two just persons or even one reliable just person testifies that a certain thing is najis.

**Issue No.8-** A thing which was originally Tahir, and one doubts whether it has become najis, will be considered as Tahir. Conversely, if a thing was originally najis, and one doubts whether it has become Tahir, will be considered as najis.

**Issue No.9-** Obsessive people (who always doubt about everything) must ignore their doubts in Taharat (cleanliness) and Najasat, but they should see how ordinary people make sure that something is clean or najis and then they follow them.

\*\*\*\*\*

# Mutahhiraat

**Issue No.1-** Mutahhiraat are those things that make najis objects Tahir and they are the following:

1) Water 2) Earth 3) The Sun shine 4) Istihala (transformation) 5) Intiqal (transfer) 6) Taba'iyat (subjection) 7) Removal of original najasat 8) Inqilab (change) 9) Istibra (confining) of animal which feeds on najasat. The rulings of these will be explained below.

## Water

**Issue No.2-** Tahir and pure water makes every najis thing Tahir, provided that when the najis thing is being washed with it, the water does not become mixed and does not take the smell, the colour or the taste of the najasat, and that the essential najasat is removed. For instance, if there is blood in it, it should be washed so much so that the blood is removed.

**Issue No.3-** A najis dress or carpet and body should be washed one time with **Running (Jaree)** water or water from the pipes, or two times with other pure (Mutlaq) waters.

**Issue No.4-** A najis utensil should be washed three times with pure water.

**Issue No.5-** If a dog has licked or has drunk water or any other liquid from a utensil, the utensil should be first scrubbed with Tahir dust, then it should be washed twice with pure water.

**Issue No.6-** If a pig drinks any liquid from it or a mouse dies in it, it should be washed seven times with pure water.

**Issue No.7-** If anything becomes najis with the urine of a suckling child, who has not yet started taking solid food, if water is poured over it once, it becomes Tahir.

**Issue No.8-** If a najis mat which has been woven with thread is immersed in Kurr water or running water or is held under the mains water; will become Tahir after the essential najasat has been removed.

### **Dust**

**Issue No.9-** If the sole of one's feet or his shoes has become najis as a result of walking on the najis earth, then, by walking on Tahir earth a distance of at least fifteen arm-lengths; will become Tahir, provided that the earth is Tahir and dry and also the essential najasat is removed, and the earth should be dust or sand, stones or laid with bricks, cement, asphalt and similar things.

**Issue No.10-** if a part of the foot or shoe becomes najis due to walking on polluted ground; when contacts the ground, it becomes Tahir too.

### **The sun shine**

**Issue No.11-** The sun makes the earth and the roof Tahir.

**Issue No.12-** For the sun to make the earth and the roof Tahir, there are a few conditions to be fulfilled:

First: The najis thing should be sufficiently wet.

Second: The essential Najasat should be removed from it.

Third: Nothing should intervene between the najis thing and the sun shine, i.e. the sun should shine directly on the najis thing , not from behind clouds and similar things, unless the cloud is so thin that it does not serve as an impediment between the sun and the najis thing. There is no harm if the sun shines through glass.

### **Istihala (Transformation)**

**Issue No.13-** If the Najisul Ayn (essential Najasat) undergoes such a change, that its name is removed from it and another name is given instead, it becomes Tahir and it is said that it has been transformed, for example, if a najis

wood burns and is reduced to ashes, or najis water changes to vapor, it becomes Tahir.

**Issue No.14-** A najis thing does not become Tahir if its essence or category does not change; like, if najis wheat is ground into flour.

### **Inqilab (Change)**

**Issue No.15-** Any liquor which becomes vinegar by itself or by mixing it with something becomes Tahir; and it is called Inqilab.

### **Taba'iyat (Subjection)**

**Issue No.16-** Taba'iyat means that a thing, in subjection of another thing, becomes Tahir and this will be explained in the next issue:

**Issue No.17-** When wine is transformed into vinegar, its container, up to the level wine or grapes reached on account of fermentation, will become Tahir, and material or other thing which is usually laid on it, if it has become najis because of contact with wine, it will also become Tahir.

### **Intiqal (Transfer)**

**Issue no. 18-** If the blood of a human being or of an animal whose blood gushes forth when its large vein is cut, is sucked by an insect, normally known to be bloodless, and it becomes part of its body, the blood becomes Tahir. This process is called Intiqal. Therefore, the blood of a mosquito which is a part of its body, is Tahir, though, originally it may have sucked from a human being.

**Issue No.19-** If a blood comes out of a mosquito and one is not sure whether it is the blood that it has just sucked from him or it is the mosquito's own blood, is Tahir, but if he knows that the blood has not yet become a part of the mosquito's body, is najis.

## **Removal of Najisul Ayn (essential najasat)**

**Issue No.20-** If the body of a Tahir animal becomes najis, when we see it again while the Najisul Ayn disappears; the body the animal becomes Tahir. For example, if we see that the beak of a bird is stained with blood, as soon as the blood and dirt is removed and we see it again, that part of the body of it becomes Tahir.

**Issue No.21-** The inside of nose, if becomes najis with blood; it will become Tahir, as soon as the blood is removed. But if outside of nose becomes najis, it must be washed with water.

## **Istibra (Confining) of an Animal which Eats Najasat**

**Issue No.22-** The animal which eats Najasat should be prevented from eating najasat, and Pak food should be given to it, till such time that it may no more be considered an animal which eats najasat.

**Issue No.23-** The following animals should be prevented from eating najasat for the period specified:

Camels for 40 days. Cows for 20 days. Sheep for 10 days. Ducks for 5 days. Domestic hens for 3 days.

For animals other than these, as soon as they are no longer called najasat eaters, it is sufficient.

\*\*\*\*\*

# Wudhu

**Issue No.1-** Wudhu means to wash the face and hands, and to wipe the front portion of the head and the upper part of two feet with Neyyat (intention), in the manner that will be explained in the following issues.

**Issue No.2-** The length of the face should be washed from the upper part of the forehead, where hair grow, up to the farthest end of the chin, and its breadth should be washed to the part covered between the thumb and the middle finger, and if a small part of this area is left out, Wudhu will be void. Thus, in order to ensure that the prescribed part has been fully washed, one should also wash a bit of the adjacent parts.

**Issue No.3-** The face and hands should be washed in a manner that water reaches the skin, and if there are obstructions, they should be removed.

**Issue No.4-** Those who grow beard, if the skin of the face is visible from under the hair, one should make the water reaches the skin, and if it is not visible, it is sufficient to wash the hair, and it is not necessary to make the water reach beneath the hair.

**Issue No.5-** It is not obligatory to wash the inner parts of the nose, nor of the lips and eyes which cannot be seen when they close.

**Issue No.6-** After washing the face, one should first wash the right hand and then the left hand, from the elbows to the tips of the fingers.

**Issue No.7-** The face and hands should be washed from above downwards, and if one washes the opposite way, his Wudhu will be void.

**Issue No.8-** In order to ensure that each elbow has been washed thoroughly, one should include some portion above the elbow in washing. After washing the face, when washing the right and the left hands, they should wash all hands from the elbows to the tips of the fingers, and if they wash them only up to the wrists, their Wudhu is void.

**Issue No.9-** While performing Wudhu, it is obligatory to wash the face and the hands once, and washing twice is permissible and washing them three or more times is Haraam. By once, it is meant to wash the face or hands thoroughly whether it is with one handful of water or several, when washing is finished it is counted as once.

**Issue No.10-** After washing both the hands, one should wipe the front part of his head with the wetness which is in his hand.

**Issue No.11-** The frontal part of the head that is above the forehead, is the place of wiping and it is sufficient to wipe as much at any place in this part of the head, although the recommended precaution is that the breadth should be equal to three joined middle fingers.

**Issue No.12-** After wiping the head, one should wipe with the moisture present in one's hands, one's feet (first right foot and then left foot) from the tip of toes up to the raised part on the upper part of the feet. The breadth should be equal to three joined fingers.

**Issue No.13-**The parts of wiping should be dry, however, there is no harm if the wetness on those parts is so insignificant, that the moisture of the palm overcomes it.

**Issue No.14-** If wetness in the palm dries, one can obtain moisture from other parts of Wudhu and wipe with it, but one may not make wet with fresh water.

## **Irtimasi Wudhu**

**Issue No.15-** As an obligatory precaution, one must make Tartibi Wudhu (in the prescribed sequence as mentioned), but if it is not possible, one may dip his face and hand into water downwards from above, with the intention of performing Wudhu, or after dipping them into water, bring them out downwards from above, with the intention of performing Wudhu. This is called Wudhu Irtimasi (Wudhu by immersion).

## **Conditions for wudhu**

**Issue No.16-** There are twelve conditions for the validity of wudhu:

First: The water should be Tahir.

Second: The water should be pure and not mixed. Therefore, Wudhu performed with mixed water is void

Third: The water for performing Wudhu and the place where the Wudhu is performed and the water container should be Mubah. Therefore, performing Wudhu with usurped water is void.

Fourth: The container of the water used for Wudhu should not be made of gold or silver.

Fifth: The parts of the body on which Wudhu is performed should be Tahir at the time of washing and wiping.

Sixth: The person doing Wudhu should have sufficient time at his disposal for Wudhu and prayer. Therefore, if the time is so short that by doing Wudhu, the entire prayers or a part of it will have to be offered after its time, he should perform tayammum.

Seventh: One should perform Wudhu with the Niyat (intention) of *Qurbat* i.e. to obey the orders of Allah.

Therefore, if a person performs it for the purpose of showing off or cooling himself or for some other purpose, the Wudhu would be void.

Eighth: Wudhu should be performed in the prescribed sequence, that is, he should first wash his face, then the right hand and then the left hand, followed by wiping the head, and then the feet.

Ninth: The acts of Wudhu should be done in a way that it is said that he is doing it one after the other. This is called Muwalat.

Tenth: A person doing Wudhu should wash his face and hands and wipe his head and feet himself, and if another person makes him perform Wudhu, or help him in pouring water over his face, or hands, or in wiping his head, or feet, his Wudhu is void. However, there is no harm in helping in the preparations of Wudhu. But if a person cannot perform Wudhu himself, he should appoint someone to assist him

Eleventh: There should be no constraint for one in using water. Therefore, if he fears that water is harmful for him, or fears that if water is used for Wudhu, he will be left very thirsty, then he should perform tayammum.

Twelfth: There should be no impediment in the way of water reaching all parts of Wudhu.

**Issue No.17-** If after having performed Wudhu, one doubts whether he has done all the acts of Wudhu or not, or has observed the conditions or not, he should ignore it, but if while performing Wudhu, he does so, he should perform it again.

**Issue No.18-** If a person doubts whether his Wudhu has become void, he should treat it as valid. On the contrary, if he has had no wudhu, and doubts whether he had

performed Wudhu or not, he should treat it as if he had not performed it.

**Issue No.19-** If a person doubts too often about the acts of Wudhu and its conditions, he should not pay any heed to such doubt, and act as people usually do.

**Issue No.20-** If a person doubts after prayer, whether he had performed Wudhu or not, his prayer would be in order, however, for the next prayers, he should perform Wudhu.

**Issue No.21-** It is obligatory to perform Wudhu for the following things:

1- The obligatory prayers, except for Mayyet prayer (the prayer for a deceased person).

2- For the obligatory Tawaf of the holy Ka'bah.

3- If a person has made a Nadhr, or solemn pledge, or taken an oath to be with Wudhu.

4- For the Sajdah and Tashahhud which a person forgot to perform during the prayers.

5- When a person becomes obliged to touch the script of the Holy Qur'an with his hand, or some other parts of his body.

**Issue No.22-** It is recommended that in order to be in state of purity, one should perform Wudhu.

### **Jabira**

**Issue No.23-** If there is a wound, or sore, or a fractured bone in the parts on which Wudhu is performed, and if it is not bandaged and there is no blood on it and if the use of water is not harmful for it either, then one should perform Wudhu in the usual manner.

**Issue No.24-** If there is a wound, sore, or broken bone in one's face or hands, but pouring water on it is harmful for it, it is sufficient to wash the adjoining parts.

**Issue No.25-** If there is a wound, sore, or broken bone in one's face or hands, and pouring water on it is harmful for it, it is recommended that a Tahir piece of cloth be placed on it and pass a wet hand over that cloth.

\*\*\*\*\*

# Ghusl

**Issue No.1-** There are seven obligatory baths:

1. Bath for Janabat
2. Bath for Hayz (for women only)
3. Bath for Nifas (for women only)
4. Bath for Istihaza (for women only)
5. Bath for touching a dead body
6. Bath for a dead body
7. Bath which becomes obligatory on account of a vow or an oath to perform it.

One should perform obligatory Ghusls, in the manner that will be explained in the coming issues.

## Janabat

**Issue No.1-** A person enters the state of Janabat in two ways:

1. Sexual intercourse
2. Discharge of semen, while sleeping or when awake.

### Forbidden acts for junub

**Issue No.2-** The following five things are Haraam for junub:

- To touch with any part of one's body the script of the holy Qur'an or the name of Almighty Allah in whichever language it may be and the names of the

Holy Prophet and Imams and Hazrat Fatima Zahra (peace be upon them).

- Entering Masjidul Haraam or Masjidun Nabi, even though it may be only passing from one gate and going out of another.
- To stay or halt in all other Masjids, However, there is no harm if one crosses through a mosque, entering from one gate and exiting from another.
- To enter a mosque with an intention of lifting away something.
- To recite those verses of the Holy Qur'an on the recitation of which performance of Sajdah becomes obligatory. These verses occur in four surahs of the Holy Qur'an:
  - Surah Alif Lam Mim as-Sajdah, (chapter 32).
  - Surah Ha Mim Sajdah, (chapter 41).
  - Surah an-Najm, (chapter 53).
  - Surah al 'Alaq, (chapter 96).

**Issue No.3-** There are two methods of performing Ghusls:

- Tartibi (Sequential)
- Irtimasi (By submerging the whole body).

**Tartibi (sequential)**

**Issue No.4-** In this method, a person should first make a Neyyat for Ghusl. Thereafter one should first wash one's head and neck, and thereafter the right part of the body and then the left part.

**Issue No.5-** In order to ensure that both the parts (head, neck and remaining parts of the body) have

been washed thoroughly one should, while washing a part, also include some portion of the other part with it.

**Issue No.6-** If one realizes after Ghusl that one has not washed a certain part of the body it is sufficient to wash only that part if it is the left side. However, if that part is the right side then after washing that part of the body one should wash the left side again. And if the unwashed part is that of head and neck one should, after washing that part, wash the right part of the body and then the left part again.

**Issue No.7-** If after having performed Ghusl, one doubts whether he has done all the acts of Ghusl or not, or has observed the conditions or not, he should ignore it.

### **Irtimasi Ghusl**

**Issue No.8-** Irtimasi Ghusl is that one would submerge one's body in water with the intention of Ghusl.

### **Rules about Ghusl**

**Issue No.9-** All the conditions for the validity of Wudhu (e.g. the water being pure and not having been usurped) also apply to the validity of Ghusl. However, for Ghusl it is not necessary that the body be washed in Tartibi Ghusl to wash the left part and right part of body immediately after washing the head and the neck.

**Issue No.10-** When a person is in doubt whether he or she has done Ghusl or not, such a person must do Ghusl. However, if doubt arises in the mind after Ghusl as to whether Ghusl was correct or not, then there is no need to do Ghusl again.

**Issue No.11-** A person who has more than one Ghusl to do can do one Ghusl with the neyyat of all.

**Issue No.12-** A person who does any Ghusl he/she can offer prayers without performing Wudhu (except the Ghusl for Istihaza).

## Istihaza

**Issue No.1-** One type of blood which is seen by women after period of Hayz is called istihaza and a woman in that state is called mustahaza.

**Issue No.2-** Istihaza is usually cold, thin and is emitted without gush and irritation.

**Issue No.3-** There are three kinds of istihaza:

**Little blood (Qalila):** If the blood remains on the surface of the wool or pad etc., (placed by a woman on her private part) but does not penetrate into it, the istihaza is called qalila.

**Medium blood (Mutawassita):** If the blood penetrates into the cotton (or pad etc.), even partially, but does not soak the cloth tied on the outer side, the istihaza is called mutawassita.

**Excessive blood (Kathira):** If the blood penetrates through the cotton, soaking it and the cloth (etc.) around it, the istihaza is called kathira.

**Issue No.4-** In the case of little istihaza the woman should perform separate Wudhu for every prayer and should, as a recommended precaution, change the pad.

**Issue No.5-** In the case of Mutawassita, the woman should make one Ghusl before Fajr prayer everyday for her daily prayers, and she should change the pad and the cloth tied on that.

**Issue No.6-** In the case of excessive bleeding the woman should do one Ghusl for Fajr prayers, one for Zuhr and Asr prayers and once again for Maghrib and Isha prayers. She should offer Asr prayers immediately after Zuhr prayers and if she allowed any lapse of time between them, she should do Ghusl again for Asr prayers. Similarly if she keeps any time gap between Maghrib and Isha prayers, she should do Ghusl again for Isha prayers.

**Issue No.7-** The woman in little and medium and excessive Istihaza must do Wudhu for all prayers, Wajib or Mustahab.

**Issue No.8-** After the bleeding of a mustahaza woman has stopped, she should follow the rules of istihaza only for the first subsequent prayers which she may offer. For further prayers which follow, the rules of Istihaza would not be necessary.

**Issue No.9-** If blood does not stop at the time of Ghusl the bath is in order.

**Issue No.10-** A Mustahaza woman should fast in the month of Ramadhan.

**Issue No.11-** If a mustahaza woman wishes to offer Qadha prayers she should follow the same rules as are applicable to the prayers offered within time. And she should do Wudhu for every prayer.

**Issue No.12-** If doing Ghusl is harmful or very difficult for the woman, she can do Tayammum instead of Ghusl.

**Issue No.13-** The Ghusl for istihaza is like the Ghusl for janabat, and should be performed with the Neyyat of Istihaza.

## Hayz

**Issue No.1-** Menstrual discharge (Hayz) is a kind of blood which is normally discharged every month from the womb of women for several days. When menses is discharged the woman is called 'Haaez'.

**Issue No.2-** The blood seen by a girl who is not Baaligh (up to 13 years old) will not be classified as Hayz. However if she sees the blood with the signs of Hayz, then it should be classified as Hayz and it indicates that she is Baligh.

**Issue No.3-** The blood seen by women who is Yaisa is not classified as Hayz.

Yaaisa means the women who are not from the clan of Quraish and they are 50 years old or more, or the women who are from the clan of Quraish and they are 60 years old or more.

**Issue No.4-** Menses is usually thick and warm and its colour is either black or red. It is discharged with a pressure and a little irritation.

**Issue No.5-** If a girl does not know whether she is Baligh or not and if she sees blood which does not bear any sign of Hayz, then that blood is definitely not Hayz.

**Issue No.6-** The period of Hayz is not less than 3 days and not more than 10 days and if the period during which blood is discharged falls short of 3 days even by a small measure of time, that blood will not be considered as Hayz.

**Issue No.7-** The blood of Hayz flows continuously for the first 3 days. Therefore, if blood is seen for 2 days and then interrupted for 1 day and then seen again for 1 day, it will not be Hayz.

**Issue No.8-** If a woman sees blood continuously for three days, and then it stops for a brief period before it is seen again, and if the total number of days in which blood was seen and in which it stopped does not exceed ten, then the days in which blood flowed will be counted as of Hayz,

**Issue No.9-** If blood is seen for less than 3 days and then stops and starts again for 3 days the second blood will be Hayz only.

**Issue No.10-** Acts which are Haraam for a woman who is in the state of Hayz:

- The worships for which Wudhu or tayammum or Ghusl is necessary, like: prayer, fasting and Tawaf. However, there is no harm in her performing those acts of worship for which Wudhu, tayammum or Ghusl are not obligatory (e.g. Prayer for Mayyit).
- All those acts which are forbidden to a junub (see rules of Janabt).
- Having sexual intercourse; it is Haraam for man as well as for woman.

**Issue No.11-** As will be explained in the rule relating to divorce, if a woman is divorced while she is in the state of Hayz, the divorce is void.

**Issue No.12-** If a woman becomes Haaez while she is praying, her prayer will become void.

**Issue No.13-** If a woman has doubt while offering prayers whether or not she has become Haaez, her prayer is in order.

**Issue No.14-** After a woman becomes clean from Hayz it is obligatory for her to take bath for the prayers and other acts of worship which require Wudhu or Ghusl or tayammum. The rules for this Ghusl are the same as for the Ghusl of Janabat, but with Niyyat of Hayz.

**Issue No.15-** There is no Qadha for the prayers which she left during her Hayz, but she should give Qadha for the obligatory fasts missed by her due to Hayz.

**Issue No.16-** There are six types of Haaez:

1. Woman having the habit of time and duration: A woman who sees blood in each of the two consecutive months at a particular time and for a fixed number of days. For example, in each month blood may be seen from the 1st up to the 7th of the month.
2. Woman having the habit of time: A woman who sees blood in each of the two consecutive months at a particular time but the number of days varies. For example, in two consecutive months her blood starts coming on the 1st of the month but she becomes clean on the 6th day in the first month and on the 8th day in the second month.
3. Woman having the habit of duration: A woman who sees blood in each of the two consecutive months for a particular number of days but the time of commencement is not the same. For example, in the first month the blood is seen from the 1st to the 5th of

the month and in the second month from the 10th to the 15th of that month.

4. Muztariba: A woman who has seen blood for a few months but who has not formed a habit or whose former habit has been disturbed and has not formed a new one.
5. Mubtadea: A girl who sees blood for the first time.
6. Nasiya: A woman who has forgotten her habit.

**Issue No.17-** If a woman having the habit of time and duration sees blood during all days of her fixed habit plus a few days before and after, and if the total number of days does not exceed 10, all of it is Hayz. And if it exceeds 10 days, then only the blood seen during the days of habit is Hayz and the rest will be Istihaza.

**Issue No.18-** If a woman with fixed habit of time and duration fails to see blood in her habit, and sees it earlier or later, it will be considered as Hayz if it comes for the equal number of days, and bears the signs.

**Issue No.19-** If Muztariba sees blood for ten days or less, then all of it is Hayz. And if she sees blood for more than ten days, and if for some days the blood has the signs of Hayz and if the blood which has the signs of Hayz is not less than 3 days nor more than 10 days, then all of it is Hayz. The rest will be Istihaza.

**Issue No.20-** Mubtadea is a girl who sees blood for the first time. If she sees it for ten days or less, it is Hayz. But if she sees it for more than ten days and all the blood has common signs then she should refer to the prevailing habit among her relatives and consider her corresponding duration as Hayz and the rest as Istihaza.

**Issue No.21-** Nasiya is a woman who has forgotten her habit of time and duration. If she sees blood for ten days or less, it is Hayz. But if she sees it for more than ten days, then the blood which has signs of Hayz is Hayz, if its duration is not less than 3 days and more than 10 days.

## Nifas

**Issue No.1-** From the time when the child birth takes place, the blood seen by the mother is Nifas, provided that it stops before or on completion of the tenth day. While in the condition of Nifas, a woman is called Nafsa.

**Issue No.2-** If a woman has fixed habit of duration, then, the blood which she sees after the habitual days of duration will require her to act as a Mustahaza.

**Issue No.3-** It is not necessary that the baby is fully grown. Even if a deficient baby is born, the blood seen by the mother for ten days or less will be Nifas. The term 'Child birth' must be applicable to it.

**Issue No.4-** It is possible that Nifas blood may be discharged for an instant only, but it never exceeds 10 days.

**Issue No.5-** All acts which are haraam and void for a Haez are also haraam and void for a Nafsa

**Issue No.6-** When a woman becomes clean from Nifas, she should do Ghusl and perform acts of worship. And if she sees blood again, once or often within 10 days after the child

birth takes place, and the total number of days on which blood is seen and the intervening days during which she remains clean is 10 or less than 10, then all of it will be Nifas.

In the intervening days, she should perform all that is obligatory for a clean woman. If the woman does not have a fixed habit of duration, then she will count the first ten days as Nifas, and the rest as Istihaza.

**Issue No.7-** If a woman becomes Pak from Nifas, but feels that there might be blood in the interior part, she should insert some cotton, and if she finds herself clean then she should do Ghusl for the acts of worship.

**Issue No.8-** If Nifas blood is seen by a mother for more than 10 days and she has a fixed habit of Hayz, then her Nifas will be equal to the duration of Hayz and the rest would be Istihaza. But, if she does not have a fixed habit of Hayz, she would take ten days as those of Hayz, and treat the rest as Istihaza.

**Issue No.9-** If a woman, with a fixed habit of Hayz sees blood continuously for a month or more after giving birth to a child, the blood seen for the days equal to her Hayz habit will be Nifas, and the blood seen after that for ten days will be Istihaza. After the lapse of 10 days, if bleeding continues, then it is Hayz if it falls in the days of habit. And if bleeding does not occur in the days of Hayz habit, that blood is Istihaza.

**Issue No.10-** If a woman does not have a fixed habit of duration, and if after giving birth she sees blood continuously

for a month or more, the rules contained in former issue will apply to the first 10 days; and as for the next 10 days it is Istihaza. And as regards the blood seen thereafter, it can be either Hayz (if it has the signs of Hayz) or Istihaza (if it does not have the signs of Hayz).

### **Ghusl for touching a dead body**

**Issue No.1-** If a person touches a human dead body which has become cold and has not yet been given Ghusl (i.e. brings any part of his own body in contact with it) he should do Ghusl.

**Issue No.2-** If a person touches a dead fetus which was 4 months old or more, then Ghusl for touching it will be obligatory.

**Issue No.3-** In case of still-born child (dead fetus which was 4 months old or more), the mother should do Ghusl for touching the dead body.

**Issue No.4-** It is not obligatory to do Ghusl for touching the clothes of a human dead body.

**Issue No.5-** The method of doing Ghusl for touching the dead body is the same as of Ghusl for Janabat, with Neyyat for touching the dead body.

**Issue No.6-** One Ghusl is sufficient for one who touched several corpses or touched the same corpse a number of times.

## **Ghusl Mayyit**

**Issue No.1-** Giving Ghusl, Kafan, prayer and burial of the Muslim dead body are obligatory upon all Muslims equally, as *Wajib-e-Kifaa* which means if some people undertake to fulfill the obligation, others will be relieved of the responsibility. But if no one undertakes to do so, all will be equally sinful.

**Issue No.2-** It is necessary to take permission from the guardian of dead person for Ghusl, Kafan, prayer and burial (if available).

### **The method of Ghusl of Mayyit**

**Issue No.3-** It is obligatory to give three Ghusls to a dead body. The first bathing should be with water mixed with "Sidr" (Beri) leaves. The second bathing should be with water mixed with camphor and the third should be with unmixed (pure) water.

**Issue No.4-** If "Sidr" leaves and camphor or either of these things is not available the dead body should be given Ghusl with pure, unmixed water instead of the Ghusl which is not possible.

**Issue No.5-** Ghusle Mayyit is Ibadat, and one who gives Ghusl to the dead body should perform the act with the *niyyat* of Qurbat, that is, obedience to the pleasure of Allah.

**Issue No.6-** Ghusl to a Muslim child, even illegitimate, is obligatory. Even If a foetus of 4 months or more is still-born it is the obligatory precaution that to give it Ghusl,

**Issue No.7-** It is unlawful for a man to give Ghusl to the dead body of a woman and for a woman to give Ghusl to the dead body of a man.

**Issue No.8-** A man can give Ghusl to the dead body of a little girl, who is less than 3 years, and similarly a woman can give Ghusl to the dead body of a little boy, who is less than 3 years.

**Issue No.9-** Ghusl for a dead body is similar to Ghusl of Janabat. it is necessary to wash the head and neck, and then the body should be washed on the right side first, and then the left side.

**Issue No.10-** If water is not available or there is some other valid excuse for abstaining from using water for the Ghusl, then the dead body should be given one tayammum instead of each Ghusl.

**Issue No.11-** A person giving tayammum to the dead body should strike his own palms on earth and then wipe them on the face and back of the right hand and then the left hand of the dead body.

\*\*\*\*\*

## **Rules to follow after the death**

### **Rules regarding Kafan**

**Issue No.1-** The body of a dead Muslim should be given Kafan with three pieces of cloth: a loin cloth, a shirt or tunic, and a full cover.

**Issue No.2-** The loin cloth should be long enough to cover the body from the navel up to the knees, better still if it covers the body from the chest up to the feet. The shirt should be long enough to cover the entire body from the top of the shoulders up to the middle of the calf, and better still if it reaches the feet. The sheet cover should be long enough to conceal the whole body, so that both its ends could be tied. And its breadth should be enough to allow one side to overlap the other.

**Issue No.3-** The Kafan can be financed from the estate of the deceased.

**Issue No.4-** The Kafan of a wife is the responsibility of her husband. Similarly, if a woman is given a revocable divorce and she dies before the expiry of her iddah, her husband should provide her Kafan.

### **Rules of Hunut**

**Issue No.5-** After having given Ghushl to a dead body it is wajib to give Hunut, which is to apply camphor on its forehead, both the palms, both the knees and both the big toes of its feet.

## **Mayyit's prayer**

**Issue No.6-** It is obligatory to offer Mayyit's prayer for every Muslim, as well as for a Muslim child, as an obligatory precaution, if it has completed 6 years of its age.

**Issue No.7-** Mayyit's prayer should be offered after the dead body has been given Ghusl, Hunnut and Kafan, and before burial.

**Issue No.8-** It is not necessary for a person who offers Mayyit's prayer to be in Wudhu or Ghusl or tayammum.

**Issue No.9-** One who offers Mayyit's prayer should face the Qibla, and it is also obligatory that at the time of Mayyit's prayer, the dead body remains before him, in a manner that its head is on his right and its feet on his left side.

**Issue No.10-** If the deceased had made a will that a particular person should lead the prayer for him, it is Wajib to act according to that will.

**Issue No.11-** If a dead body is buried without Mayyit's prayer, either intentionally or forgetfully, on account of an excuse, or if it transpires after its burial that the prayers offered for it was void, it will not be permissible to dig up the grave for Mayyit's prayer. But it is wajit to offer Mayyit's prayer in front of its grave.

**Issue No.12-** There are 5 takbirs (saying Allahu Akbar) in Mayyit's prayer and it is sufficient if a person recites those 5 takbirs in the following order:

- After making Niyyat to offer the prayers and pronouncing the 1st takbir he should say: *Ash hadu an la ilaha illallah wa anna Muhammadan Rasulullah.* (I bear witness that there is no god but Allah and that Muhammad is Allah's Messenger).
- After the 2nd takbir he should say: *Allahumma salli ala Muhammadin wa aali Muhammad, wa salli alal anbiai wal mursalin.* (O' Lord! Bestow peace and blessing upon Muhammad and his descendants, and bestow peace and blessing upon the prophets and messengers).
- After the 3rd takbir he should say: *Allahummaghfir lil mu'minina wal mu'minat.* (O' Lord! Forgive all believers - men as well as women).
- After the 4th takbir he should say: *Allahummaghfir li hazal mayyit.* (O' Lord! Forgive this dead body). If the dead person is a woman, he should say: *Allahummaghfir li hazihil mayyit.* Thereafter he should pronounce the 5th takbir.

**Issue No.13-** It is Mustahab that he should pronounce the following supplications after the Takbirs respectively:

- After the 1st takbir: *Ash hadu an la ilaha illallahu wadahu la sharika lah. Wa Ashhadu anna Muhammadan 'abduhu wa Rasuluh, arsalahu bil haqqi bashiran wa naziran bayna yadayis sa'ah.*
- After the 2nd takbir: *Allahumma salli ala Muhammadin wa aali Muhammad wa barik 'ala Muhammadin wa aali Muhammad warham Muhammadan wa aala Muhammadin ka afzali ma sallayta wa barakta wa tarahhamta 'ala Ibrahima wa aali Ibrahima innaka*

Hamidum Majid wa salli ala jami'il anbiai wal-mursalina wash-shuhada'i was-siddiqina wa jami'i 'ibadillahis-salihin.

- After the 3rd takbir: Allahummaghfir lil mu'minina wal mu'minati wal muslimina wal muslimat, al ahya'i minhum wal amwat. Tabi' baynana wa baynahum bil khayrati innaka mujibud-daa'wat innaka 'ala kulli shay'in Qadeer.
- After the 4th takbir: Allahumma inna haza 'abduka wabnu 'abdika wabnu amatika nazala bika wa anta khayru manzulin bihi Allahumma inna la na'lamu minhu illa khayra wa anta a'alamu bihi minna. Alla humma in kana mohsinan fa zid fi ihsanihi wa in kana musi'an fatajawaz anhu waghfir lahu. Allahummaj'alhu indaka fi a'la illiyyin wakhluf ala ahlihi fil ghabirin warhamhu bi-rahmatika ya arhamar Rahimin.

If the dead body is that of a woman he should say:

Alla humma inna hazihi 'amatuka wabnatu 'abdika wabnatu amatika nazalat bika wa anta khayru manzulin bihi Allahumma inna la na'lamu minha illa khayra wa anta a'lamu biha minna. Allahumma in kanat mohsinatan fa zid fi ihsaniha wa in kanat musi'atan fatajawaz 'anha waghfir laha. Allahummaj'alha indaka fi a'la illiyyin wakhluf ala ahliha fil ghabirin warhamha bi-rahmatika ya ar hamar Rahimin.

Thereafter he should pronounce the 5th takbir.

## **Burial of the dead body**

**Issue No.14-** It is obligatory to bury a dead body in the ground, so deep that its smell does not come out and the beasts of prey do not dig it out.

**Issue No.15-** If it is not possible to bury a dead body in the ground, it may be kept in a vault or a coffin, instead.

**Issue No.16-** The dead body should be laid in the grave on its right side so that the face remains towards the Qibla.

**Issue No.17-** If a person dies on a ship and if there is no fear of the decay of the dead body and if there is no problem in retaining it for sometime on the ship, it should be kept on it and buried in the ground after reaching the land. Otherwise, after giving Ghusl, Hunut, Kafan and Mayyit's prayer it should be lowered into the sea in a case or with a weight tied to its feet. And as far as possible it should not be lowered at a point where it is eaten up immediately by the sea predators.

**Issue No.18-** It is not permissible, as an obligatory precaution, to bury a Muslim in the graveyard of the non-Muslims, or to bury a non-Muslim in the graveyard of the Muslims.

**Issue No.19-** It is also not permissible to bury the dead body of a Muslim at a place which is disrespectful, like places where garbage is thrown.

**Issue No.20-** It is not permissible to bury a dead body in a usurped place or in a place which is dedicated for purposes other than burial.

\*\*\*\*\*

# Tayammum

Tayammum should be performed instead of Wudhu or Ghusl in the following seven circumstances:

**First:** When it is not possible to procure sufficient water for performing Wudhu or Ghusl.

**Issue No.1-** If a person happens to be in a populated area he should make his best efforts to procure water for Wudhu or Ghusl till such time that he loses all hope. And if he happens to be in a desert, he should search for water on the way or at nearby places. And if the land is uneven, or densely wooded, and it is difficult to walk, he should search for water in all the four directions for a distance covered by one fling of an arrow. If all four directions are even, one should search for water to the extent of two arrow flings.

In his commentary on the book entitled *Man la Yahzuruhul Faqih* the late Allama Majlisi has defined the distance covered by an arrow to be equal to 200 footsteps.

**Issue No.2-** It is not obligatory for a person to search for water in the direction where he is sure that water is not available.

**Issue No.3-** If the time left for Prayer is not short, and if he is sure that water is available at a farther place, he should go there to procure water, provided that going there is not extremely difficult, and that the distance is not unusually long.

**Second:**

**Issue No.4-** If a person is unable to procure water on account of old age or weakness, or fear of a thief or a beast, or because he does not possess means to draw water from a well, he should perform tayammum. The same would apply if acquiring water is intolerably difficult.

**Third:**

**Issue No.5-** If a person fears that if he uses water his life will be endangered, or he will suffer from some ailment or physical defect, or the illness from which he is already suffering will be prolonged, or become acute, he should perform tayammum. However, if he can avoid the harm by using warm water, he should prepare warm water and do Wudhu or Ghusl when it is necessary.

**Fourth:**

**Issue No.6-** If a person fears that if he uses water for Ghusl or Wudhu, he will be involved in hardship because of thirst, he should perform tayammum. Tayammum is permissible in the following three cases:

1. If he fears that by using up the water for Ghusl or Wudhu he will suffer an acute thirst, which may result in his illness or death, or it may cause intolerable hardship.
2. If he fears that his dependents whose protection is his responsibility, may become ill or die due to thirst.

3. If he fears that others, human beings or animals, may die or suffer some illness or become unbearably restless and distressed due to lack of water.

**Fifth:**

**Issue No.7-** If the body or dress of a person is najis and he possesses only as much water as is likely to be exhausted if he does Ghusl or Wudhu, and no water would be available for making his body or dress Tahir, he should make his body or dress Tahir and pray with tayammum.

**Sixth:**

**Issue No.8-** If a person possesses such water which is not permitted to use, like when it is usurped (Ghasbi) he should perform tayammum instead of Ghusl and Wudhu.

**Seventh:**

**Issue No.9-** When the time left for Prayer is so little that if a person does Ghusl or Wudhu he would be obliged to offer the entire prayers or a part of it after the prescribed time, he should perform tayammum.

**Issue No.10-** Tayammum can be done on earth, sand, dust, stone and similar things which are considered as a part of earth. But they should be Tahir.

**Issue No.11-** If a person cannot find earth, sand, dust, or stone, he should perform tayammum on dust particles which settle on the carpets or the dresses.

## **Method of performing Tayammum**

**Issue No.12-** The following things are obligatory when performing tayammum instead of Ghusl or Wudhu.

1. Intention (Niyyat)
2. Striking both the palms on the object on which tayammum is valid. As an obligatory precaution, this should be done by both the palms together. Wiping or stroking the entire forehead with the palms of both the hands, and its two ends commencing from the spot where the hair of one's head grow down to the eyebrows and above the nose.
3. To pass the left palm over the whole back of the right hand from wrist to tip of fingers.
4. To pass the right palm over the whole back of the left hand from wrist to tip of fingers.

**Issue No.13-** It is Mustahab to strike the hands on earth once again (after wiping the forehead) to wipe the back of the hands.

**Issue No.14-** While performing tayammum one should remove the ring one is wearing and also remove any obstruction which may be on his forehead or on the palms or back of his hands (e.g. if anything is stuck on them).

**Issue No.15-** If a person has a wound on his forehead or on the back of his hands and if it is tied with a bandage or something else, which cannot be removed, he should wipe his hands over it. And if the palm of his hand is wounded and, bandaged in a way that it cannot be removed, he

should strike his bandaged hands on a thing with which it is permissible to perform tayammum and then wipe his forehead and the back of his hands.

**Issue No.16-** If the obligation of a person is to perform tayammum but he cannot do it himself he should solicit assistance. And the one who assists should make him perform tayammum with his own hands. However, if this is not possible the assistant should strike his hands on a thing on which it is lawful to perform tayammum and then wipe it on the person's forehead and hands.

**Issue No.17-** If a man doubts while performing tayammum whether or not he has forgotten a certain part of it, after he has performed Tayammum, he should ignore his doubt.

**Issue No.18-** The things which invalidate Wudhu invalidate the tayammum performed instead of Wudhu also. Similarly, the things which invalidate Ghusl invalidate the tayammum performed instead of Ghusl also.

**Issue No.19-** If a person whose obligation is tayammum performs tayammum, he can perform all those acts which should be done with Wudhu or Ghusl, as long as his tayammum and the excuse remain.

\*\*\*\*\*

# Salat (Prayer)

## Obligatory prayers

**Issue No.1-** The following six prayers are obligatory:

1. Daily prayer.
2. Ayaat prayer.
3. Mayyit prayer.
4. Prayer for the obligatory Tawaf of the Holy Ka'bah.
5. Qadha prayer of father which is obligatory upon his eldest son.
6. Prayers which become obligatory on account of vow or oath.

## Obligatory daily prayers

**Issue No.2-** It is obligatory to perform the following five prayers during day and night:

- Dawn prayers (Fajr) - 2 Rak'ats.
- Midday (Zuhr) and Afternoon ('Asr) prayers - each one consisting of 4 Rak'ats.
- Dusk prayers (Maghrib) - 3 Rak'ats, and Night prayers ('Isha) - 4 Rak'ats.

**Issue No.3-** While travelling, a traveller should reduce the prayers of 4 Rak'ats to 2 Rak'ats. The conditions under which the Rak'ats are reduced will be mentioned later.

## **Mustahab daily prayers**

**Issue No.4-** There are many Mustahab prayers which are generally called Nafilah, but more stress has been laid on the daily Mustahab prayers:

- 8 Rak'ats (4 x 2 Rak'ats) Nafilah for Zuhr, which is before Zuhr prayer.
- 8 Rak'ats (4 x 2 Rak'ats) Nafilah for Asr, which is before Asr prayer.
- 4 Rak'ats (2 x 2 Rak'ats) Nafilah for Maghrib, which is after Maghrib prayer.
- 2 Rak'ats Nafilah for Isha which is after Isha prayer and should be offered while sitting.
- 11 Rak'ats (5 x 2 Rak'ats + 1 Rak'at) Nafilah for Tahajjud which is after midnight.
- 2 Rak'ats Nafilah for Fajr which is before Fajr Prayer.

**Issue No.5-** Out of the 11 Rak'ats of the night Nafilah, 8 Rak'ats should be offered with the niyyat of the Nafilah, 2 Rak'ats with the niyyat of Shaf'a, and 1 Rak'at with the Niyyat of Witr.

\*\*\*\*\*

# Time for daily prayers

## Time for Zuhr and Asr prayers

**Issue No.1-** If a stick, a pole, or anything similar to it, which acts as an indicator (shakhis) is made to stand on a level ground, its shadow will fall westwards when the sun rises in the morning, and as the sun continues to rise, the shadow cast by the indicator will reduce in size. And in our cities it becomes smallest at the time of the commencement of Zuhr. And as Zuhr passes the shadow cast by the indicator turns eastwards, and as the sun moves towards west the shadow gets longer. Based on this, when the shadow is the shortest, and it begins getting longer again, it is known that Zuhr has taken place, and this time is called "Time of Zawal). However, in other cities like in Mecca, the shadow disappears totally, so, when it reappears, it indicates Zuhr.

**Issue No.2-** The time for Zuhr and Asr prayers is from Time of Zawal till sunset. But, Asr Prayer must be after Zuhr Prayer. However, if a person had not prayed Zuhr till the end of time, and the time left before Qadha allows only one Prayer to be performed, he will first offer Asr prayers in time and then his Zuhr will be Qadha.

## Time for Maghrib and Isha prayers

**Issue No.3-** The Maghrib and Isha Prayers should be performed after Maghrib, which happens when the redness

in the eastern sky appearing after sunset has disappeared. The Maghrib prayer must be performed before Isha prayer.

**Issue No.4-** In normal circumstances, the prescribed time for Maghrib and Isha prayers is till midnight. But if forgetfulness, oversleeping or similar unusual situations prevent one from performing the prayers till midnight, then for them the time will continue till Fajr sets in.

**Issue No.5-** The night will be calculated, as an obligatory precaution, from sunset till dawn (Subh-e-Sadiq).

**Issue No.6-** If the time left over is just enough for Isha prayers to be offered within time, then Isha should be performed and Maghrib is Qadha.

### **Time for Fajr prayer**

**Issue No.7-** Just before dawn a column of whiteness rises upwards from the east. It is called the first dawn. When this whiteness spreads, it is called the second dawn (Subh-e-Sadiq), and it is the Prime time for Fajr prayers. The time for Fajr prayers is till sunrise.

\*\*\*\*\*

# Rules of Qibla

**Issue No.1-** One should offer one's prayers facing Qibla (the holy Ka'bah), which is situated in Makkah. However, a person who is far, he would stand in such a manner that people would say that he is praying facing the Qibla.

**Issue No.2-** A person offering obligatory prayers while standing should have his chest and stomach facing the Qibla, and his face should not digress from Qibla. But it is not Wajib that the toes of his feet should also be facing Qibla.

**Issue No.3-** If a person offers prayers while sitting, it is necessary that his face, chest and stomach face the Qibla.

**Issue No.4-** If a person cannot offer prayers in the sitting posture, he should lie on the right hand side in such a manner that the front part of the body would face the Qibla. And if that is not possible, he should lie on the left hand side in such a manner that the front part of his body would face the Qibla. And if even that is not possible, he should lie on his back in such a manner, that the sole of his feet face the Qibla.

**Issue No.5-** Ihtiyat prayer, and forgotten Sajdah, and forgotten tashahhud should all be offered facing the Qibla, and on the basis of obligatory precaution, Sajda-e-Sahv should also be offered facing the Qibla.

**Issue No.6-** A Mustahab Prayer can be offered while one is walking, or riding, and if a person offers Mustahab prayers in

these two conditions, it is not necessary that he should be facing the Qibla.

**Issue No.7-** A person who wishes to offer prayers, should make efforts to ascertain the direction of Qibla, and for that, he has to either be absolutely sure, or acquire such information as may amount to certainty, like testimony of two reliable persons or one reliable expert person.

**Issue No.8-** If a person does not possess any means of determining the direction of Qibla, or in spite of his efforts, he cannot form an idea about it, it will be sufficient for him to offer his prayers facing any direction, if the time is very short. But if he has sufficient time, then as an obligatory precaution, he should offer his prayers four times, each time he should face one of the four directions.

**Issue No.9-** If a person is sure or guesses that Qibla is on one of the two or three directions, he should offer prayers facing them.

\*\*\*\*\*

## Covering the body in prayers

**Issue No.1-** There are six conditions for the dress used in prayers:

1. It should be Tahir.
2. It, as an obligatory precaution, should be Mubah (permissible for him to use).
3. It should not be made of the parts of a dead body.
4. It should not be made of the animal, whose meat is Haraam.
5. If a person who offers prayers is a male, his dress must not be made of pure silk.
6. If a person who offers prayers is a male, his dress must not be embroidered with gold.

**Issue No.2-** If a person does not know that his dress is usurped, or forgets about it being usurped, and offers prayers with it, his prayers is in order.

**Issue No.3-** If a person purchases a dress with the particular sum of money whose khums has not been paid by him, then prayer in that dress will amount to the prayer in a dress which has been usurped.

**Issue No.4-** There is no harm in wearing pure fur, and similarly the fur of a grey squirrel, while offering prayers.

**Issue No.5-** A woman is allowed to wear silken dress in prayer, and at all other times.

## **Exceptional cases**

**Issue No.6-** In the following cases, the prayers offered by a person will be valid, even if his body or dress be najis:

- If his body or dress is stained with the blood discharged from a wound or a sore on his body.
- If his body or dress is stained with blood, spread over a space lesser than the upper joint of the forefinger (Sabbabah).

**Issue No.7-** If the body or the dress of a person wishing to pray is stained with blood from wound or sore etc, he can pray with that blood as long as the wound or the sore has not healed up.

**Issue No.8** If blood on the dress or the body of a person who is praying, originates from a small cut or wound which can be healed easily, and which can be washed clean, then his prayer is void.

**Issue No.9-** If any part of the body, or the dress, which is away from the wound, becomes najis owing to the fluid which oozes out from the wound, it is not permissible to offer prayers with it. However, if a part of the body or dress around the wound becomes najis, owing to suppuration and it is difficult to be washed, there is no harm in offering prayers with it.

**Issue No.10-** If the clothes or the body of a person praying, is stained with the blood of Hayz, however little, the Prayer will be void. And as a precaution, the same rule applies to the blood of Nifas and Istihaza.

**Issue No.11-** If small things belonging to a person offering prayers, like his handkerchief, glasses, ring and watch, which would not ordinarily be considered as his dresses, become najis, and if they are not made of the parts of a dead animal, the prayers offered with them will be in order.

\*\*\*\*\*

## **Place where Prayer should be performed**

**Issue No.1-** There are several conditions for the place where one should offer prayers:

### **The first condition:**

**Issue No.2-**The place where the prayers are offered should be Mubah. If a person prays on a usurped property, then his prayers are void, even if he prays on a carpet, or a couch, or similar objects.

**Issue No.3-** Prayers offered in a property whose use and benefit belongs to someone else, will be void, unless permission is taken from the entitled person. For example, if a house has been rented out, and anyone offers prayers in that house without permission of the tenant, then his prayers are void.

**Issue No.4-** If a person sitting in a Mosque, is made to quit his place by someone who then occupies his place, the prayers offered there will be void.

**Issue No.5-** If a person purchases a property with the sum of money from which Khums and Zakat have not been paid by him, his use of that property is haraam, and the prayers which he offers in it are void.

**Issue No.6-** To pray in someone else's property is permissible only when the owner has given an explicit consent, or has made a hint implying permission. For example, if he permits a person to stay and sleep in his

property, it will be implied that he has given him permission for offering prayers as well.

**The second condition:**

**Issue No.7-** The place for prayers should not have such a vigorous movement which would make normal standing, Ruku or Sajdah impossible.

But if one is forced to pray at such places, due to shortage of time, or any other reason, like in an airplane, on a ship or on train, then one should try to remain still, and to maintain the direction of Qibla, as much as possible. And if the vehicles move away from the direction, he should return to Qibla.

**The third condition:**

**Issue No.8-** If the place where one wishes to pray is najis, it should not be so wet that its moisture would reach the body or the dress of the person praying.

**Issue No.9-** If the place where one places one's forehead while performing Sajdah, is najis, the prayers will be void, even if that place is dry.

\*\*\*\*\*

## Rules regarding a Mosque

**Issue No.1-** It is Haraam to make the floor, roof, ceiling, inner walls and other parts of a Masjid or the shrines of Ma'soomin najis, and when a person comes to know that any of these parts has become najis, it is Wajib Kifaa'i that he should immediately make it Tahir.

**Issue No.2-** Building a mosque and renovating a dilapidated mosque is Mustahab. And if a mosque is so ruined, that it is not possible to repair it, then, it can be demolished and rebuilt. In fact, a mosque which may not be in a bad state can be demolished for extension, to facilitate the needs of the people.

**Issue No.3-** It is Mustahab to keep a mosque clean and tidy, and to illuminate it. And for a person visiting a mosque, it is Mustahab to apply perfume, and wear neat and clean dress.

\*\*\*\*\*

## **Adhan and Iqamah**

**Issue No.1-** It is Mustahab for man and woman to say Adhan and Iqamah before offering daily obligatory prayers, but for other Mustahab or obligatory prayers, they are not prescribed.

**Issue No.2-** Adhan consists of the following 18 sentences:

**Allahu Akbar** - four times

(Allah is greater than any description)

**Ash hadu anla ilaha illallah** - two times

(I testify that there is no god but Allah)

**Ash hadu anna Muhammadan Rasulullah** - two times

(I testify that Muhammad is Allah's Messenger)

**Hayya 'alas Salah** - two times

(Hasten to prayers)

**Hayya 'alal Falah** - two times

(Hasten to deliverance)

**Hayya 'ala Khayril 'Amal** - two times

(Hasten to the best act)

**Allahu Akbar** - two times

(Allah is greater than any description)

**La ilaha illallah** - two times

(There is no god but Allah)

As regard to Iqamah, it consists of 17 sentences. In Iqamah, Allahu Akbar is reduced in the beginning to twice, and at the end, La ilaha illal lah to once, and after Hayya 'ala Khayril 'Amal, Qad qamatis Salah (i.e. the prayers has certainly been established) must be added two times.

**Issue No.3-** The sentence of **Ash hadu anna 'Aliyyan Waliyyullah** (I testify that Imam Ali (AS) is the vicegerent of Allah) is not a part of either Adhan or Iqamah. But it is preferable that it is pronounced after **Ash hadu anna Muhammadan Rasulul lah** with the niyyat of Qurbat.

**Issue No.3-** There should not be an unusual interval between the sentences of Adhan or Iqamah, and if an unusual gap is allowed between them, the Adhan or Iqamah will have to be repeated.

**Issue No.4-** If a person pronounces the sentences of Adhan or Iqamah without proper order, like if he says 'Hayya 'alal falah' before 'Hayya alas Salah; he should repeat it.

**Issue No.5-** It is Mustahab that while pronouncing Adhan, a person should stand facing Qibla and should have

performed Wudhu. Also, one should not engage in talking during Adhan.

\*\*\*\*\*

## **Obligatory acts relating to prayer**

**Issue No.1-** There are eleven obligatory acts for prayers:

1. Niyyat (intention)
2. Qiyam (standing erect)
3. Takbiratul Ehram (saying Allahu Akbar while commencing the prayers)
4. Ruku' (bowing)
5. Sajdatayn (two prostration)
6. Qira'at (recitation of Surah al-Hamd and other surah)
7. Zikr (prescribed recitation in Ruku' and Sajdah)
8. Tashahhud (bearing witness)
9. Salaam (Salutation)
10. Tartib (sequence)
11. Muwalat (to perform the different acts of prayers in regular succession).

**Issue No.2-** Some of the obligatory acts of prayers are elemental (Rukn). Hence, a person who does not offer them, whether intentionally or by mistake, his prayers become void. Some other obligatory acts of prayers are not elemental. Therefore, if they are omitted by mistake, the prayer does not become void. The elementals of Namaz are five:

1. Intention (Niyyat)
2. Takbiratul Ehram

3. Standing before the Ruku'
4. Ruku'
5. Two Sajdah in every Rak'at.

## **Niyyat**

**Issue No.1-** A person should offer prayers with the intention of Qurbat, which is, complying with the orders of the Almighty Allah.

**Issue No.2-** It is not, however necessary that he should make the niyyat by saying it, and it is sufficient to pass the Niyyat through his mind. It is also sufficient that he should be able to say what he is doing, if asked.

**Issue No.3-** A person should be conscious and aware of his niyyat, from the beginning of the prayers till its end.

**Issue No.4-** A person should offer prayers to carry out the orders of the Almighty Allah only. So, if a person prays to show off to the people, his prayers is void.

## **Takbiratul Eham**

**Issue No.1-** To say Allahu Akbar in the beginning of every prayer is obligatory, and one of its Rukns, and it is necessary that every letter and the two words are uttered in proper succession.

**Issue No.2-** It is necessary that when a person pronounces Takbiratul Eham, his body is steady, if he pronounces Takbiratul Eham intentionally when his body is in motion, his Takbir is void.

**Issue No.3-** If a person is dumb, or has some defect in his tongue, rendering him unable to pronounce Allahu Akbar, he should pronounce it in whatever manner he can. And if he cannot pronounce it at all, he should say it in his mind, and, as an obligatory precaution, he should make a suitable sign with his finger for Takbir, if possible.

**Issue No.4-** It is Mustahab for a person pronouncing the first Takbir of the prayers, and also the Takbirs which occur during the prayers, to raise his hands parallel to his neck or his ears.

**Issue No.5-** If a person doubts whether he has pronounced Takbiratul Eham or not, and if he has started Qira'at, he should ignore his doubt. But if he has not recited anything, he should pronounce the Takbir.

## **Qiyam (to stand)**

**Issue No.1-** To stand erect while saying Takbiratul Eham, and to stand before the Ruku (which is called qiyam muttasil be ruku') is the Rukn of the prayers. But, standing while reciting Surah al-Hamd and the other Surah and standing after performing the Ruku, is not Rukn and if a person omits it inadvertently, his prayer is in order.

**Issue No.2-** It is obligatory for a person to stand awhile before and after pronouncing Takbir, so as to ensure that he has pronounced the Takbir while standing.

**Issue No.3-** If a person forgets to perform Ruku, and sits down after reciting Hamd and Surah, and then remembers that he has not performed Ruku, he should first stand up and then go into Ruku. If he does not stand up first, and performs Ruku while he is bowing, his prayers will be void because of not having performed (Qiyam muttasi'l be Ruku').

**Issue No.4-** When a person stands for Takbiratul Ehram or Qir'at (recitation), he should not move his body.

**Issue No.5-** If while standing, a person forgetfully moves his body, there is no harm in it.

**Issue No.6-** At the time of standing for Prayer, both the feet of a person should be on the ground.

**Issue No.7-** If a person, who can stand properly, keeps his feet so wide that it may not be considered as standing, or not as normal standing, his prayers are void.

**Issue No.8-** If a person becomes unable to stand while offering prayers, he should sit down, and if he is unable to sit, he should lie down.

**Issue No.9-** As long as a person is able to offer prayers standing, he should not sit down. For example, if the body of a person shakes, or moves when he stands, or he is obliged to lean on something, or to incline his body a bit, he should continue to offer prayers standing in whatever manner he

can. But, if he cannot stand at all, he should sit upright, and offer prayers in that position.

**Issue No.10-** As long as a person can sit, he should not offer prayers in a lying posture, and if he cannot sit straight, he should sit in any manner he can. And if he cannot sit at all, he should lie, as stated in the rules of Qibla, on his right side.

If he cannot lie on that side, he should lie on his left side. When it is not possible to lie on either side, then he should lie on his back, with his feet facing Qibla.

**Issue No.11-** If a person who can stand, fears that owing to standing, he will become ill, or will be harmed, he can offer prayers in a sitting position and if he fears sitting, he can offer the prayers in a lying posture.

**Issue No.12-** It is Mustahab for the person offering prayers to stand erect, place his hands on his thighs, join his fingers together, place the weight of his body equally on two feet and look at the place of Sajdah,.

## **Qira'at (recitation)**

**Issue No.1-** In the daily obligatory prayers, one should recite Surah al-Hamd in the first and second Rak'ats, and thereafter one should recite one complete Surah.

**Issue No.2-** It is not permissible to recite the Surahs which contain verses of Wajib Sajdah, in Prayer.

**Issue No.3-** The Surah az Zuha and Surah Inshirah are treated as one Surah in Prayer, and so are the Surah al-Fil and Quraysh.

**Issue No.4-** If the time left for Prayer is little, or if a person has to helplessly abandon the Surah because of fear that a thief, a beast, or anything else, may do him harm, or if he has an important work, then it is not Wajib to recite the other Surah after Hamd.

**Issue No.5-** If a person intentionally recites Surah before Hamd, his prayer is void, and if he does it by mistake, and realizes this while reciting it, he should abandon the Surah and recite Hamd first, and then the Surah.

**Issue No.6-** If a person forgets to recite Hamd and Surah, or either of them and realizes after reaching the Ruku, his prayers are in order.

**Issue No.7-** If a person realizes before bowing for Ruku, that he has not recited Hamd and Surah, he should recite them, and if he realizes that he has not recited the Surah, he should recite the Surah only. But, if he realizes that he has not recited Hamd only, he should recite Hamd first and then recite the Surah again.

**Issue No.8-** If the person in prayer forgets a part of a Surah, or cannot complete it owing to helplessness, like very little time of prayer is left, he can abandon that Surah and recite some other Surah.

**Issue No.9-** It is Wajib for a man to recite Surah al-Hamd and the other Surah loudly, while offering Fajr, Maghrib and

Isha prayers, and it is Wajib for a man to recite Surah al-Hamd and the other Surah silently while offering Zuhr and Asr prayers, except the sentence of **Bismillahir Rahmanir Rahim**.

**Issue No.10-** A woman must recite Surah al-Hamd and other Surah in Zuhr and Asr prayers silently, but she can recite Surah al-Hamd and other Surah in Fajr, Maghrib and Isha prayers loudly or silently.

**Issue No.11-** If a person intentionally prays loudly where he should pray silently, and vice versa, his prayer is void. But, if, he does so owing to forgetfulness, his prayer is in order.

**Issue No.12-** In the third and fourth Rak'ats of prayers, one may either read only Surah al-Hamd or Tasbihat Arba'ah - *Subhanallahi wal hamdu lillahi wa la ilaha illallahu wallahu Akbar* which may be said once, although it is better that it should be said three times. It is also permissible to recite Surah al-Hamd in one Rak'at, and Tasbihat Arba'ah in the other.

**Issue No.13-** As an obligatory precaution, it is obligatory for men and women that in the third and fourth Rak'ats, they should recite Surah al-Hamd or Tasbihat Arba'ah silently.

**Issue No.14-** It is Mustahab that in the first Rak'at one should say **A'uzu billahi Minash shaytanir Rajim** before reciting Surah al-Hamd,

**Issue No.15-** A new converted Muslim who cannot recite Surah al-Hamd and other Surah, he can recite Tasbih instead of Qiraat in his prayers.

## Ruku (bowing)

**Issue No.1-** In every Rak'at, a person offering prayers should, after Qira'at, bow to an extent that he is able to rest his palms on his knees. This act is called Ruku.

**Issue No.2-** If the person performs Ruku in an unusual manner, like, if he bends towards left or right, his Ruku is not correct even if his hands reach his knees.

**Issue No.3-** A person who performs Ruku in the sitting position, should bow down till his face is parallel to his knees. And it is better that he should bow down as much as possible, in a manner that people say that his is bowing.

**Issue No.4-** It is wajib to say zikr during Ruku, and the Zikr of Ruku is: **Subhanallah** three times or **Subhana Rabbiyal 'Azimi wa bi hamdih** once or three times.

**Issue No.5-** If a person intentionally recites the Zikr of Ruku before he has properly bowed down, and before his body becomes still, his prayers will be void.

**Issue No.6-** If a person intentionally raises his head from Ruku before completing obligatory Zikr, his prayer is void.

**Issue No.7-** If someone raises his head after reaching Ruku, and bows down twice to the extent of Ruku, his prayer is void.

**Issue No.8-** After the completion of the Zikr of Ruku, one should stand straight, and proceed to Sajdah after the body

has become steady. If one goes to Sajdah intentionally before standing erect, or before the body is steady, the prayers are void.

**Issue No.9-** If a person forgets to perform Ruku, remembering it before Sajdah, he should stand up first, and then go into Ruku. It will not be proper for him to go into Ruku in a bent position.

**Issue No.10-** It is Mustahab that before going into Ruku, a person should say Takbir while he is standing erect. And when he rises after Ruku, it is Mustahab to say Sami'allahu liman hamidah. And then, it is Mustahab to say Takbir before Sajdah.

## **Sujood**

**Issue No.1-** A person offering prayers should perform two sajdahs after the Ruku, in each Rak'at of the obligatory as well as Mustahab prayers.

**Issue No.2-** Sajdah means that one should place one's forehead on earth in a special manner. While performing Sajdahs during prayers, it is obligatory that both the palms and the knees, and both the big toes are placed on the ground.

**Issue No.3-** Two Sajdahs together are a "Rukn" (elemental), and if a person omits to perform two Sajdah in one Rak'at of an obligatory prayer, whether intentionally or owing to forgetfulness, or adds two more Sajdahs, his prayers are void.

**Issue No.4-** If a person omits or adds one Sajdah intentionally, his prayers become void. And if he omits or adds one Sajdah forgetfully, the Prayer is not void.

**Issue No.5-** The Zikr of Sajdah is to say **Subhanallah** three times, or **Subhana Rabbiyal -A'la wa bi hamdeh** once. But it is Mustahab that **Subhana Rabbiyal -A'la wa bi hamdeh** should be said three times.

**Issue No.6-** In the Sajdah, the body should be steady, and one should not move or shake oneself purposely.

**Issue No.7-** After the Zikr of the first Sajdah is completed, one should sit till the body is steady, and then perform the second Sajdah.

#### **Things on which Sajdah is allowed**

**Issue No.8-** Sajdah should be performed on earth, and on things which grow from earth (e.g. wood and leaves of trees).

It is not permissible to perform Sajdah on things which are used as food or dress (e.g. wheat, barley and cotton etc.), or on things which are not considered to be parts of the earth (e.g. gold, silver, etc.).

**Issue No.9-** It is allowed to perform Sajdah on limestone and gypsum, and also on baked gypsum, lime, brick and baked earthenware.

**Issue No.10-** It is in order to perform Sajdah on paper, if it is manufactured from allowed sources like wood or grass.

**Issue No.11-** It is Mustahab to perform Sajdah on Turbat of Imam Husayn.

**Issue No.12-** It is Mustahab to say Takbir after the first Sajdah in each Rak'at, and repeat it before the second Sajdah.

**Issue No.13-** It is Mustahab while performing Sajdah, to pray to Allah, and express wishes.

**Issue No.14-** It is Mustahab while standing up after two Sajdahs or Tashahud, to say : **Bi Hawlillahi wa Quwatihi Aqumu wa Aq'oud.**

## **Tashahhud**

**Issue No.1-** In the second unit and the last unit of all prayers, one should sit after the second prostration with a tranquil body, and recite tashahhud.

**Issue No.2-** The Zikr of Tashahhud is: "**Ash hadu anla ilaha illallah, wahdahu la sharika lah, wa ash hadu anna Muhammadan 'Abduhu wa Rasuluh, Allahumma salli 'ala Muhammadin wa Aali Muhammad**".

**Issue No.3-** It is Mustahab to say: '**Al-hamdu lillah**' before reciting tashahhud.

It is also Mustahab to say this after tashahhud: **Wa taqabbal shafa'atahu warfa' darajatah.**

## **Salam, Tartib, Muwalat and Qunut**

**Salam in the prayers**

**Issue No. 1-** While a person sits after reciting tashahhud in the last Rak'at of Prayers, and his body is tranquil, it is wajib to say Salam. It is sufficient for Salam, to say: Assalamu 'alayka ayyuhan Nabiyyu wa rahmatullahi wa barakatuh, Assalamu Alayna Wa Ala Ibadillahis Salihin, Assalamu Alaykum Wa Rahmatullahi Wa Barakatuh.

### **Tartib (sequence)**

**Issue No. 2-** If a person intentionally changes the sequence of the prayers, for example, if he recites the other surah before reciting Surah al-Hamd, or performs the two Sajdah before Ruku, his prayer is void.

**Issue No. 3-** If a person forgets a rukn (elemental part) of the prayers, and performs the next rukn, like, before performing Ruku if he performs the two Sajdah, his prayers would become void.

**Issue No. 4-** If a person forgets a rukn, and performs an act after it which is not a rukn, like, if he recites tashahhud without performing the two Sajdah, he should perform the rukn and should recite again the part which he performed erroneously, earlier than the rukn.

**Issue No. 5-** If a person forgets a thing which is not a rukn, and performs a rukn which comes after it, like, if he forgets Surah al-Hamd and begins performing Ruku, his prayers is in order.

**Issue No. 6-** If a person forgets an act which is not a rukn, and performs the next act which also, is not a rukn, like, if he forgets Surah al-Hamd and recites the other Surah, he should perform what he has forgotten, and then recite again the thing which he mistakenly recited earlier.

**Muwalat (maintenance of succession)**

**Issue No. 7-** A person should maintain continuity during prayer, that is, he should perform various acts of prayers, in continuous succession. If he allows an undue interval between different acts, till it becomes difficult to visualize that he is praying, his prayers will be void.

**Issue No. 8-** If a person forgetfully allows a gap between words in prayers, and if the gap is not big enough so that the form of the prayers is disrupted, he should repeat those words in the usual manner, provided that he has not proceeded to the ensuing rukn. And he will repeat those lines which were read in continuation. But if he has already got into the ensuing rukn, then his prayers are in order.

## Qunut

**Issue No. 9-** It is Mustahab that qunut be recited in all obligatory and Mustahab prayers before the Ruku of the second Rak'at, and it is also Mustahab that qunut be recited in the Witr prayers (in Midnight's Nafilah) before Ruku, (although that prayer is of one Rak'at only).

**Issue No. 10-** In Friday Prayers there is one qunut in every Rak'at, in the first Rak'at before Ruku, and in the second Rak'at after Ruku.

**Issue No. 11-** In Ayaat's prayer, there are five qunut, and in Eid Prayers there are five qunut in the first Rak'at, and four in the second Rak'at.

**Issue No. 12-** It is also Mustahab that while reciting qunut, a person keeps his hands in front of his face, turning the palms facing the sky.

**Issue No. 13-** Any Zikr in qunut is sufficient. It is, however, better to make the following supplication: **Rabbana Aatina fiddunya Hasanah, wa fil akherati Hasanah, wa qina azaban nar.**

Or:

**La ilaha illallahul Halimul Karim, La ilaha illallahul  
'Aliyyul 'Azim, Subhanallahi Rabbis samawatis sab', wa  
Rabbil 'arazinas sab', wama fihinna wama baynahunna,  
wa Rabbil 'arshil 'azim, wal hamdu lillahi Rabbil'alam.**

\*\*\*\*\*

## **Translation of prayers**

### **Translation of Surah al-Hamd**

**Bismillahir Rahmanir Rahim** (I commence with the Name of Allah - in Whom all excellences are combined and Who is free from all defects, the Compassionate, one Whose blessings are extensive in this world, the Merciful, one Whose blessings are special for the believers in hereafter).

**Alhamdu lillahi Rabbil 'alamin** (All Praises be to Allah, the Sustainer of the Worlds).

**Arrahmanir Rahim** (The Compassionate, the Merciful).

**Maliki yawmiddin** (Lord of the Day of Judgement).

**Iyyaka na'budu wa iyyaka nasta'in** (You alone we worship, and to You alone we pray for help).

**Ihdinas siratal mustaqim** (Guide us to the straight path).

**Siratal lazina an'amta 'alayhim** (The path of those whom You have favoured).

**Ghayril maghzubi 'alayhim wa lazzallin** (Not of those who have incurred Your wrath, nor of those who have gone astray).

### **Translation of Surah al-Ikhlās**

**Bismillahir Rahmanir Rahim** (I commence with the name of Allah - in Whom all excellences are combined and Who is free from all defects, the Compassionate, one Whose blessings are extensive in this world, the Merciful, one Whose blessings are special for the believers in hereafter).

**Qul huwallahu Ahad** (Say: Allah is one).

**Allahus Samad** (Allah is He Who is independent of all beings).

**Lam yalid walam yulad** (He begot none, nor was He begotten).

**Walam yakullahu kufuwan ahad** (And none is equal to Him).

### **Translation of the Zikrs in Prayers**

**Subhana Rabbiyal 'Azimi wa bihamdhi** (Glory be to my High Sustainer and I praise Him)

**Subhana Rabbiyal A'la wa bihamdih** (Glory be to my Great Sustainer, Most High, and I praise Him)

**Sami' Allahu liman hamidah** (Allah hears and accepts the praise of one who praises)

**Bi hawlillahi wa quwwatihi aqumu wa aqu'd** (I stand and sit with the help and strength of Allah).

### **Translation of Tasbihat Arba'ah**

**Subhanallahi wal hamdu lillahi wa la ilaha illahu wallahu Akbar.** (Glory be to Allah and all praise is for Him and there is no one worth worshipping other than Allah, and He is Greater than any description).

### **Translation of Tashahhud and Salam**

**Al Hamdu lillah, Ash hadu an la ilaha illallah, wahdahu la sharika lah** (All praise is for Allah, and I testify that there is none worth worshipping except the Almighty Allah, Who is One and has no partner).

**Wa Ashhadu anna Muhammadan 'abduhu wa Rasuluh**  
(And I testify that Muhammad is His servant and messenger).

**Allahumma salli 'ala Muhammadin wa Aali Muhammad.**  
(O Allah! Send your blessings on Muhammad and his progeny).

**Wa taqqabal shafa'atahu warfa' darajatah** (And accept his intercession, and raise his rank).

**Assalamu 'alayka ayyuhan Nabiyyu wa rahmatullahi wa barakatuh**  
(O Prophet! Allah's peace, blessings and grace be upon you!).

**Assalamu 'alayna wa 'ala 'ibadillahis salihin** (Allah's peace be on us, and upon all pious servants of Allah).

**Assalamu 'alaykum wa rahmatullahi wa barakatuh**  
(Allah's peace, blessings and grace be on you).

\*\*\*\*\*

## Things which invalidate prayers

**Issue No. 1-** Twelve things make prayers void, and they are called mubtilat.

**First:** If any of the pre-requisites of prayers ceases to exist while one is in prayer, like, if he comes to know that the dress with which he has covered himself is a usurped one.

**Second:** If a person intentionally or by mistake, or uncontrollably, commits an act which makes his Wudhu or Ghusl void.

**Third:** If a person folds his hands, his prayers will be void if it is done intentionally, believing that it is a part of Prayers.

**Fourth:** If a person says 'Aamin' after Surah al-Hamd, his prayers will be void if it is done intentionally, believing that it is a part of Prayers

**Fifth:** If a person turns away from Qibla, his prayers will be void.

**Sixth:** The sixth thing which invalidates prayers is to talk intentionally.

**Seventh:** The seventh thing which makes namaz void is an intentional loud laugh.

**Eighth:** If one intentionally weeps loudly, over some worldly matters, his Prayer will be void. But, if he weeps silently or loudly due to fear of Allah, or for the Hereafter, there is no harm in it.

**Ninth:** Any act which changes the form of prayers like, clapping or jumping, invalidates the prayers, regardless of whether that act is done intentionally or forgetfully. However, there is no harm in actions which do not change the form of prayers, like, making a brief sign with finger.

**Tenth:** If a person offering prayers eats or drinks, his prayers would be void.

But if a person in prayer swallows the little particles of food which has remained around his teeth, his prayers are not invalidated. Similarly, if things like grains of sugar remain in the mouth and they melt slowly and go down the throat, there is no harm in it.

**Eleventh:** Any doubt concerning the number of Rak'ats in those prayers which consist of two or three Rak'ats, will render the prayer void. Also, if one doubts about the number of the first two Rak'ats, of prayers having four Rak'ats, (like, Zuhr, Asr and Isha), his prayers will be void.

**Twelfth:** If a person omits or adds the Rukn (elemental parts) of the prayers, either intentionally or forgetfully, his prayer is void.

And if one omits purposely a wajib act which is not Rukn, or makes an addition, the prayer will be void.

**Issue No. 2-** If a person doubts after the prayer, whether or not he performed any such act which invalidated the prayers, his prayer will be in order.

**Issue No. 3-** There is no harm in reciting Duas during the prayers.

**Issue No. 4-** If a person intentionally repeats parts of Surah al-Hamd and other Surah, and the Zikr of prayers, as a matter of some precaution, there is no harm in it.

**Issue No. 5-** A person offering prayers should not greet anyone with Salam, and if another person says Salam to him, he should use the same words in reply without adding anything to it.

**Issue No. 6-** If a person in prayer does not respond to Salam, his prayers are in order, though he will have committed a sin.

**Issue No. 7-** If a person says Salam to a group of people, it is obligatory for all of them to give a reply. However, if one of them replies, it is sufficient.

\*\*\*\*\*

## Doubts in the prayers

**Issue No. 1-** There are different kinds of doubts which one can have while praying. Out of these, 8 doubts are those which invalidate the prayers, and 6 are those which should be ignored. And the remaining 9 doubts are valid doubts.

### Doubts which make prayers void

**Issue No. 2-** The following doubts make prayers void:

- Doubts about the number of Rak'ats occurring in obligatory prayers which consist of 2 Rak'ats, like, Fajr prayers, or prayers offered by a traveller. However, doubt about number of Rak'ats in Mustahab prayers does not make the prayers void.
- Doubts about the number of Rak'ats occurring in prayers consisting of 3 Rak'ats, that is, Maghrib prayers.
- Doubt occurring in prayers of 4 Rak'ats as to whether one has performed one Rak'at or more.
- Doubt in prayers of 4 Rak'ats before going to the second Sajdah, as to whether he has performed 2 Rak'ats or more.
- Doubts between 2 and 5 Rak'ats or between 2 and more than 5 Rak'ats.
- Doubts between 3 and 6 Rak'ats or between 3 and more than 6 Rak'ats.
- Doubt between 4 and 6 Rak'ats or between 4 and more than 6 Rak'ats.
- If a person does not know at all that howmany Rak'at he performed.

## **Doubts which may be ignored**

**Issue No. 3-** The following doubts should be ignored:

- Doubt about an act whose time of performance has already passed, like, during Ruku a person doubts as to whether he did or did not recite Surah al-Hamd,
- Doubt occurring after the Salam of prayers,
- Doubt after the time of prayers has already passed,
- Doubt of a person, who doubts too much,
- Doubt by the Imam (one who leads the congregation prayers) about the number of Rak'ats when the ma'mum (follower) is aware of the number, and similarly the doubts of the ma'mum when the Imam knows the number of Rak'ats.
- Doubt which occurs in Mustahab prayers.

### **Doubts about an act whose time of performance has passed**

**Issue No. 4-** If a person doubts while offering prayers as to whether or not he has performed a particular obligatory act, like, if he doubts whether or not he has recited Surah al-Hamd, and if he has engaged himself in the next act, like Ruku, he should ignore the doubt.

**Issue No. 5-** If a person doubts whether or not he has performed one of the Rukn of prayers, and if he has not yet engaged himself in the next act, he should perform it. For example, if he doubts before reciting tashahhud, whether or not he has performed two Sajdah, he should perform them. And if he remembers later that he had already performed that Rukn, then his prayers will become void because of additional Rukn.

### **Doubt after the Salam**

**Issue No. 6-** If a person becomes doubtful after the Salam of prayers, as to whether or not he has offered the prayers correctly, like, if he doubts whether or not he has performed the obligatory acts or conditions of prayers, he should ignore his doubt.

### **Doubt after the time of Namaz**

**Issue No. 7-** If a person doubts, after the time for prayers has already passed, as to whether he has offered the prayers or not, it is not necessary for him to offer that prayers. If, however, he doubts before the expiry of the time for that prayers, as to whether or not he has offered it, he should offer it.

### **One who doubts too much (Kathirush Shak)**

**Issue No. 8-** Kathirush shak is a person who doubts quite often, meaning that he doubts more than a normal person does. A person who normally doubts in three consecutive prayers, should ignore his doubts.

**Issue No. 9-** If a person with such an obsession doubts about having performed any part of prayers, he should decide that he has performed it. For example, if he doubts whether he has performed Ruku, he should assume that he has performed it. And if he doubts about having performed an act which invalidate prayers, like, if he doubts whether in the Fajr prayers he has offered 2 or 3 Rak'ats, he should consider that he has offered the prayers properly.

**Issue No. 10-** If a person frequently doubts about a particular act of prayers, then doubts occurring about other acts of prayers, should be dealt with according to their prescribed rules. For example, if a person who frequently doubts about having performed Sajdah, doubts about having performed Ruku, he should act according to the rules relating to it, that is, if he has not performed Sajdah, he should perform Ruku, and if he has already performed Sajdah, he should ignore his doubt.

**Issue No. 11-** If a person frequently doubts in a particular prayer like, Fajr Prayer, and if he has a doubt in the other prayers, he should act according to the rules of doubts.

**Issue No. 12-** A person who doubts whether he has become one of those who doubt too much (Kathirush shak), he should act according to the normal rules relating to doubts.

#### **Doubt by the Imam and Ma'mum**

**Issue No. 13-** If an Imam who is leading a congregational prayer, doubts about the number of Rak'ats, like, if he doubts whether he has performed three or four Rak'ats, he will follow the indication given by the follower who is certain about the numbers. Similarly, if the Imam is sure about the number of Rak'ats, and the follower has a doubt, he should ignore his doubt.

#### **Doubt in Mustahab prayers**

**Issue No. 14-** If a person doubts about the number of Rak'ats in a Mustahab prayer and if the higher side makes the prayers void, he should decide on the lesser side of the

doubt. For example, if he doubts whether he has performed 2 Rak'ats or 3 in Nafilah of Fajr prayers, he should decide that he has performed 2 Rak'ats. But if the higher side does not invalidate the prayers, like, if he doubts whether he has performed 2 Rak'ats or 1, he can decide that he has performed 2 Rak'ats.

### **Doubts which are valid**

**Issue No. 15-** There are nine situations in which a person can have doubts about the number of Rak'ats in the prayers consisting of four Rak'ats. In those situations, he should follow these rules:

1. After the second Sajdah, if a person doubts whether he has performed 2 Rak'ats or 3, he should assume that he has performed 3 Rak'ats, and finish the prayers after performing one more Rak'at. And after finishing the prayers he should offer 1 Rak'at of Ihtiyat prayer, standing, or 2 Rak'ats in the sitting position.
2. If a person doubts at any stage during his prayers, whether he has performed 3 or 4 Rak'ats, he should decide that he has performed 4 Rak'ats and finish his prayers. Thereafter he should offer Ihtiyat prayer of 1 Rak'at standing or of 2 Rak'ats in the sitting position.
3. If after the second Sajdah, a person doubts whether he has performed 2 or 4 Rak'ats, then he should decide that he has performed 4 Rak'ats and finish his prayers. He should then stand up to offer 2 Rak'ats of Ihtiyat prayers.
4. If a person doubts, after the second Sajdah, whether he has performed 2, 3 or 4 Rak'ats, he should decide

that he has performed 4 Rak'ats. After completing the prayers, he should perform 2 Rak'ats of Ihtiyat prayer standing, and 2 Rak'ats in the sitting position.

5. If a person doubts after the second Sajdah, as to whether he has performed 4 or 5 Rak'ats, he should decide that he has performed 4 Rak'ats and finish his prayers. After that he should perform two **sajda sahv**.
6. If a person doubts while standing, as to whether he has performed 4 Rak'ats or 5, he should sit down and recite tashahhud and the Salam of prayers. Then he should stand up to offer Ihtiyat prayer of 1 Rak'at, or give 2 Rak'ats while sitting. After that, as an obligatory precaution, he should perform two **sajda sahv**.
7. If one doubts, while standing, whether he has performed three or five Rak'ats, he should sit down and read tashahhud and Salam to finish the prayers. After that, he should offer 2 Rak'ats of Ihtiyat prayers standing. After that, as an obligatory precaution, he should perform two **sajda sahv**.
8. If a person doubts while standing, as to whether he has offered 3, 4 or 5 Rak'ats, he should sit down and recite tashahhud and the Salam of prayers. Thereafter, he should offer Ihtiyat prayer of 2 Rak'ats standing, and another 2 Rak'ats in the sitting position. After that, as an obligatory precaution, he should perform two **sajda sahv**.
9. If a person doubts, while standing, whether he has performed 5 or 6 Rak'ats, he should sit down and recite tashahhud and Salam of the prayers. Thereafter, he should perform two **sajda sahv**. And he

should, as an obligatory precaution, offer two more *sajda sahv* for an extra qiyam.

### **Method of offering Ihtiyat Prayer**

**Issue No. 16-** A person, for whom it is obligatory to offer Ihtiyat prayer, should make its niyyat immediately after the Salam of prayers, and pronounce takbir and recite Surah al-Hamd and then perform Ruku and two Sajdah. Now, if he has to perform only one Rak'at of Ihtiyat prayer, he should recite tashahhud and Salam of the prayers after two Sajdah. If it is obligatory for him to perform 2 Rak'ats of Ihtiyat prayer, he should perform, after the 2 Sajdah, another Rak'at like the first one, and then complete with tashahhud and Salam.

**Issue No. 17-** Ihtiyat prayer does not have other Surah and qunut, and this prayer should be offered silently.

**Issue No. 18-** When a person doubts about the number of Rak'ats in Ihtiyat prayer, if he finds that by deciding on the higher side, Ihtiyat prayer will be void, he should decide on the lesser. But if he finds that deciding on the higher side would not invalidate Ihtiyat prayer, then he should decide on the higher side.

**Issue No. 19-** If a person has an obligation to perform Ihtiyat prayer, qadha of a Sajdah, qadha of Tashahhud or two Sajda Sahv, he should first offer Ihtiyat prayer.

### **Sajda Sahv (Sajdah for forgotten acts)**

**Issue No. 20-** Two Sajda sahv become necessary for the following things, and they should be performed after Salam. Their method will be explained later:

1. For talking forgetfully during prayers.
2. Reciting Salam at the wrong place, like, forgetfully reciting them in the first Rak'at.
3. Forgetting tashahhud.
4. Forgetting one Sajdah, as an obligatory precaution.
5. When there is a doubt in a 4 Rak'at prayers, after second Sajdah, as to whether the number of Rak'ats performed is 4 or 5, 4 or 6, as an obligatory precaution.
6. For standing up or sitting down forgetfully at the wrong place, as an obligatory precaution.

**Issue No. 21-** When after prayer, one realises that he has either omitted or added some other things by mistake, but that omission or addition does not render the prayers void, then it is Mustahab to perform 2 Sajdah Sahv.

### **The method of offering Sajda Sahv**

**Issue No. 22-** Immediately after the Salam of prayers, one should make a niyyat of performing Sajdah, placing one's forehead on an object which is allowed and say:

*Bismillahi wa billah, assalamu 'alayka ayyuhan Nabiyyu wa rahmatullahi wa barakatuh.*

Or he says:

*Bismillahi wa billah, wa sallallahu ala Muhammadin wa Aale Muhammad.*

Then one should sit up and perform another Sajdah reciting the above mentioned Zikr. After performing the second

Sajdah one should sit up again and recite tashahhud and then he should recite Salam.

\*\*\*\*\*

## Prayers of a traveller

**Issue No. 1-** A traveller should reduce the Rak'ats in Zuhr, Asr and Isha prayers, that is, he should perform two Rak'ats instead of four, subject to the following eight conditions:

**Issue No. 2- The first condition** is that his journey is not less than 8 farsakh. A Farsakh in shariah is 5 kilometers and 544 meters. (When converted into miles, 8 Farsakh is equal to 44 kilometers and 352 meters).

**Issue No. 3-** If the total of outward and return journey is just 8 farsakh, the traveller should shorten his prayers, even if he does not return on the same day or night.

**Issue No. 4-** If a brief journey is less than 8 farsakh or if a person does not know whether or not his journey is 8 farsakh, he should not shorten his prayers.

**Issue No. 5-** If a reliable person tells a traveller that the distance covered in his journey equals 8 farsakh, he should shorten his prayers, if he feels satisfied.

**Issue No. 6-** If two roads lead to a place, one of them less than 8 farsakh away, and the other 8 farsakh or more, the traveller will offer shortened prayers if he travels by the road which is 8 farsakh away or more, and complete prayers if he travels by the road which is less than 8 farsakh away.

**Issue No. 7-** The beginning of 8 farsakh should be calculated from a point beyond which he will be deemed a traveller, and this point is represented by the end of locality (last houses and buildings).

**Issue No. 8- The second condition** is that the traveller should intend at the time of the commencement of the journey, to cover a distance of 8 farsakh.

**Issue No. 9-** A person who does not know how many farsakh his journey would be, like, if he travels in search of something not knowing how far he will have to go, should offer full prayers. But, if the return journey to his home, or up to a place where he intends staying for 10 days, is 8 farsakh or more, he should offer shortened prayers.

**Issue No. 10- The third condition** is that the traveller should not change his mind while on his way. If he changes his mind, or is undecided before covering 4 farsakh, he should offer full prayers.

**Issue No. 11-** If after covering a distance which would add up to make 8 farsakh on return, the traveller abandons the journey, and if he decides to remain at that place, or to return after 10 days, he should offer full prayers.

**Issue No. 12- The fourth condition** is that the traveller does not intend to pass through his home town, or to stay at some place for 10 days or more, before he reaches a distance of 8 farsakh. Hence a person, who intends to pass through his home town or to stay at a place for 10 days, before he reaches of 8 farsakh, he should offer full prayers.

**Issue No. 13- The fifth condition** is that the purpose of travelling should not be Haraam. Therefore, if a person travels to do something unlawful, like, to commit theft, he should offer full prayers. The same rule applies when

travelling itself is Haraam, like, when travelling involves a harm which is Haraam in Shariah.

**Issue No. 14-** If a person is travelling with an oppressor, of his own volition, and by so doing is helpful to the oppressor in his inequity, he should offer full prayers.

**Issue No. 15-** A person whose journey is not haraam, nor is it for a purpose which is haraam, but he may, during the journey commit some sin like, committing Gheebat, should shorten his prayers.

**Issue No. 16-** If a person goes out for hunting, to earn his livelihood, he should offer shortened prayers. But if a person goes out for hunting, with the object of pleasure, his journey is Haram and his prayers during the outward journey will be full.

**Issue No. 17- The sixth condition** is that the travellers should not be nomads, who roam about in the deserts, and temporarily stay at places where they find food for themselves, and fodder and water for their animals, and again proceed to some other place after a few days' halt. During these journeys the nomads should offer full prayers.

**Issue No. 18-** If a nomad travels for Ziyarat, Hajj (pilgrimage), trade or any other similar purpose, he should shorten his prayers.

**Issue No. 19- The seventh condition** is that travelling should not be his profession, that is, one who has no other work but travelling; or that travelling is the means of his

subsistence, like the pilots, drivers and camel riders, herdsmen. Such people will pray full.

**Issue No. 20-** If a person whose profession is travelling, travels for another purpose like, for Hajj, he should shorten his prayers.

**Issue No. 21-** If a person whose profession is that of a courier who takes pilgrims to Makkah from distant places during the year, he should offer full prayers.

**Issue No. 22-** A person whose profession is travelling for a part of the year only, like a driver who hires out his automobile during winter or summer, he should offer full prayers during those journeys only.

**Issue No. 23-** If a driver, who goes round within an area in his town or city only, like taxi driver, happens to travel on a journey consisting of 8 farsakh or more, he should shorten his prayers.

**Issue No. 24- The eighth condition** is that the traveler reaches the limit of tarakhkhus of his hometown, that is, at a point beyond which travelling begins.

**Issue No. 25-** The limit of tarakhkhus of a city or town is a place out of that, where the traveler does not hear the sound of Azan (without loudspeaker), or does not see the walls of last houses or buildings.

**Issue No. 26-** If a traveler who is going out from his hometown, doubts whether or not he has reached the point of tarakhkhus he should offer full prayers. And when he is

coming back from his journey and doubts whether or not he has reached the point of tarakhkhus he should shorten his prayers.

**Issue No. 27-** The birthplace of a person is his hometown (watan), if he did not abandon it.

**Issue No. 28-** A place which a person adopts for his residence becomes his hometown (watan) if he lives there at least 6 months in a year.

**Issue No. 29-** If a person reaches a place which was previously his home, but has since abandoned it, he should not offer full prayers there

**Issue No. 30-** If a traveller intends to stay at a place continuously for ten days or more, he should offer full prayers at that place.

**Issue No. 31-** A traveller, who is not determined to stay at a place for ten days, like, if his intention is that he will stay there for ten days if his friend arrives, or if he finds a good house to stay in, he should shorten his prayers.

**Issue No. 32-** If a traveller decides to stay at a place for ten days and abandons the idea before offering one Prayer consisting of four Rak'ats, he should offer shortened prayers. But, if he abandons the idea of staying there after having offered one Prayer consisting of four Rak'ats, he should offer full prayers as long as he is at that place.

**Issue No. 33-** If a traveller who has decided to stay at a place for ten days, stays there for more than ten days, he

should offer full prayers as long as he does not start travelling, and it is not necessary that he should make a fresh intention for staying for further ten days.

**Issue No. 34-** If a traveller stays at a place unexpectedly for thirty days, like, if he remained undecided throughout those thirty days, whether he should stay there or not, he should offer full prayers after thirty days, even it be for a short period.

**Issue No. 35-** If a traveller intends to stay at a place for nine days or less, and if after spending nine days or less, he decides to extend his stay for further nine days or less, he should shorten his prayers. But after thirty days, he should offer full prayers.

**Issue No. 36-** If a person who knows that he is a traveller, and should offer shortened prayers, intentionally offers full prayers, his prayers are void.

**Issue No. 37-** If a traveller does not know that he should shorten his prayers, and if he offers full prayers, his prayers are in order.

**Issue No. 38-** If a person forgets that he is a traveller and offers complete prayers, and if he remembers this within the time for prayers, he should shorten his prayers, and if he realises this after the time is over, his prayer is in order.

**Issue No. 39-** If a person begins a prayer of four Rak'ats, and remembers during prayers that he is a traveller, if he has not gone into the Ruku of the third Rak'at, he should

complete his prayer with two Rak'ats. But if he has gone into the Ruku of the third Rak'at, his prayer is void.

**Issue No. 40-** If before the time of prayers lapses, a traveller who has not offered prayers reaches his hometown, or a place where he intends to stay for ten days or more, he should offer full prayers. And if a person who is not on a journey, does not offer prayers, and then proceeds on a journey, he should offer the prayers during his journey in shortened form.

**Issue No. 41-** If the Zuhr, Asr, or Isha prayers of a traveller, who should have offered shortened prayers, becomes qadha, he should perform its qadha as shortened prayer, even if he gives qadha at his hometown. And if a non-traveller makes one of the above three prayers qadha, he should perform its qadha as full, even if he may be travelling at the time he offers the qadha.

\*\*\*\*\*

## Qadha prayers

**Issue No. 1-** If a person does not offer his obligatory prayers within time, should offer qadha prayers even if he slept, or was drunk during the entire time prescribed for the prayers.

**Issue No. 2-** If a person realizes after the time for the prayers has lapsed, that the prayers which he offered in time was void, he should perform its qadha prayers.

**Issue No. 3-** It is Mustahab for a person having qadha prayers on him, to perform it as soon as possible, although it is not obligatory for him to offer it immediately.

**Issue No. 4-** A person who has qadha prayers on him, can offer Mustahab prayers.

**Issue No. 5-** It is not necessary to maintain sequential order in the offering of qadha, except in the case of prayers for which order has been prescribed, like, Zuhr and Asr prayers or Maghrib and Isha prayers of the same day.

**Issue No. 6-** If a person knows that he has not offered a prayer consisting of four Rak'ats, but does not know whether it is Zuhr, Asr or Isha, it will be sufficient to offer a four Rak'at prayer with the niyyat of offering qadha prayer for the prayer not offered. And as far as reciting loudly or silently, he will have an option.

**Issue No. 7-** As long as a person is alive, no other person can offer his qadha on his behalf, even if he himself is unable to offer them.

**Issue No. 8-** Qadha prayers can be offered in congregation, if both of them offer the same prayer.

**Qadha prayers of a father and mother**

**Issue No. 9-** If the father and mother of a person did not offer some of their obligatory prayers, and did not care to give qadha, in spite of being able to do so, after their death, it is upon their eldest son to perform those qadha, provided that they did not leave them as a deliberate act of transgression.

**Issue No. 10-** If the eldest son doubts whether or not his father or mother had any qadha on them, he is under no obligation.

\*\*\*\*\*

## Congregational prayers

**Issue No. 1-** It is Mustahab that daily obligatory prayers are performed in congregation.

**Issue No. 2-** Several things should be observed in congregation:

Issue No. 3- First condition: existence of a qualified imam.

**Issue No. 4-** The Imam of the congregational prayers should be:

- Adult (Baligh)
- Sane
- Ithna 'Ashari Shi'ah
- 'Adil
- Of legitimate birth
- Being able to offer the prayers correctly

Furthermore, if the followers are male, the Imam also should be a male. But it is permissible for a female person to lead congregational prayers for females.

**Issue No. 5-** Every human being, whether Muslim or non-Muslim, is of legitimate birth, unless it is proved otherwise.

Issue No. 6- "Idalat" (justice) is an internal piety that prevents one from committing major sins, and repeating minor sins, and as long as we associate with someone and we do not see him committing any sin, it is sufficient.

Issue No. 7- If a person was previously known to be 'Adil (just), and if one doubts whether he is still Adil or not, he should be said to be just, unless one is sure that he is not.

Issue No. 8- Second condition: There should be no obstruction between the Imam and the Ma'mum (follower), nor between one follower and the other followers which prevents seeing each other. However, if the follower is a woman, there is no harm, if there is an obstruction between her and men.

Issue No. 9- If the following rows are very long, and persons standing at the far end cannot see the line before, their congregation will be in order.

Issue No. 10- If a person who is standing behind a pillar is linked with the Imam by another follower from right or left sides, it will be sufficient.

Issue No. 11- Third condition: The place where Imam stands should not be higher than the place of followers, unless the height is negligible. And, if the ground has a slope, the Imam should stand at the higher end, there will be no objection.

Issue No. 12- In the congregational prayers, there is no objection if the place where followers stand is higher than that of the Imam.

Issue No. 13- Forth condition: There should not be too much distance between the Imam and the followers or between the rows of followers. They should be in a manner that they are comfortable to perform Ruku and Sajdah.

Issue No. 14- If after the Takbir of Imam, the persons in the front rows are ready for prayers and to say Takbir, everyone can say Takbir and starts the prayers and it is not necessary to wait for the front rows to say Takbir.

Issue No. 15- Fifth condition: The followers should not stand farther ahead than Imam. Therefore, if a follower, at the start of the congregation or during it, stands farther ahead, his prayers would be void. He should not stand in line with Imam either, rather a little farther back than the Imam.

### **Rules of congregational prayers**

Issue No. 16- One cannot separate himself during congregational prayers into the Niyyat of Furada without any excuse.

Issue No. 17- If the follower has an excuse and makes an intention of Furada after the Imam has recited Surah al-Hamd and other Surah, it will not be necessary for him to recite Surah al-Hamd and other Surah. But if he makes an intention of Furada before the Imam has completed Surah al-Hamd and other Surah, he should recite the part that the Imam has not recited.

Issue No. 18- When the Imam is in Ruku', If a person makes the Niyyat of following him and joins him while he is still in Ruku', his prayers will be in order, whether the Imam has said the Zikr of Ruku' or not, and it will be counted as his first Rak'at.

Issue No. 19 - If a person joins the Imam in the second Rak'at, he should recite Qunut and tashahhud with the Imam

and the precaution is that at the time of reciting tashahhud, he should keep the palms of his hands and the inner part of his feet on the ground and raise his knees. And after the tashahhud, he should stand up with the Imam and should recite Surah al-Hamd and the other Surah. And if he does not have time for the other Surah, he should complete Surah al-Hamd and join the Imam in Ruku'.

Issue No. 20- If a person joins the Imam when he is in the second Rak'at, he should sit after the two Sajdah in the second Rak'at, which will be the third of the Imam, and recite Wajib parts of tashahhud, and should then stand up and join the Imam. And if he does not have time to recite the Tasbihat Arba'ah thrice, he should recite it once, and then join the Imam in Ruku'.

Issue No. 21- If Imam is in the third or fourth Rak'at, and one knows that if he joins him and recite Surah al-Hamd he will not be able to reach him in Ruku', he should wait till Imam goes to Ruku' and then join.

Issue No. 22- If a person joins the Imam when he is in the third or fourth Rak'at, he should recite Surah al-Hamd and the other Surah, and if he does not have time for Surah he should recite only Surah al-Hamd and then join the Imam in his Ruku'.

Issue No. 23- The follower should recite all the things of the prayers himself, except Surah al-Hamd and the other Surah, and this is in the case of offering the first and the second Rak'at with the Imam. However, if his first or second Rak'at coincides with the third or fourth Rak'at of the Imam while he

is in Qiam (standing), he should recite Surah al-Hamd and the other Surah.

Issue No. 24- If the follower hears Surah al-Hamd and the other Surah of Imam in the first and second Rak'at of the Fajr, Maghrib and Isha prayers, he should not recite them. And if he does not hear the voice of the Imam, it is permissible for him to recite Surah al-Hamd and the other Surah silently. . However, in Zuhr and 'Asr prayers, he should always leave out Surah al-Hamd and the other Surah. But saying Zikr in a silent manner is permissible.

Issue No. 25- The follower should not say Takbiratul Eham before the Imam. However, there is no harm in saying other Zikrs before him, though as a recommended precaution, he should not do so if he hears the Imam's voice.

Issue No. 26- The follower should not perform all acts like Ruku' and Sajdah before the Imam. Indeed, he should perform them with the Imam or a little after him. And if, by mistake, he raises his head from Ruku' before the Imam does, he should return to Ruku', and then raise his head with Imam. In this case, the extra Ruku' will not invalidate the prayers.

Issue No. 27- If a follower, thinking that the Imam has raised his head from Sajdah, raises his head from Sajdah, he should return to Sajdah and if it happens in both the Sajdah, although the extra two Sajdah are Rukn, will not invalidate the prayers.

Issue No. 28- If a follower raises his head from Ruku' or Sajdah before Imam by mistake, and does not return to

Ruku' or Sajdah either forgetfully, or thinking that he will not reach the Imam, his prayer is in order.

\*\*\*\*\*

**Friday prayer**

Issue No. 1- Friday prayer is Wajib Takhyiri, which means that we have an option to offer Friday prayers, if its necessary conditions are fulfilled, or to offer Zuhr prayers. Hence, if Friday prayer is offered then it is not necessary to offer Zuhr prayer.

Issue No. 2- Friday prayer consists of 2 Rak'ats like Fajr prayers. The difference between these two prayers is that Friday prayer has two sermons before it.

Issue No. 3- The following conditions must be fulfilled for Friday prayers to become obligatory:

- The time for Friday prayers should have set in. And that means that the midday time should have begun to decline. The time for Friday prayer is the earliest part of Zuhr until the time which is morally necessary for Azan and 2 sermons. If it is very much delayed, then Friday prayer time will be over, and Zuhr Prayer will have to be prayed.
- The number of persons joining Friday prayer should be at least five, including the Imam.
- The Imam should fulfill the necessary conditions for leading the prayers. These conditions include righteousness ('Adalat) and other qualities which are required of an Imam and which will be mentioned in connection with the congregational prayers.

Issue No. 4-The following conditions should be fulfilled for the Friday prayer to be correct:

- The prayers should be offered in congregation. Hence, Friday prayer cannot be prayed alone. If a person joins Friday prayer, even in the Ruku of the second Rak'at his prayers will be valid and he will have to add another Rak'at to complete it.
- Two sermons should be delivered before the prayers. In the first sermon the preacher should praise Allah and invoke peace and blessings upon the holy Prophet and his descendants, and exhort the people to observe piety, and then he should also recite a short chapter (Surah) from the holy Qur'an and pray for believers. Thereafter he should sit down for a short time and then stand up again for the second sermon. This time also he should praise Allah and invoke peace and blessings upon the holy Prophet and the all holy Imams and exhort the people to observe piety, and then he should also recite a short chapter (Surah) from the holy Qur'an and seek forgiveness for the believers. It is necessary that the two sermons should precede the prayer. It is recommended that the Imam talks about the important issues of the society in his sermon.
- The distance between the two places where Friday prayers are offered should not be less than one Farsakh (one Farsakh in shariah is 5 kilometers and 544 meters). Hence if the distance between the two places is lesser and both the prayers commence at one and the same time the one which precedes will be in order and the other will be void.

Issue No. **5**. It is Mustahab to listen to the Imam and to be silent while Imam delivers the sermon. But if a person talks, his prayer is not void.

\*\*\*\*\*

## Eid ul-Fitr and Eid ul-Azha **prayers**

Issue No. 1- Eid ul-Fitr and Eid ul-Azha prayers are obligatory during the time of Imam (A.S.) and it is necessary to offer them in congregation. However, during the present time when the Holy Imam is in occultation, these prayers are Mustahab, and may be offered individually or in congregation.

Issue No. 2- The time of Eid ul-Fitr and Eid ul-Azha prayers is from sunrise of the Eid day till Zuhr (Time of Zawal).

Issue No. 3- Eid ul-Fitr and Eid ul-Azha prayers have two Rak'ats. In the first Rak'at, one should recite Surah al-Hamd and another Surah and then say five takbirs, and after every takbir he should recite Qunut. After the fifth Qunut, he should say another takbir and then perform Ruku' and two Sajdah. He should then stand up to perform the second Rak'at, and say four takbirs after reciting Surah al-Hamd and another Surah, and recite Qunut after every one of these takbirs. Thereafter, he should say the fifth takbir and then perform Ruku' and two Sajdah. After the second Sajdah he should recite tashahhud, and then complete the prayers with Salam.

Issue No. 4- Any Du'a will suffice in Qunut. However it is better that the following Du'a is recited:

Allahumma ahlal kibriya'i wal 'azamah, wa ahlal judi wal jabarut, wa ahlal 'afwi war rahma, wa ahlal taqwa wal maghfirah. As aluka bihaqqi hazal yawm, allazi ja'altahu lil muslimina 'ida, wali Muhammadin sallallahu 'Alaihi wa Alihi,

zukhran wa sharafan wa karamatan wa mazida, an tusalliya ‘ala Muhammadin wa Ali Muhammad, wa an tudkhilani fi kulli khayrin adkhalta fihi Muhammadan wa aala Muhammad, wa an tukhrijani min kulli sou’in akhrajta minhu Muhammadan wa aala Muhammad, salawatuka ‘alayhi wa ‘alayhim. Alla humma inni as aluka khayra ma sa alaka bihi ibadukas salihun, wa aouzu bika mimmasta aza minhu ibadukal mukhlasun.

Issue No. 5- It is Mustahab to observe the following in Eid ul-Fitr and Eid ul-Azha prayers.

1- To recite the Qira’at aloud.

2- To recite two sermons after the prayers. There is no difference between the Eid sermons and the Friday prayer sermons, except that the two sermons in Friday prayers are delivered before Friday prayer while in Eid prayers, the two sermons are delivered after the prayers. ( the two sermons are delivered if the prayer is offered in congregation).

3- No particular Surah has been specified for Eid prayers. But, it is better that after reciting Surah al-Hamd in the first Rak’at , Surah **Sabbi Hisma Rabbikal ’Ala** and in the second Rak’at Surah **Wash Shams** be recited.

4- To say the following takbirs on Eidul-Fitr:

“Allahu Akbar, Allahu Akbar, la ilaha illallahu wallahu Akbar, Allahu Akbar, wa lillahil hamd, Allahu Akbar ala ma hadana.”

5- In Eid ul-Azha, it is Mustahab to say after the above-mentioned takbirs:

“Allahu Akbar ‘ala ma razaqana min bahimatil an’am, wal hamdu lillahi ‘ala ma ablana”.

6- It is Mustahab to perform the Eid prayers in the open fields, if it is possible.

Issue No. 6- If a person, forgetfully, does not say Qira’at, or Takbirs or Qunuts, and while in Ruku', remembers his prayer is in order.

\*\*\*\*\*

## Ayaat prayer

Issue No. 1- Ayaat prayer becomes obligatory due to the following four things:

1- Solar eclipse.

2- Lunar eclipse.

3- Earthquake.

4- Thunder and lightning, frightening cyclone and other similar celestial phenomena, which frightens most of the people in a region.

Issue No. 2- Offering of Ayaat prayer is obligatory for the residents of only that town or region which the event takes place.

Issue No. 3- The time of Ayaat prayer sets in as the eclipse starts, and continues till the reversal of eclipse is not completely over. However, as a recommended precaution, one should offer the prayers before the reversal of eclipse commences.

Issue No. 4- When earthquake, thunder lightning and other similar events take place, a person should offer Ayaat prayer immediately, if it is possible and safe, and if he did not, as a recommended precaution, he should offer it whenever he can do so in future with the Niyyat of *Ma fizzimmah*.

Issue No. 5- If a person did not know about the sun or the moon eclipse, and came to know after the eclipse was over, he should give its qadha if it was a total eclipse. And if he comes to know that the eclipse was partial, qadha will not be obligatory.

Issue No. 6- If a person is satisfied with the statement of astronomers, or persons who know these affairs, he should offer Ayaat prayer.

Issue No. 7- If Ayaat prayer becomes obligatory on a person at the time of daily prayers, and if he has enough time at his disposal for both, he can offer any of them first. If the time for one of them is short, he should offer that prayer first, and if the time for both of them is short, he should offer the daily prayers first.

Issue No. 8- If solar or lunar eclipse, takes place when a woman is in her monthly menses or Nifas, and if she has not yet become clean from the blood of Hayz or Nifas, till the reversal of eclipse completes, it will not be obligatory for her to offer Ayaat prayer nor is there any qadha upon her.

### **Methods of performing Ayaat prayer**

Issue No. 9- Ayaat Prayer consists of two Rak'ats, and there are five Ruku' in each, and can be offered in two ways:

1- After making Niyyat of offering the prayers, one should say takbir (Allahu Akbar) and recite Surah al-Hamd and the other Surah, and then perform the Ruku'. Thereafter, he should stand and recite Surah al-Hamd and the other Surah and then perform another Ruku'. He should repeat this

action five times, and, when he stands after the fifth Ruku', he should perform two Sajdah, and then stand up to perform the second Rak'at in the same way as in the first. Then he should recite tashahhud and salam.

2- After making Niyyat of offering the prayers, and saying takbir (Allahu Akbar) and reciting Surah al-Hamd, one may divide the verses of the other Surah (like Surah Al-Ikhlās) into five parts, and recite one part (which is Bismillahir Rahmanir Rahim) and thereafter perform the Ruku'. He should then stand up and recite the second part of that Surah (without Surah al-Hamd) and then perform another Ruku'. He should repeat this action, and finish that Surah before performing the fifth Ruku'. Then he should perform the Ruku', and the second Rak'at should be done in the same way as the first Rak'at.

Issue No. 10- The things which are obligatory and Mustahab in daily prayers are also obligatory and Mustahab in Ayaat prayer, except that there is no Adhan and Iqamah, instead, one may say 'As-salat' three times in the hope of Thawab.

Issue No. 11- It is Mustahab to recite Qunut before the tenth Ruku'.

\*\*\*\*\*

# **Fasting**

Issue No. 1- It is obligatory upon those who have reached the age of maturity (Bulugh) to keep fast every year, in the holy month of Ramadhan, as it will be explained in the coming issues.

Issue No. 2- Fasting means that a person must, in obedience to the commands of Allah, from the time of Fajr prayer up to Maghrib, avoid the things which invalidate the fasting and details of which will be given later.

## **The Obligatory Things of Fasting**

### **1-Niyyat**

Issue No. 3- It is necessary for a person to pass the Niyyat for fasting as fasting is one of the acts of worship. It is not necessary to say it. In fact, it is sufficient for him to decide that in obedience to the command of Allah he will not perform any act which may invalidate the fast.

Issue No. 4- It is sufficient that a person makes Niyyat every night of the holy month of Ramadhan for the following day's fasting. And it is better, in addition to this, to make Niyyat on the first night of the month that he would fast throughout the month.

Issue No. 5- If one makes Niyyat at any time before the time of Fajr prayer, it would be sufficient.

Issue No. 6- If in the month of Ramadhan, one forgets to make Niyyat, and if he remembers it before the Adhan of Zuhr and immediately makes Niyyat and he has not done any act that invalidates the fast, his fast is in order. However, if he makes Niyyat in the afternoon, it will not be in order.

### **Yawm Al-Shak”**

Issue No. 7- “Yawm Al-Shak” is the day that one doubts whether it is the last of Sha’ban or the first of Ramadhan, the fast on that day is not obligatory. And if one wishes to observe fast, he should make the Niyyat of the last day of Sha'ban. And if it transpires later that it has been the first day of holy month of Ramadhan, it will be reckoned as the fast of the month of Ramadhan. And if he is informed during that day, that it is the first day of Ramadhan, he should immediately change his Niyyat to the fast of the month of Ramadhan.

Issue No. 8- If somebody is fasting but he decides during the day to cancel his Niyyat, his fast becomes invalid.

### **Things which make a Fast void**

Issue No. 9- There are nine things which invalidate fast:

(1) Eating and drinking.

(2) Sexual intercourse.

(3) Masturbation (Istimna).

(4) Ascribing false things to Almighty Allah, or his Prophets or to the innocent Imams, as an obligatory precaution.

(5) Swallowing thick dust, as an obligatory precaution.

(6) Immersing one's complete head in water.

(7) Remaining in Janabat or Hayz or Nifas till the Adhan for Fajr prayers.

(8) Enema with liquids.

(9) Vomiting intentionally.

### **Eating and Drinking**

Issue No. 10- Eating and drinking intentionally invalidates fast, irrespective of whether the thing is a usual eating or drinking thing (e.g. bread and water) or an unusual thing, and whether it is more or less.

Issue No. 11- Eating and drinking forgetfully does not make fast invalid.

Issue No. 12- As an obligatory precaution, one who is fasting should avoid having injections which are used as food or medicine, but there is no objection to injections which are used for medication.

Issue No. 13- Tasting food and washing the mouth with water or medicines, which does not usually go down the throat, will not invalidate the fast, even if it happens to reach the throat inadvertently. However, if a person knows beforehand that it will reach throat inadvertently, his fast would be void and it has qadha and Kaffara.

## **2- Sexual Intercourse**

Issue No. 14- Sexual Intercourse which is advertently invalidates the fast, even if there is no ejaculation. But if a person forgets that he is observing fast and commits sexual intercourse, his fast does not become void.

## **3- Istimna (Masturbation)**

Issue No. 15- If a person, who is observing fast, performs masturbation (Istimna), his fast becomes void. If semen is discharged forgetfully or involuntarily, while sleeping or awake, his fast does not become void.

## **4- Ascribing Lies to Allah and Maasumin**

Issue No. 16- If a person who is observing fast, intentionally ascribes something false to Allah and the Prophets and innocent Imams (a.s.), verbally or in writing or by making a sign, his fast, on the basis of obligatory precaution, becomes void.

Issue No. 17- If a person observing fast quotes a Hadith from a reference of the person who reported it, or of the book in which it is written, his fast is not void.

Issue No. 18- If a person quotes something as the word of Allah or of the Prophets and innocent Imams with the belief that it is true, but realizes later that it is false, his fast does not become void. But, on the contrary, if he ascribes something to Almighty Allah or the Holy Prophet knowing it to be false and understands later that it was true, his fast is void.

## **5- Letting Thick Dust Reach One's Throat**

Issue No. 19- Allowing thick dust to reach throat, if it is changed to mud and is swallowed, on the basis of obligatory precaution, makes the fast void, whether the dust is of something which is Halal to eat, like flour, or of something which is Haraam to consume like dust.

Issue No. 20- If a person forgets that he is fasting, or if dust or any other similar thing enter his throat involuntarily, his fast does not become void.

## **6- Immersing One's Head in Water**

Issue No. 21- A fasting person, as a measure of obligatory precaution, should not immerse his entire head intentionally in water, even if the rest of his body remains out of water. But if the entire body and a part of the head immerse in water and some part of the head remains out of water, it does not invalidate the fast.

Issue No. 22- If a person immerses half of his head in the water once, and the other half the second time, his fast is not void.

Issue No. 23- If a person is obliged to immerse his head in water in order to save someone from drowning, his fast is not void.

Issue No. 24- If divers hide their heads in their mask and dive with it under water, their fast is in order.

Issue No. 25- If a fasting person falls into the water involuntarily, or if he is pushed into water and his head goes

under water, or forgets that he is observing fast and pushes his head under water, his fast will not be void. However, if he remembers it, he should raise his head out of water immediately.

Issue No. 26- If a fasting person forgets that he is fasting, and immerses his head under water with the Niyyat of performing Ghusl, both his fast and his Ghusl will be in order. But, if he knows that he is fasting and intentionally does so, his fast is void.

### **7- Remaining in Janabat or Hayz or Nifas till Fajr Time**

Issue No. 27- If a person in the month of Ramadhan Janabat does not take Ghusl intentionally till the time of Fajr prayers, his/her fast becomes void, and if he/she cannot do Ghusl or if the time is short, he/she should perform Tayammum. If it is not on purpose, his fast is in order. This rule also applies to a woman who has become clean from Hayz or Nifas.

Issue No. 28- Remaining in Janabat the month of Ramadhan till the time of Fajr prayers which makes fast void applies only to the month of Ramadhan and its qadha. It will not invalidate the fasts other than the month of Ramadhan and its qadha.

Issue No. 29- If a person in Janabat in the month of Ramadhan forgets to take Ghusl, and after a day or more remembers it, he should give qadha of the days he is sure he has been in Janabat.

Issue No. 30- If a person thinks that he has time for Ghusl and makes himself enter the state of Janabat, and later finds

out that the time is short, if he performs tayammum, his fast will be in order.

Issue No. 31- If a person who is in Janabat during a night in the month of Ramadhan and knows that if he goes to sleep he will not wake up till Fajr, he should not sleep. And if he sleeps and does not wake up, his fast is harmed. But if he hopes that if he goes to sleep he will wake up before the time of Fajr prayers, he may sleep. However, the second time that he wakes up, he should not go to sleep, till he performs Ghusl. Otherwise, his fast is void.

Issue No. 32- If a person who is in Janabat during a night in the month of Ramadhan and is certain or reasonably hopeful that if he goes to bed, he will wake up before the Fajr prayers, and if he has determined that to do Ghusl upon waking up, and oversleeps with that determination till the time of Fajr prayers, his fast will be in order. But, if he does not intend to do Ghusl then, or is undecided about it, then, in such a case, if he does not wake up, his fast is harmed.

Issue No. 33- If a fasting person becomes Muhtalim during the day, his fast is in order.

Issue No. 34- If a woman becomes clean from Hayz or Nifas before the time of Adhan for Fajr prayers, and has not time to do Ghusl, she should perform tayammum, and her fast will be in order. But, if she has no time to do Ghusl or to perform tayammum, she should do Ghusl later and her fast will be in order.

Issue No. 35- If a woman becomes clean from Hayz or Nifas after adhan of Fajr, she should not observe fast. It is also the same if she sees blood of Hayz or Nifas during the day.

Issue No. 36- A woman in Istihadha should do her Ghusl as it was detailed in the rulings of Istihadha, and her fast will be in order.

### **8- Enema**

Issue No. 37- If liquid enema is taken by a fasting person, his fast becomes void even if he is obliged to take it for the sake of treatment.

### **9- Vomiting**

Issue No. 38- Vomiting intentionally invalidates fast, However, vomiting forgetfully or involuntarily does not invalidate fast.

### **Situations Where Qadha and Kaffara Become Obligatory**

Issue No. 39- If a person commits acts which invalidate fast intentionally, and with full knowledge and awareness, he should give qadha and Kaffara.

### **Kaffara for Fast**

Issue No. 40- The Kaffara of a fast is one of the three things:

(a) Free a slave, or

(b) Fast for two months or

(c) Feed sixty poor to their fill, by giving one Modd (= roughly 750 grams) of food stuff, like rice, bread, or wheat etc. to each of them

Issue No. 41- If it is not possible to fulfill any of these three acts, one should feed the poor for as many as it is possible for him. And still, if he cannot do this, then, he should fast for 18 days. And if he cannot do this either, he should seek Divine forgiveness.

Issue No. 42- A person who has chosen the sixty days as a Kaffara, should fast, continuously for 31 days. However, it is not necessary to fast continuously for the remaining days.

Issue No. 43- If a person who must fast continuously, fails intentionally to fast on any day in the period, he should commence fasting all over again. However, if it is due to a just excuse, like, monthly menstruation or Nifas or a journey that one is obliged to undertake, he/she can proceed to observe the remaining fast after the excuse is removed, and it will not be necessary to commence fasting again from the beginning.

Issue No. 44- When a person is required to feed sixty poor by way of Kaffara for one fast, he can give more than one Modd of food (roughly 750 grams) to one poor person, or feed a poor man more than once.

Issue No. 45- A person offering qadha of a fast of Ramadhan, is not allowed to break his fast in the afternoon. And if he does so intentionally, he should give 10 poor people each a Modd of food, and if he cannot, he should observe fast for three successive days.

### **Occasions on which it is obligatory to observe the qadha only**

Issue No. 46- If a fasting person intentionally and with the full knowledge invalidates his fast by immersing his entire head in water, or Vomiting, or taking liquid enema, or ascribing lies to Allah and Maasumin, then it is necessary for a person to observe a qadha fast only.

Issue No. 47- If a person is in Janabat during a night of Ramadhan and sleeps and wakes up, and for the second time sleeps with the intention of waking up and doing Ghusl, but he does not wake up before Adhan of Fajr prayer, in this case, he should give qadha of the fast.

Issue No. 48- If he does not commit an act which invalidates a fast but did not make Niyat to observe fast, or intends to commit an act which invalidates a fast, he should give qadha of the fast.

Issue No. 49- If he forgets to do Ghusl of Janabat during the months of Ramadhan and fasts for one or more days in the state of Janabat, then, he/she must give its qadha.

Issue No. 50- If a person, in the month of Ramadhan, without investigating as to whether Fajr has set in or not commits an act which invalidates a fast, and it becomes known later that it was Fajr, he must give its qadha. However if he after investigation commits an act which invalidates a fast, and it becomes known later that it was Fajr, his fast is in order and qadha is not obligatory.

Issue No. 51- If a fasting person breaks his fast when someone unreliable informs him that Maghrib has set in, and

he later learns that Maghrib had not set in, it is obligatory on him to give qadha only.

Issue No. 52- If two just reliable persons inform that it is Fajr and one commits an act which invalidates a fast, and it expires later that it was not, it is not wajib to give qadha.

Issue No. 53- If a person , in order to make his mouth cool, or without any purpose, gurgles water in his mouth, and it goes down uncontrollably, he should give Qadha. However, if he forgets that he is keeping fast and swallows water uncontrollably, there is no qadha.

Issue No. 54- If a person plays with his wife, without having the intention of masturbation, semen discharges from him, he should give qadha of fast. However, if he was sure that by doing such a thing he would not ejaculate, and accidentally semen is discharged, his fast will be in order and he does not have to give qadha.

### **Rules Regarding the Qadha Fasts**

Issue No. 55- If an unbeliever becomes Muslim, it is not obligatory on him to offer qadha for the fasts of the period during which he was an unbeliever.

Issue No. 56- A person must offer qadha for the fasts left out due to travelling or illness etc... But, if he does not know the exact numbers of the left out fasts, it will suffice to give qadha for the numbers he is sure he has left out, and it will not be obligatory on him to give more than that.

Issue No. 57- If a person does not fast in the month of Ramadhan due to illness and his illness continues till next Ramadhan, it is not obligatory on him to observe qadha of the fasts which he had not observed, but for each fast he should give one Modd (approximately 750 grams) of food like, rice, wheat, bread etc. to poor.

Issue No. 58- If a person does not fast in the month of Ramadhan owing to some excuse, and his excuse is removed after Ramadhan, yet he does not observe the qadha fasts intentionally till next Ramadhan, he has to give qadha of the fasts and should also give one Modd of food to poor for each fast.

Issue No. 59- After the death of a person his eldest son should observe his qadha fasts, if the father was able to do that but he did not do, or he did not fast because of some excuse. And as a precaution, the eldest son should also give the qadha of fasts and prayers of his mother. But if it is difficult for the eldest son is not able to observe their qadha or it is very difficult for him, then he can give one Modd (approximately 750 grams) of food like, rice, wheat, bread etc. to poor for each fast.

Issue No. 60- If the eldest son of the dead person does not know whether the dead person had qadha fasts on his obligation or not, it will not be obligatory to give qadha for him. If he knows that that he might have had some qadha fasts, then he should give qadha fast for him only as many as he is sure of, and it will not be necessary to give more than that.

## **Fasting by a Traveler**

Issue No. 61- A traveler, with the conditions explained in chapter on prayers, should not fast. In general, where a four-Rak'at prayer is shortened to a two-Rak'at prayer, fasting should be left out, and where a traveler who offers full prayers, like, a person who is a traveler by profession or who has intended to stay in a place for ten days, should fast.

Issue No. 62- It is not Haraam to travel during the month of Ramadhan, but if it is to evade fasting, it will be Makrooh.

Issue No. 63- If a person does not know at all that the fast of a traveler is invalid and observes fast while journeying, his fast is valid, but if he learns about the rule during the day, his fast becomes void.

Issue No. 64- If a fasting person travels after Zuhr he should complete his fast, but if he travels before Zuhr his fast is void. However, he cannot break his fast before reaching the limit of Tarakhkhus (as was explained in the chapter of prayers of a traveler).

Issue No. 65- If a traveler reaches his hometown before Zuhr or a place where he intends to stay for ten days, and if he has not committed an act which invalidates a fast, he should fast on that day. But if he has committed such an act, he should, later, give the qadha of that day.

## **People on Whom Fasting is Not Obligatory**

Issue No. 66- Old men and women, for whom fasting causes extreme hardship, may leave out fasting. However, they

should give one Modd (roughly 750 grams) of bread, wheat, or rice, etc., to a poor for every fast.

Issue No. 67- Fasting is not obligatory on a person who suffers from a disease which causes excessive thirst, making it unbearable, or full of hardship. But they should give one Modd of food to poor for every fast, as it was mentioned in the previous issue, as Kaffara.

Issue No. 68- Fasting is not obligatory on women in advanced stage of pregnancy, and fasting is harmful for them or the child they carry. But they should give the Kaffara which was explained in the previous issue, and later they should do qadha for them.

Issue No. 69- If a woman is suckling a child, whether she is the mother or a nurse, if fasting causes the quantity of her milk to be reduced and causes harm to the child, then, it will not be obligatory on her to fast. But it will be obligatory to give Kaffara (a Modd of Food), and she should also, later, give the qadha of the fast.

### **Haraam Fasts**

Issue No. 70- There are two days in a year on which it is Haraam to observe fast: Eid-ul Fitr (the 1st of Shawwal) and Eid-ul Adha (10th of Zil Hajj).

Issue No. 71- If a person knows that fasting is harmful to him, he should not keep fast, and if he does it will not be in order. Similarly if a person is not sure, but he strongly feels that fasting is harmful to him, he should not observe fast.

## **Itikaf (Seclusion)**

Issue No. 1- Itikaf means a type of worship whereby a person resides in a Jamee mosque for three days or more, not setting foot out of the mosque, and fasting each day, with Niyyat of Qurbat

Issue No. 2- Itikaf is Mustahab, but it becomes wajib by Vow, Covenant or Oath.

Issue No. 3- The conditions of Itikaf are the following things:

- Sane.
- Niyyat of Qurbat and seeking rewards and blessing of Allah.
- Fasting for 3 days.
- Not to be less than 3 days.
- To be in a Jamee mosque.
- Staying in the mosque and not going out, except for necessary and emergency reasons.  
For example, if he becomes Muhtalim, then he should go out immediately from the mosque to perform Ghusl for Janabat and return to the mosque again.

Issue No. 4- whenever fasting is in order, Itikaf also is in order. But the best time for that is the month of Ramadhan. And the time of Niyyat for commencing Itikat is just before Fajr prayer.

Issue No. 5- The following things invalidate the Itikaf:

1. Sexual Intercourse.
2. Istimna (masturbation).
3. Smelling all perfumes for the purpose of enjoying.
4. Mujadilah (altercation, dispute, contention) for showing off.
5. Buying and selling for business. However, to buy the necessary food stuff to serve during the time of Itikaf is permissible.
6. All things which invalidate the fast invalidate the Itikaf too.

\*\*\*\*\*

## Hajj Rulings

Issue No. 1- Hajj (pilgrimage) means visiting the House of Allah (Ka'bah), and performing acts which are called 'Manasik' (those worshipful acts which have been ordered to be performed there), and it is obligatory on a person once in his lifetime, provided that he fulfills the following conditions:

- 1- He/She should be Baligh.
- 2- He/She should be sane and free.
- 3- Because of proceeding to Makkah for Hajj, he/she should not be compelled to forsake an obligatory act which is more important than Hajj, nor should he/she be obliged to commit a haraam act, avoidance of which is more important than Hajj.
- 4- He/She should be capable of performing Hajj, and this depends upon number of factors:

(a) He/She should possess provisions and means for transportation or he/she should have enough money to provide them.

(b) He/She should be physically health enough to go to Makkah and perform Hajj.

(c) There should be no obstacle on the way. If there is fear that he/she will lose his/her life, on his/her way to Makkah, or if the way is closed, or if there is fear of any danger, it is not obligatory on him/her to perform Hajj. But if he/she can reach Makkah by another safe route, even if it is a longer one, it is necessary that he/she should go to Makkah via that route.

(d) He/She should have enough time to reach Makkah and to perform the Manasik (all the acts of worship in Hajj).

(e) He/She should possess sufficient money to meet the expenses of his/her dependents whose maintenance is legally or religiously obligatory on him/her.

(f) On return from Hajj, he/she should have property or trade and work through which he/she will be able to run his/her livelihood.

Issue No. 2- If a woman has some wealth that she can go to Makkah, but on her return, neither will her husband have any means to support her nor herself, Hajj will not be obligatory on her.

Issue No. 3- If a person does not possess the necessary expenses to go to Makkah, but if another person bestows him or let at his disposal a property so that he can go to

Makkah and also pays the expenses of his wife and children during this time, and the other conditions are provided, Hajj will be obligatory on this person, (unless in accepting such an offer, he loses his job). This Hajj suffices his obligatory Hajj.

Issue No. 4- If a person is hired to serve another person or a caravan during Hajj, and in this way performs his Hajj, it will be reckoned as his obligatory Hajj. However, accepting such a job is not obligatory.

Issue No. 5- If a person who can afford performing Hajj, but does not perform it, and later, he loses his physical ability, so that he will have no hope that he himself will be able to perform the Hajj, he should hire someone else to perform Hajj on his behalf

\*\*\*\*\*

## **Nazr (Vow), Covenant, Oath**

Issue No. 1- Vow means making it obligatory upon oneself to do some good act, or to refrain from doing an act which it is better not to do, for the sake of Allah.

Issue No. 2- Vow is of two kinds:

1- A vow which is done in a conditional form, for example, one says if my sick relative gets well, I will undertake to do such and such work for Allah, this is called Vow of Thanks, or if I get angry, I will undertake to do a certain good act for Allah, and this is called Vow of prevention.

2- The second type is an absolute vow, and that is a kind of vow in which a person, without any restriction or condition, says that he makes a vow for Allah that he will do a recommended thing like offering Night Prayers or paying donation. All of these two kinds of vow are in order.

Issue No. 3- A vow will be in order if a formula is pronounced for it whether in Arabic or in any other language. Therefore, if a person says, "It is obligatory upon me to, for the sake of Allah, to do so and so", his vow will be in order.

Issue No. 4- A vow will be in order if the person making a vow is Baligh and sane, and makes the vow with free will and intention. Therefore, if he has been coerced to make a vow, or if he makes it owing to anger or losing one's control, his vow is void.

Issue No. 5- A feeble-minded person who squanders his property for useless purposes, or a person who has been

ordered by the Mujtahid, because of his bankruptcy, to have no right of disposal or discretion over his property, his vows in respect to his properties will not be in order.

Issue No. 6- Once a vow is in order that it will be possible for one to fulfill it.

Issue No. 7- A person should make a vow for an act which is desirable in religion. Hence, making a vow for performing a Haraam or Makrooh act, or for refraining from a Wajib or Mustahab act is void.

Issue No. 8- If a person, on his own choice and volition, violates his vow, he has committed a sin and should give Kaffara for it, and the Kaffara for vow is either feeding sixty poor persons, or fasting consecutively for two months, or setting free a slave.

Issue No. 9- If the parents make a vow that they will marry their daughter to a specific person, the vow has no significance, and the option rests with the girl when she attains the age of puberty.

### **Covenant**

Issue No. 10- Acting upon a covenant is obligatory as it is in the case of a vow, provided that the formula for covenant is pronounced. For example, one should say, "I make a covenant with Allah that I will perform that certain good act".

Issue No. 11- If a person does not act according to the covenant made by him with the above-mentioned conditions,

he should give a Kaffara for it, and the Kaffara for covenant is similar to the Kaffara for vow.

### **Rules Regarding Oath (Qasam)**

Issue No. 12- If a person takes an oath with the following conditions, he should act accordingly, and otherwise, he should give Kaffara for it:

1- A person who takes an oath should be Baligh and sane, and if he takes an oath in respect to his property, he should neither be feeble-minded, nor have been prevented by the Mujtahid from having right of disposal or discretion over his property, and he should take an oath on his own free will and volition. Hence, an oath by a minor, an insane person, or by a person coerced to take an oath, will be void. If he takes an oath in a state of anger or involuntarily and without having intention, then it will be void.

2- The act for which an oath is taken should not be Haraam or Makrooh, and the act for which an oath is taken to abandon it, should not be Wajib or Mustahab.

3- The oath must be sworn by one of the names of the Allah which are either exclusively used for Him, (e.g. Allah).

4- The oath should be uttered in words. Therefore, if a person passes it in his mind, it will not be sufficient.

5- It should be possible for a person to act upon his oath.

Issue No. 13- If a person does not act upon his oath intentionally, he should give Kaffara for it, which means he should fully feed ten indigent persons, or should provide

them with clothes, or should set a slave free. And if he is not able to perform these acts, he should fast for three days.

Issue No. 14- If a person does not act upon his oath because of forgetfulness, helplessness or if he is forced not to act upon his oath, he is not liable for Kaffara.

\*\*\*\*\*

## Eating and Drinking

Issue No. 1- It is Halal to eat the meat of animals, like, cows, sheep, camels, as well as the meat of wild cows, sheep, goats, zebra and deer. However, it is Makrooh to eat the meat of horses, mules and donkeys.

Issue No. 2- Those birds whose flapping of the wings while flying is more than gliding, are halal to eat, including all kinds of hens, roosters, pigeons, and partridges, but it is Makrooh to eat the meat of hoopoes. However, It is haraam to eat the meat of birds having a claw, as well as birds whose gliding is more than flapping the wings.

Issue No. 3- Among the sea foods, the fishes with scales and the shrimps are halal.

Issue No. 4- The following parts of halal meat animals are, as an obligatory precaution in some of them, haraam to eat:

1- blood 2- male genitals 3- female genitals 4- womb 5- glands 6- testicles 7-pituitary gland, a ductless gland in the brain 8- the marrow which is in the spinal cord 9- the two wide (yellow) nerves which are on both sides of the spinal cord 10- gall bladder 11- spleen 12- urinary bladder 13- eye balls 14- a part which is in the middle of the hoofs of the animal.

Issue No. 5- It is haraam to eat impure and dirty things which one's nature dislikes, though they may be Tahir.

Issue No. 6- It is haraam to eat dust and mud.

Issue No. 7- It is haraam to eat or drink anything which is absolutely harmful. Using narcotics (drugs), either in the form of injecting, smoking, taking or any other form or way, is haraam.

Issue No. 8- If a person has sexual intercourse with cows, sheep and camels, not only will their meat be haraam, drinking their milk is also haraam. Such animals should be slaughtered and their body be burnt, and the one who has had sexual intercourse with the animal should pay its price to its owner.

Issue No. 9- Drinking alcoholic beverages is haraam, and is one of the major sins.

Issue No. 10- By alcoholic beverage it is meant any intoxicating liquid, and beer is also an alcoholic beverage. Drinking even one drop or less than that of alcoholic beverage is haraam too.

Issue No. 11- To sit at a table at which people are drinking alcohol is haraam, though the food may be halal.

\*\*\*\*\*

## **Slaughtering and Hunting of Animals**

Issue No. 1- If an animal whose meat is halal to eat, is slaughtered in the manner which will be described later, irrespective of whether it is domesticated or not, its meat becomes halal to eat.

Issue No. 2- If a wild animal whose meat is halal to eat, is hunted with weapons in accordance with the laws which will be explained later, it is halal. However, a domestic animal whose meat is halal to eat does not become halal by hunting.

Issue No. 3- A wild animal whose meat is halal to eat becomes halal to eat by hunting if it is capable of running away. Hence, a young deer or partridge chick which cannot escape will not become halal by hunting.

### **Hunting with Weapons**

Issue No. 4- If a halal wild animal is hunted with a weapon it becomes halal with five conditions:

1- The hunting should be with a sharp weapon like bullet, sword, or similar to them,. However, if the animal is hunted with a trap, or hit by a piece of wood or a stone, etc., it is haram to eat its meat, unless when they reach the animal, it is still alive, and then, they slaughter it according to the Shari'a laws.

2- The hunter should be a Muslim or a Muslim child who can distinguish between good and bad.

3- The hunter should aim the weapon for hunting, but if he takes an aim at some target, and kills an animal accidentally, it will be haraam to eat the meat of that animal.

4- While using the weapon, the hunter should utter the name of Allah. There is, however, no harm if he fails to do so because of forgetfulness.

5- If the hunter reaches the animal and it is already dead, or, if it is alive, he has no time left to slaughter it. However, if he has enough time to slaughter it and he does not slaughter it till it dies, it will be haraam.

### **Hunting with a Retriever (Hunting Dog)**

Issue No. 5- If a retrieve hunts a wild animal whose meat is halal to eat, it will be halal if the following five conditions are fulfilled:

1- The dog should be trained for hunting.

2- The person who sends the dog for hunt, should be a Muslim, or a Muslim child who distinguishes between good and bad.

3- The hunter should utter the name of Allah at the time of sending the dog, or when the dog is leaving. However, if he forgets to do so, there is no harm in it. And it will not be necessary to utter the name of Allah before sending the dog, rather, if he utters it before the dog reaches the prey, it will be halal.

4- The prey should die as a result of the wound inflicted by the dog's teeth. Therefore, if the dog suffocates the prey to

death, or the prey dies because of running too much or because of fear, it is not halal.

5- The hunter who sends the dog should reach the spot when the animal is dead, or if it is alive, there should not be enough time to slaughter it. However, if he reaches there when there is time to slaughter it, he should slaughter the prey in accordance with the rules prescribed by Shari'a, otherwise, it is haraam.

### **Hunting of Fish**

Issue No. 6- A fish with scales is halal fish, irrespective of whether the scales are less or more, small or large, even the fishs whose scales are feeble and shed off in the net are halal.

Issue No. 7- If a fish is caught alive from water, and dies out of water, it is halal.

Issue No. 8- It is not necessary for a person catching a fish to be a Muslim, or to utter the name of Allah while catching it.

### **Slaughtering Animals**

Issue No. 9- To slaughter an animal, it will be sufficient if the throat and the two main arteries (jugular artery and jugular vein) of the neck are completely cut from below the raised part of the throat.

## **Conditions of Slaughtering Animals**

**Issue No. 10-** There are five conditions for the slaughtering of an animal:

1- The slaughterer must be a Muslim. The Nasibi people, who are the enemies of Ahlul Bayt (a.s.), are classified as Kafir (infidel).

2- The animal should be slaughtered with a sharp implement made of iron or other metals.

3- When an animal is slaughtered, the front part of its body should be facing Qibla. But if the slaughterer forgets or does not know the rule and slaughters the animal in a direction other than the Qibla, it will not be haraam.

4- When slaughtering an animal, a person should utter the name of Allah, and it suffices if he says, "Bismillah" only, or if he utters "Subhanallah", or "la ilaha il-lallah". But if he did not utter the name of Allah forgetfully, there is no objection.

5- The animal should show some movement after being slaughtered; at least it should move its eyes or tail or strike its foot on the ground, to make sure that it was alive at the time of being slaughtered.

**Issue No. 11-** The person who slaughters an animal can be a man or a woman, or even a child who is not Baligh yet but knows the rules of slaughtering. However, as long as there is access to men, it would be better if women and children were exempted.

Issue No. 12- Slaughtering animals, by machinery equipments in which the aforementioned conditions are observed, is permissible.

Issue No. 13- If several animals are being slaughtered at the same time, uttering one “Bismillah” will be sufficient for all of them. Similarly, if a great number of animals are slaughtered by machinery equipments at the same time, while considering other conditions, uttering one “Bismillah” will be sufficient.

### **Method of Slaughtering Camels**

Issue No. 14- In order to slaughter a camel, while following the above five mentioned conditions for slaughtering, one should thrust a knife or any other sharp implement made of iron or other metals into the hollow below its neck.

Issue No. 15- If a camel’s head is cut instead of thrusting a knife into the depth of its neck, or if a knife is thrust into the depth of the neck of a sheep or a cow as is done in the case of a camel, their meat will not be halal.

Issue No. 16- Nowadays, sometimes, in order to facilitate slaughtering animals, an electric shock is given to them so that they become senseless in order to slaughter them comfortably or by machinery equipments. There is no harm in this act, if the animal is alive after it has received the shock.

\*\*\*\*\*

## Marriage

Issue No. 1- The relation between a man and a woman becomes lawful (halal) by contracting marriage. There are two kinds of marriage:

(a) Permanent marriage.

(b) Fixed-time marriage.

Issue No. 2- Whether the marriage is permanent or fixed time (temporary), the formal formula must be pronounced. And the formula (Sigha) of the marriage contract should be pronounced either by the man and the woman themselves, or by a person who is appointed by them as their representatives to recite it on their behalf.

Issue No. 3- There is no objection for a man representing a woman or a woman representing a man to pronounce the marriage formula.

Issue No. 4- As long as the woman and the man are not certain that their representative has pronounced the formula, they will not be halal to each other. However, if the representative is a trustworthy person and says that he has done so, it will be sufficient.

### **The Method of Pronouncing the permanent Marriage Formula**

Issue No. 5- It will be sufficient if in pronouncing the formula for permanent marriage, the woman says: “Zawwajtuka nafsi ‘alas sidaqil ma’lum” (i.e. I have made myself your wife on the

agreed Mahr [Dowry]), and then the man should immediately respond thus: “Qabiltut tazwij” (i.e. I accept the marriage).

And if they appoint other person to act as their representative for pronouncing the formula of marriage, it is sufficient if the representative of the woman says, “Zawwajtu muwakkilati muwakkilaka ‘alas sidaqil ma’lum”, (i.e. I have given my client to your client in marriage on the agreed Mahr), and thereafter the representative of the man should immediately respond thus: “Qabiltut tazwija li muwakkili hakaza”, (I accepted the same way the marriage on behalf of my client).

#### **The Method of Pronouncing the Fixed-time Marriage Formula**

Issue No. 6- It will be sufficient if in pronouncing the formula for temporary marriage, after having agreed on the period of marriage and the amount of Mahr, the woman says: “Zawwajtuka nafsi fil muddatil ma’lumati ‘alal mahril ma’lum” (i.e. I have made myself your wife for the agreed period and the agreed Mahr), and then the man immediately responds thus: “Qabiltu”, (i.e. I have accepted), or if the representative of the woman says, “Zawwajtu muwakkilati muwakkilaka fil muddatil ma’lumati ‘alal mahril ma’lum”, (i.e. I have given my client to your client in marriage for the agreed period and the agreed Mahr), and thereafter the representative of the man should immediately respond thus: “Qabiltu li muwakkili hakaza”, ( I also accepted the same way on behalf of my client ).

## **Conditions of Pronouncing Nikah**

Issue No. 7- There are certain conditions for the Nikah recited for marriage. They are as follows:

1- The formula of marriage contract should be recited in correct Arabic. And if the man and the woman cannot pronounce the formula in correct Arabic, they should appoint representatives who can recite it in Arabic. But if they cannot recite it in Arabic and they also cannot find qualified representatives, then they can pronounce the formula of marriage contract in any other language, but the words in the other language must convey the meaning of the Arabic formula.

2- The one who recites the formula should have the intention of Insha' (i.e. reciting it in a creative sense, making it effective immediately). In other words, their intention by uttering these words should be that she effectively makes herself the wife of the man, and the man effectively accepts her as his wife. The representative should also have the same intention.

3- The person who pronounces the Nikah should be sane, and he should also be Baligh, though he may represent someone else.

4- In pronouncing the Nikah, the representatives should specify the man and the woman.

5- The woman and the man should be willing to enter into matrimonial alliance.

Issue No. 8- If a girl has reached the age of Bulugh (puberty) and is mature, (i.e. she can decide what is in her own interest) wishes to marry, she should, as a precaution, obtain permission from her father or parental grandfather. However, if the father refuses to grant permission to her for marrying a suitable man and compatible to her, then, his permission is not necessary. Similarly, it is not necessary to obtain permission if there is no access to her father or parental grandfather, if she is eager to get married urgently. If the girl had already married and later divorced or became widowed, her father or parental grandfather's permission is not necessary for the new marriage.

### **Occasions Nullifying Nikah**

Issue No. 9- If the man comes to know after Nikah that his wife has one of the following seven deficiencies, he can annul the marriage:

1- Insanity.

2- Leprosy.

3- Leucoderma.

4- Blindness.

5- Being crippled in a way that is evident.

6- 'Ifdha' meaning that the woman's urinary and menstrual tracts have become one.

7- Presence of flesh or a bone or a gland in the woman's uterus which obstruct sexual intercourse.

Issue No. 10- A woman can also annul the Nikah in the following cases:

1- Insanity of the husband 2- Having no male organ 3- Being incapable to have sexual intercourse 4- His testicles have been removed.

If she finds leprosy and leucoderma in her husband and she did not know that before marriage, she can get separated from him. And as an obligatory precaution, the husband should become satisfied to divorce her. If he did not accept the divorce, then the Mujtahid should do that.

Issue No. 11- If the wife annuls the marriage because of the husband's inability to have sexual intercourse, the husband should give her half of her Mahr. But, if the man or the wife annuls the marriage because of one of the other deficiencies enumerated above, and if the marriage has not been consummated, he will not be liable for anything. But if the marriage was consummated, he should pay her full Mahr.

Issue No. 12- If the man and the woman know the deficiencies enumerated above after marriage, and then the marriage has been consummated intentionally, they lose their right to Nullify Nikah.

### **Women With Whom Matrimony is Haraam**

Issue No. 13- Matrimonial relation is haraam with women who are one's Mahram, for instance, mother, daughter, sister, paternal aunt, maternal aunt, niece (one's brother's or sister's daughter), wife of one's father, daughter of one's wife and mother-in-law.

Issue No. 14- If a man marries a woman, even if he may not have had sexual intercourse with her, then her mother, her mother's mother her father's mother and all the women as the line ascends are his Mahram. However, the daughter of one's wife will become haraam to that man if he has had sexual intercourse with her.

Issue No. 15- The parental and maternal aunt of a man and the parental and maternal aunt of his father and the parental and maternal aunt of his paternal grandfather and the parental and maternal aunt of his mother, and the parental and maternal aunt of his maternal grandmother, as the line ascend, are all his Mahram.

Issue No. 16- The husband's father and his grandfather, however high they go, and his sons and grandsons, however low they go, are all Mahram to her.

Issue No. 17- If a man marries a woman he cannot marry her wife's sister, as long as she is his wife. Even after divorce, as long as she is in the waiting period, if it is the waiting period for revocable divorce (details of which will be found in section on divorce), and as a recommended precaution, he cannot marry her in the waiting period of the temporary marriage.

Issue No. 18- A man cannot marry the niece of his wife without her permission.

Issue No. 19- A Muslim woman cannot marry a non-Muslim man.

Issue No. 20- In temporary marriage, the duration of the period and the amount of Mahr should have been specified, and without these two points, it will be void.

### **Rules Regarding Looking At Non-Mahram**

Issue No. 21- It is haraam for men to look at the hair and the body of the Non-Mahram women, except the face and the hands up to the wrists of such women.

Issue No. 22- It is Wajib for women to cover their bodies and their hair from Non-Mahram men. However, it is not necessary to cover faces and hands up to wrists.

Issue No. 23- It is permissible for a male doctor to look at a Non-Mahram woman for treatment if it is necessary.

Issue No. 24- It is permissible for a man to look at a woman he intends to marry in order to find out about her beauty or her defects, if she agrees.

\*\*\*\*\*

## Divorce

Issue No. 1- A man who divorces his wife must be sane, and must also be adult, and he should divorce of his own free will. Therefore, if someone compels him to divorce his wife, that divorce will be void. It is also necessary that he seriously intends to divorce; therefore, if he pronounces the formula of divorce jokingly, the divorce will not be valid.

Issue No. 2- The formula for divorce should be pronounced in correct Arabic, and it is obligatory that two just men hear it. If the husband cannot pronounce the formula for divorce in correct Arabic, he should appoint a representative (Wakil) who is able to do that correctly. And if it is not also possible for him, then he can pronounce the formula in any other language with the same meaning.

Issue No. 3- If the husband himself wishes to pronounce the formula for divorce, and his wife's name is, for example, Fatima, he should say, "Zawjati Fatima taliq" (i.e. my wife Fatima is divorced), and if he appoints another person as his Wakil to pronounce the formula of divorce, the Wakil should say, "Zawjatu muwakkili Fatima taliq" (Fatima, the wife of my client is divorced).

Issue No. 4- It is necessary that at the time of divorce, the woman is clean from Hayz and Nifas, and that the husband should not have had sexual intercourse with her during that period.

Issue No. 5- It is valid to divorce a woman even if she is in Hayz or Nifas in the following three circumstances:

1- If the husband has not had sexual intercourse with her at all after marriage.

2- If she is pregnant.

3- If the husband is absent from his wife for one month or more.

Issue No. 6- If a person has had sexual intercourse with his wife, and wishes to divorce her, he should wait till she enters into Hayz again and becomes clean. However, if she is pregnant, he can divorce her immediately after having had sexual intercourse. The same rule applies to a wife in menopause.

Issue No. 7- There is no question of divorce in temporary marriage, and as soon as, the period expires or the man forgoes with the period of the marriage, the woman is separated and divorced.

### **Iddah of Divorce (The waiting Period after Divorce)**

Issue No. 8- It is necessary for a woman who has been divorced to observe Iddah (waiting period), unless the husband has not had sexual intercourse with her at all, or she is in her menopause.

Issue No. 9- The Iddah for women who have monthly period is that, they should wait till they see Hayz twice and become clean. Thereafter, as soon as they see Hayz for the third time, their waiting period will be over.

Issue No. 10- A woman who does not see Hayz, but she is in the age of women who normally see Hayz, she should observe Iddah for three months.

Issue No. 11- If a pregnant woman is divorced, her Iddah (waiting period) lasts till the birth of the child.

Issue No. 12- Iddah for a temporary marriage after the expiry of the period of the marriage, for women who see Hayz, is for two complete periods of Hayz, and if they do not see Hayz, is for forty five complete days.

Issue No. 13- The time of the Iddah of divorce commences when the formula of divorce is pronounced.

### **Iddah of a woman whose husband has died**

Issue No. 14- A woman whose husband has died, should observe Iddah for 4 months and 10 days, irrespective of whether the marriage is permanent or temporary, or her husband has had sexual intercourse with her or not. Even a woman in menopause should observe Iddatul Wafat (Waiting period after the death of one's husband).

Issue No. 15- The Iddah of death begins, in the situation when the husband is absent and dies, when the wife learns of his death.

### **Irrevocable and Revocable Divorce**

Issue No. 16- Divorces are of two kinds: "irrevocable" and revocable" divorce.

Irrevocable divorce means that after the divorce, the husband is not entitled to take back her wife, that is, he is not entitled to take her as his wife without Nikah. This divorce is of five kinds, namely:

(i) The divorce of a woman who has not completed the age of seeing Hayz.

(ii) The divorce of a woman who is in menopause.

(iii) The divorce of a woman whose husband has not had sexual intercourse with her after their marriage.

(iv) The third divorce of a woman who has been divorced three times.

(v) The divorce called Khula' and Mubarat which will be explained later.

Divorces other than these are revocable, in the sense that as long as the wife is observing Iddah her husband can take her back.

### **Orders Regarding Return (Ruju')**

Issue No. 17- During the period of Iddah, the man should pay all expenses of his wife for her maintenance, and he is not allowed to deport her from his house.

Issue No. 18- In the case of a revocable divorce a man can take back his wife without pronouncing a fresh Nikah, and it is of two kinds:

(i) By telling her words which would mean that he has accepted her again as his wife.

(ii) By acting in a manner which would convey the same.

Issue No. 19- It is not necessary for the husband, in order to take her back, to call any person for witness, but it is recommended to call two witnesses.

Issue No. 20- If a person divorces his wife twice and takes her back by Nikah, or makes Ruju' to her, and if each time he has sexual intercourse with her, and after she sees Hayz and becomes clean divorces her, the third time that he gives divorce to her, she becomes haraam for him. She will become halal for him if, after she has observed the waiting period, she marries, on the basis of permanent marriage another man and has sexual intercourse with him, afterwards get divorced from him and observes the Iddah, then the first husband can marry her.

### **Khula' Divorce**

Issue No. 21- A wife, who develops an aversion from husband and is not willing to live with him and there is fear that the continuation of their married life will lead to committing sin, she can surrender to him her Mahr or some of her other property so that he may divorce her. This is called 'Khula' divorce'.

Issue No. 22- The formula of Khula' divorce should be as follows:

If the husband himself wishes to pronounce the formula of Khula' divorce and his wife's name is Fatima, he should say after receiving the property, "Zawjati Fatima Khala'tuha 'ala ma bazalat, hiya taliq", i.e. "I have given Khula' divorce to my wife Fatima in lieu of what she has given me, and she is divorced".

And if his representative wants to pronounce the formula, a person should be appointed by the woman on her behalf as her representative and another one on behalf of the man. If the husband's name is Muhammad and the wife's name is Fatima, the woman's representative should say, "An muwakkilati Fatima bazalat mahraha li muwakkilaka Muhammad li yakhla'aha 'alayh", then the man's representative should say at once, "Zawjatu muwakkili khal'tuha 'ala ma bazalat, hiya taliq". (And if the wife gives something other than Mahr to her husband, the name of the same thing should be mentioned at the time of pronouncing the formula).

### **Mubarat Divorce**

Issue No. 23- If the husband and the wife develop mutual aversion, and the wife gives her Mahr or some other property (which is less valuable than her Mahr) to the man so that he may divorce her, this divorce is called 'Mubarat'.

Issue No. 24- The formula of Mubarat divorce should be pronounced as follows:

If the husband himself pronounces the formula and his wife's name is Fatima, he should say, "Bara'tu zawjati Fatima 'ala ma bazalat, wa hiya taliq", i.e. "My wife Fatima and I

separate from each other in consideration of what she has given me, and she is divorced”. And if the man’s representative wants to pronounce the formula, he should say, “Bara’tu zawjata muwakkili Fatima ‘ala ma bazalat, wa hiya taliq”.

Issue No. 25- If a woman lays a condition at the time of Nikah that if her husband does not give her maintenance for a period of time, or gets addicted to drugs, or he marries another woman, she will be his Wakil for her own divorce, this Wakalat (agency) is in order, and she is entitled to divorce herself.

\*\*\*\*\*

## **Inheritance Rules**

Issue No. 1- There are three groups of persons who inherit from a dead person on the basis of relationship:

(i) The first group consists of the dead person's parents and children, and in the absence of children, the grand children, however, low, and among them whoever is nearer to the dead person inherits his property. And as long as even a single person from this group is present, people belonging to the second group do not inherit.

(ii) The second group consists of grandfather, grandmother and sisters, brother, and in the absence of sisters and brothers their children, whoever from among them is nearer to the dead person, will inherit from him. And as long as even one person from this group is present, people belonging to the third group do not inherit.

(iii) The third group consists of uncles and aunts, however up they go and their descendants, however, low they go. Of course, whoever from among them is nearer to the dead person, will inherit from him. And as long as even one person from the uncles and aunts of the dead person is alive, their children do not inherit, and as long as their children are alive, the children of their children will not inherit.

### **First Group**

Issue No. 2- If out of the first group, there is only one heir of the deceased (for example, father or mother or only one son or only one daughter) he/she inherits the entire estate. And if

there are either more than one son or more than one daughter, the estate will be divided among them equally. However, if there are both sons and daughters, then, the estate is divided among them in such a way that each son gets twice the share of each daughter.

Issue No. 3- If the father and the mother of deceased are his only heirs the estate is divided into 3 parts, out of which 2 parts are taken by the father and one by the mother. If, the deceased has two brothers or four sisters, or one brother and two sisters, the mother gets  $\frac{1}{6}$  of the estate, and the rest is inherited by the father.

Issue No. 4- If only the father, the mother and one daughter are the heirs of deceased, the estate will be divided into 6 parts, out of which the father and the mother take one share each, and 3 shares are taken by the daughter, and the remaining 1 part should be divided between them in the same proportion, unless the deceased has two brothers or four sisters or one brother and two sisters (from the same father), in this case, the estate will be divided into six parts. Father and mother will take one part each, and three parts will be taken by the daughter, and the remaining one part should be divided into 4 parts, out of which the daughter takes 3 parts and the father will take the remaining 1 part.

Issue No. 5- If the heirs of the deceased are his father, mother and one son only, the property is divided into six parts, from which one is taken by the father and one by the mother, and 4 by the son. And if the deceased has several sons or several daughters, they divide the said 4 parts equally among them. If however, he has several sons and

daughters, the 4 shares are divided among them in such a way that each son gets double the share of each daughter.

Issue No. 6- If the heirs of the deceased are his father and one son only, or his mother and one son only, the property is divided into six parts, from which one part goes to the father or mother, and 5 parts to the son.

Issue No. 7- If the heir of the deceased is either his father or mother or is one son and one daughter, the property is divided into six parts, out of which one goes to either father or mother, and the remaining 5 parts is divided in such a way that each son gets double the share of each daughter.

Issue No. 8- If the heirs of the deceased are his father and one daughter only, or his mother and one daughter only, the property is divided into four parts, one part goes to either the father or the mother, and the remaining 3 parts go to the daughter.

Issue No. 9- If the heirs of the deceased are his father and several daughters only, or his mother and several daughters only, then  $\frac{2}{3}$  of the property should be taken by the daughters to be divided between them equally, and  $\frac{1}{6}$  of the property will be taken by the father or the mother, and the rest of property should be divided in the same proportion.

Issue No. 10- If the deceased has no children, his son's child (though it may be a girl) gets the share of the deceased person's son, and the child of his daughter (though it may be a boy) gets the share of the daughter of the deceased.

## **Second Group**

Issue No. 11- The second group of persons that inherits on the basis of relationship, consists of grandfather and grandmother, brothers and sisters and if the dead person does not have brothers and sisters, their children inherit the estate. This group will inherit only if there does not exist anyone from the first group.

Issue No. 12- If the heir of deceased is only one brother, or only one sister, he or she inherits the entire estate, and if he has several brothers alone or several sisters alone, they divide the property equally among themselves. However, if he has several brothers and some sisters together, each brother gets double the share of each sister.

Issue No. 13- If a deceased has real brothers and real sisters, his half brothers and sisters (whose mother is the stepmother of the deceased) do not inherit his property. And if he has no real brothers or real sisters, and has only one paternal half brother, or only one paternal half sister, he or she inherits the entire estate, and if he has several paternal half brothers alone or several paternal half sisters alone, they divide the property equally among themselves. However, if he has several paternal half brothers and some paternal half sisters together, each brother gets double the share of each sister.

Issue No. 14- If the heir of deceased is one maternal half sister, or one maternal half brother, their father being different from the father of the deceased, he or she inherits the entire estate, and if he has several maternal brothers

alone, or several maternal sisters alone, or both of them together, the estate is divided equally among them.

Issue No. 15- If the dead person has real brothers and sisters, together with half brothers and sisters from father's side, and one half brother or one half sister from mother's side, the paternal brothers and sisters do not inherit. In this case, the estate is divided into six parts, from which one part is given to the maternal brother or sister, and the remaining 5 parts will be given to real brothers and sisters, and every brother will get double the share of every sister. However, if he has more than one maternal brother or sister, the estate is divided into three parts, one part of it will be divided equally between the maternal brother and sister, and the remaining two parts will be given to real brothers and sisters, in which case every brother will get double the share of every sister.

Issue No. 16- If the only heirs of deceased are his paternal brothers and sisters, and one maternal brother or one maternal sister, the estate will be divided into six parts. One part will be given to the maternal brother or the maternal sister, and the remaining parts will be divided among the paternal brothers and sisters, in such a manner that every brother gets double the share of every sister.

Issue No. 17- If the only heirs of deceased are his paternal brothers and sisters, and two or several maternal brothers and sisters, the estate will be divided into three parts. One part will be shared among the maternal brothers and sisters equally, and the remaining two parts will be divided among

the paternal brothers and sisters, in such a manner that every brother gets double the share of every sister.

Issue No. 18- If the brother, the sister, and the wife of deceased are his only heirs, the wife gets her inheritance in the manner which will be explained later, and the sister and brother get their inheritance as stated in the foregoing rules.

Issue No. 19- If deceased does not have sister and brother, their share of the inheritance is given to their descendants, in the same proportion.

Issue No. 20- If the heir of the deceased is only one grandfather or one grandmother, the entire estate goes to them, and the great grandfather of the deceased does not inherit in the presence of the grandfather.

Issue No. 21- If the heir of the deceased is only the paternal grandfather and grandmother, the estate is divided into three parts, from which two parts will be taken by the grandfather and one part will be taken by the grandmother. And if the maternal grandfather and maternal grandmother are the heirs, the estate will be divided between them equally.

Issue No. 22- If the heir of the deceased is only one paternal grandfather or one paternal grandmother, and only one maternal grandfather or one maternal grandmother, the estate is divided into three parts, from which two parts will be taken by the paternal grandfather or grandmother and one part will be the share of the maternal grandfather or grandmother.

Issue No. 23- If the heirs of the deceased are paternal grandparents, together with maternal grandparents, the estate will be divided into three parts. One part will be divided equally between the maternal grandfather and the maternal grandmother, and the remaining two parts will go to the paternal grandfather and paternal grandmother, from which the paternal grandfather gets twice the share of the paternal grandmother.

Issue No. 24- If the only heirs of a deceased are the wife or the husband together with the paternal grandparents, and the maternal grandparents, the wife or the husband will get inheritance in the manner which will be explained later. And one of the three parts of the original estate will be given to the maternal grandparents to divide it equally between them, and the remaining parts will be given to the paternal grandparents, and the paternal grandfather gets twice as much as the paternal grandmother.

Issue No. 25- If the heirs of deceased are either the maternal grandfather or maternal grandmother, or both, i.e. the maternal grandparents together with the maternal brothers, the maternal grandfather will be treated like one brother and the maternal grandmother like a sister, and the estate is divided equally between them. However, if the heirs are paternal grandfather and grandmother or parental grandparents together with paternal brothers or real brothers, the grandfather will be treated as a brother and the grandmother as a sister, and the estate will be divided between them in such a manner that the man will get twice as much as the woman.

### **Third Group**

Issue No. 26- The third group of the heirs consists of uncle and aunt, and their children. If none of the persons belonging to the first and second group is present, then the third group will inherit.

Issue No. 27- If the heir is only one paternal uncle or paternal aunt, he or she inherits the entire estate. And if there are several paternal uncles and several paternal aunts, the paternal uncles will get twice the share of the paternal aunts.

Issue No. 28- If the heirs of the deceased are several paternal uncles or several paternal aunts, the estate will be divided equally.

Issue No. 29- If the heirs of the deceased are his/her paternal uncles and paternal aunts, some of whom are the real brothers and sisters of his/her father, while others are paternal or maternal half brothers and sisters of his/her father, those who are paternal half brothers and sisters will not inherit anything. And if the deceased is also survived by one paternal uncle or one paternal aunt, who are the maternal half brother and half sister of his/her father, the estate will be divided into six parts, from which one part will be taken by the paternal uncle or paternal aunt of the deceased, and the remaining will be taken by the full real paternal uncles and paternal aunts of the deceased (the share of the uncle is twice the share of the aunt). And if the deceased has several paternal uncles and paternal aunts of the same mother, but different fathers (for example, two

uncles or two aunts, or one uncle and one aunt from the same mother, but different fathers), the estate will be divided into three parts, out of which two parts will be given to the paternal uncle and paternal aunt from the same father and mother ( as usual, the male twice as much as the female), and one part will be given to the paternal uncle and paternal aunt from the same mother, but different fathers.

Issue No. 30- If a deceased has only one maternal uncle or one maternal aunt, he or she inherits the entire estate. And if he/she has a maternal uncle as well as a maternal aunt, the estate should be divided among them equally.

Issue No. 31- If the heirs of the deceased are only one maternal uncle, or one maternal aunt from mother's side together with parental maternal uncle and maternal aunt, maternal uncle and maternal aunt from father's side, the maternal uncle and maternal aunt from father's side will not inherit, and the estate will be divided into six parts, one part will go to maternal uncle and maternal aunt from mother's side, and the remaining parts will go to parental maternal uncle and paternal maternal aunt who will divide it among themselves equally.

Issue No. 32- If the heirs of the deceased are only maternal uncle and maternal aunt from father's side together with maternal uncle and maternal aunt from mother's side and maternal uncle and maternal aunt from parental side, the maternal uncle and maternal aunt from father's side will not inherit, and the estate should be divided into three parts, one part will be divided equally between the maternal uncle and maternal aunt from mother's side and the remaining parts

will go to maternal uncle and maternal aunt from parental side who will divide it among themselves equally.

Issue No. 33- If the heirs of the deceased are one maternal uncle or one maternal aunt and one paternal uncle or one paternal aunt, the estate will be divided into three parts, one share goes to maternal uncle or maternal aunt, and two shares go to paternal uncle or paternal aunt.

Issue No. 34- If the heirs of the deceased are one maternal uncle or one maternal aunt together with one paternal uncle and one paternal aunt, if the paternal uncle and paternal aunt are either parental or from father's side, the estate will be divided into three parts, one part will go to maternal uncle or maternal aunt and out of the remaining parts, two parts will be given to the paternal uncle and one part to the paternal aunt. Hence, if the estate is divided into nine equal shares, three shares will go to maternal uncle or maternal aunt, and four shares to the paternal uncle and two shares to the paternal aunt.

Issue No. 35- If the heirs of the deceased are one maternal uncle or one maternal aunt together with one paternal uncle or one paternal aunt from mother's side, and paternal uncle and paternal aunt from parental side or from father's side, the estate should be divided into three parts, one part is given to maternal uncle or maternal aunt, and the remaining two parts will be divided into six shares, one share is given to the paternal uncle from the mother's side, and five share are given to the paternal uncles and paternal aunts from the parents' side or from father's side. Paternal uncles inherit twice the share of the paternal aunts.

Issue No. 36- If the heirs of the deceased are one maternal uncle or one maternal aunt together with one paternal uncle and one paternal aunt from mother's side, and paternal uncle and paternal aunt from parental side or from father's side, the estate is divided into three parts, one part will go to maternal uncle or maternal aunt, and the remaining two parts will be divided into three shares, one share goes to paternal uncle and paternal aunt from mother's side, and two shares will be divided between paternal uncle and paternal aunt from either the parents' side or from the father side. Paternal uncles inherit twice the share of the paternal aunts.

Issue No. 37- If the heirs of the deceased are several maternal uncles maternal aunts who are all from parents' side, or from father's side or from mother's side, together with paternal uncles and aunts, the estate will be divided into three equal shares. Two shares will be divided by the paternal uncles and aunts among themselves in accordance with the rule stated in the previous issue, and one share will be divided equally by the maternal uncles and aunts among themselves.

Issue No. 38- If the heirs of the deceased are the maternal uncle and maternal aunt from the mother's side together with several maternal uncles and maternal aunts from the same parents or from the same father only and some paternal uncles and paternal aunts, the estate is divided into three shares, two shares will be divided between paternal uncle and paternal aunt in the manner which was explained before, and the remaining one share, if the deceased has one maternal uncle or aunt from the mother's side, then it will be divided into six parts, one part will be given to

maternal uncle or maternal aunt from the mother's side, and the remaining parts will be given to maternal uncle or aunt from the same parents or from the same father, and they will divide it among themselves equally. And if the deceased has several maternal uncles from the mother's side, or several maternal aunts from the mother's side or both, then that remaining one share will be divided into three parts, one part will be divided equally among maternal uncles and aunts from the mother's side, and the rest will go to maternal uncle and aunt from the same parents or from the same father who will also divide it equally among themselves.

Issue No. 39- If the deceased has no paternal or maternal uncles or aunts the share of the paternal uncles and aunts will go to their children, and the share of maternal uncles and aunts will also go to their children.

### **Inheritance by the Husband and the Wife**

Issue No. 40- If one's permanent wife dies and has no children, the husband inherits half of her estate, and the remaining half is given to her other heirs. If she has children, her husband will get 1/4th of the estate, and the remaining part will be inherited by her other heirs.

Issue No. 41- If a man dies and has no children, his permanent wife inherits 1/4th of his estate, and the remaining part will be given to other heirs. And if he has children, the wife gets 1/8th of the estate, and the remaining part will be inherited by his other heirs.

Issue No. 42- A wife who has one or several children from her husband, inherits from all her husband's movable

properties and from the land and its proceeds (whether it is the land of a house or a garden or a farm, etc.). But if she does not have any child from her husband, she inherits from all her husband's movable properties and garden and lands, except the land of his house and its building and the price of house's land. But she inherits from the price of building of her husband's house and its trees.

\*\*\*\*\*

## **Purchase and Sale**

Issue No. 1- It is obligatory on every Muslim businessman to learn the rules of transactions to the extent that is usually needed by him.

Issue No. 2- Trade, work and struggle for life through business, farming, industry, etc., for those who do not possess the expenses of their families, is obligatory. Otherwise, it is an emphasized recommendation.

### **Haraam and Void Transactions**

Issue No. 3- Transactions in the following cases are void:

1- Sale and purchase of the essential Najasat (Najisul Ayn), that is, the things which are najis by nature. However, sale and purchase of blood which is used to save the life of the injured and the sick in our time, is permissible. Similarly, sale and purchase of hunting and guarding dogs are permitted.

2- Sale and purchase of usurped and stolen properties.

3- Sale and purchase of things which are usually utilized for haraam acts, like gambling tools.

4- Sale and purchase of things which are not considered among people as merchandise.

5- Any transaction which involves interest.

6- A transaction which involves fraud or adulteration, like selling milk mixed with water, or ghee mixed with fat or another thing.

7- Transaction of all sorts of intoxicating beverages is haraam and void.

8- A transaction which involves bribe is haraam and void.

9- A transaction which involves shortchange is haram and void.

Issue No. 4- There is no objection to selling and buying food stuff and medicines, etc. which are imported from non-Muslim countries, if their being najis is not definitely known. For example, if we consider it probable that milk and cheese and oil are produced by machines.

Issue No. 5- Purchase and sale of meat and fat which are imported from non-Muslim countries or are taken from the hands of infidels is void. However, there is no harm if one knows that it is from an animal which has been slaughtered according to Islamic law.

Issue No. 6- It is haraam and void to purchase and sell things which have been acquired by means of gambling, theft, or void transaction, and it is not permissible to appropriate them, and if a person buys them, he should return them to their original owner, and if he does not know the original owner, he should act according to the instruction given by the Mujtahid.

## **Conditions of a Seller and a Buyer**

Issue No. 7- There are some conditions for sellers and buyers:

1. They should be baligh.
2. They should be sane.
3. They should not be impudent, that is, they should not be squandering their wealth.
4. They should have a serious intention to sell and purchase a commodity.
5. They have not been forced to sell and buy.
6. They should be the rightful owners of the commodity which they wish to sell, or give in exchange; or they should represent the owner, or be the guardian of the minor.

Issue No. 8- If a person sells the property of another person without his consent, if the owner concedes later and gives permission, the transaction will be valid.

## **Conditions of Commodity and What is Obtained in Exchange**

Issue No. 9- The commodity which is sold, and the thing which is received in exchange, should fulfill the following conditions:

- 1- Its quantity should be known by means of weight or measure or counting and number.
- 2- It should be deliverable. Therefore, selling an animal which has run away is not correct.

4- Another person should not have any right on the commodity or its replacement once it is sold. Therefore, a property that has been put in pledge with someone, cannot be sold without his permission.

### **Formula of Purchase and Sale**

Issue No. 10- The parties involved in a transaction may pronounce the formula of purchase and sale in any language they know. Hence, if the seller says in English, "I have sold this property in exchange of this money" and the buyer says, "I accept it", the transaction is in order. It will also be all right if the formula is pronounced in wordings other than this with the same meaning. And if the formula is not pronounced, but the seller hands over the commodity to the buyer with the intention of selling it to him, and the buyer also takes it with the intention of buying it, it will be sufficient, provided that all the conditions of transaction have been met.

Issue No. 11- Signing the papers of transaction whether it is in a public Notary Office, or elsewhere, is reckoned as verbal formula.

Issue No. 12- At the time of pronouncing the formula of transaction, the two parties involved should have the Niyyat of Insha', i.e. by uttering the above mentioned words, they are genuinely intent upon buying and selling. Similarly, where practical buying and selling takes place instead of verbal formula, there should also be the Niyyat of Insha'.

## **Cash and Credit Interaction**

Issue No. 13- If a commodity is sold for cash, the buyer and the seller can, after concluding the transaction, demand the commodity or the money from each other and take possession of it . The possession of immovable things, like, house, land, etc., means that it should be handed over to the buyer so that he can have discretion over it, and handing the movable things, like carpets, dress, etc. to the buyer means that he should have full discretion over them and that there should be no obstacle if he wants to take them somewhere else.

Issue No. 14- In transactions on credit, the period should be fixed clearly, and if a date is not fixed, the transaction is void.

Issue No. 15- If a commodity is sold on credit, the seller cannot demand what he has to receive from the buyer before the stipulated period is over.

Issue No. 16- If a person sells a commodity for cash with a price, and on credit with a higher price, for example, if he says: "I sell this commodity to you cash at this price, and at 10% dearer than that on credit, and the customer accepts it, there is no objection in it, and the transaction is not reckoned as a usury.

Issue No. 17- If a person sells a commodity on credit, but, later he reduces his claim and takes the balance in cash, there is no harm in it.

## **Conditions for Contract by Advance Payment**

Issue No. 18- Purchase by advance payment means that a buyer pays the price of a commodity, and takes its possession later. Hence, the transaction will be in order, if for example, the buyer says, "I am paying this amount so that I will take possession of such and such commodity after six months", and if the seller says, "I agree", it will be sufficient. Even if no formula is pronounced, and the buyer pays the money with this intention, and the seller takes it with this intention, it is in order.

Issue No. 19- If a person sells, on advance payment basis, money itself, and takes money in exchange for it, the transaction is void. But, if he sells a commodity, and takes money in exchange of it or another commodity, the transaction is in order.

Issue No. 20- There are six conditions of advance payment contract:

1. The characteristic, due to which the price of a commodity may vary, should be specified.
2. Before the buyer and the seller separate from each other, the buyer should hand over full amount to the seller. And if the buyer pays certain percentage of the price of that commodity to the seller, the transaction will be valid equal to that percentage.
3. The time-limit should be stipulated exactly.
4. A time should be fixed for the delivery of the commodity when the seller is able to deliver it

5. The place of delivery should be specified. However, if that place becomes known from their conversation, it is not necessary that its name should be mentioned.
6. The weight or measure of the commodity should be specified. And there is no harm in selling through advance payment contract, a commodity which is usually bought and sold by sight.

### **The right to cancel a transaction**

Issue No. 21- The right to cancel a transaction is called Khiyar, and the seller and the buyer can cancel a transaction in the following eleven cases:

- 1- If the parties to the transaction have not left the place where the transaction took place. This is called Khiyar majlis.
- 2- If either the seller or the buyer is cheated, and this is called Khiyar Ghabn.
- 3- If it is agreed that up to a stipulated time, one or both the parties will be entitled to cancel the transaction. This is called Khiyar Shart.
- 4- If either the seller or the buyer commits frauds and presents his commodity as better than it actually is. This is called Khiyar tadelis.
- 5- If either the seller or the buyer stipulates that the other would perform a certain job for the other party, or that the commodity should be of particular quality, then, the condition is not fulfilled. In these cases, the party concerned can cancel the transaction. This is called Khiyar takhalluf shart.

6- If one of the two commodities or both are defective, and it was not known before. This is called Khiyar 'Aib.

7- If it transpires that a quantity of the commodity which has been sold belongs to a third person, and if the owner of that part is not willing to sell it, the buyer can cancel the transaction. This is called Khiyar shirkat.

8- If the seller sells a specific commodity that has not been seen by the buyer with certain descriptions, then the buyer realizes that the commodity is not as it was described, the buyer can rescind the deal. This is called Khiyar Ruyay.

9- If the buyer does not pay for the commodity he has bought for three days, and the seller has not yet handed over to him the commodity, the seller can cancel the transaction, unless the seller had agreed to allow the buyer for deferred payment till a fixed period. And if the commodity sold is perishable, like some fruits and vegetables, which would perish or decay if left for one day, and the buyer does not pay till nightfall, the seller can cancel the transaction. This is called Khiyar ta'khir.

10- A person who buys an animal, he can cancel the transaction within three days. This is called Khiyar haywan.

11- If the seller is unable to deliver possession of the commodity sold by him, the buyer can cancel it. This is called Khiyar ta'azzurit taslim.

Issue No. 22- In the following cases the buyer cannot cancel the transaction, even if there is defect in the property, nor can he claim the difference between the prices:

1- If at the time of purchasing the property, he is aware of the defect in it.

2- If he consents later.

3- If at the time of concluding the contract, the seller says he sells that property with whatever defect it may have. But, if he specifies a defect and says that he is selling that property with that defect, and it transpires later that it has some other defect as well, the buyer can cancel the transaction.

4- If at the time of concluding the contract, the buyer says that if the property has a defect, he will not cancel the transaction, nor will he claim the difference between the prices.

Issue No. 23- In the following cases the buyer cannot cancel the transaction if he finds out that there is defect in the property, but he can claim the difference between the prices:

1- If after the transaction has taken place, he changes the commodity so that the people can say that the purchased commodity has not remained in its original form.

2- If after the transaction realizes that there is defect in the property, but had rendered the right of cancelling null.

3- After taking possession of the property, another defect is found in it. But, if he purchases a defective animal, and before the expiry of three days, another defect appears in the animal, the buyer can return it. And if only the buyer was given the option to cancel the deal within a fixed period, and another defect appears in the property during that period, the

buyer can cancel the transaction, even if he may have taken the delivery of it.

\*\*\*\*\*

## **Rules regarding lease/rentl**

Issue No. 1- Both the giver and the taker of lease should be Baligh and sane, and should be acting with intention and on their free will, and should have the right of discretion over their own property.

Issue No. 2- A person can become agent of another person and give his property on lease on his behalf. Similarly, the parent or the guardian of a minor can give his property on lease, provided that his interest is observed.

Issue No. 3-The formula for lease can be pronounced in any language. For example, the owner says to a person: “I have leased out that property of mine to you for such an amount and for such a period”, and he also says, “I accept it”. It is also sufficient if the owner hands over his property to the lessee with the object of leasing it out, and lessee also takes it.

Issue No. 4- If a person is hired, without reciting formula, for doing some work, as soon as he starts doing that work at the request of the party involved, the hire contract will be in order.

Issue No. 5- A person who has taken a house, or a shop or any other thing on lease, cannot sublet it to someone else, unless such a right has been given to him.

### **Conditions Regarding the Property Given on Lease**

Issue No. 6- The property which is given on lease, should fulfill certain conditions:

1- It should be specific. Hence, if a person says, “I give one of my houses or one of my cars on lease” is not in order.

2- The person taking the property on lease should see it, or the owner should describe its particulars fully.

3- It should be possible to deliver it. Hence, leasing out a horse which has run away and the hirer cannot possess it, will be void.

4- The property should not be destroyed or consumed through its utilization. Hence, it is not correct to give bread or fruits on lease.

5- It should be possible to utilize the property for the purpose for which it has been given on lease. Hence, it is void to give a land on lease for farming which is not fertile or does not have sufficient water for its irrigation.

6- The thing which a person gives on lease should be his own property or he should have authority on behalf of its owner in leasing it out.

Issue No. 7- It is in order to give trees, farms or pastures on lease for utilizing its fruit or grass.

Issue No. 8- A woman can be hired for her milk, and it is not necessary for her to get her husband’s permission. However, if her husband’s right suffers owing to her giving milk (to the child of another person), then, without his permission, it is not permissible.

Issue No. 9- The utilization of the property given on lease carries four conditions:

1- It should be halal. Hence, leasing out a shop for the sale of Alcoholic drinks is void.

2- Paying money should not be paid in lieu of services which deem to be futile in the eyes of the public.

3- If the thing which is being leased out can be put to several uses, then, it should be specified for which one of its uses it is leased out.

4- The period of lease or hire should also be specified.

Issue No. 10- If the time of commencement of a lease is not fixed, it will be reckoned to have commenced after the recitation of the formula of lease, or taking possession of the property.

Issue No. 11- If a thing which has been leased out is delivered to the lessee, but he does not utilize it, he should pay the rent.

Issue No. 12- If a person has been hired to do a task on a specified day, and he avails him on that day to do the job, but the owner of the task does not give him the job and that person remains without work on that day, he should pay him his wages.

Issue No. 13- If a thing taken by a person on lease is lost, or becomes defective, and if he has not been negligent in looking after it nor extravagant in its use, he is not responsible. If, for example, a cloth given to a tailor is stolen, or destroyed in fire, and if he has not been negligent in

looking after it, then, he is not responsible. Otherwise, he is responsible.

Issue No. 14- If a surgeon while operating on a patient or circumcising a child causes a problem to the patient or the child through his negligence, or causes his death, he is responsible. Also, if he makes a mistake and as a consequence of it causes harm, he is responsible. However, if he has not neglected and has not made a mistake, rather, the patient becomes defective or dies due to other factors, he is not responsible, provided that he had acted, in respect to the child, with his guardian's permission.

Issue No. 15- The lessee and the lessor can cancel the lease contract with mutual consent. Also if a condition was laid down in the lease contract that one or both of them would have the option to cancel the contract, they can cancel the contract as agreed.

Issue No. 16- If the lessor or the lessee realizes that he has been cheated, and if he was not aware of the price before, he can cancel the lease contract. However, if a condition is laid down in the contract of lease that the parties will not be entitled to cancel the contract, they cannot cancel it.

Issue No. 17- If the lessor or the lessee dies, the lease contract does not become void, and that right remains for their heirs till the end of the lease contract. However, if they have laid a condition that the lessee himself uses that property not anyone else, then, the owner of the property is entitled to cancel the remaining period.

\*\*\*\*\*

## **Rules of Muzaribah**

Issue No. 1- Muzaribah is an agreement between two persons in which one person gives the capital or property to the other to do business with that and the proceeds are divided according to their agreement. The one who gives the capital is owner (Malik) and the other one who does business and trading is called agent or Amil.

Issue No. 2- It is not obligatory to have contract formula in Arabic language in Muzaribah, and it can be done by handing over.

Issue No. 3- Muzaribah is valid on several conditions:

First, the owner (Malik) and agent (Amil) should be Baligh, sane, and with free willing, and the owner (Malik) should not be barred from right of discretion over his/her property, and the agent (Amil) should be entitled and able to do trade and transaction.

Issue No. 4- The capital can be cash, benefit, or debts. The proceeds should be divided and distributed between them according to their agreement, and the shares must be specified.

Issue No. 5- It is not obligatory for the capital to be coined gold and silver; and bank notes and other common types of money are accepted.

Issue No. 6- If one gives his car to another person and authorizes him to transport passengers or goods and sets a

condition that, for example, half or one third of fares should be given to him, this agreement is in order.

Issue No. 7- If Amil does not commit any act, which is considered as neglect or out of agreed terms, he is not responsible for loss in transaction. But if it is stated by owner and agent (Amil) in the Muzaribah contract that Amil is also responsible for loss along with owner, this condition is in order.

Issue No. 8- Father , paternal grandfather and guardian of a minor can enter into Muzaribah on his behalf, if they are sure that the property is not lost and it is to his (minor's) interest and they may divide the proceeds according to contract and deposit minor's share in his account.

\*\*\*\*\*

# Muzari'ah

## (Temporary Sharecropping)

Issue No. 1- Muzari'ah means that the owner of a land hands over his land to a farmer so that he would cultivate it, and give a specific share of the crop to the landowner.

Issue No. 2- The Muzari'ah contract can be in verbal formula in any language, for example, the owner says, "I hand over to you this land for one-third of its crop for two years", and the farmer says, "I accept it", or without reciting a formula, he hands over the land to the farmer and he receives it. (Of course, the necessary talks about the duration and the amount of the proportion of the crop to be given to the landowner, etc. should have taken place earlier).

Issue No. 3- There are certain conditions in Muzari'ah to be considered:

1- Both the landowner and the farmer should be Baligh and sane, and should conclude the agreement of Muzari'ah with their own intention and free will. And they should not have been banned from discretion over their properties by the Mujtahid, and should not be feeble-minded either.

2- All the crop of the land should not be allocated to one of them.

3- The share of each of them should be held in undivided shares, like 1/2 or 1/3 etc. of the crop.

4- The period for which the land is in to remain in possession of the farmer should be specified, and it is necessary that the period should be long enough to make a harvest possible from the land.

5- The land should be arable, and if it is barren but can be made fit for farming, the contract of Muzari'ah is in order.

6- The type of the cultivation should be specified as to what sort of crop it should be, unless, it does not make any difference to them and to the public; or it should be clear as to what sort of crop the land is suitable for.

7- The land should be specified. Hence, if a person has got several pieces of land, and says that he gives one of them to Muzari'ah, and if the lands are of different qualities, the Muzari'ah will not be in order. However, if the lands are of the same quality, and he says, for example, that he hands over to him (the farmer) 1 acres of this land, there is no objection to it. And it is also possible to describe the land to the farmer without him having seen it.

8- The expenses of cultivation, and also the seeds, etc., should be specified that which one of them should be responsible for. However, if the expenditure which each of them should incur is known among the local people, it will be sufficient.

Issue No. 4- If the landowner or the farmer agrees that a certain quantity of the crop, (for example, a ton) of the crop will belong to him, and the remaining quantity will be divided between them, there is harm in it.

Issue No. 5- If farming becomes impossible on the land due to some eventuality, for example, if subterranean canals are destroyed and water supply is cut off from the land, if a part of the crop has been obtained, even, like grass which animals can be fed on, belongs to both of them according to the contract, and the rest the Muzari'ah contract is void.

Issue No. 6- If the farmer does not cultivate the land while the land remains in his occupation, he should pay the rent for that period to the owner at the usual rate, and if a defect has appeared in the land, he is also responsible for it.

Issue No. 7- The landowner and the farmer cannot cancel the contract of Muzari'ah without each other's consent. However, if they had agreed in the contract that one or both of them would have the right to cancel, then, he can do so according to the agreement.

\*\*\*\*\*

## **Musaqat**

Issue No. 1- If a person leaves his trees with someone for a specified period of time, so that he cares, tends and waters them, and in return, that person will take an agreed quantity of fruits, this transaction is called Musaqaat.

Issue No. 2- While concluding a transaction of Musaqaat, the prescribed formula can be recited in any language, or without reciting the formula, if the owner of trees hands over them, with the intention of Musaqaat, to the person who has agreed to take care of them, and he also receives them with the same intention, the transaction will be in order. (Of course, the necessary talks about the duration and the conditions, etc. should have taken place earlier).

Issue No. 3- There are some conditions for Musaqaat:

- 1- The owner of the trees and the person who undertakes to tend and care for them, should be Baligh and sane.
- 2- No one should have compelled them to do so.
- 3- They should not have been banned from having discretion over their own property.
- 4- The period of Musaqaat should be specified, and if the beginning of it is specified, and its end is fixed to be the time when fruits for that year become available, the contract is in order.

**5-** It is necessary that the share of each one of them is fixed as 1/2 or 1/3 etc. of the crop.

**6-** It is necessary that the contract of Musaqat be concluded before the appearance of the crop. And if the contract is made after the appearance of the fruits and before they are ripe, the contract will be in order, provided that some work like, watering and spraying which are required for increasing the crop and protecting the trees, still remain to be done. And if the work required to be done is merely plucking the fruits and looking after them, the contract is in order but it is not Musaqat.

Issue No. 4- If a clear agreement, in respect of melon, cucumber vines etc., in which the number of times of picking and the share of each one are specified, is made.

Issue No. 5- Trees that need not be irrigated and benefit from rainwater or the moisture of the earth, but need other work to be done for them, like turning up with a spade, fertilizing and spraying which will make their fruits or their quality to be increased, it will be in order.

Issue No. 6- The parties involved can cancel the transaction of Musaqat with mutual consent, and also if, when concluding the contract, they had agreed that one or both of them would have the right to cancel it, then, he can do so according to the agreement. And if in the contract of Musaqat, they had laid a condition and that condition is not fulfilled, and if the person who benefits from the condition is not able to compel the other party to fulfill it, then, he can cancel the transaction.

Issue No. 7- The Musaqat transaction will not terminate with the death of the owner of the orchard, and his heirs will act on his behalf. However, if the person who has undertaken to look after the trees, dies and if they had agreed that he himself would do the job, the contract will become cancelled, but if they have not laid such a condition, his heirs will take his place.

Issue No. 8- The work to be done by each of the parties involved should be specified in advance, like, repairing the subterranean canals, or the water well engine, also the supply of the manure, spray equipments, etc., and if there is a local practice and rule in this respect, that will suffice.

Issue No. 9- It is possible that the other party in Musaqat be more than one, that is, the owner of the trees may leave them in the hands of several people, and conclude the contract of Musaqat with them.

\*\*\*\*\*

## **Rahn (Mortgage)**

Issue No. 1- Rahn means that the debtor effects a conveyance of property to the creditor as security for money debt, or property held under responsibility, with a proviso that if his debt is not paid in due time, the creditor may pay himself out of the proceeds of that property.

Issue No. 2- The mortgage agreement can be pronounced verbally, for example, if the debtor says: "I leave this property as mortgage with you against that debt" and the creditor also says, "I accept it", or they can do it practically, i.e. the debtor conveys his property to the creditor with the intention of providing security for the debt, and the creditor accepts it with the same intention, the mortgage is in order.

Issue No. 3- The mortgagor and the mortgagee should be Baligh and sane, and should not have been coerced by anyone. Moreover, they should not be feeble-minded, or they should not have been prohibited from possessing their properties by the Mujtahid because of bankruptcy.

Issue No. 4- One can mortgage a property over which, religiously speaking, has a right of disposal or discretion, and if he mortgages the property of another person, it will not be in order, unless with the permission of the owner. And if the owner of the property says to the creditor, "I mortgage this property against the debts of that person", and if the creditor accepts it, the mortgage will be in order.

Issue No. 5- The property mortgaged must be such in which trading is permissible by Shari'a. Hence, if alcoholic liquor and gambling equipment, or things like it is mortgaged, the transaction will be void.

Issue No. 6- The benefit which accrues from the mortgaged property, like milk of an animal or fruits of trees, belongs to the owner of that property.

Issue No. 7- It is not permissible to bring about changes which are in conflict with the mortgage agreement. Hence, neither the creditor nor the debtor can transfer a property which is mortgaged to another person without the consent of the other party, for example, present or sell it to someone else.

Issue No. 8- If the debtor fails to repay his debts at the request of the creditor when it is due, the creditor can sell the mortgaged property with observance and consideration of the owner's benefit, and collect his dues and should give the amount in excess of his debt to the debtor.

But if that property is the house that the debtor occupies and lives in, or the essential household furniture, the creditor cannot sell it.

\*\*\*\*\*

# Ariyat

## (Borrowing, Lending)

Issue No. 1- When a person gives his property to another person for use without taking anything in exchange, it is called Ariyat.

Issue No. 2- Ariyat can be done in two ways; either a formal formula is pronounced in any language, for example, a person says to another person, "I lend this property to you," and he also accepts it, or without uttering a word, he gives the property he intends to lend to the other person, and he also receives it with the same intention.

Issue No. 3- It is not in order to lend a usurped thing or a thing which belongs to the lender but its benefit has been assigned to some other person, unless the owner of the usurped thing or the assignee is agreeable to its being lent.

Issue No. 4- the lender and the borrower should be sane and Baligh.

Issue No. 5- If a person has borrowed something, and it is lost or damaged, he will not be responsible, except that he has failed to look after it. However he will be responsible, if the lender stipulates that the borrower would be responsible for loss or damage.

Issue No. 6- If the lender dies, the borrower should give the borrowed thing to his heirs.

Issue No. 7- The lender can take back the thing he has lent as and when he likes, and the borrower can also give it back at any time he wishes.

Issue No. 8- It is not permissible to lend a thing which has both halal and haraam uses, with the intention of its haraam use.

Issue No. 9- It is in order to lend sheep for the use of their milk and wool, as well as other animals for their lawful benefits.

\*\*\*\*\*

# **Wadi'a (Amanat)**

## **Deposit, Custody, Trust**

Issue No. 1- Wadi'a means that one deposits his property with another person for protecting and guarding it in trust. When this is uttered or without uttering a word by a simple conduct the depositor makes the receiver understand that the property is deposited with him in trust for guarding it, and he also takes it with the same intention, then they must follow the rules of Wadi'a.

Issue No. 2- Treachery in Amanat is haraam and it is one of the major sins, and if a person accepts something in trust, he should not fail in guarding it and whenever the owner of the deposited thing demands it, he should return it to him, whether the owner is Muslim or not.

Issue No. 3- Both the trustee and the depositor should be Baligh and sane. Therefore, if a non-Baligh child or an insane deposits some property with someone, their action will not be in order. Similarly, one cannot deposit some property with a non-Baligh child or an insane. However, a discerning child can accept a Wadi'a (deposit) with the permission of his parent/guardian.

Issue No. 4- A person who is not in a position to take care of an Amanat (a deposit), he should not accept it. However, if the owner of that property is in a less position than him in taking care of it and if there is no other person available who can look after it better, then, there is no objection in accepting it.

Issue No. 5- If a person tells the owner of the property that he is not prepared to look after his property, and does not accept it, yet the owner leaves it there and goes away, and then the property perishes, the person who has declined to accept the deposit will not be responsible for it. However, it is better, if it is possible for him to look after it.

Issue No. 6- A person who gives something to another person as a deposit, can abrogate the arrangement when he likes, and similarly, one who accepts the deposit can do the same when he likes.

Issue No. 7- If a person renounces the custody of the property deposited with him and abrogates the arrangement, he should deliver the property to its owner or to the agent or guardian of its owner, as quickly as possible, or inform them that they should collect their property. And if he does not deliver the property to them and also does not inform them, without any justifiable excuse, and if the property perishes, he should give its substitute.

Issue No. 8- If a person who accepts a deposit has not been negligent in looking after it, and then the property unexpectedly perishes, he will not be responsible for it.

Issue No. 9- If the owner of a property dies, the trustee should deliver the deposit to his heirs, or inform them to collect it. And if he fails to do so, he is responsible. However, if he does not deliver the property in order to investigate whether the claimants are the right heirs or not, or whether there are other heirs besides them; then, while doing so, if the property perishes, he will not be responsible.

Issue No. 10- If the owner of the deposit dies, the trustee of the deposit should give the property to all the heirs, or to the person who has been authorized by all of them to receive the property. Hence, if he gives the entire property to one heir without the consent of others, he will be responsible for the shares of the remaining heirs.

Issue No. 11- If the trustee of a deposit dies, his heir should inform the depositor of the property as soon as possible, or deliver it to him.

Issue No. 12- If a person with whom a property has been deposited, observes in himself the signs of approaching death, he should, if possible, deliver the deposit entrusted to him to its owner, or his agent, and if it is not possible, he should make a will about it, attested by witness, and give the name of the owner of the property, describing fully the nature and the particulars of the deposit.

\*\*\*\*\*

# **Musaliha**

## **(Compromise)**

Issue No. 1- Sulh or Musaliha (Compromise) means coming to terms with someone in the matters of disagreement between them or issues that might lead to dispute or quarrel, by giving up to him a part of his own property, or profit gained from it or his own right, or by waiving or forgoing a debt, or some right, and that the other person also by giving him in return, some property or profit from it, or waiving his debt or right in consideration of it. This is called 'compromise in exchange for', and if it is done without claiming any consideration, it is called 'compromise without exchange for', and both of these compromises will be in order.

Issue No. 2- A person who gives something to another person by way of compromise, should be Baligh and sane, and no one should have compelled him, and should have serious intention of making compromise, and he should not also be feeble-minded, who spends his wealth wastefully, and he should not have been prevented by Mujtahid from taking possession of his property.

Issue No. 3- The compromise formula can be pronounced in any language. Rather, any practical step taken which clearly indicates that the two parties involved would like to compromise through it, it will be sufficient.

Issue No. 4- If a person wants to give up his claim from another person in exchange for something, by way of compromise, it will be in order if the other side accepts it.

However, if he wants to waive his claim or his right, the acceptance of the other party will not be necessary.

Issue No. 5- If a debtor knows the amount he owes, yet, he declares that he does not know, and his creditor does not know and makes compromise with the debtor for an amount less than what is owed to him, it will be void, and the debtor owes him in proportion to the extra amount.

Issue No. 6- If two parties wish to make a compromise on two things of the same kind whose weight is known, the compromise will be in order if usury is not involved, that is, the weight of one commodity should not be more than the other.

Issue No. 7- If a person has a claim from another person and its stipulated time has not yet expired, if he compromises his claim with less than that and his intention is that to dispense with some of his claim and get the rest in cash, there is no harm in it.

Issue No. 8- The agreement of compromise can be cancelled with the mutual consent of the parties involved. Similarly, if while concluding the agreement one or both of them is given the option to cancel the compromise, the person who possesses that option can cancel the compromise.

\*\*\*\*\*

# **Wakalat**

## **(Agency)**

Issue No. 1- Wakalat means that a person, who is religiously able to interfere with, and possess a task, leaves it to someone else to do on his behalf, for example, to appoint someone as his agent to sell his house.

Issue No. 2- Among the necessary conditions are that both Wakil (agent) and Muwakkil (principal) should be sane, Baligh and that they should act with intention and on their own free will, and they should not also be feeble-minded, who spends his wealth wastefully.

Issue No. 3- Wakalat agreement can be made by pronouncing formula in any language, or if a person conveys to another person, by conduct, that he has made him his agent and the other person also conducts himself in a way to convey that he has accepted that position.

Issue No. 4- Wakalat in haraam acts or for affairs that a Wakil cannot perform rationally or religiously, is void. For example, a person who is wearing Ehram for Hajj cannot recite the Nikah as an agent for another person.

Issue No. 5- If a person appoints another person as his agent to perform a specific task, the agency is in order. But if he appoints him as his agent for performing a task without specifying it, the agency will be void.

Issue No. 6- If a person removes his agent from office; he (the agent) cannot perform the task entrusted to him after

the news of his dismissal has reached him. And the agent can relinquish the agency whenever he wants to.

Issue No. 7- An agent cannot appoint another person as agent for the performance of the task entrusted to him, except when the principal has authorized him to engage an agent on behalf of himself or him. In that case, he should strictly act according to the instructions given to him.

Issue No. 8- If a person engages several persons as agents for performing a task, and tells them each one of you is independently my agent. In this case, any one of them performs the task, is in order; and if one of them dies the agency of others is not invalidated. But if he tells them you are all jointly my agents, none of them can act independently, and if one of them dies, the agency of others is invalidated.

Issue No. 9- If either Wakil (agent) or Muwakkil (principal) dies, or becomes insane, the agency becomes invalid. However, temporary unconsciousness does not make the agency invalid.

Issue No. 10- If a person appoints someone as an agent to perform a task, and fixes wages for his services; he should pay him the same after the completion of the task.

Issue No. 11- If an agent has been careless in looking after the property entrusted to him, or treated it in a manner which was different from the one allowed by the principal, and consequently the property is lost or becomes defective, he is responsible for it.

# Hajr

## **Persons Who Have No Right of Disposal**

### **or Discretion Over Their Own Property**

Issue No. 1- A child who has not reached the age of bulugh, and an insane person, and a feeble-minded person i.e. someone who squanders his property for useless purposes, have no right of disposal over their properties, rather, it should be under the supervision of their guardians.

Issue No. 2- A bankrupt, whose debts are more than his available capital, if his creditors have asked the Mujtahid to prohibit him from disposal of or having discretion over his property, then he has no right of disposal or discretion over his property after the Mujtahid's judgment.

\*\*\*\*\*

# Hawala

## **(Transferring the debts etc.)**

Issue No. 1- If a debtor directs his creditor to collect his debt from a third person, and the creditor accepts the arrangement, the third person will become the debtor, and the first debtor gets rid of the debt.

Issue No. 2- The debtor, the creditor and the person to whom collections referred, should be Baligh and sane, and no one should have coerced them, and they should not be

feeble-minded, or have been prevented from possessing their properties.

Issue No. 3- If a debt is transferred to a debtor for payment, it is necessary for him to accept it, but if it is transferred to a person who is not a debtor, it is not necessary for him to accept it, however, the transfer will be in order, in case he accepts it. Similarly, if a debtor wishes to affect a transfer to a creditor for a commodity other than that for which he is indebted, this will be in order, if the creditor accepts this transfer.

Issue No. 4- The transferor and the creditor should specify the quantity of the transfer and its category, and if they don't, the transfer will be void.

Issue No. 5- The creditor may decline to accept the transfer of debt.

Issue No. 6- If the debtor, the creditor, and the person to whom Hawala is assigned agree among themselves that all of them or any one of them has a right to cancel the Hawala, they can do so in accordance with the clause of the Hawala agreement.

\*\*\*\*\*

# **shirkat**

## **Partnership**

Issue No. 1- If two properties are mixed in a way that cannot be distinguished from each other, and separating them from each other is not possible, partnership is gained in that property, whether this is done intentionally or not. Also, if they pronounce a formula declaring partnership, in any language, or express their intention of becoming each other's partner practically, the partnership will be valid for the properties they have pronounced formula, and it will not be necessary to mix the two properties.

Issue No. 2- The persons who become partners under the rules of partnership, must be Baligh and sane, and should have intention and free volition for becoming partner. They should also be able to exercise discretion over their properties, like, a feeble-minded person who has no right of disposal over his property and spends his wealth impudently.

Issue No. 3- There is no harm if a condition is laid down in an agreement of partnership, that the partner who manages or works should get larger share of the profits. However, if it is agreed that the entire profit will be appropriated by one person, it will not be in order.

Issue No. 4- Partners will get profit and loss in proportion to their capital, unless, a special condition has been mentioned in the agreement of the partnership. Therefore, the one whose capital is twice as much as the others, his share of the profit or loss will also be twice as much as the others.

However, if they agree that their share of benefit or loss would be equal, there is no harm in it.

Issue No. 5- The person who has been given the right of discretion over the capital of the partnership for concluding transactions, should act precisely according to the agreement and the conditions. For example, if it is agreed that he will not sell on credit, he should act according to the agreement. However, if no such agreement is made with him, he should conclude transactions in the usual manner.

Issue No. 6- If the person who transacts business with the capital of the partnership, buys and sells contrary to the agreement made with him, and results in a loss, will be responsible, even if no particular agreement has been made with him, and he acts in a manner which is not normal, he will still be responsible.

Issue No. 7- If the person who trades with the capital of the partnership, does not go beyond the bounds of his authority, nor is he negligent in looking after the capital, yet unexpectedly the entire capital or a part of it perishes, he is not responsible.

\*\*\*\*\*

## **Ju'ala**

Issue No. 1- Ju'ala means that a person promises that if another one completes a particular work for him, he will give him a specified amount for it. For example, he declares that if anyone recovers his lost property, he will give him \$50.00. One who makes such a declaration is called Ja'il, and the

person who carries out that work is called 'Amil. The difference between Ju'ala and Ijara (hire) is that, in the case of "hire" the hired person is bound to do the job after agreement, and the hirer becomes indebted to the hired person for his wages, whereas in the case of Ju'ala, the person who agrees to do the job is at liberty to abandon it if he so wishes; and until he completes the job assigned, the person who declared the reward or payment does not become indebted to him.

Issue No. 2- Ja'il should be Baligh and sane, and should have made the Ju'ala with his free will and intention, and should have, religiously speaking, the right of disposal and discretion over his property.

Issue No. 3- The task for which the declaration is made by the employer should not be haraam, and it should not be useless.

Issue No. 4- If Ja'il does not fix a specified wages for a task and says, "Whoever finds my lost property, I will give him some money or a reward", this is not Ju'ala, but if a person does that task, he should be paid according to what is customarily paid for such tasks.

Issue No. 5- Ja'il and 'Amil can cancel the Ju'ala agreement before the the work starts. They can also cancel it after the work starts, but if Ja'il cancels it, he should give the 'Amil wages for the amount of work he has done.

Issue No. 6- As we said earlier 'Amil can leave the task incomplete. However, if his failure to complete the task causes harm to the person who appointed him (Ja'il), he

should complete it, and if he does not do so, he is responsible. For example, if a person tells the surgeon, “If you operate my eye, I will give you so much money”, and he starts the operation. If by not completing the operation, the eye will become defective, he has no claim, whatsoever, over the person who employed him, and he will also be responsible for the loss and the damage.

Issue No. 7- If ‘Amil leaves a job, which is of no use till it is complete, incomplete, for instance, he goes after the lost property for some time and then quits it, he has no claim.

\*\*\*\*\*

# Wasiyat

## (Will)

Issue No. 1- A will is purported to direct that after one's death the certain tasks be completed, like directions given for the burial place and other ceremonies, or to direct that after his death a part of his properties should become the property of a certain person, or that he appoints someone as guardian of his children.

Issue No. 2- If a person wishes to make a will, he can do so by saying or writing make his intention understood, or if he is not able to speak or to write, he can make a will by means of a sign that makes his intention understood.

Issue No. 3- A person making a will should be Baligh and sane. Also, a person making a will should not be a feeble-minded squanderer, and should not be prevented from having discretion over his properties by the Mujtahid, and he should make a will on his own free will and intention, not reluctance and compulsion.

Issue No. 4- When a person sees signs of approaching death in him, he should immediately return the things held in trust by him to their owners. And if he is indebted to others, and the time for repayment of the debt has matured, he should repay the debt. And if he is not in a position to repay the debt, or the time for its repayment has not yet matured, he should make a will, and if he is not sure that they will act according to his will, he should appoint witness to the will.

But, if he is sure that his heirs will repay his debts, then it is not necessary to make a will.

Issue No. 5- If a person retracts a directive in his Will, for example, if he first says that 1/3 of his property should be given to a person, and then says that it should not be given to him, the will becomes void. And if he changes his will, for example, if he appoints an administrator for his minor children, and then replaces him with another person, his first will becomes void. And if he also conducts himself in a manner which shows that he has drawn back from his will, for example, if he sells the house which he had willed to give away to someone, or appoints someone as his agent to sell it, in spite of his original wish, the will becomes void.

Issue No. 6- If a person makes a will that a particular thing be given away to someone, and later changes it to say that half of the same thing should be given to another person, that thing should be divided into two parts, and one part should be given to each of them.

Issue No. 7- If a person makes a will that 1/3 of his property should be retained and its income should be spent for some particular purpose, his instructions should be followed.

Issue No. 8- If an executor alone cannot perform all the tasks laid down in the will of the deceased, and cannot hire someone else to help him, then the Mujtahid will appoint someone to assist him in his duties.

Issue No. 9- If all or a part of the property of the deceased is lost or damaged while in the custody of the executor, and if he has not been negligent in looking after it, or has not acted

against the tasks laid down in the will by the deceased, he will not be responsible, otherwise, he will be.

Issue No. 10- If a person appoints someone as his executor, and says that after that executor's death, another person should be the executor in his place, this will is in order, and if the first executor dies, the second executor replaces him.

Issue No. 11- If debts and obligatory Hajj remained unperformed by the dead person, and dues like Khums, Zakat, etc.were not paid, they should be paid from the estate of the deceased though he may not have directed in his will for them. And if the estate of the deceased exceeds his debts and obligatory religious dues like the one mentioned above, and if he has also willed that 1/3 or a part thereof of his property be put to a particular use, his will should be followed, and if he has not made a will, then 1/3 of the property will not be for him, and what remains after the deduction of his debts and religious dues is the property of the heirs.

Issue No. 12- One cannot will more than 1/3 of his property, unless the heirs give consent to it, whether this permission is before his death or after it.

Issue No. 13- If a person claims that he is the executor of the deceased, and can act according to the will and put it into effect, or that the deceased had appointed him an administrator of his children, his statement should be accepted only if two Adil (Just) witnesses confirm it.

\*\*\*\*\*

# **Qarz**

## **(Debt or Loan)**

Issue No. 1- Giving loan is one of the very much recommended acts, which has been greatly recommended in the Holy Qur'an and in the traditions and narrations of the infallible prophet and Imams. There is a narration which says, "The reward for Sadaqa is ten times of it, and the reward for loan is eighteen times of it."

Issue No. 2- Loan agreement formula can be done either verbally, or in action, that is, if a person gives something to another person with the intention of loaning, and the other person takes it with the intention of borrowing. It is in order in both cases.

Issue No. 3- In lending, the quantity, the period and the commodity should be specified, and also both the creditor and the debtor should be Baligh and sane, and they should not be feeble-minded and should not have been prohibited from having discretion over their property, and they should do so on their own free will and with intention.

Issue No. 4- If the creditor demands his debt at the time he is entitled to, and the debtor is in a position to pay it he should pay it immediately, and if he delays its payment, he commits a sin. However, if the debtor does not possess anything other than the house he occupies and the household effects, the creditor should wait, and he cannot compel him to sell the things he needs. However, the debtor should try hard for the repayment of his debt through trade

and work or other lawful ways to earn something to pay his debt.

Issue No. 5- If a person who advances a loan, makes a condition that he will take back more than what he gives, it will be usury and therefore haraam.

Issue No. 6- To pay interest is haraam, the same way as charging interest, and the one who has taken a loan against interest does not become its owner, and it is not permissible to exercise discretion over it.

Issue No. 7- If a debtor dies, all his debts should be paid, and the creditors can claim their debts.

\*\*\*\*\*

## **Zamanat**

### **(Surety)**

Issue No. 1- If a person wishes to stand surety for the repayment of the debts of another person, he can either recite verbal formula in any language and say, for example, “I guarantee to pay the debt of Mr. so and so”, and the creditor also says, “I accept it” and they can do it by signing the surety agreement.

Issue No. 2- After a person has become the guarantor for the repayment of a debtor’s debts, his debts are transferred to the guarantor’s obligation, and the debtor’s obligation is cleared. And if the surety has been done at the request of the debtor, whenever the guarantor pays the debt, he can

claim it from the former debtor. There is another kind of surety that a person becomes the guarantor of another person with this in mind that if the debtor fails to repay his dues or was not able to repay it, the creditor can claim it from the guarantor. This kind of surety is also in order. And most of the surety that takes place in the banks, they are of this kind.

Issue No. 3- The guarantor and the creditor should both be Baligh and sane, and they should not have been coerced by anyone. Furthermore, they should not be feeble-minded.

Issue No. 4- In surety, the creditor, the debtor and the commodity given as loan should be specified.

Issue No. 5- If a creditor gifts the guarantor with the debt owed to him, the guarantor cannot claim anything from the debtor, and if the creditor gifts him with a part of his debt, the guarantor cannot demand that part from the debtor.

Issue No. 6- The guarantor cannot cancel his surety without the consent of the creditor, but there is no harm if the guarantor or the creditor stipulates an option in their agreement for cancellation of the guarantee at any time they wish to do so.

\*\*\*\*\*

## **Usurpation**

Issue No. 1- Usurpation means that a person unjustly seizes the property or the right of another person. This is one of the major sins.

Issue No. 2- If a person does not allow the people to benefit from a public properties like mosque, a school, a bridge and other places which have been constructed for the use of the public, he usurps their right.

Issue No. 3- Seizing the properties of the Public Treasury of Muslims without having a right over it is also usurpation.

Issue No. 4- It is obligatory for a usurper to return the property that he has usurped to his owner as soon as possible, and the more he delays in doing so, the more sins will be recorded for him, and if it is lost or damaged he should compensate him for it.

Issue No. 5- If some benefit accrues from a thing which has been usurped, for example, if a lamb is born of a sheep which has been usurped, or the fruit of an orchard which has been usurped, they all belong to the owner of the property, though the usurper may have spent time or his energy, etc. on it. Moreover, if a person usurps a house, he should pay its rent, at the normal rate, for the period it has been in his hand, even if he does not occupy it. This also applies to other properties such as cars, etc.

Issue No. 6- If a person changes a property that he has usurped into something better than before, for example, if he makes an earring or a necklace from the gold usurped by him, and the owner asks him to give it to him in the same (i.e. changed) form, he should give him in that form. He cannot claim any charges from the owner for his labor.

Issue No. 7- If a person changes the property usurped by him in such a way that it becomes better than its original

form, but its owner asks him, for some reasons, to change it back to its original condition, it will be obligatory on him to do so. And if due to the change, its value decreases, he should pay the difference in the value to the owner.

Issue No. 8- If a person cultivates or plants trees in a piece of land usurped by him, the crop, the trees and their fruits belong to the usurper. However, he should pay rent to the owner of the land for the period that the crop and the trees remained on his land. If the owner of the land is not agreeable to the crops and the trees remaining on his land, the usurper of the land should pull them out immediately even if he may suffer loss for that, and if damage is done to the land, he should pay the difference in value. Neither can the usurper of the land compel the owner of the land to sell it or lease it out to him, nor can the land owner force the usurper to sell the crops or the trees to him.

Issue No. 9- If a thing usurped by a person perishes, and if it is among the things whose likeness or resemblance is usually rare, like, some hand-woven rugs, then, he should pay its value, but if its market price has changed, he should give the value of the day it perished. However, if the usurped thing is among the things, like, wheat, barley, machine carpets, various kinds of fabrics and utensils which are mass produced and their likenesses are usually in abundance, then, he should give back the likeness of what he has usurped, but its qualification and characteristic should be the same as the one that has been perished.

\*\*\*\*\*

## **Banks and free interest loan**

Issue No. 1- People's short term and long term deposits with banks and the interest which is given to them by the banks, will be halal provided that it has been in accordance with the Islamic criterions and through Islamic contracts and agreements, like, Muzaribah, Muzaria' and Musaqat etc.

Issue No. 2- What people get from banks as Qarz ul-Hassaneh (free interest loan) etc. and repay an addition to it, it will be halal if the transaction has taken place in an Islamic way and has no usury side to it.

Issue No. 3- If a person knows that there are both halal and haram money in the bank, but does not know whether the money he takes from the bank is from haraam or halal, there is no harm in taking it.

Issue No. 4- There is no harm in receiving interest from foreign and non-Muslim banks.

Issue No. 5- There is no objection in bank or commercial drafts when a bank or a merchant takes some money from someone in a place and orders the bank or his agent in another place to pay him and he gets wages for the transfer of the money from the owner of the money. This transaction is halal, whether the commission for the transfer is deducted from the transferred money or takes it separately from him. Similarly, if a bank or another institution gives some money

to a person and orders that this person would pay the money to the branch of the bank or to a particular person in another place, and if the bank or the institution charges some fees as commission for this transfer, there is no harm in it.

Issue No. 6- What the Qarz ul-Hassaneh (free interest loan) Funds usually get as commission and wages for the services they render, like, maintaining the accounts of installments, etc., there is no harm in it. However, this amount should be appropriate with the services and expenses of the bank.

Issue No. 7- Some of the Qarz ul-Hassaneh funds use some of their capitals in commercial or producing affairs so that they can supply some of their expenses or the loss of their loans in this way. This is permissible provided that the owners of the money have been informed and have given their consents in this respect, and also the accrued income is used only for the expenses of the bank.

\*\*\*\*\*

## **Promissory Note**

Issue No. 8- A promissory note is not money, but a document indicating one's debt and it is of two kinds:

- 1- The real promissory note that a debtor gives to the creditor against his debt.
2. The superficial promissory note that a person gives to another person, without having any debts against it.

Issue No. 9- If a person exchanges “The real promissory note” for an amount less than that, there is no harm in this sort of transaction of promissory note.

\*\*\*\*\*

## **Key Money Transactions**

Issue No. 10- Key money is the right of priority that a tenant gets on the property against the money that he pays to the landlord at the beginning, and against that the tenant who has paid key money in renting that property has the priority over others. Key money with the fulfillment of the following conditions is in order:

The amount of key money should be known, and the parties involved should perform the transaction on their own volition and accord. They should be Baligh, sane and mature, and they should know the meaning of key money and its necessities.

Issue No. 11- The tenant who has paid the key money, has the right to hand over the key money of that property to someone else whether with a same price or more than that.

Issue No. 12- If the period of the lease of a property on which key money has been paid expires, the landlord is bound to lease it out to the same tenant or to anyone that he agrees, and the rent should be fixed with a fair value of the day with the view of a trustworthy expert.

Issue No. 13- If a person takes a property on lease by giving key money to its owner for a certain period, he can lease it

out to someone else during his tenancy with the same amount of rent, if the landlord agrees, but he can get whatever amount of key money they agree with each other.

\*\*\*\*\*

## **Insurance**

Issue No. 14- Insurance is an agreement between the insurer and a company or a person, and based on the agreement the insurer accepts to compensate the incurred damages to a person or to a property against the money that that company or the insurer has received.

Issue No. 15- The two parties involved in the insurance should be Baligh and sane, and the insurance agreement should be done on their volition and free will, and none of them should be feeble-minded and in addition to this, they should specify all the specifications of the insurance agreement, included are:

- 1- The specification of the insured that, for example, it is a particular vehicle or building or person.
- 2- The specification of the parties involved in the agreement.
- 3- The specification of the installments and the amount to be paid.
- 4- The specification of the period of the insurance.
- 5- The specification of dangers that causes damage, like fire, bombing, drowning, theft, death, or disease or any other dangers.

6- The specification of the value of the insured and the money which should be paid in case of damage or perish.

Issue No. 16- The formula for the agreement of insurance can be pronounced in any language, or the agreement can be written down and signed.

\*\*\*\*\*

## **Fertilization**

**Issue No. 17-** It is permissible to transfer a husband's sperm into the womb of his wife by means of injection or any other similar means. However, preparations for this act should be halal.

**Issue No. 18-** If the sperm of a man is inserted into his wife's womb, the baby born is legitimate and belongs to that man and his wife, and will benefit from all the rules of one's child, such as inheritance, subsistence, etc.

**Issue No. 19-** It is not permissible to insert the sperm of other than the husband's into the womb of a woman

\*\*\*\*\*

## **Dissection of a Body and Transplanting Parts**

Issue No. 20- Dissecting the dead body of a Muslim for medical purposes is permissible upon the fulfillment of the following conditions:

1- The purpose should be learning and completion of medical information for saving the lives of Muslims, without which this purpose cannot be fulfilled.

2- There would not be access to the dead body of a non-Muslim.

3- In doing this, one should be contented to what is necessary and urgent, and it is not permissible to exceed more than that.

Issue No. 21- It is permissible to transplant the parts of a body, whether it is removed from the body of an alive or a dead person, or from a Muslim or non-Muslim. However, if amputating a part from a dead Muslim for transplanting it to another body is the only way of keeping a Muslim alive, then, it is permissible. It is also the same if protecting an important part, like an eye, depends on the amputating and grafting it.

Issue No. 22- In any case, the amputator of the part of a dead Muslim should pay the Diya for the amputated part in accordance with what has been explained in the detailed books of Jurisprudence.

Issue No. 23- If a person gives permission in his/her life time that the parts of his/her body could be removed after his/her death for transplanting to others, or his/her guardians give permission after his/her death, the ruling of Diya remains the same and are not changed.

Issue No. 24- It is permissible to amputate a part of the body of an alive person and graft it to another person, like what is in common practice that one of the two kidneys of an alive

person is removed and is grafted to a person's body whose both two kidneys are spoiled, provided that it is with the consent of the donor and at the same time his own life is not endangered.

Issue No. 25- Transfusion of blood from a person to another one for treatment of disease or operation or saving the life of someone is permissible, whether it is the blood of a Muslim or an infidel, a man or a woman.

\*\*\*\*\*

# Khums

Issue No. 1- Khums is obligatory on the following things:

1- Profit or gain from earning.

2- Minerals.

3- Treasure-trove

4- Amalgamation of Halal wealth with Haram.

5- Gems obtained from the sea diving.

6- Spoils of war.

7- A land which a zimmi Kafir (a non-Muslim living under the protection of Islamic Government) purchases from a Muslim.

## **1- Profit from Earning**

Issue No. 2- If a person earns by means of farming, trade, industry or by means of labor and staffing in different institutes and organizations or any other ways of earning, and it exceeds the annual expenses for maintaining himself and his family, he should pay Khums (i.e. 1/5) from the surplus, in accordance with the rules which will be explained later.

Issue No. 3- If a person gets something from another person as a loan, there is no Khums on it. Similarly, there is no Khums on what a person gets as inheritance, unless he knows that the dead person did not pay Khums from it, or he

owes Khums for other properties and estates. But if a person inherits from a person who is a distant relative and he did not have any information about such a kinship and did not expect such inheritance, as an obligatory precaution, he should pay its Khums.

Issue No. 4- If someone gives a person something as a gift and that wealth exceeds his own annual expenses, he should, as an obligatory precaution, pay its Khums.

Issue No. 5- If a person gives away a property as Waqf to some individuals, like his sons, and if that property yields an income which exceeds their annual expenses, they should pay its Khums.

Issue No. 6- The wealth received by a poor person as Khums or Zakat is not liable for any Khums. However, if he/she earns profit from the property given to him/her, like, if he/she gets fruit from a tree which has been given to him/her, and that exceeds his/her annual expenses, he/she should pay Khums from it.

Issue No. 7- If a person purchases a commodity with the money on which the Khums has not been paid, the transaction will be void in respect of the amount of Khums, unless, a Mujtahid gives permission for it. In this case, he should give the Khums of the commodity that he has bought to the Mujtahid.

Issue No. 8- If a person purchases a property on which Khums has not been paid, his transaction in respect to Khums is void, unless a Mujtahid gives permission. In such a case, the Khums of the price of the transaction should be

given to him, and if it is given to the seller, he should take it back and give it the Mujtahid.

Issue No. 9- If a person gives away to another person something on which Khums has not been paid, the amount of the Khums does not form his property, and if he wants to use it, he should pay its Khums.

Issue No. 10- If a person acquires wealth by way of trade, etc. from a person and does not know if he has paid its Khums or not, it will not be obligatory for him to pay its Khums.

Issue No. 11- If we know that a person does not pay Khums, but we are not sure whether the property he has given to us has been liable to Khums or not, like, it is probable that some property he has received by way of inheritance, or he has obtained a loan, and we think probably the property that he has given to us is from that, therefore, using such a property is of no harm, and it is not necessary to pay Khums on it. It is also permissible to accept the invitation of such persons or offer prayers in their houses, unless we know that the food he has prepared for us or his house has been purchased with the money he has not given its Khums.

Issue No. 12- The beginning of the Khums year for a person is his first earning, and he cannot intentionally bring it forward or take it backward. And if he wishes to bring the beginning of his Khums year forward, he should calculate his account earlier than the designated time, and pay his Khums, and then the same time will become the beginning of his Khums year.

Issue No. 13- One can pay his Khums as and when he earns a profit during a year, and it is also permissible to delay payment of Khums till the end of the year in order to pay off his probable expenses from it.

Issue No. 14- For the payment of Khums one can adopt the solar or the lunar year.

Issue No. 15- It is not necessary for a person who has no surplus income to have a Khums year.

Issue No. 16- If a person who has Khums year dies during the year, his expenses till his death should be deducted from his profit, and Khums should be paid on the balance.

Issue No. 17- If the price of a commodity one purchases for the purpose of business shoots up, and he does not sell it on considerations of trade and business, and its price falls during the year, it is not obligatory on him to calculate Khums on the increased prices. But, if its price remains up till, the end of the year, one should pay its Khums at the head of the year, though its price after that falls again. This is in the event that the end of the year would be the time of selling it and keeps it on his own accord.

Issue No. 18- If a person possesses some goods other than merchandise, from which Khums has been paid by him if its price shoots up, and he sells it, he will pay Khums on the excess gained. Similarly, if a sheep for which he has paid Khums becomes fat, and he sell it, he should pay Khums on the increased price.

Issue No. 19- If a person establishes a garden, with the intention of selling it after its price goes up, if it is the time selling it, he should pay Khums on it. But, if his intention is to use its fruits, he should pay Khums on the fruits, and pay Khums on the garden itself when he sells it.

Issue No. 20- If a person has a few businesses and jobs, for example, he has farming industry and labor income, he should calculate the benefits of all these at the end of the year, and if it exceeds his expenditure for the year, he should pay its Khums.

Issue No. 21- There is no Khums on one's expenditure during the year like food, dress, purchase of house, furniture, marriage, dowry of daughter and Wajib or Mustahab Ziyarat, and giving away as a gift or a prize, having guests, etc., provided that it is normal for his status. Only what is left surplus at the end of the year, Khums should be paid on.

Issue No. 22- Whatever a person spends on Nadhr and Kaffara is a part of his annual expenditure.

Issue No. 23- If a person needs to have his own house, whatever he spends on purchasing the house, has no Khums, but if his annual income does not suffice to purchase the house and has to save money for a couple of years to be able to buy a house, there is Khums on the money that a year has passed on it. However, if, for example, he buys the land for the house in the first year, and the building materials in the second year, and pays the builders' wages in the third year, then, there is no Khums on either of them.

Issue No. 24- People who prepare their graves or Kafan long before they die, they should pay Khums on them if a year passes on them.

Issue No. 25- There is no Khums on the wealth or property once Khums has been paid on it, unless it grows or its price goes up.

Issue No. 26- If a person who earns profit from his work and trade, has some other property on which Khums is not liable, or on which Khums has been paid, he can separate them and take his expenditure for the year only from the profit earned from his work or business in that year.

Issue No. 27- If a person purchases provision for his use during the year with the profit made by him from his work and trade, if at the end of the year a part of it remains unused, he should pay Khums on it.

Issue No. 28- If a person purchases his household accessories during the year, they are not liable to Khums. And if their needs cease to exist later, it is not necessary to pay Khums on them. Similarly, when a woman becomes old and no more needs her ornaments for adornment, they will not be liable to Khums.

Issue No. 29- The books that students buy from the profits of their work and trade, if they are in need of them, no Khums is payable on them. However, if they are of no need to them for the time being, and their purpose of buying them is the future need of them in the next years, then, Khums should be paid on them.(By need of a book, it is not meant that it should be in constant use, or in every day or every month

use, even if it is not needed during the whole year, but if its presence in the library for the time of need is necessary, this will be reckoned as need). Similarly, tools and equipments such as fire extinguishers in places where there is fear of fire or emergency medicines and first aid kits in the house are all reckoned as living expenditure and are not liable to Khums, though they may not, by chance, be used even once during the whole year.

Issue No. 30- If a person does not make any profit in the beginning of the year, and spends his capital, and then makes some profit before the year ends, he is allowed to deduct the amount spent from his capital, from the profit.

Issue No. 31- If a part of the capital is lost due to trade and work, so that it could be counted as a part of transaction loss, a person can deduct the lost amount from the profit made in the same year. However, if the loss is due to other events such as theft etc., then, he cannot deduct it from the profits, unless with the remaining capital he will not be able to do a business which is within his status.

Issue No. 32- If something else other than capital is lost from his wealth due to breaking, fire and theft, if he needs that thing during that year, he can procure it from the profit made by him during the same year.

Issue No. 33- If a person borrows money in the beginning of the year to meet his expenses, and makes profit before the year ends, he can deduct the borrowed money from his profit. And if he does not make any profit throughout a year, and borrows money to meet his expenses, he can pay the

borrowed money from the profit made by him during the succeeding years.

Issue No. 34- The debts a person is under obligation to pay, whether they are due to his living expenditure, loss, or compensation, etc., can be paid from the profit of the year, but the debts that he pays through installments, only the installments that he has to pay in that year will be counted as part of the expenditure of that year.

Issue No. 35- If a person takes a loan to increase his wealth, or to purchase a property which he does not need, he cannot repay that loan from the profit earned during that year. But, if the loan taken out by him, or the thing purchased with it, is lost for some reasons, and is obliged to pay his loan back, he can pay the loan out of the profit made by him during that year.

Issue No. 36- A person who has never paid Khums since he became liable for it, and has had profits, and has purchased household equipment, and now has become aware of his duty on paying Khums and wishes to fulfill his duty, and purifies his life, if he has bought from the profits of his trade something which he does not need it and one year has passed since he bought it, he should pay Khums on it. And if he has bought household equipment and other necessities, in accordance with his status, it is not necessary to pay Khums on them, if he knows that he purchased them during the year with the same year's profit. And if he does not know whether it has been during the year or after the year has passed, he should make compromise with the Mujtahid, i.e., he should calculate all his doubtful property and the Mujtahid

will give an estimate of his dues in regards to Khums and will compromise with him, then, after paying the Khums his entire property will become pure.

Issue No. 37- If a person possesses numerous dresses, also rings, ornaments and different household equipment, if he is in need of all of them, and have been acquired from the profits of the same year, they are not liable to Khums, but if they exceed his needs, then, the extra quantity is liable to Khums.

Issue No. 38- The money which is spent on buying haraam things, like the equipments of gambling or other unlawful entertainments, is liable to Khums.

Issue No. 39- The pension or the redundancy payment is counted part of the same year's profit, and if nothing of it is left by the end of the year, is not liable to Khums, but, if it exceeds, then it is liable to Khums.

## **2- Minerals**

Issue No. 40- It is Wajib to pay Khums on anything which is extracted from the mines of gold, silver, lead, iron, copper, coal, oil, sulphur, sulphate, salt and any other mines and various metals, if the value of a thing which is extracted from a mine reaches the taxable limit (20 gold Dinars), after deducting the expenses which he has incurred from it.

Issue No. 41- If a person acquires something from a mine, he should pay Khums on it whether the mine is over the ground, or under, and whether it is located in an owned land, or at a place which has no owner.

Issue No. 42- If they extract from a mine which is on the land of another person, what is obtained from it belongs to the owner of the land. And as the owner of the land has not spent anything for extracting it, he should pay Khums on all the things which have been extracted. However, if extraction has been carried out by order of him, the expenditure should be deducted from the profit of the mine.

### **3- Treasure-Trove**

Issue No. 43- A treasure-trove is a property which is hidden underground, or in a mountain or a wall or in a tree.

Issue No. 44- If a person finds a treasure-trove in a land which does not belong to anyone, and the owner of the treasure-trove is not known at all, he can appropriate it, but he must pay Khums on it. And also, if he finds a treasure-trove in a land which he has purchased from another person, and after investigation he knows that it does not belong to the previous owners of the land or other people, he can take it as his property, but he must pay Khums on it.

Issue No. 45- There is a taxable limit on a treasure-trove of 20 golden Dinars. It means that anything found in the treasure, if it is equal to the above mentioned value, it will be obligatory to pay Khums on it, but if it is less than that, it will not be obligatory to pay Khums on it.

Issue No. 46- If a person spends expenses on the extraction of a treasure, he should deduct it and pay Khums on the remainder.

Issue No. 47- If two or more persons find a treasure-trove, they will all be sharing in it and they will act according to the agreement they have made; and if the share of each one of them reaches the taxable limit, it will be liable to Khums.

#### **4- Halal Property mixed up with Haraam Property**

Issue No. 48- If halal property gets mixed with haraam property in such a way that it is not possible to identify one from the other, and the quantity of haraam property and also its owner, none are not known; one should pay the Khums of that property, and the rest will be halal for him.

Issue No. 49- If halal property gets mixed with haraam property, and the person concerned knows the quantity of haraam property, for example, he knows that that one-third of it is haraam, but does not know its owner, he should give away that quantity to the Mujtahid.

Issue No. 50- If halal property gets mixed with haraam property, and the person concerned does not know the quantity of haraam property, but knows its owner, they should come to some understanding and agreement with each other , and if the owner of the property does not give consent, then, if he knows that a certain quantity for sure belongs to him, for example one-fourth of the property, but is doubtful in more than that, he should give him the quantity that he is sure of, and the part that might be his, divide between themselves into half.

Issue No. 51- If a person pays the Khums of halal property which is mixed up with haraam property, and later learns that the quantity of haraam has been more than the Khums, as

an obligatory precaution, he should pay the quantity that he knows has been more than Khums to the Mujtahid.

Issue No. 52- If a person knows that his property is mixed with other people's properties, and its quantity is known, and knows that the owner is one of a group, but cannot identify him, he should divide it among all of them equally.

### **5- Gems Obtained by Sea Diving**

Issue No. 53- If one obtains gems like corals and pearls, etc., from the sea-bed by diving into the sea, he should pay Khums on it

Issue No. 54- If a person takes out gems from the sea by some equipments without diving, or obtains from the surface of the sea, it is an obligatory precaution, to pay its Khums.

Issue No. 55- Fish and other animals caught from sea are not liable to Khums. However, they will be included in the profits of one's work and trade and at the end of the year if something from it or of its value is left extra, then that will be liable to Khums.

Issue No. 56- Gems brought out of large rivers in which gems are produced and shells are hunted will also be liable to Khums.

Issue No. 57- If people, whose profession is diving or extracting minerals, pay Khums on what they find and their incomes exceed their expenses at the end of the year, it will not be necessary to pay Khums on them again.

## **6- Spoils of War**

Issue No. 58- If Muslims fight against the infidels by order of the infallible Imam (A.S.) and in the war acquire some booty, they should pay Khums on what remains after deducting the expenses incurred for its protection and transport.

Issue No. 59- If Muslims fight the infidels with the permission of the private deputy or the public deputy of the Imam (A.S.) and acquire some booties, they should pay Khums on it.

Issue No. 60- Heavy weapons which are used in today's wars and are not of personal use, the Mujtahid and the Guardian of Muslims can exclusively let at the disposal of the Army of Islam.

Issue No. 61- The spoils of war on which Khums should be given include only the movable ones that by paying Khums on them will be the combatants' possession. But the lands which have been seized in the fighting against the infidels belong to the Muslim public and are not liable to Khums.

## **7- Land Purchased by a Zimmi Kafir from a Muslim**

Issue No. 62- If a Zimmi non-believer, that is, a disbeliever who is living as a sound minority alongside Muslims and has accepted the conditions of Zimmi, purchases land from a Muslim, he should pay its Khums.

Issue No. 63- If a Zimmi non-believer sells the land purchased from a Muslim to another Muslim, Khums does not quit.

## **Disposal of Khums**

Issue No. 64- Khums should be divided into two parts. One part is Sahme (share of) Imam (A.S.), and the other is Sahme Sadat that should be given, with the permission of the Mujtahid, to Sadat who are poor or orphan , or who have become stranded without money during their journey and are in need, (though they may not be poor in their own hometown). But the Sahme Imam (A.S.) should be given, during the present time, to a just Mujtahid or his representative to be spent for such purposes which are of Imam's consent for the good of Muslims.

Issue No. 65- A part of Sahme Imam (A.S.) can be spent for building mosques, hospital, infirmary, and schools only with the permission of the just Mujtahid.

Issue No. 66- A debtor, if the Mujtahid agrees, can exchange some of his dues with him or his representative, and undertake it as his obligation and pay it by installment.

Issue No. 67- If a person wishes to pay the Sahme Imam (A.S.) to a Mujtahid other than the one he is following, he may do so if he knows that the Mujtahid he follows and the other Mujtahid spend Sahme Imam (A.S.) in the same way.

Issue No. 68- There are two ways to identify the Sadat:

- 1- Two just persons confirm that a person is Sayyid.
- 2- He is known in his town or community that he is Sayyid.

Issue No. 69- If Sahme Sadat is more than the needs of the Sadat, it should be given to a just Mujtahid so that he could

spend on other uses that he thinks fit, and if it is less than the needs of the Sadat, one may give them from the Sahme Imam by the permission of the Mujtahid.

Issue No. 70- It is not necessary to tell a Sayyid that this money is from Khums. In fact, he can give it to him as a gift, but makes the Niyyat of Khums. It also applies to the Sahme Imam (A.S.) that will be given to the deserving people by the permission of the Mujtahid.

\*\*\*\*\*

# Zakat

Issue No. 1- It is obligatory to pay Zakat on the following things:

wheat, barley, dates, grapes (raisins), gold, silver, sheep, cows and camels, and if a person is the owner of these things, he should, in accordance with the conditions which will be mentioned later, spend a certain quantity that will come in the coming issues on the uses that will be talked of.

Note 1: However, the Imams (A.S) and their representatives (Just Mujtahids) can add other items like rice, corn, etc. and other animals like horse, to this list.

Note 2: It is obligatory to pay 2.5 percent as Zakat on cash money, if it is not used in business process and economic cycle (trade, industry, agriculture, etc) and has remained for one year. But if someone paid zakat on that amount one time, he/she should not pay zakat on the same money again.

Issue No. 2- Payment of Zakat becomes obligatory with following conditions:

- 1) The property should reach the prescribed taxable limit that will be explained later.
- 2) The owner of the property should be Baligh and sane.
- 3) The owner should be able to appropriate it.

4) In respect to cow, sheep, camel, gold and silver, one year should have passed from the time that he owns it. However, from the first day of the twelfth month, the Payment of Zakat becomes obligatory for him.

Issue No. 3- Payment of Zakat on wheat and barley becomes obligatory when they are recognized as wheat and barley. And Zakat on grapes and raisins become obligatory when they are ripe and they can be called grapes. Similarly, when dates are ripe and become edible. However, the time for paying Zakat on wheat and barley is when they are threshed, and grains are separated from chaff; and the time for payment of dates and raisins is when they become dry, unless, they want to consume it wet, then, they should pay its Zakat.

### **Zakat of Grains**

Issue No. 4- Zakat on wheat, barley, dates and raisins will become obligatory when their quantity reaches the taxable limit which is estimated to be 847 kg and 665 grams.

Issue No. 5- If before giving Zakat, one consumes a quantity of wheat, barley, dates and raisins, or gives it away to another person, he should pay its Zakat.

Issue No. 6- If a person buys a cultivation or an orchard before Zakat becomes obligatory on it, the new owner should pay its Zakat, but if he buys it after Zakat becomes obligatory on it, the previous owner (the seller) should pay its Zakat.

Issue No. 7- If a person purchases wheat or barley or dates or grapes, and knows that the seller has not paid Zakat on them, then the transaction in respect to the amount of Zakat is invalid, unless the Mujtahid gives permission. In this case, he will receive the value of the Zakat from the seller, and if he does not permit, then he will get the Zakat from the buyer, and if the buyer has given the value of Zakat to the seller, he can get it back from him.

Issue No. 8- If the weight of wheat, barley, dates and grapes reaches the taxable limit when they are wet, and after they become dry, it reduces, then it is not Wajib to pay Zakat on them.

Issue No. 9- If a person consumes or disposes of dates and grapes before they are dried up, the payment of Zakat will be obligatory if they reach the taxable limit after they have dried up.

Issue No. 10- If a person has paid Zakat on grains, no further Zakat is payable on them, even if they remain with him for a few years.

Issue No. 11- If wheat, barley, dates, and grapes are watered with rain water, subterranean water, river, dam, or the moisture of the land, and as an obligatory precaution, if they are watered with Canal water, then the Zakat payable on them is 10%. But if they are watered with well water or with bucket, the Zakat payable on them is 5%.

Issue No. 12- If a crop is watered in the two ways explained above, and if one of them is so little that it cannot be reckoned, then, the Zakat should be paid in accordance with

the way it was watered most, but if the crop has been watered in a considerable quantity by both ways, half of the Zakat should be paid based on the 10% and the other half based on the 5%.

Issue No. 13- If a person's crops are of good quality and inferior quality, then, he should pay the Zakat of each of the categories from the respective type, or pay its value. However, he cannot pay the Zakat of all from the inferior quality. In fact, if he pays the Zakat of all of them from the good quality would be better.

## **Gold and Silver**

Issue No. 14- Gold has two taxable limits:

The first taxable limit is 20 Dinars (each Dinar is equal to one Mithqals Shar'i of gold). If gold reaches this quantity and possesses other conditions, one should pay half a Dinar which is one-fortieth of it (2.5 %) as Zakat, and if it does not reach this quantity, then, there is no Zakat payable on it.

The second taxable limit is 4 Dinars. In other words, if 4 Dinars is added to 20 Dinars, one should pay another 10% of a Dinar for this 4 Dinars. And if less than 4 Dinars is added, then, only the Zakat of 20 Dinars will be obligatory, and there is no Zakat on its addition. The same rule applies as and when ongoing additions take place, that is, if 4 Dinars is added, Zakat should be paid on the entire quantity, and if the increase is less than that, no Zakat will be payable on the additional quantity.

Issue No. 15- Silver also has two taxable limits:

The first taxable limit is 200 Dirhams. When the quantity of silver reaches that limit, and other necessary conditions are also fulfilled, one should pay 5 Dirhams which is one-fortieth (2.5%) of it as Zakat, and if quantity of silver does not reach the aforesaid limit, it is not obligatory to pay Zakat on it.

The second taxable limit is 40 Dirhams, that is, if 40 Dirhams is added to 200 Dirhams, then 1 Dirham should be paid on that extra 40 Dirhams too, and if the addition is less than 40 Dirhams, only Zakat of 200 Dirhams is obligatory, and no Zakat is payable on the additional quantity. The same rule applies as and when ongoing additions take place in the quantity of silver.

### **Zakat on Animals**

Issue No. 16- In addition to the conditions that were stated before for Zakat on sheep, cows and camels, it is necessary that these animals should not have been used for labor, and if in the entire year they have been used for labor on one or two days so that they are not regarded as labor animals, it will be obligatory to pay Zakat on them.

Issue No. 17- Cows, sheep and camels reach the taxable limit, then Zakat should be paid on them, if they have been grazed on the grass in the deserts. And if they have been fed with cut or plucked grass, the Zakat is not wajib on them.

### **Taxable Limit of Sheep**

Issue No. 18- Sheep have 5 taxable limits:

1- For 40 sheep, the Zakat is one sheep. No Zakat is payable on less than that.

2- For 121 sheep, the Zakat is two sheep.

3-For 201 sheep, the Zakat is 3 sheep.

4- For 301 sheep, the Zakat is four sheep.

5- For 400 sheep and above, the Zakat is one sheep for each 100 sheep, and there is no Zakat on those less than 100 sheep, and there is also no Zakat for the number of sheep between the two taxable limits. So, if the number of sheep has reached 40, but does not reach the 2nd taxable limit which is 121, the owner should give only one sheep as Zakat. And the same rule applies to the succeeding taxable limits.

### **Taxable Limit of Cows**

Issue No. 19- Cows have two taxable limits:

The first taxable limit is 30 cows, that is, when the number of cows owned by a person reaches 30, if other conditions mentioned earlier are fulfilled, he should give by way of Zakat a calf, either male or female, which has at least entered the 2nd year of its life.

The second taxable limit is 40, and its Zakat is a female calf which has entered at least the 3rd year of its life. And there is no Zakat payable when the number of the cows is between 30 and 40. For example, if a person possesses 35 cows, he should pay Zakat on 30 cows only. Also, if he possesses more than 40 cows, as long as their number does

not reach 60, he should pay Zakat on 40 cows only. And when their number reaches 60, he should give as Zakat 2 calves which have entered the 2nd year of their lives. And similarly, as the number of cows increases, he should calculate either in thirties or forties or if it is possible from 30 and 40, and should pay Zakat in accordance with the rule explained above. However, he should calculate in such a way that there should be no remainder, or if there is a remainder, it should not exceed 9. For example, if he has 70 cows, he should calculate at the rate of 30 and 40 and should pay Zakat for them at the rate prescribed above, and the person who has 80 cows, he should calculate on the basis of 40 and 40.

### **Taxable Limit for Camels**

Issue No. 20- Camels have 12 taxable limits:

1- 5 camels, and the Zakat on them is one sheep, and as long as the number of camels does not reach five, no Zakat is payable on them.

2- 10 camels, and the Zakat on them is 2 sheep.

3- 15 camels, and the Zakat on them is 3 sheep.

4- 20 camels, and the Zakat on them is 4 sheep.

5- 25 camels, and the Zakat on them is 5 sheep.

6- 26 camels, and the Zakat on them is a camel which has entered the 2nd year of its life.

7- 36 camels, and the Zakat on them is a camel which has entered the 3rd year of its life.

8- 46 camels, and the Zakat on them is a camel which has entered the 4th year of its life.

9- 61 camels, and the Zakat on them is a camel which has entered the 5th year of its life.

10- 76 camels, and the Zakat on them is 2 camels which have entered the 3rd year of their life.

11- 91 camels, and the Zakat on them is 2 camels which have entered the 4th year of their life.

12- 121 camels and above. In this case, the person concerned should either calculate the camels on group of 40 each, and give for each set of forty camels, a camel which has entered the third year of its life; or calculate them on group of 50 each and give as Zakat for every 50 camels, a camel which has entered the 4th year of its life, or he may calculate them in groups of forty and fifty. However, in every case he should calculate in such a way that there should be no balance and even if there is a balance, it should not exceed nine. And the camel to be given in Zakat should be female.

Issue No. 21- There is no Zakat between the two taxable limits, that is, if the number of camels with a person exceeds the first taxable limit which is 5 camels, but does not reach the second taxable limit which is 10 camels, he should pay Zakat on only 5 of them, and the same way with the succeeding taxable limits.

Issue No. 22- If some persons are partners, then the person whose share reaches the first taxable limit should pay Zakat.

Issue No. 23- If all sheep, cows and camels possessed by a person are healthy and with no defect and young, he cannot pay the Zakat liable on them from unhealthy, defective and old ones. In fact, if some of them are healthy, and others are unhealthy, some are defective and others are without any defect, and some are old and others are young, the obligatory precaution is that he should give as Zakat those animals which are healthy, have no defect and are young. But if all of them are unhealthy, defective and old, he can pay Zakat from amongst them.

### **Disposal of Zakat**

Issue No. 24- Zakat should be spent for the following eight purposes:

1. Foqara (poor persons).
2. Masakins (destitute persons).

They are the ones who are not able to meet their own expenses, as well as that of their families for a period of one year.

The difference between a Faqir (a poor person) and a Miskin (a destitute person) is that a Faqir does not beg anyone for help, but a Miskin is a needy person who may do so.

3- A person who is a Wakil (a proxy) of the Holy Imam (A.S.) or his representative to collect Zakat, to keep it in safe custody, to maintain its accounts and to deliver it to the

Imam or his representative or to spend it in the necessary disposals, may use Zakat for his own wages for the work he has done.

4- It may be given to people who are weak in faith, to make them inclined to Islam and Muslims.

5- It can be spent to purchase the slaves to set them free.

6- It can be given to indebted persons who are unable to repay their debts.

7- It may be spent in the way of Allah (fi sabilillah) for things which has common benefit to the Muslims; for example, to construct a mosque, or a school for religious education, or to Islamic Tabligh centers, publishing useful Islamic books, and in short, for anything which has benefit for Islam.

8- It may be given to an ibn-e-Sabil (a stranded traveler).

Issue No. 25- An artisan, or a labor whose income is less than his expenses for one year can take Zakat to meet his annual shortfall, and it is not necessary for him to sell off his tools in order to meet his expenses.

Issue No. 26- A person who can lead his life by learning an art or any other works, he should do so in order not to depend on Zakat. However, as long as he is learning the art, he can receive Zakat.

Issue No. 27- It is not necessary for a person who gives Zakat to mention to the poor that it is Zakat. But in any case, he should make the Niyat of giving Zakat.

Issue No. 28- A person who is indebted and is unable to repay his debt, can receive Zakat to repay it, even if he has the means to meet his expenses for one year, provided that his income is not more than his expenses.

Issue No. 29- If a traveler is stranded because he has no money left with him, or his property has been stolen, or his means of transport does not function, he can receive Zakat, though he may not be poor in his hometown, provided his journey is not for a sinful purpose, or that he cannot reach his destination by taking a loan or by selling something. And it is not necessary for him to repay what he has received as Zakat when he reaches his hometown. However, if after reaching his hometown finds that some of it has remained unspent, he should give it to the Mujtahid mentioning that it is Zakat.

### **Qualifications of those Entitled to Receive Zakat**

Issue No. 30- Those who are entitled to receive Zakat should have the following conditions:

**First-** she/he should believe in God, the Holy Prophet and the twelve Imams. Zakat can be given to children or insane who are from poor Shi'ah Muslims. Of course, the Zakat should be given to their guardian with the intention that whatever is given will belong to the child or to the insane person, or will be utilized for their benefit. And if there is no access to the guardian of the child or the insane person, he can utilize Zakat for the needs of the child or of the insane person himself, or through an honest person.

**Second-** Giving Zakat should not be a source of helping to commit sins. Therefore, Zakat should not be given to a person who spends it in sinful purposes.

Third- Zakat cannot be given to a person whose maintenance is obligatory on the one giving Zakat. That is to say that a person cannot give his Zakat to his children, wife or parents.

Fourth- The one who is given Zakat to, should not be a Sayyid.

Issue No. 31- A person should give Zakat with the Niyyat of pleasure of almighty Allah.

**Issue No. 32-** One should not delay in giving Zakat, that is, when Zakat becomes obligatory, one should either give it to the poor or to the Mujtahid. And if a person who can deliver Zakat to a deserving person does not do so, and it is lost, he should give its replacement, but if he has not neglected, there is no obligation on him.

**Issue No. 33-** If some profit accrues from the Zakat which a person has set separate, for example, if a sheep which has been ear-marked for Zakat gives birth to a lamb, it will also be included in Zakat.

## **Zakat of Fitra**

Issue No. 34- At the time of sunset on Eid ul Fitr night (i.e. the night preceding Eid day), it is obligatory on whoever is Baligh, and sane and Ghani (self sufficient) to pay on his own behalf as well as on behalf of those who are his

dependents Zakat of Fitra, that is one Sa' (about 3 kgs.) per head, and it should be of food which is staple in his place to the needy, and it is also sufficient if he pays its price in cash.

Issue No. 35- 'Ghani' is a person in a position who has enough to meet his own expenses, as well as those of his family for a period of one year, or through business and trade can meet his expenses. And if a person is not in such a position, he is poor, and it will not be obligatory on him to pay Zakat of Fitra.

Issue No. 36- One should pay Fitra on behalf of all those persons who are treated as his dependents at his house on the nightfall of Eid ul Fitr, whether they be young or old, Muslims or non-Muslims; irrespective of whether or not it is obligatory on him to maintain them, and whether they are living with him or somewhere else.

Issue No. 37- It is obligatory to pay the Fitra of a guest who arrives at his house before sunset on Eid ul Fitr night, with his consent.

Issue No. 38- If a child becomes Baligh, or an insane person becomes sane, or a poor person becomes self sufficient before sunset, he should give Fitra. However, if it is after sunset, it is not obligatory on him to pay Zakat of Fitra.

Issue No. 39- If one, who was dependent of a person, becomes dependent of another one before sunset, Fitra is obligatory on the second person. For example, if one's daughter goes to her husband's house before sunset, her husband should pay her Fitra.

Issue No. 40- If the Fitra of a person is obligatory on another person, it is not obligatory on him himself to pay. But if the person on whom it is obligatory is poor, he should do so.

Issue No. 41- A Sayyid cannot receive Zakat of Fitra from a non-Sayyid.

Issue No. 42- The Fitra of a child who sucks the milk of its mother or a nurse, is payable by one who bears the expenses of the mother or the nurse. But, if the mother or the nurse is maintained by the property of the child itself, payment of Fitra for the child is not obligatory on either itself or anyone else.

Issue No. 43- It is obligatory to pay the Fitra out of Halal property.

Issue No. 44- If a person employs someone with the condition that he would also maintain him, like a servant, he should also pay his Fitra. However, this does not apply to the labours whose expenses are the obligation of their employer, and these expenses are part of their wages, their Fitra will not be obligatory on the employer. Similarly, in guest houses etc., where it is common for the staff to have their meals there, and in fact, this is considered as part of their wages, their Fitra is obligatory on themselves not on their employers.

Issue No. 45- The expenses of soldiers in the barracks or in the battlefields are the government's obligation, however, their Fitra is not obligatory on the government, and if the conditions are fulfilled by themselves, then, they should pay their own Fitra.

Issue No. 46- If a person dies after sunset on the night of Eid ul Fitr, his Fitra and that of the members of his family should be paid from his estate. However, if he dies before the sunset, it will not be obligatory. And in case the members of his family meet the conditions of the obligatory payment of Fitra, they themselves should pay their own Fitra.

Issue No. 47- Fitra is like Zakat in case of Niyyat of pleasure of almighty Allah, and disposal.

Issue No. 48- One should not give Zakat of Fitra before the month of Ramadhan or during the month of Ramadhan. However, if he gives loan to a poor person before or during the month of Ramadhan, and when payment of Fitra becomes obligatory on him, there is no harm in it if he adjusts the loan against Fitra.

Issue No. 49- In Zakat of Fitra one can give money instead of the commodity. For example, he can calculate and find out how much 3 kgs of food cost and give its value to the poor as Fitra. However, it should be noted that the criterion is the value of retail in the free market not the value of the wholesale price. In other words, if he wants to buy the same commodity from the market with the money which is given to him, then he should be able to.

Issue No. 50- The time of giving Fitra is on Eid day before Eid prayers. Therefore, if a person offers Eid ul Fitr prayers, he should give Fitra before Eid prayers, but if he does not, he can delay it till Zuhr.

Issue No. 51- If a person does not have access to a poor person, he can separate some from his wealth with the Niyyat of Fitra, and set it aside.

Issue No. 52- If a person does not give Zakat of Fitra at the time when its payment becomes obligatory, and does not set it aside either, he should give it later, with Niyyat of Qurbat and without making the Niyyat of ada or qadha.

Issue No. 53- If the thing set aside for Fitra is lost, and if one has had access to poor people and he has failed to give it to them, he should give its substitute, but, if he has not had access and has not failed to look after it, he is not responsible to replace it.

\*\*\*\*\*

## **Amr bil Ma'roof and Nahyi 'anil Monkar**

**(To Enjoin Good Deeds and to Forbid Others from Bad Acts)**

Issue No. 1- Amr bil Ma'roof (to enjoin good deeds) and Nahyi 'anil Monkar (to forbid others from bad acts), are incumbent on all sane and Baligh persons on the fulfillment of the following conditions:

- 1- A person wishing to enjoin and to forbid must know what is Ma;roof and what is Monkar, and should know the rules of Amr bil Ma'roof and Nahyi 'anil Monkar.
- 2- He must be sure that the other party is committing a haram act or abandoning an obligatory act.
- 3- He should consider it probable that his enjoining and forbidding are effective, whether it is of immediate, non-immediate, or perfect, or imperfect effect. Hence, if he knows that it would not affect, then it is not obligatory.
- 4- There should not be any mischief and harm in his enjoining and forbidding. Therefore, if he knows or fears that his enjoining and forbidding will harm his life or his reputation and honor or it will cause substantial financial damage to him or to some other faithful Muslims, then, it is not Wajib to do so. However, if good deeds and bad acts are among the acts that they are of paramount importance in Islam, like, guarding Islam and the Holy Qur'an and the independence of Islamic countries, or the protection of the essential rules of Islam, then, one should ignore the harm or the loss and make an effort, in protecting and guarding them.

Issue No. 2- If a Bid'at (innovation) is laid in Islam, like the bad and evil acts that incompetent governments do in the name of Islam, it is obligatory upon all in particular the Scholars to declare the right and to renounce the wrong.

Issue No. 3- If it is probable that silence leads to a forbidden act becoming common and vice versa, a good deed becomes bad, it is obligatory upon all in particular the Scholars to express and declare what is right, and silence is not permissible.

Issue No. 4- If the silence of the Scholars or others leads to the support or confirmation and assistance of the oppressor, or leads to encouraging him in committing other forbidden deeds, it is obligatory upon them to express the right and to renounce the wrong.

Issue No. 5- There are circumstances for Amr bil Ma'roof and Nahyi 'anil Monkar, some of which do not require the permission of the Mujtahid and some do.

What does not require to get the Mujtahid's permission is Amr bil Ma'roof (To enjoin good deeds) and Nahyi 'anil Monkar (To forbid others from bad acts) with tongue and heart, and giving advice, or turning away the face and inattention to the person concerned and forsaking friendship with him.

However, if in order to carry out Amr bil Ma'roof and Nahyi 'anil Monkar it will be necessary to resort to force, in this case, no one is allowed to do so without the permission of the Mujtahid. In fact, the action to be taken and its amount

and limits should be stipulated with the view of the just Mujtahid.

\*\*\*\*\*

## Environmental Protection

**Issue 1:** Damaging the environment, which causes destruction of agriculture and human life, is religiously forbidden. Therefore, destroying forests, pastures, farms, and any effort which leads to ruin to Earth and its atmosphere is not permissible.

**Issue 2:** Efforts to preserve the environment in cases that the survival of mankind depends on are obligatory.

**Issue 3:** Though smoking is not religiously forbidden, but is recommended to be avoided for the sake of health. However, it is forbidden to smoke in indoor environment if it causes harm for others.

**Issue 4:** Tree planting and green space development, from the perspective of Islam, is highly recommended and Mustahab and cause Allah's satisfaction and reward.

**Issue 5:** It is obligatory on governments to inhibit the greenhouse gases that cause damage to the ozone layer in the atmosphere.

**Issue 6:** Cleanliness is the most important religious duties of every Muslim, and contaminating the environment is against the faith.

**Issue 7:** It is forbidden to eradicate the trees if is not necessary.

**Issue 8:** It is obligatory on governments to protect the environment by using clean energy sources such as wind and water turbines, solar energy, and other alternative energy sources.

**Issue 9:** Protecting forests to provide healthy air is obligatory

on the public and the authorities. Any delay and negligence that causes the loss of them through the fire and the like is forbidden.

**Issue 10:** Hunting in areas where hunting is prohibited, is not allowed. Also, hunting in other areas if that is for fun and entertainment is forbidden.

\*\*\*\*\*