Selected From

Tuhfatul Baari
(In Shaafi Fiqh)

Volume Two

Abridged By

Moulana Yacoob Ahmed Patel
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By
Sheikhul Ahadith Hadhrat Moulana Muhammad Ibrahim bin Ali Khateeb
(May Allaah protect him)

Abridged By
Moulana Yacoob Ahmed Patel

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YACOOB AHMED PATEL.
MADRASAH MUEINUL ISLAM.
ZAKARIYYA PARK.
LENASIA
SOUTH AFRICA

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Foreword

From the author of *Tuhaftul Baari*, the esteemed scholar, researcher and expert in Shaafi’ee jurisprudence Sheikhul Hadith Hadhrat Moulana Muhammad Ibraheem bin Ali Khateeb

پیغمَللہ الرحمٰن الرحمٰم

نخذَه وُضیَّلی علی رضووْن اللہ الکریم آمًا بعث

We thank Allaah, by Whose limitless bounties this worthless servant received the honour of completing the book *Tuhaftul Baari* in Urdu, which discusses Shaafi’ee Fiqh. This book was prepared with the *Kokan* people in mind, who are extremely fluent in the Urdu language.

It was however not possible for the English-speaking people of places like Africa to benefit from the book. Therefore, taking the concern for such people in his heart, Hadhrat Moulana Ya’qoob bin Ahmad Patel Sahib حفظه اللہ first summarised *Tuhaftul Baari’s* chapters of Ibaadaat and then had it translated into English. While I have never had the opportunity of personally meeting Hadhrat Moulana حفظه اللہ to this day, I have had the privilege of speaking to him directly by phone. Hadhrat Moulana حفظه اللہ teaches the higher books of Hadith and Tafseer in a Daarul Uloom in South Africa and had also authored numerous Deeni books.

Despite the great distance separating us and the fact that we have never met, our mutual bond of Imaan has brought us close. Such is the miracle of Imaan and Islaam. They are free of the shackles of nationality, colour, lineage and language, stringing every reciter of the Kalimah together and making each of them the brother of the other. My heart now yearns very greatly to meet Hadhrat Moulana حفظه اللہ personally.

May Allaah grant prosperity to Hadhrat Moulana's initiative towards benefiting the English-speaking section of the Shaafi’ee community. May Allaah make him realise his objectives and accept his effort. May Allaah also abundantly reward all those who
contributed to the effort in any way and make its benefits widespread and complete. Aameen.

Muhammad Ibraheem Khateeb
Tuesday 5 Sha'baan1425 A.H. 21 September 2004
Jaamiah Husayniyyah Arabiyyah - Sri Wardhan (Maharastar)
Author's Foreword

All praise belongs to that Creator Who has elevated the stages of those who serve His pristine Shari'ah and who has blessed those following the path of good with the understanding of Deen. I testify that He is One and has no partner in any world. We worship only His true being and seek assistance only from Him. I also testify that our guide in both worlds Hadhrat Muhammad ﷺ is Allaah's beloved servant and Rasul and the chief of all the Ambiyaa عليهم السلام. May Allaah shower His mercies upon Rasulullah ﷺ, his pure family, his revered companions ﷺ and all those who follow him for as long as the earth and skies remain in existence.

After praising Allaah and sending salutations to Rasulullah ﷺ, Allaah's servant Ya'qoob bin Ahmad (may Allaah forgive all his hidden and apparent sins) who is hopeful of Allaah's forgiveness wishes to say that here are some rules and regulations that Allaah has granted him the capability of collecting from the Shaafi'ee books of Fiqh. I have hope that the Exalted Allaah Ta'ala will accept this offering and make its benefit widespread. May He also make it a means of salvation in both worlds for this servant, his family and his teachers. Aameen.

In the light of the Hadith stating that the one who cannot express gratitude to people cannot express gratitude to Allaah, I would like to seize this opportunity to express my heartfelt thanks particularly to those people who have given me encouragement in compiling this booklet. These include my caring teacher Hadhrat Mufti Isma'eeel Bargodrawi دامت بركاته (Sheikhul Hadith of Jaamia Uloomul Qur'aan in Jambosar and chief Mufti of Daarul Uloom
Kantaaria) and the expert Shaafi'ee researcher Hadhrat Moulana Taa Haa Sahib  دامتم  بركاته. May Allaah grant the two of them the best of rewards in both worlds.

It is also my humble plea to every reader to inform me of any errors. I would be grateful for this so that corrections can be made to later editions. I also humbly request you for your du'aas.

Ya'qoob bin Ahmad Patel
Servant of Madrasah Mu'eenul Islaam
Zakariyyah Park
South Africa
12/04/2004
Salaah in Congregation

Allaah declares:

وَأَيًا كَنَّا فِيهِمُ قَامُهُمْ لَهُمْ الصَّلَاةَ...

When you (O Muhammad S.A.W) are with them (present with the Muslims on the battlefield) and you lead them in salaah... {Surah Nisaa, verse 102}

When salaah in congregation is instructed even on the battlefield, it follows that it is even more emphasised during times of safety and peace.

Hadith: Rasulullaah (S.A.W) stated that salaah performed in congregation is twenty seven times superior to salaah perform individually.¹

Hadith: Rasulullaah (S.A.W) also said that when a person performs his Isha salaah in congregation, it is (in rewards) as if he has stood half the night in Ibaadah. If he then performs the Fajr salaah in congregation, it is as if he has stood all night in Ibaadah.²

1. The responsibility of performing salaah in congregation will be fulfilled when a few people of a town regularly and publicly perform salaah in congregation, even though the majority of people do not. Although those not performing salaah in congregation will not be sinful, they should not neglect it without a valid excuse.

2. It is Mustahhab for women to perform salaah in congregation. However, the emphasis for performing salaah in congregation is not as great for women as it is for men.

3. When a woman leads a congregation (of women) in salaah, she will not stand ahead of them as men do, but will stand between the others. This is how Hadhrat Aa'isha رضي الله عنها stood when she led a congregation.³

4. It is best for women to perform congregational salaah at home. It is in fact Makrooh for young women to perform

¹ Bukhaari and Muslim.
² Muslim, Abu Dawood and Tirmidhi.
³ Abdur Razzaaq, Daar Qutni and Bayhaqi.
congregational salah with men in the Masjid. This is however not Makrooh for old women.

Rasulullaaah (S.A.W) said, "Do not prevent your women from coming to the Masjid although it is best for them to perform salah at home.";

5. It is best for a male to lead women in salah rather than a woman.
6. It is Sunnah to perform Qadha in congregation as well. When Rasulullaaah (S.A.W) and the Sahabah (R.A) missed their Fajr salah when camping in a valley, the Qadha was performed in congregation.²
7. If a Muqtadi joins the congregation before the Salaam, he will be deemed to have received the virtue of performing salah in congregation.
8. If while performing salah (individually or leading a congregation), one senses that another person has arrived and wishes to follow one in salah, it will be Mustahab to wait for the person in Ruku (so that he does not miss the Rakaah) and in the final Tashahhud (so that he does not miss the salah) only when the following conditions are met:
   - the wait is not too long
   - the person is in the Masjid. If he is outside, the Imaam should not wait
   - the wait is solely to please Allaah and not to favour some followers over others

9. If after performing one's salah either in congregation or individually, one sees the same salah being performed in congregation, it will be Mustahab for one to repeat one's salah with the congregation once. The first salah will be regarded as one's Fard salah. It is however necessary to make the intention of performing Fard salah the second time.

10. If after performing one's salah, one sees another person performing the same salah by himself, it will be Mustahab to join him in salah so that he attains the reward of performing salah in congregation.

---

¹ Abu Dawood.
² Bukhaari.
Hadith: After performing the Fajr salaah in Masjid Khayf during his farewell Hajj, Rasulullah (S.A.W) noticed two men who had not joined the congregation. Upon enquiry, they informed Rasulullah (S.A.W) that they had already performed their salaah at their camp. Rasulullah (S.A.W) said, "Do not do that. When any of you has already performed his salaah and reaches a Masjid where salaah is being performed in congregation, he should join the congregation. This will be regarded as Nafl for him."\(^1\)

Hadith: It once happened that after the Sahabah (R.A) had performed the Zuhr salaah in congregation, a person arrived and started performing the salaah by himself. Rasulullah (S.A.W) said, "Is there anyone who will give Sadaqah to him i.e. who will join him in salaah (so that he attains the reward of salaah in congregation)?"\(^2\)

Some Rules Pertaining to Leading people in salaah and following an Imaam

1. It is not permissible for one to follow an İmaam in salaah when one knows that the Imaam is without wudhu or that there is Najaasah on his clothing.
2. If the Imaam belongs to a school of jurisprudence different to that of the follower but carried out the Waajibaat of salaah as the follower requires (according to his school of jurisprudence), it will be permissible for the follower to follow the Imaam. This will also apply in the case where the follower is uncertain if the Waajibaat are being carried out as he requires. However, if the follower is certain that they are not being carried out, it will not be permissible for him to follow the Imaam.
3. When a person is capable of reciting Surah Faatiha properly, it is not permissible for him to follow someone who cannot recite Surah Faatiha properly.
4. When an Imaam performs Tayammum or is making Masah on his socks, it is permissible for him to lead people who have washed their feet in wudhu.

\(^1\) Ahmad, Abu Dawood, Tirmidhi and Nasa'ee.
\(^2\) Tirmidhi, Bayhaqi, Ibn Hibbaan and Haakim.
5. It is also permissible for a person whose urine constantly drips to lead in salaaah someone who does not experience such a health problem.

6. A person who is standing can be led in salaaah by someone who is sitting just as a person who is standing or sitting can be led in salaaah by someone who is lying down. In his final illness, Rasulullaah (S.A.W) was sitting down as he led the Sahabah (R.A) (who were standing) in salaaah.¹

7. If one followed the Imaam thinking that the Imaam was in a state of purity but discovered only afterwards that the Imaam required wudhu or Ghusl, one's salaaah will be valid and one will not have to repeat it.

8. If the Muqtadā knew that the Imaam was in a state of impurity but then forgetfully followed him in salaaah, the Muqtadā will have to repeat his salaaah.

9. If one followed the Imaam thinking him to be capable of reciting Qur'aan, but subsequently discovered that the Imaam was not, the Muqtadā will have to repeat his salaaah.

10. If the Muqtadā found out during the salaaah that the Imaam was in a state of impurity, he should immediately make the intention of separating from the Imaam and complete the salaaah by himself. There will be no need for Qadhaa.

11. Although it is permissible to follow an Imaam who is a child of an understanding age, it is best for the Imaam to be someone who has come of age. Hadhrat Amr bin Salamah (R.A) led his tribe in salaaah, in the blessed era of Rasulullaah (S.A.W) when he was a youth of only seven (some narrations place his age at 6 and others at 8).²

12. It is also permissible for a blind person to be an Imaam. In fact, when Rasulullaah (S.A.W) proceeded in several expeditions, he left the responsibility of being Imaam to Hadhrat Ibn Ummu Maktoom (R.A) (who was blind).³

The seven conditions for Following an Imaam in Slaalah

1) The First Condition: The Muqtadā should not be ahead of the Imaam in the direction of the Qiblah. (This has always been the practice of Rasulullaah (S.A.W) and the Khulafa Raashideen. Rasulullaah (S.A.W) also mentioned, "It is the Imaam who should

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¹ Bukhārī and Muslim.
² Bukhārī, Abu Dawood, Nasa'ee and Tabraani.
³ Abu Dawood, Ibn Hibbaan and Tabraani.
be followed and the one standing ahead of the Imaam is not a follower.

a. If there is only one Muqtadi, it is Mustahab for him to stand only a little behind the Imaam (on the Imaam's right). When Hadrat Abdullaah bin Abbaas (R.A) once stood by Rasulullaah (S.A.W)’s left side in salaah, Rasulullaah (S.A.W) moved him to the right side. However, if there are two or more Muqtadis, they should form a row behind the Imaam. Hadrat Jaabir (R.A) reports that he was once performing salaah on Rasulullaah (S.A.W)’s right when another person arrived and stood on Rasulullaah (S.A.W)’s left. Rasulullaah (S.A.W) then moved the two of them so that they stood behind him.

b. If one Muqtadi is a young boy and the other a man, they should both stand behind the Imaam.

c. If the Muqtadis are one or many women, they should stand behind the Imaam.

d. If the Muqtadis are one man and one woman, the man should stand on the Imaam's right and the woman behind him.

e. If the Muqtadis are two men and a woman, the men should stand in a row behind the Imaam with the woman behind them. Hadrat Anas (R.A) narrates that when he and an orphan performed salaah behind Rasulullaah (S.AW) at their home, they stood behind Rasulullaah (S.A.W) with (his mother) Hadrat Ummu Sulaym behind them.

f. If the Muqtadis are a man, a hermaphrodite and a woman, the man should stand at the right of the Imaam, the hermaphrodite behind him and the woman behind the hermaphrodite.

g. If there are men and young boys following the Imaam, the men should form their row behind the Imaam, with the young boys forming theirs behind the men. If there are women as well, they will form their row behind that of the young boys.

---

1 Footnote of Rowdha.
2 Bukhaari, Muslim, Abu Dawood, Tirmidhi and Nasa’ee.
3 Muslim.
4 Bukhaari and Muslim.
h. When a woman leads a congregation (of women) in salaah, she will not stand ahead of them as men do, but will stand between the others. This is how Hadhrat Aa'ishah رضي الله عنها stood when she led a congregation.¹

Note: The regulations mentioned above are Mustahab. Salaah will therefore not be nullified if people act contrary.

i. If there is an empty space in one of the first rows, it is permissible for a person to cut through the back rows to reach the empty space.

2) The second condition: It is necessary for the Muqtadi to be aware of the outward actions of the Imaam either by seeing him directly, by seeing some of the rows or by hearing his voice or the voice of a person repeating his words.

3) The Third Condition: The Imaam and Muqtadi should be in one place.

4) The Fourth Condition: The intention of following.

a. From the time he makes the Takbeer Tahreemah, the Muqtadi should formulate the intention of following the Imaam or of performing salaah in congregation. If this intention is not made, his salaah will be regarded as an individual salaah.

b. If a person has doubts about having the intention of following an Imaam and then remembers he is doing so before doing an action, no harm will be done. However, if the person did any action, his salaah will be invalid because when in doubt, the salaah is regarded as an individual salaah and a person performing salaah individually cannot follow an Imaam.

c. A Muqtadi needs not specify exactly which Imaam he is following. It will suffice to merely state that he is following an Imaam. However, if one did specify an Imaam e.g. Zaid and was mistaken because the

¹ Abdur Razzaaq, Daar Qutni and Bayhaqi.
Imaam was someone else e.g. Khaalid, one's salaah will be invalid.

d. Following an Imaam will be valid even though the Imaam and the Muqtadis intend performing different salaaahs. Therefore, it will be permissible for one performing a Fardh in its time to follow one performing Qadhaa and vice versa. Similarly, one performing a Nafl may follow one performing a Fardh and vice versa because a difference of intention does not alter the form of salaah. Hadhrat Mu'aadh (R.A) used to perform salaah behind Rasulullaah (S.A.W) and then go to his tribe where he would lead the people in the very same salaah.¹ Some narrations² clearly state that while the salaah was Nafl for him it was Fardh for the people of his tribe.

e. It is not necessary for the Imaam to make the intention of leading others in Salaah regardless of whether the Muqtadis are male or female, however without the intention they will not receive the reward of congregational salaah.

f. If a person was performing salaah by himself and another person came to join him without his knowledge, it is the opinion of Qaadhi Husayn رحمه الله that the Imaam will receive the reward.

g. The Jumu'ah will not be valid without making the intention of leading the congregation. If an Imaam intended leading a specific person in salaah and was mistaken, there will be no harm done to the salaah of either e.g. he intended leading Zaid in salaah but the Muqtadi turned out to be Haashim.

5) The Fifth Condition: The external actions and Arkaan of the Imaam and the Muqtadi should be of the same order. Therefore, the salaah will be incorrect if the apparent actions of the Imaam's salaah and those of the Muqtadi's salaah are different. For example, it will be incorrect if a person performing a Fardh salaah follows one performing Janaazah salaah or vice versa or if one performing a Fardh salaah follows one performing the salaah for an eclipse.

¹ Bukhaari, Muslim, Abu Dawood and Tirmidhi.
² Bayhaqi and Daar Qutni.
a. In addition to the external actions being the same, the number of Rakaahs should also be the same. Therefore, it will be permissible for a person performing Zuhr or Asr to follow one performing Asr or Isha.

b. It may occur that the Imaam is performing a salaah of fewer Rakaahs e.g. a person performing Zuhr behind an Imaam who is performing Fajr. In this case, the Muqtadi should stand up like a Masboooq after the Imaam has made Salaam and then complete the balance of the Rakaahs. Although the Muqtadi should join the Imaam in the Qunoot of Fajr, it is also permissible for him to make the intention of separating from the Imaam (and then continuing with his salaah).

c. If the Muqtadi is performing Zuhr behind an Imaam performing Maghrib, the Muqtadi has the option of either joining the Imaam in the final Tashahhud or separating from him.

d. It is also permissible for a Muqtadi performing fewer Rakaahs (e.g. Fajr) to follow an Imaam performing more Rakaahs (e.g. Zuhr). In such a case, the Muqtadi can either separate from the Imaam when the Imaam stands up for the third Rakaah or he may also wait until the Imaam returns to the Tashahhud posture (after completing the balance of the Rakaahs). It would be best for him to wait.

e. If the Muqtadi is performing Maghrib behind an Imaam performing Zuhr, he should separate when the Imaam stands up for the fourth Rakaah, recite Tashahhud and make Salaam. It is not permissible for him to wait for the Imaam.

f. It is also permissible to perform the Isha salaah behind an Imaam performing Taraweeh. In this case, the Muqtadi should stand up and complete his Rakaahs when the Imaam makes Salaam.

5) The Sixth Condition: For the actions of the Muqtadi to coincide with those of the Imaam.

a. A Muqtadi may not join the Imaam if the Imaam omits a Fardh of salaah. For example, if the Imaam stands up when he should be sitting, the Muqtadi may not join him because if it was done intentionally, the salaah will be
invalid and if done in error, the act will not be taken into account even though the salah will not be nullified.

b. If the Imam omits a Sunnah that the Muqtadi fears would cause him to lag considerably if he proceeds to perform it (such as Sajdah Tilawat or the first Taslahhud), the Muqtadi should not carry it out. Carrying it out would nullify the Muqtadi's salah.

c. If the Imam omits something like Sajdah Sahw or the second Salaam, the Muqtadi may carry it out if he does not fear lagging behind by a large duration.

6) The Seventh Condition: For the Muqtadi to follow the Imam.

a. It is Waajib for the Muqtadi to follow what the Imam does and for him not proceed ahead of the Imam. Following the Imam means that the Muqtadi should perform the salah in such a manner that he starts every action after the Imam has already started it and before the Imam has completed it.

b. It is a precondition that the entire Takbeer Tahreemah of the Muqtadi should be done after the entire Takbeer Tahreemah of the Imam. As far as all other actions are concerned, the Muqtadi may do them simultaneously with the Imam. However, this is Makrooh.

c. If a Muqtadi lags behind the Imam by a complete Rukn, the salah will not be invalid. It will be invalid only when he lags behind by two Rukns. Lagging behind by two Rukns means that while the Imam has already completed two Rukns, the Muqtadi is still performing a Rukn that is before these two Rukns. For example, while the Imam is already going down for Sajdah, the Muqtadi is still standing in Qiyaam. The salah of the Muqtadi will now be invalid.
The salaah of a Musaafir (Traveller)

1. While the salaah of a Musaafir (traveller) is otherwise the same as that of a Muqeeem (one who is not travelling), it is different in that it is Qasr (two Rakaahs Fardh instead of four) and in that a Musaafir may combine salaahs (perform two salaahs during the time of any one of them). All schools of jurisprudence agree that Qasr is permissible for the Musaafir.

2. Qasr will be permissible when the journey is a long one (48 Shar'eë miles, approximately 81 km) and when it is undertaken for a purpose that is lawful. If the journey is not long enough or one had doubts about it being such, it will not be permissible to perform Qasr.

3. If the journey is a long one, the person has to know where he is headed. A person who does not know where he is headed may not perform Qasr even though his journey may be long.

4. When the Musaafir has left the boundaries of the built-up area of a town (before covering the distance of Qasr i.e. 48 miles) and then has to return to the town for some reason, one of the following scenarios may apply:

- If the town is neither his Watn (place of permanent residence) nor his place of Iqaamah (place where he is temporarily residing), he will not become a Muqeeem by returning
- If the town is his Watn, he will not be able to perform Qasr while returning home. He will be able to perform Qasr only when he embarks on the journey once again.
- If the town is not his Watn, but his place of Iqaamah, he will be able to perform Qasr when he returns. If he has already covered the distance of Qasr and then returns, he will be regarded as a Musaafir all over again and will perform Qasr under all circumstances.

When the Concessions of being on A Journey End

There are a few scenarios that will bring a journey to an end:

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1. Al Fiqhul Manhaji.
2. Footnote of Rowdha.
The first: Returning to one's Watn.

- This happens when the Musaafir returns to the place that it was necessary for him to pass when he started his journey (i.e. the boundaries of his hometown).
- When a person reaches a place other than his Watn and intends to stay there for complete four days. However, if the Musaafir makes no intention at all or intends to stay for a period of less than four days, his journey will not be deemed over.
- A Musaafir will not become a Muqeem merely by entering a town in which his family or relatives live.

The second: Making the intention of Iqaamah

- A Musaafir will become a Muqeem by making a general intention of Iqaamah (i.e. he made the intention to stay over without stipulating the number of days). Thereafter, he will become a Musaafir again only after embarking on a journey of more than the Qasr distance.
- If a Musaafir makes the intention of Iqaamah while still travelling, he will not become a Muqeem but will remain a Musaafir.

The Third: The semblance of Iqaamah

Staying over at a town or city could have one of two forms:

- If one anticipates finishing off quickly and then making off on a journey, he will be allowed to perform Qasr salaah for four days. If he is however forced to stay longer, he may perform Qasr for eighteen days.
- Qasr will however not be permissible if the person does not anticipate finishing off in three days. This commonly occurs when one travels to seek knowledge or for some big business deals.

The Distance of Qasr

1. For a person to qualify as a Musaafir, his journey needs to be a long one. A long journey will be one of 48 (Shar'ee) miles (approximately 81 km).
2. When travelling by sea, the same distance will apply, even though it may take a second to travel.

3. It is necessary for one to have a firm intention of covering this distance from the beginning of the journey. Therefore, if one left to search for a debtor or a lost item without knowing how far one would travel, one would not be a Musaafir even though one travels a great distance. However, if one found the debtor or the lost item and then intends returning home, one will be able to perform Qasr salaah only if the distance home is more than 48 miles.

4. One may however perform Qasr salaah if one knew that he would be unable to find the debtor or a lost item before 48 miles.

5. If one decided before passing the built-up area of ones locality that one would return as soon as one found the debtor, one will not be able to perform Qasr salaah. However, if this decision was made after passing the built-up area of ones locality, one will be able to perform Qasr until one locates the debtor. Thereafter, Qasr will no longer be permissible.

6. If one left with the intention of travelling the distance of Qasr but while travelling one decided to stay over at a town for four days, Qasr would be permissible from the time the journey started until one entered the town even though the distance already was less than 48 miles. However, if one does not intend staying four days, one may perform Qasr even after entering the town.

7. If a woman is travelling with her husband and she does not know where they are headed, she may not perform Qasr until she travels the distance of Qasr even though she makes the intention of travelling that far.¹ (She may however perform Qasr after travelling the distance of Qasr.)

8. She may perform Qasr if she knows the destination and makes the intention of travelling the Qasr distance.

9. It may occur that there are two roads leading to one's destination, one being as long as the Qasr distance and the other shorter. Now should one take the longer road for some religious or worldly reason such as it being safer or for some other convenience, one will be permitted to perform Qasr. However, if one did so only to qualify for performing Qasr, it will not be permissible to perform Qasr.

¹ Footnote of Rowdha.
10. If a person left with the intention of undertaking a long journey, but decides to return after reaching a particular place, his journey will have come to an end and he will be unable to perform Qasr as long as he is stationed at the place. When he leaves the place, his journey will have started anew. Now if he undertakes a journey equal to the Qasr distance, he will perform Qasr, whether he decides to go home, somewhere else or even to the original destination.

11. If one intended going to a place that does not qualify one for Qasr but then en-route one decides to head for a place that does qualify one for Qasr, one's journey will be calculated from the place where the decision was made. If the distance from there equals the distance of Qasr, one will perform Qasr otherwise not.

12. If a person left on a long journey with the intention of staying over for four days at every station (that occurs before the distance of Qasr), he will be unable to perform Qasr from the beginning.

13. A precondition for performing Qasr is that the journey should not be to commit a sin, in fact it should be one that is undertaken for lawful purposes, whether it is undertaken for righteous purposes or for trade. Qasr will not be permissible if the objective of the journey is sinful. Examples of a sinful journey is a woman running away from her husband, a debtor escaping his creditors despite having the ability to pay them back or a robber travelling to commit a robbery.

14. If a person embarked on a journey for an objective that was permissible and then committed a sin en route, Qasr will still be permissible.

15. If a person embarked on a journey for an objective that was permissible and then changed his objective to something sinful, Qasr will not be permissible.

16. If a person embarked on a journey for an objective that was sinful, after which he repented, a new journey will commence from the place where he repented. Thereafter, if the distance from this place to his destination is equal to Qasr, he will be able to perform Qasr salaah, otherwise not.

17. A person travelling for a sinful purpose is neither allowed to perform Qasr salaah, to omit a fast, to combine two salaahs nor to make Masah on his socks for three days. Like a Muqeem, he may make Masah for one day only. Furthermore,
he is not permitted to eat carrion to save his life and the compulsion of the Jumu'ah salaah is not waived for him.

18. It will not be permissible to perform Qadhaa salaah as Qasr in the following circumstances:

- When one is performing the Qadhaa as a Musaafir but the salaah was missed when one was not a Musaafir
- When one is unsure whether the salaah was missed as a Musaafir or not
- When the salaah was missed on a journey in which Qasr was not permissible
- When the missed salaahs are performed when one is not a Musaafir, even though they were missed when one was a Musaafir
- When one is performing the Qadhaa during a journey in which Qasr is not permissible

19. It is permissible to perform the Qadhaa salaahs as Qasr when they are missed during such a journey in which Qasr was permissible and are then performed during such a journey. It should however be borne in mind that the Qadhaa cannot be performed as Qasr when the Qadhaa is performed when one is not a Musaafir or when one is on a journey in which Qasr is not permissible.¹

20. If a person started a journey after a time in which he could have performed his salaah (at home), it will be permissible for him to perform it as Qasr. In a similar manner, when a woman starts menstruating during a time when she could have already completed her salaah (but did not), it will be compulsory for her to perform it as Qadhaa after attaining purity.

Preconditions for Performing Qasr

1) The Musaafir should not be following a Muqeem in salaah.
   a. Should a Musaafir follow a Muqeem in salaah, he will have to complete four Rakaahs even though he followed him for only a moment.

¹ Fat'hul Wahhaab.
b. If a Musaafir followed an Imaam in salaah but only afterwards discovered that he (the Musaafir) was not in a state of purity, he may repeat his salaah as Qasr.

2) Making the intention of Qasr at the time of the Takbeer Tahreemah

   a. If a Musaafir initially made the intention of Qasr but then changed it, he will have to complete four Rakaahs.

3) He should remain a Musaafir from the beginning to the end of the salaah

   a. The Musaafir will have to complete four Rakaahs if during the salaah he made the intention of staying over for four days or if the ship he was performing Qasr salaah on arrived at his Watn.

4) He should know that Qasr is permissible

   a. Qasr will not be permissible if a Musaafir does not know about its permissibility.
Regulations Pertaining to Combining Salaahs

1. On a journey in which Qasr is permissible, it is also permissible to combine the Zuhr and Asr salaahs or the Maghrib and Isha salaahs.

2. The combining of salaahs may assume two forms:

   - Jama Taqdeem: i.e. performing the Zuhr and Asr salaahs during the time of Zuhr or performing the Maghrib and Isha salaahs during the time of Maghrib.
   - Jama Ta'kheer: i.e. performing the Zuhr and Asr salaahs during the time of Asr or performing the Maghrib and Isha salaahs during the time of Isha.

3. It is only Jama Taqdeem that is permissible, not Jama Ta'kheer.¹

4. When Qasr is not permissible during a journey, Jama (combining salaahs) is also not permissible.

5. Jama will therefore not be permissible on a journey of sin.

6. It is not permissible to combine Fajr with any other salaah and also not permissible to combine the Asr and Maghrib salaahs.

7. Any salaah performed as Jama will be regarded as a salaah performed during its proper time and not Qadhaa.²

8. The Musaafir performing Hajj should combine Zuhr and Asr as Jama Taqdeem at Arafaat and Maghrib and Isha as Jama Ta'kheer at Muzdalifah.

9. There are four prerequisites for Jama Taqdeem:

   - The two salaahs should be performed in sequence. Therefore, first the salaah of the time should be performed and then the next (e.g. first Zuhr and then Asr). Jama will be invalid if the second salaah is performed first and the salaah will have to be repeated after performing the first salaah. If the salaahs were performed in sequence but it was later discovered that the first salaah was invalid for some reason, the second will also become invalid.

   - The intention for Jama Taqdeem should be made. It will suffice to make this intention at any time between the Takbeer Tahreemah and the Salaam of the first salaah. In

¹ Jamal.
² Majmoo.
this way, the second salaah may also be performed during the time of the first salaah. However if the intention was only made after the salaam of the first salaah then the second salaah will have to be performed in its time.

- **Both salaahs should be performed one after the other.** Jama will be invalid if there is a long break between the salaahs regardless of whether the break was for a valid reason or not e.g. one forgot to perform the second salaah or one fell unconscious. There is of course no harm in there being a brief pause.

**Note:** The definition of a long break and a short pause will be determined by the ways of the people of the time.

**Hadith:** Rasulullah (S.A.W) performed Jama Taqdeem at Namirah, where he performed both salaahs one after another and left out the Sunnah salaahs between the two. However, the Iqaamah was called out again between the two salaahs.\(^1\)

If after completing both salaahs, a long break had not yet taken place when one recalled that a Rukn was omitted in the first Salaah, the Rukn may be made up to complete the salaah. In this case, both salaahs will be in order. However, if there was a long break, the second salaah will be invalid and cannot be combined. It will then have to be performed in its time. If one could not recall in which salaah the Rukn was omitted, both salaahs will have to be repeated and it will **not** be permissible to combine them again.

- **One should remain a Musaafir until the Takbeer Tahreemah of the second salaah.**

10. It is Haraam for a person performing Asr as Jama Taqdeem to perform any Nafl Mutlaq salaahs even though the time for Asr had not yet set in.

11. A person performing Isha as Jama Taqdeem may perform the Wiltr and Taraweeh salaahs before the time for Isha

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\(^1\) Bukhaari and Muslim, as quoted in Footnote of Rowdha.
commences. However, the abomination for engaging in talks after Isha will not yet set in.¹

The prerequisites for Jama Ta'kheer

1. If a person makes the intention of Jama Ta'kheer at a time when there is still that much of time for the first salaah in which a complete salaah or Qasr can be performed, the Qasr should be performed. If there is less time, the salaah will be due from him and he will be regarded as a sinner. This is the opinion of the latter scholars such as Khateeb Ibn Qasim ⁴⁴, ⁴⁵ and Shibr Amlasi ⁴⁶. This is the most trusted opinion according to the author of Jamal.²

2. It is a precondition that one should remain a Musaafir until the end of both salaahs. There is no harm done if one ceases to be a Musaafir after both salaahs are complete in the case of Jama Ta'kheer. If however, one becomes a Muqeeem before the end of both salaahs, the first salaah will be deemed Qadhaa but the person will not be sinful.

Performing Sunnah Salaahs when Combining Salaahs

1. When combining Zuhr and Asr, first the Sunnah of Zuhr should be performed, followed by both Fardh salaahs. Thereafter, the Sunnah salaahs of Zuhr are performed before those of Asr. It is also permissible to perform the Sunnah salaahs of Asr first, just as it is permissible to perform all the Sunnah salaahs between the two Fardh salaahs.

2. When combining Maghrib and Isha, the Fardh salaahs should be performed first, followed by the Sunnah salaahs of both Maghrib and Isha and then the Witr.

3. There are four concessions when one undertakes a long journey. These are:

- Qasr salaah
- Missing fasts
- Making Masah on socks for three days and nights
- Combining salaahs

¹ Qalaatul Haraam.
² Jamal, Tuhfa and Mughnil.

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4. There are also four concessions when undertaking a short journey. These are:

- Missing the Jumu'ah salaah.
- Eating carrion to save one's life
- Performing Nafl salaah while sitting on one's conveyance
- Making Tayammum

Some Regulations Pertaining to Qasr Salaah and Salaah in Full

Hadith: Hadhrat Imraan bin Husayn (R.A) reports that when he accompanied Rasulullaah (S.A.W) on Hajj, he noticed Rasulullaah (S.A.W) performing two Rakaahs salaah.¹

Hadith: Rasulullaah (S.A.W) said, "The good servants of Allaah are those who perform Qasr salaah on journey."²

1. If a person is a perpetual traveller who has no permanent home, it is best for him to perform salaah in full (although Qasr is permissible).
2. If a person has the ability to fast on journey, it is best that he does.
3. It is best to refrain from combining salaahs in order to abstain from the difference of opinions amongst the scholars.
4. If a Kaafir or a child undertook a journey of more than the distance of Qasr and then the Kaafir becomes a Muslim or the child comes of age, they may both perform Qasr salaah for the balance of the journey.
5. It is best for the person who dislikes performing Qasr to perform Qasr.

¹ Tirmidhi.
² Fat'hul Azeez.
Some Rules Pertaining to the Jumu'ah Salaah

The Jumu'ah salaah is Fardh Ayn.

There are six requisites for the Jumu'ah salaah to be valid:

1) Time: The time for the Jumu'ah salaah is the same as that for the Zuhr salaah. Rasulullaah (S.A.W) used to perform the Jumu'ah salaah after Zawaal.¹

   a. A person who misses the Jumu'ah salaah cannot make it up by performing the Jumu'ah salaah as is. He will have to perform the full four Rakaahs of Zuhr.
   b. If the time expires while performing the Jumu'ah salaah, one should build on the Rakaahs performed to complete the Zuhr salaah. It is not necessary to alter one's intention but as soon as the intention for Zuhr is made, the audible Qiraa'ah should be silenced.

2) Place: The Jumu'ah salaah needs to be performed at a place of populace.

   a. While it is not imperative that the Jumu'ah salaah be performed in a Masjid or a home, it should be performed in a place within a town or a city, even on an open field. The Jumu'ah salaah may however not be performed at a place from where a person of the town becomes a Musaafir.

3) There should not be more than one Jumu'ah salaah in a town.

   **Note:** If the people of the town cannot be accommodated in one Masjid, Jumu'ah salaah may be performed at different venues because of the necessity.²

4) There should be forty or more people. The Jumu'ah salaah will not be valid if there are less than forty Musallis.

¹ Bukhaari and Muslim.
² Al Fiqhul Manhaj.
5) The Jumu'ah salaah must be performed in congregation.

a. The Jumu'ah salaah will not be valid if forty people perform it individually.

b. If after the Jumu'ah salaah it was discovered that some of the Muqtadis did not have wudhu, the salaah of those Muqtadis will be invalid. The salaah of the Imaam and the other Muqtadis will however remain valid.¹

c. If after the Jumu'ah salaah it was discovered that the Imaam did not have wudhu, the salaah of the Muqtadis will be valid if they are forty without the Imaam. However, if their number is forty only with the Imaam, their salaah will be invalid. (In this case, the Imaam should repeat the salaah as Zuhr.)²

d. The Jumu'ah salaah will be made if a person joins the Imaam for even one Rakaah. The other Rakaah should be completed after the Imaam makes Salaam.

e. The Jumu'ah salaah will not be made if a person does not join the Imaam for even one Rakaah e.g. he joins after the Ruku of the second Rakaah. Although he will join the Imaam with the intention of the Jumu'ah salaah the Muqtadi should complete his Zuhr salaah after the Imaam makes Salaam.

f. It may occur that when a person joins the Imaam for only one Rakaah and it is only in the Tasahhud of the second Rakaah that he recalls missing a Sajdah in one of the two Rakaahs. If the Sajdah was missed in the second Rakaah, he will have attained the Jumu'ah salaah by performing the Sajdah and then repeating the Tashahhud followed by Sajdah Sahw and Salaam. On the other hand, if the Sajdah was missed in the first Rakaah, he will not have attained the Jumu'ah salaah and the additional Rakaah would be deemed as Zuhr.

6) The two Khutbahs before the salaah. The Khutbahs must include the following five fundamentals:

a. It must include the praises of Allaah.

b. It must include Durood on Rasulullaah (S.A.W).

c. It should include advice to inculcate Taqwa.

¹ Jamal.
² Majmoo'.
d. The second Khutbah should include du'aas for the welfare of the Mu'mineen in the Aakhîrah. If this is done only in the first Khutbah, it will not be taken into account. It will however be permissible to make du'aa for the audience alone e.g. saying: "رحمك الله".

e. Some portion of the Qur'aan must be recited in any one of the two Khutbahs. It is however best to do so in the first Khutbah and Sunnah to do so at the end of this Khutbah. It is necessary to recite at least a single verse that has a complete meaning (e.g. a promise, a warning, a narrative or an injunction). It will therefore be insufficient for one to recite only the verse "ثم نظر" ("then he looked") of Surah Mudathir even though it forms a complete verse because it is neither a promise, a warning, a narrative nor an injunction.

Ruling: The Khutbah has to be delivered in Arabic. It may be delivered in another language only if there is none able to do so in Arabic. However, it will then be Fardh Kifaayah on the people there to ensure that someone learns to deliver the Khutbah in Arabic.

The Requisites of the Khutbah

There are six requisites for the Khutbah to be valid:

1. Time: The time for the Khutbah commences after Zawaal. The Khutbah will be invalid if even a small portion of it is delivered before its time.
2. Both Khutbahs have to be before the salaah.
3. They both must be delivered while standing if the person is capable of standing.
4. The person delivering the Khutbahs must sit between the two.
5. The person delivering the Khutbahs must be free from minor and major forms of impurity (must require neither wudhu nor ghusl) and the place where he stands must also be free of impurities. In addition to this, his Satr must be covered and the two Khutbahs, their fundamental factors and the salaah must follow each other in succession.

1 Footnote of Jamal.
6. The Khutbahs should be delivered in a voice audible enough to reach at least the forty persons necessary to make the Jumu'ah salaah valid. The Khutbah will not be valid if the audience are unable to hear. The Khutbah will however be valid if the audience can hear it but are unable to understand it.

**Ruling:** The person who cannot hear the Khutbah should either remain silent or engage in Dhikr.

**Ruling:** It is Makrooh for a person to greet with Salaam while the Khutbah is taking place. However, if he does greet, it will be compulsory to reply.

**Ruling:** It is Sunnah to respond to a person who says "الحمد لله" after sneezing.

**Ruling:** When the Khateeb (person delivering the Khutbah) mounts the pulpit, a person not performing salaah should **not** start performing salaah even though he had not yet performed the Sunnah salaah. The person who had already started performing salaah, should shorten his salaah. This applies to every person present regardless of whether he can hear the Khutbah or not.

**Ruling:** When the Khutbah is being delivered, it is Mustahab for a person entering the Masjid to perform Tahiyyatul Masjid very briefly (i.e. he should carry out only the compulsory acts of the salaah).

**Ruling:** It is **not** compulsory for the fundamental factors of the Khutbah to be carried out in sequence. Sequence is however Sunnah. Therefore, one should commence with praising Allaah, followed by Durood, advice to inculcate Taqwa, recitation of the Qur'aan and then du'aa.

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1 Qalaal'ld.
2 Fat'hu' Wahhaab.
Some Sunan of the Khutbah

1. The Khutbah should be delivered on a Mimbar (pulpit) because after the Mimbar was built, Rasulullaah (S.A.W) delivered the Khutbahs from there.¹
2. When the Khateeb reaches the step he intends sitting on, he should turn to the audience and greet them with Salaam.
3. After greeting them, he should sit down on the step.
4. The Khutbah should neither be too long nor too short, but moderate in length. Hadhrat Jaabir (R.A) narrates that both the salaah and Khutbah of Rasulullaah (S.A.W) were moderate in length.²
5. The sitting between the two Khutbahs should be the duration of Surah Ikhlaas. One should recite a portion of the Qur'aan during this sitting³, the best being the recitation of Surah Ikhlaas.⁴
6. It is Masnoon to recite Durood silently when Rasulullaah (S.A.W)'s name is mentioned or when the Khateeb recites the verse "... إن الله و منانكته يصلون". It is Makrooh to recite the Durood very audibly. It is also preferable to say "رضي الله عنهم" when the names of the Sahabah (R.A) are mentioned and to say "أمين" when a du'aa is made.⁵
7. It is Makrooh to sit in the Ihtibaa posture (sitting cross-legged) because a narration of Abu Dawood and Tirmidhi state that Rasulullaah (S.A.W) forbade sitting in this position.
8. Should the Khateeb fall unconscious, it will not be permissible to appoint another person to continue where he left off. The Khutbah will have to be started all over again.

On Whom Is the Jumu'ah Salaah Fardh?

Hadith: "Performing the Jumu'ah Salaah in congregation is compulsory for every Muslim besides four; the slave, the child and the ill." A narration of Daar Qutni names the fourth person as the traveller.

¹ Bukhaari and Muslim.
² Muslim.
³ Ibn Hibbaan.
⁴ Jamal.
⁵ F’aanah.
1. The Five Preconditions for the Jumu'ah Salaah Being Compulsory for a Person

- **Being Mukallaf (i.e. one who is responsible for his deeds):** The Jumu'ah salaah is not compulsory for the person who is a child, who is insane and who is unconscious. As for a person who is intoxicated, the Jumu'ah salaah will be compulsory on him just as other salaahs are compulsory. He will have to perform Zuhr as Qadhaa.

- **Being a free person:** The Jumu'ah salaah is **not** compulsory for a slave of any type. With the permission of his master, it is Mustahab but not compulsory for a slave to attend the Jumu'ah salaah.

- **Being male:** The Jumu'ah salaah is **not** Fardh for a woman.

- **Being a Mugeem:** While the Jumu'ah salaah is not compulsory for the Musaafir, it is Mustahab for him to attend. Similarly, it is also Mustahab for a child to attend the Jumu'ah salaah if he is capable of attending.

- **Being healthy:** The Jumu'ah salaah is **not** compulsory for a sick person.

2. If a woman, a child, a Musaafir or any other person on whom the Jumu'ah salaah is not compulsory attends the salaah, it will be valid.

3. If any of these persons attend the Jumu'ah salaah, they are still allowed to return home to perform Zuhr without performing the Jumu'ah salaah. However, the sick person is an exception. If he arrives after the time has already set in and the congregation has already started, he may **not** return unless he will experience great difficulty in staying. He may however **not** return if there is no difficulty in him waiting for the salaah. If he will experience great difficulty in staying, he is permitted to leave even though the salaah has started. In such a case he should perform Zuhr.

4. Imaam Haramain (r.a.) has stated that if a person is nursing a patient and fears that by attending the Jumu'ah salaah, the patient may die, the Jumu'ah salaah will **not** be compulsory.
for him whether the patient is a relative or not, because it is Fardh Kifaayah to safeguard the life of a Muslim.

5. The Jumu'ah salaah is compulsory for a blind person if there is someone to lead him to the Masjid, whether the guide asks for remuneration or not. Of course, this applies when the blind person can afford the remuneration. Imaam Qaadhi Husayn has stated that the Jumu'ah salaah will also be compulsory if the blind man is capable of safely finding his way to the Masjid with the aid of a staff.

6. It is best to perform Zuhr at the first opportunity if the person is one whose excuse for not performing the Jumu'ah salaah is not temporary, e.g. a woman or a paralysed person.

7. It is Sunnah to take a bath on Fridays.

8. It is also Sunnah to cut the hair, to pare the nails, to use the Miswaak, to apply hair oil, to apply fragrance and to wear good clothes on Fridays. It is best to wear white clothes.

9. It is Mustahab to walk for the Jumu'ah salaah.

10. It is Makrooh to step over people's shoulders when entering the Masjid. It will however not be Makrooh to do so if one needs to do it to get to an empty space at the front.
The Khowf Salaah

1. One should refer to an Aalim to learn the method of performing the Khowf Salaah.

2. During times of fear, one may perform salaah in any posture if it is too dangerous to move from one's position, whether it means walking or even riding one's conveyance. One may also use gestures if one is unable to perform Ruku and Sajdah, but under no circumstances should the salaah be missed. Allaah says:

فإِنْ خَفِيتْمُ فَرِحَّلَا أوْ رَكَبًَا

If you are in fear (in danger), then (you may perform salaah) while standing (walking) or riding (whether you are able to face Qibla or not) ..." (Surah Baqarah, verse 239)

3. Just as it is best to perform salaah in congregation during times of peace, this is also best during times of fear.

4. During times of exigency, one will be excused for committing an act in salaah that is considered excessive.
The Eid Salaah

1. The Eid salaah is Sunnah Mu'akkadah.
2. The Eid salaah may be performed by an individual, a Musaafir, a slave and any other person whether it is performed at home or anywhere else.
3. Although it is Sunnah to perform the Eid salaah in congregation, it is best for the person performing Hajj to perform it individually when he is in Mina because of the many activities he has to carry out.¹
4. It is Mustahab to stay awake to engage in Ibaadah during the nights of Eid. Imaam Shaafi'ee Ṣa'īd, has mentioned, "The narration has reached me that du'aas are accepted during five nights; Friday night, the two nights of Eid, the first night of Rajab and the night of the fifteenth of Sha'baan."
5. It is Sunnah on the two days of Eid to take a bath, to pare the nails, to apply fragrance and to wear good clothes. It is best to wear white clothes. It is also Mustahab to wear a turban.
6. It is also Sunnah to walk for the Eid salaah. There is of course no harm in using a conveyance if one is very old or ill. However, when returning from the Eid salaah, there is no harm in using a vehicle even though a person is healthy and able.
7. While it is Mustahab to perform the Eidul Fitr salaah somewhat later, it is Mustahab to perform the Eidul Adhaa salaah somewhat early.
8. The time for the Eid bath starts from the middle of the night.
9. It is Mustahab to have something to eat before proceeding for the Eidul Fitr salaah. If possible, it is Sunnah to eat dates in odd numbers. On the other hand, it is preferable not to eat anything before the Eidul Adhaa salaah. Hadhrat Anas (R.A) reports² that Rasulullaah (S.A.W) ate dates in odd numbers before proceeding for the Eidul Fitr salaah and Hadhrat Buraydah (R.A) reports³ that on the occasion of Eidul Fitr Rasulullaah (S.A.W) ate something before the salaah while on the occasion of Eidul Adhaa he did not. He ate after that.
10. It is Makrooh for the Imaam to perform any Nafl salaahs either before or after the Eid salaah. This is however not

¹ Tuhfa.
² Bukhaari.
³ Ahmad, Tirmidhi and Ibn Hibbaan.
Makrooh for the Muqtadi. Hadhrat Abdullah bin Abbaas (R.A) narrates¹ that neither before the Eid salah nor afterwards did Rasulullah (S.AW) perform any Nafl salah. This was despite the fact that Rasulullah (S.A.W) was extremely fond of performing salah.

11. It is Sunnah to take a long route when proceeding for the Eid salah and a short route when returning. It was Hadhrat Jaabir (R.A) who reported² that Rasulullah (S.AW) used one route when proceeding for the Eid salah and another when returning.

12. There is neither any Adhaan nor Iqaamah for the Eid salah.

13. Apart from the Takbeer Tahreemah and the Takbeer of Ruku in the first Rakaah of the Eid salah, there are seven extra Takbeers. In the second Rakaah there are five extra Takbeers apart from the Takbeer of the Ruku.

**Note:** One should learn the method of performing the Eid salah from an Aalim.

14. In his Majmoo, Imaam Nawawi Ṣa'di Ḥanafi, has reported from Imaam Shaafi'ee Ṣa'di Ḥanafi, that it is Makrooh to call out the extra Takbeers successively without any Dhikr in between.

15. The Ta'awwudh should be recited after the extra Takbeers (if Ta'awwudh is recited first, the Takbeers should follow). However, the extra Takbeers will fall away once Surah Faatiha is started. Although it is not in accordance to the Sunnah to say them afterwards before the Ruku, the salah will still be valid if one did so. The salah will only be nullified if one says them after the Ruku.³

16. It is Sunnah to raise the hands when calling out the extra Takbeers. Such was the practice of Hadhrat Umar (R.A).⁴

17. If one doubts the number of extra Takbeers one has completed, one should add to the smallest number one thinks was recited.

18. If one forgot to say the extra Takbeers and recalled this only during Ruku or afterwards, one should continue with the salah and not say them now. Saying them at this stage will nullify the salah. In fact, even if one recalls this

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¹ Bukhaari.
² Bukhaari.
³ I'aanah.
⁴ Bayhaqi.

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after the Qiraa'ah and before Ruku, there is no need to say them.

19. There is no need to perform Sajdah Sahw when the extra Takbeers are missed, whether they were missed intentionally or in error, in fact if one who is aware of this ruling intentionally makes Sajdah Sahw his salaah will be nullified.

20. If a Muqtadi joined the Imaam during the Qiraa'ah or while the extra Takbeers are being called out, there is no need for him to say those extra Takbeers that he missed.

21. If the Muqtadi joins the Imaam in Ruku, he should proceed into Ruku with the Imaam without calling out the extra Takbeers. If he joins the Imaam in the second Rakaah, he should say the five extra Takbeers with the Imaam and then repeat them in his second Rakaah as well.

22. When performing the Eid salaah behind an Imaam of another school of jurisprudence, one should follow him in the extra Takbeers and not add any more extra Takbeers.

23. It is Mustahab to recite the Takbeer (Tashreeq) after any Qadhaa salaah one happens to perform during the days of Tashreeq just as it is Mustahab to do so when performing Qadhaa of salaahs missed during the days of Tashreeq (when they are performed during the days of Tashreeq). Similarly, it is also Mustahab to do so after performing any Sunan Rawaatib salaahs, Nafil Mutlaq salaahs and Janaazah salaah.

The general principle is that it is Mustahab to recite the Takbeer after every salaah performed during the days of Tashreeq.

24. There is however no need to recite the Takbeer after the Qadhaa of salaah missed during the days of Tashreeq when they are performed outside the days of Tashreeq.

25. If one recalls after a salaah that one did not recite the Takbeer, one should do so immediately even though one remained sitting for a long time or one had moved away.

26. A Masbooq should recite the Takbeer after completing his missed Rakaahs.

**Note:** The words of the Takbeer should be learnt from an Aalim.
27. It is permissible to wish each other well during the days of Eid and to shake hands.\textsuperscript{1}
28. It is also permissible to bring understanding children along for the Eid salaah.\textsuperscript{2}
29. There is no harm in women performing the Eid salaah in congregation at home. In such a case, one of them may impart advices to the others after the salaah.

\textsuperscript{1} Jamal.
\textsuperscript{2} Majmoo.
Salaahs Performed During Solar and Lunar Eclipses

1. It is Sunnah Mu'akkadah to perform the salaahs for both the solar and lunar eclipse.
2. It is Sunnah for women, travellers and people performing salaah by themselves to perform these salaahs.
3. It is however Mustahab that this salaah be performed in congregation in the Masjid. A Hadith of Bukhaari and Muslim state that when the sun eclipsed, Rasulullaah (S.A.W) led the salaah in the Masjid.
4. It is permissible to perform this salaah even during the Makrooh times.
5. The salaah is performed as follows: It is started with the intention of salaah for an eclipse. Thereafter, Surah Faatiha and a Surah are recited, followed by Ruku. When standing up from Ruku, Surah Faatiha and a Surah are again recited. Thereafter, Ruku is again performed, followed by I'tidaal and two Sajdaas. This completes one Rakaah. The second Rakaah will also be the same with two postures of Qiyaam and two Rukus. In each Qiyaam Surah Faatiha should be recited.
6. If a person joined the Imaam in the second Rakaah, he will complete the missed Rakaah after the Imaam makes Salaam. In his missed Rakaah, he will also perform two postures of Qiyaam and two Rukus.
7. It is not permissible to perform more than two Rukus in a single Rakaah.
8. Even if the eclipse ends during the course of the first Rakaah, the salaah should still be completed with two postures of Qiyaam and two Rukus.
9. It is also Mustahab to deliver two sermons after the salaah, as Rasulullaah (S.A.W) is reported to have done in a narration of Bukhaari and Muslim, as narrated by Hadhrat Aa'isha.  
10. There is of course no sermon for the person performing by himself.1
11. The salaah of a lunar eclipse will not be performed if (before starting the salaah) the eclipse ends or if the sun rises. It will not be permissible to perform this salaah after sunrise even if the eclipse is not yet completely over.

1 Mughnil Muhtaaj.
Performing Salaah during a Crisis Such as an Earthquake

No salaah in congregation has been ordained during times of crisis such as during earthquakes, hurricanes, heavy lightning, thunder and other such situations. It is however Mustahab to perform salaah individually during such times so that one does not become unmindful of Allaah.
Istisqaa Salaah

This Istisqaa salaah is a speciality of this Ummah, which was ordained during Ramadhaan in the 6th year after Hijrah.¹

1. The Istisqaa salaah may be performed when there is absolutely no water or when water is either scarce or not potable.²

2. The Istisqaa salaah is Sunnah Mu'akkadah and there is no specified time for it. It may be performed any time during the day or night, even during the Makrooh times because this is a salaah perform for a specific reason and such salaahs may be performed during Makrooh times.³

3. It is Sunnat to perform the Istisqaa salaah on an open plain. A Hadith states that Rasulullaah (S.A.W) used to proceed to the desert to perform the Istisqaa salaah.⁴

4. Before leaving for the Istisqaa salaah, the Imaam should command the people to repent for their sins, do good deeds, join family ties, give charity to the poor, redress any injustice done to others and to fast for four days. On the fourth day while fasting they should proceed to an open field in complete humility, dressed in old clothes and without any perfume or adornment. Hadhrat Abdullaah bin Abbaas (R.A) reports that without any adornments Rasulullaah (S.A.W) proceeded to the place where the Eid salaah was performed and offered two Rakaahs there just like the Eid salaah.⁵

5. It is also Mustahab to take children, old people and animals along for the Istisqaa salaah.

6. It is preferable for every person to use the medium (Waseela) of his good deeds when making du'aa. Du'aa should also be made through the medium of pious predecessors, righteous people and especially the family of Rasulullaah (S.A.W).

There are three manners in which the Istisqaa salaah may be made and each of these methods are Sunnah Mu'akkadah:

¹ Footnote of Jamal.
² Fat'hul Mu'een.
³ Fat'hul Wahhaab with Jamal.
⁴ Talkheesul Habeer.
⁵ Ahmad and Haakim.
Making du'aa after any salaah, whether individually or in congregation
Making du'aa after every Fardh and Nafl salaah as well as during the Jumu'ah Khutbah
Two Rakaahs salaah followed by two Khutbahs and Duaa for rain. This is the best method.

7. The Istisqaa salaah is performed as follows: Like the Eid salaah, the first Rakaah has seven extra Takbeers and the second has five.

8. It is Mustahab to deliver two Khutbahs after the salaah. A Hadith informs us that when Rasulullaah (S.A.W) proceeded for the Istisqaa salaah, he performed two Rakaahs salaah followed by a Khutbah.¹

9. Instead of starting with Takbeers in the Istisqaa Khutbah, Istighfaar should be made.

10. It is Mustahab to recite the du'aas for rain in the first Khutbah.

11. While facing the Qibla in the second Khutbah and making du'aa, it is also Mustahab for the Imaam to overturn a shawl, indicating a change of conditions from drought to prosperity.

12. If rain does not fall after the first Istisqaa salaah, the salaah may be repeated a second and a third time. However, when proceeding for the second salaah, it is not necessary to fast again.

13. It is also permissible to deliver the Khutbah before the salaah because a Hadith states that Rasulullaah (S.A.W) delivered the Khutbah before the salaah.²

14. It is Mustahab to make wudhu and ghusl with the rainwater once it starts to fall.

¹ Ahmad, Ibn Maajah and Bayhaqi.
² Abu Dawood.
The Chapter of Death and Burial

1. When a person is drawing close to death, he should be turned on his right side with his face towards the Qibla, just as people are laid to rest in their graves. If it is not possible to make him lie on his right side, he may be turned on his left side. If this is also not possible, he may lie flat on his back with the soles of his feet facing towards the Qibla and a pillow beneath his head so that his face may look towards the Qibla.

2. It is Mustahab to remind the person nearing death to recite the Kalimah (this reminder is called Talqeen). The people around him should however neither tell him to recite the Kālimah nor should they insist that he recites it. They should merely continuously recite it in his presence so that he may hear it and recite it himself.

3. After reciting the Kalimah once, he should not be reminded again. However if he talks of anything else after reciting the kalimah then he should be reminded to recite it again.

4. It is Mustahab for someone other than the heirs to carry out the Talqeen. However, if there is no one else, the heir most beloved to the dying person should do it.

5. It is also Mustahab to give the dying person some cool water to drink.¹

6. Some Taabi'een have recommended the recitation of Surah Ra'd in a soft voice even though the dying person may request that it be recited audibly. It is Sunnah that Surah Yaaseen should be recited audibly. The dying person should be hopeful of Allaah's mercy because Hadhrat Jaabir (R.A) narrated that three days before Rasulullaah (S.A.W)'s demise, he heard Rasulullaah (S.A.W) say, "Each one of you should die in a condition that he entertains good hopes in Allaah."²

7. When the person passes away, his eyes should be closed.

8. It is permissible for the near and dear ones of the deceased to kiss him. A Hadith of Tirmidhi states that Rasulullaah (S.A.W) kissed Hadhrat Uthmaan bin Madh'oon (R.A) after he had passed away and another Hadith of Bukhaari states that Hadhrat Abu Bakr (R.A) kissed Rasulullaah (S.A.W)'s blessed forehead after he had passed away.

¹ Footnote of Jamal and Mughni.
² Muslim.
9. There is no harm in announcing the Janaazah salaah, etc, as substantiated by a narration of Bukhaari.
10. The person with the greatest right of leading the Janaazah salaah should bath the deceased if he is male.
11. If the deceased is a female, the closest female relative should bath her body e.g. her mother, daughter, granddaughter, sister, etc.
12. There are only three factors that will qualify a male to bath a deceased female. These are:

- **Marriage:** It is permissible for a man to bath his Muslim wife. Rasulullaah (S.A.W) once mentioned to Hadhrat Aa'isha رضي الله عنها that if she were to pass away before him, he would bath her and shroud her.¹
- **Being Mahram:** It is permissible for a man to bath a woman if he is her Mahram.
- **Ownership:** A man may bath a woman if she is his slave. This will however apply only when she is not married to anyone or not passing her Iddah.

13. While a woman may bath her deceased husband, she will be unable to bath him and he unable to bath her if any of them died after he had issued a revocable (Raj’ee) divorce and she was still passing her Iddah.
14. When a person is bathing his/her spouse, s/he should wrap a cloth around his/her hand when doing so so that there is no direct skin contact. While the bath will be valid if s/he did not cover the hand, the wudhu of the person giving the bath will break whereas it is best to give the bath with wudhu.²
15. If a man passes away in a place where there are only non-Mahram women or a woman passes away in a place where there are only non-Mahram men, the deceased will not be given a bath. Someone should wrap a cloth around their hands and make Tayammum for the deceased.³
16. When a child who has not yet come of age passes away, a man or a woman may give the bath.
17. If while bathing the deceased, something good is noticed (such as a radiant face or a fragrance emerging from the body), this should be mentioned to others. On the other hand,

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¹ Ibn Maajah, Ahmad, Daar Qutni and Bayhaqi.
² Jamal.
³ Footnote of Jamal.
if something abominable is noticed (such as a bleak face or a stench from the body) no one else should be informed of it.

18. Rather than hot water, it is best to use cool water for the bath.

19. The method of bathing the deceased should be learnt from an Aalim.

20. If a person's body is badly charred and cannot be bathed, Tayammum should be performed.

21. It is permissible and not Makrooh to bath a deceased person who had been in a state of Janaabah or menstruating.

22. If a person passes away in a state of Janaabah or while menstruating, the body need only be bathed once. There is no need for multiple baths.

23. If a woman has long hair, it is Sunnah to divide her hair into three portions and then place it behind her back.¹

24. A cloth or towel used to wipe the body of the deceased will not be impure.

25. If a person passed away in the state of Ihraam, it will be Haraam to apply perfume to his body, cut his hair or pare his nails.

26. If a man passed away in the state of Ihraam, it will not be permissible to cover his head or to shroud him with sewn garments. If a woman passed away in the state of Ihraam, it will not be permissible to cover her face. (The basic principle here is that the restrictions of Ihraam apply even when the person dies.)

27. If a person did not pass away in the state of Ihraam, it will be Makrooh to cut his hair or pare his nails.

28. It is however permissible to apply perfume to the body of a deceased woman who passes away during her Iddah.

29. The complete Kafan (burial shroud) of a man consists of three cloths while that of a woman comprises of five cloths; viz. lower garment, upper garment, head covering and two large sheets.

30. The burial expenses should be paid from the gross estate of the deceased and will therefore be paid before paying any debts, before fulfilling any bequests and before distributing shares amongst the heirs.

31. If the deceased left no wealth at all, the burial expenses will have to be borne by the person who had been liable for the livelihood of the deceased.

¹ Bukhaari.
32. The burial expenses of a child must be borne by the father, whether the child is young or old because the child is incapable of earning upon death and the expenses of an incapable child must be borne by the father.

33. The burial expenses of a wife must be borne by her husband. It will be paid from her estate only when the husband is incapable of paying.

34. It is best to walk ahead of the funeral bier. In fact, Hadhrat Umar (R.A) beat the people to get them to walk ahead of the bier of Hadhrat Zaynab bint Jahash رضي الله عنها.

35. The person who reaches the graveyard before the deceased may wait in any way he pleases, whether standing or sitting.

36. It is Makrooh for women to attend funerals when there is no danger of evil. When there is a danger of evil, it will be Haraam for them to attend.

37. There is no harm in Muslims attending the funeral of their close non-Muslim relatives.

38. It is Makrooh to discuss worldly matters when attending a funeral.

39. It is Mustahab to bury blood clots emerging from a woman's womb.

40. When leading the Janaazah salaah, it is Mustahab for the Imaam to stand in line with the waist of the deceased if the deceased is female and in line with the head if the deceased is male. Such was the directive of Hadhrat Anas (R.A).  

41. The Janaazah salaah has seven Arkaan (fundamentals):

- Intention
- Qiyaam. It is not permissible to sit when one is capable of standing.
- Four Takbeers. Calling out five Takbeers will not nullify the salaah whether done intentionally or in error.
- Salaam. Making the intention of terminating the salaah with the Salaam is Sunnah and not Waajib.
- Reciting Surah Faatiha after the first Takbeer
- Reciting Durood after the second Takbeer
- Reciting a du'aa for the deceased after the third Takbeer

42. The Sunan of the Janaazah salaah are as follows:

- Raising the hands with all four Takbeers

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1 Tirmidhi and Abu Dawood.
Folding the hands beneath the chest and above the navel after every Takbeer, as is done in every other salaah.
Saying Aameen after Surah Faatiha
Not reciting a Surah after Surah Faatiha

Besides these, there are also several other Sunnah practices.

43. As proven from the practice of Rasulullaah (S.A.W), it is Sunnah to engage in a long du'aa after the fourth Takbeer. It is reported that when performing the Janaazah salaah of his daughter, Hadhrat Abdullaah bin Abu Awfa (R.A) remained engaged in du'aa and Istighfaar after the fourth Takbeer for as long as he stood between two Takbeers. He then informed the people that this was the practice of Rasulullaah (S.A.W).¹

44. It is Mustahab to make Salaam twice after the fourth Takbeer. (The first of these is Waajib)

45. A Masbooaq should say the Takbeer and join the Imaam immediately without waiting for the Imaam to say another Takbeer. He should recite Surah Faatiha after the Takbeer.

46. The Masbooaq must follow the sequence of Adhkaar (e.g. if he joins the Imaam after the second Takbeer, he should not recite Durood like the Imaam but he should recite Surah Faatiha).

47. If the Imaam called out the second Takbeer as soon as the Masbooaq said his first Takbeer, then the Masbooaq should also say the second Takbeer with the Imaam. In this case, there will be no need for the Masbooaq to recite Surah Faatiha, as occurs in other salaahs.

48. If the Imaam says the second Takbeer before the Masbooaq can complete reciting Surah Faatiha, the Masbooaq should stop reciting and join the Imaam in what he does. It will now not be necessary to complete the remaining Qiraa'ah after the forthcoming Takbeers.

49. If a person missed some of the Takbeers, he should say them after the Imaam makes the Salaam. He will not only say the Takbeers but should also engage in Dhikr and du'aa.

50. It is Mustahab for the body not to be lifted until the Masbooaq has completed his salaah. However, if the body is lifted, the Masbooaq's salaah will not be nullified.

51. If the Masbooaq misses a Takbeer behind the Imaam without a valid excuse and the Imaam says the next Takbeer, the

¹ Haakim, Bayhaqi, as quoted in the footnotes of Rowdha.
salaah of the Masbooq will be nullified. It is like falling an entire Rakaah behind the Imaam in another salaah. An example of this is when the Imaam calls out the third Takbeer while the follower has still not yet said the second.

52. Performing the Janaazah salaah in congregation is Mustahab and not compulsory. The obligation of performing the Janaazah salaah will be waived if even one person performs it, even though the person performing it is a child of understanding.

53. If a woman or hermaphrodite performs the Janaazah salaah when men are present, the obligation will not be waived.

54. In the absence of men, women should perform the Janaazah salaah individually because it is not Mustahab for them to perform the salaah in congregation. This applies whether the deceased is male or female. However, there will be no harm done if they do perform the salaah in congregation.¹

55. It is permissible to perform the Janaazah salaah of a deceased person who is not present because Rasulullah⁵ (S.A.W) performed the Janaazah salaah for the Abyssinian king Najaashi in absentia⁴. In such a case, it is neither necessary for the deceased to be in the direction of the Qibla nor for him to be within the distance of Qasr.

56. The Janaazah salaah performed in absentia can be performed only after the deceased has been bathed and not before.³

57. If the deceased and the person performing the Janaazah salaah are in the same town, the body of the deceased has to be in front of the person. Imaam Abu Muhammad Juwayni says that in such a case, there must be no more than three hundred arm's length separating the two.

58. If after performing the Janaazah salaah, another group of people arrive, they may also perform the Janaazah salaah either individually or in congregation. This will be regarded as their Fardh.

59. If the bodies of Muslims and non-Muslims or of martyrs and non-martyrs are mixed up in a manner that they cannot be distinguished, it will be Waajib to bath them all and to perform Janaazah salaah for them all. It is best to perform the Janaazah salaah once for them all with the intention of performing Janaazah salaah for the Muslims only. If separate

¹ Majmoo.
² Bukhaari and Muslim.
³ Mughni.
Janaazah salahs are performed for them all, the du'aa should be made as follows: "أَلْلَهُمَّ أَغْفِرْ لَهُ إِنَّهُ كَانَ مُسْلِماً" ("O Allaah! Forgive him if he was a Muslim").

60. If a person was buried without the Janaazah salah being performed for him, then only such a person may perform the Janaazah salah at the graveside upon whom the Janaazah salah was Fardh at the time of the death (i.e. a Muslim in the state of purity).\(^1\)

61. It is **not** permissible to perform Janaazah salah at the graveside of a Nabi (A.S).

62. It is not Makrooh to perform the Janaazah salah in a Masjid. Because of an authentic narration in Saheeh Muslim concerning Hadhrat Suhayl bin Baydhaa (R.A), jurists have mentioned that it is best to perform the Janaazah salah in a Masjid. In fact, Hadhrat Umar (R.A) performed the Janaazah salah for Hadhrat Abu Bakr (R.A) in the Masjid and Hadhrat Suhayb (R.A) performed the Janaazah salah for Hadhrat Umar (R.A) in the Masjid as well.\(^2\)

63. It is Mustahab to form more than three rows for the Janaazah salah. Rasulullaah (S.A.W) mentioned that a person will be forgiven when there are three rows of people performing his Janaazah salah.\(^3\)

64. A Muslim who commits suicide will be bathed and Janaazah salah will be performed for him/her.

65. If a foetus was miscarried before six months, the situation may assume one of two forms:

- If there were any signs of life such as a cry, scream or some movement before the child died, four factors will be binding, viz. a bath, Kafan, Janaazah salah and a burial.
- If there were no signs of life but the shape of the body was discernable, all the above factors except for the Janaazah salah will also be binding. However, if there was no discernable shape, the foetus will be wrapped in a cloth and buried without any bath or Janaazah salah.

66. If the heirs fall into a dispute concerning the burial site, the deceased should be buried in the public cemetery, which is the best burial site.

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\(^1\) Footnote of Jamal.

\(^2\) Talkhees.

\(^3\) Haakim and others.
67. The person with the greatest right of laying the deceased to rest in the grave is the one with the greatest right of leading the Janaazah salaah.

68. At the graveside, the deceased should be placed at the foot of the grave then beginning from the head of the deceased the body should be lowered gently into the ground. Hadhrat Abdullaah bin Yazeed Khatmi (R.A) lowered the body of Hadhrat Haarith from the right side of the grave saying, "This is the Sunnah practice."¹

69. It is Waajib for deceased to be placed in the grave with his face towards the Qibla.

70. It is Makrooh to bury the deceased in a coffin unless the ground is very soft or wet, in which case it will not be Makrooh. The expenses for the coffin will also be paid for by the estate.

71. It is also Makrooh to build on the grave and to cement it. In fact, Rasulullaah (S.A.W) forbade this.²

72. After the burial, some people should remain behind to make du'aa that the deceased is able to answer the questions that will be posed to him in the grave.

73. It is Mustahab for men to visit the graveyard, as substantiated by a narration in Abu Dawood.

74. On the other hand, it is Makrooh for women to visit graves. It is only Sunnah for them to visit the grave of Rasulullaah (S.A.W).³

75. People returning from a funeral are of four types:

- Those who only perform the Janaazah salaah
- Those who wait until the deceased is laid in the grave, but then leave before the grave is filled
- Those who wait until the grave is filled but return before the du'aa
- Those who return after the du'aa

From these four categories of people, the last attains the greatest reward because, he earns two Qiraats of reward (equivalent in magnitude to two mountains).

¹ Abu Dawood.
² Tirmidhi.
³ Al Fiqhul Manhaji.
76. If a pregnant woman dies with a live baby in her womb, the baby should be surgically removed before burying the mother if there is strong hope that the baby has not also died.

77. It is not permissible to invite family and friends for functions after death such as the fortieth day occasion, etc. In fact, such functions are seriously Haram when they are paid for from the estate of the deceased when some of the heirs are immature children. This is so because it entails usurping and wasting the wealth of orphans.¹

78. It is inappropriate to bathe the deceased with Zamzam water.

79. When consoling the bereaved family, one should say, "May Allaah grant you a great reward and comforting patience and may Allaah forgive the deceased."

80. It is best to offer condolences after the burial. It is however better to do so before the burial if the family is extremely grieved and need some comforting reassurance.

81. It is Makrooh to offer condolences to a Kaafir.²

82. Condolences may also be offered in writing.³

83. Condolences may only be offered three days after the death and will be Makrooh thereafter. It may however be offered afterwards when either the bereaved or the person offering the condolence had not been available before the three days.

84. It is forbidden to raise a grave very high. Rasulullah (S.A.W) once instructed Hadhrat Ali (R.A) to level such graves.⁴

¹ Al Fiqhul Manhaji, Jamal and I’aanah.
² Jamal.
³ Footnote of Buhayri.
⁴ Muslim and others.
The Chapter of Zakaah

Literal Definition: Zakaah literally means 'to purify'. It is also used in the meanings of 'to increase' or 'to bless'.

Definition in the Shari'ah: Zakaah in the Shari'ah refers to that portion of one's wealth which is removed in a special manner. This is termed zakaah because it purifies the person's wealth, purifies the person from sin and also increases, improves and protects his wealth from calamities.

The compulsion of paying zakaah is established from the Qur'aan, Ahadeeth and consensus of the Ummah. The person who denies its compulsion is a Kaafir while the one who accepts the compulsion but does not pay it is a Faasiq (sinner). The verses of the Qur'aan stating the compulsion of zakaah are:

آَقِيمِوا الصلَاةَ وَآَتُوا الزَّكَاةَ
Establish salaah and pay zakaah. (Surah Baqarah, verse 43)

خَذُنَّ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطْهِرُهُمْ وَتُرْكِيْهُمْ
(O Rasulullaah S.A.W) Take charity from their wealth by which you may purify and cleanse them... (Surah Taubah, verse 103)

وَؤْتُوا الْمُشْرِكِينَ الَّذِينَ لَا يَؤْتُونَ الزَّكَاةَ وَهُمْ يَعْلَمُونَ مَا يُؤْتَى الْخَيْرَةَ مِنْهُمْ
"Destruction (Jahannam) be to the Mushrikeen who do not pay zakaah and who disbelieve in the Aakhirah." (Surah Fussilat, verses 6,7)

Besides these there are several other verses of this type.

Hadith: In the famous Hadith of Hadhrat Jibra’eel (A.S), it is narrated that when Hadhrat Jibra’eel (A.S) asked Rasulullaah (S.A.W) what Islaam was about, Rasulullaah (S.A.W) replied, "Islaam is that you attest to the Oneness of Allaah, that I am His Rasul, that you establish salaah, pay zakaah, fast during Ramadhaan and perform Hajj..."

Zakaah on gold and Silver
1. One fortieth of gold and silver has to be paid as zakaah when one has at least 200 Dirhams worth of silver or 20 Mithqaal worth of gold in one's possession for a complete lunar year.

2. If gold or silver are combined with another substance, zakaah will be Waajib if the value of the gold or silver (excluding the combined substance) is equivalent to their Nisaab.

3. There is no zakaah due on jewels and gems that are not gold or silver because the Ahadeeth do not stipulate zakaah for these.

Note: (a) The present-day book of Shaafi'ee Fiqh titled Al Fiqhul Manhaji fixes the Nisaab of gold at 96g and that of silver as 672g.
(b) Dr Wahba Zuhayli has stated that the Nisaab of gold is 96g (or 85g when taking the Arab Dirham into account) while that of silver is 642g.¹
(c) The research of Allaama Yusuf Qardâawi fixes the Nisaab of gold at 85g and that of silver as 595g². As a precaution, it would be best to use the amounts that are smaller.

4. If an item is made of a mixture of gold and silver and it cannot be ascertained which element is greater in quantity, it is in the interests of caution that zakaah is paid on the surmise that both elements are in a greater quantity. Whatever is given in excess of the compulsory amount will be regarded as Sunnah.

5. Zakaah will be compulsory for gold and silver items that are Haraam (such as utensils), items that are Makrooh (such as unnecessary items of clothing and patches) and Haraam and Makrooh items of jewellery.

6. No zakaah will be due for jewellery that is permissible (e.g. bangles) when the owner is aware of it and is not keeping them merely for the sake of collecting. This is so because the zakaah payable for gold and silver is not payable because of the essence of the gold and silver but because of a person not needing to use it. Zakaah will therefore be payable only when one does not need to use the gold and silver or when it is Haraam or Makrooh to use them. Zakaah will not be payable when it is permissible to use the gold and silver and uses it, just as zakaah is not payable when one's animals are beasts.

¹ Al Fiqhul Islaami.
² Fiqhuz zakaah.
of labour. Hadhrat Abdullaah bin Umar (R.A) used to give his daughters and slave women gold jewellery to wear without paying zakaah for them.¹

7. If an item of jewellery breaks and one intends having it repaired, zakaah will not be payable for it if the repair can be done without melting it down and altering its appearance. However, zakaah will be payable if one does not decide what to do with it or if one intends keeping the pieces merely as pieces of gold and silver without any intention of having it repaired.

8. If a person did not know that he owned jewellery (e.g. inherited jewellery) and it was in his possession for an entire year, he will have to pay zakaah for it because he had not made the intention of using it for a permissible purpose.

9. Zakaah will be payable when a person keeps jewellery merely to collect it.

10. It is Haraam for men to wear bangles and zakaah is therefore payable for such bangles.

11. Zakaah will not be payable when a man gives his wife or children jewellery to wear.

12. It is permissible for a man to use gold teeth (in the case when his teeth break) even when it is possible to use silver. Hadhrat Urjufa bin Asad (R.A) lost his nose in a battle during the Period of Ignorance and had an artificial one made of silver. However, when it started exuding an odour, Rasulullaah (S.A.W) instructed him to have one made of gold.²

13. It is Sunnah for men to wear silver rings. The size of the ring, the number of rings worn and the finger on which it is worn depend on the habit of the same type of people. Therefore an Aalim should wear his ring on the small finger whereas another person may wear it on any other finger. It is Makrooh or even Haraam to wear it contrary to the habit. In such cases (when wearing it is Makrooh and Haraam), Zakaah will be payable for the ring.

14. It is Haraam to plate a silver ring with gold.

15. It is however best for the ring to weigh less than one Mithqaal (approximately 4.25g).

16. It is permissible for a man to have more than one ring made to be worn on different occasions when this does not entail wastefulness. No zakaah will be payable for this as long as he

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¹ asa of Insaam Maaalik'Mu
² Tirmidhi and Ibn Hibbaan.
does not intend wearing more rings than he usually does. Imaam Ramali ﷺ, has stated that zakaah will be payable if one intends wearing two or more rings at the same time.

17. It is Mustahab for a man to wear his ring on the little finger of the right or left hand. However, it is best worn on the right hand. It is Makrooh to wear it on any other finger.¹

18. A ring with or without a stone may be worn. If there is a stone, it is best worn on the inside of the palm.

19. While it is permissible to have any Dhikr of Allaah inscribed on the ring, it is compulsory to ensure that no Najaasah gets on to it. If the ring is worn on the left hand, it is Haraam for it to be touched by the water used for washing oneself in the toilet.

20. If a woman's jewellery is excessive, she will have to pay zakaah on the total amount, not only on the extra. For example, if a woman wears anklets weighing a total of 200 Mithqaal, she will have to pay zakaah on all of it. This is because wearing that many anklets looks unattractive whereas the permissibility of wearing jewellery is to look attractive to her husband.

¹ Tuhfa.
Zakaah on Merchandise

The conditions for zakaah to be payable for merchandise are as follows:

1. The goods must have been received through a trade transaction such as a sale, a rental, dowry, etc. If the goods are received by inheritance or a gift, it will not be regarded as merchandise.

2. The owner must have the intention of resale when acquiring the goods and this intention must be maintained afterwards as well. Therefore, if no such intention was made upon acquisition, the goods will not be regarded as merchandise even though he changed the intention afterwards. In a like manner, if the intention of resale was made when the goods were acquired, but the owner subsequently changed his intention, zakaah will also not be payable.

3. If a person took something as a loan with the intention of reselling it, zakaah will not be payable immediately.¹

4. If a woman purchases lawful jewellery to resell, it will be treated as merchandise and zakaah will be payable.

5. If a trader evaluates all his goods (at the present market value and not at his cost) and the value equals or exceeds the Nisaab of either gold or silver, he will have to pay a fortieth (2.5%) as zakaah. Zakaah will however not be payable if the value of the goods does not equal one of the two Nisaab values.

6. Zakaah will be paid for both the capital as well as the profits. For example, if a trader started business with 25 000 and had 50 000 at the end of the year, zakaah will be payable from the 50 000.

7. It will not suffice to pay the zakaah from the goods itself because the zakaah is payable because of the intention to resell them. Zakaah became Waajib by taking the value of the goods into consideration and therefore needs to be paid accordingly (in money).²

8. Zakaah on shares is payable at the end of every financial year on the market value of the shares as well as on the accrued profits.

¹ Qalaa'id.
² Al Fiqhul Manhaji.
9. When several partners own a factory, the zakaah will be paid on the value of the partnership without the value of the building and machinery used for production.

10. When something is rented, zakaah will not be paid on the value of the rented item itself but on the profits accrued by its rental, e.g. rented factories, rented land, rented motor vehicles, etc.

11. Zakaah will not be payable for monies spent before the end of the year or before the acquisition of the full nisaab.

12. The sum of money deducted from a person's salary as his contribution to a provident fund will be regarded as a loan to the financial institution receiving it. Therefore, as with other loans, zakaah is payable when there is hope of being paid back. This means that at the end of the year, the contributed amount will be added to one's personal savings when calculating zakaah. If the combined amount equals the Nisaab, zakaah will have to be paid. Zakaah will however not be payable on the extra amount from the institution until one takes possession of it and has it with him for a year.

13. Zakaah is also payable on contributions to a life insurance policy because they are treated as monies given in trust.

14. The deposit paid by a tenant for a house or a business premises is regarded as a trust or a loan because it is refundable once he vacates the premises. The tenant will therefore have to pay the Zakaat on the amount. Zakaah is therefore payable on the amount. The landlord will not be liable for zakaah on this amount if he takes it as a trust or spends it.

15. Zakaah is not payable by the tenant for rental he pays in advance. The landlord will need to pay zakaah on the amount only when he has it in his possession for a year.

16. Nowadays, it has become compulsory for some people employed by government to open a savings account. The contributions towards this savings account are regarded as a loan. Therefore, if it amounts to the value of Nisaab, zakaah will be payable just as zakaah will be payable if the amount added to one's personal savings adds up to Nisaab. The entire sum of money received for the account afterwards will have to be given as Sadaqah without the intention of earning rewards.

17. When calculating the value of merchandise at the end of the year, the market price of the goods in the place where the goods are located at the time will be taken into account.
18. The zakaah for a sleeping partnership will be payable by the owner, even though there was a profit because all the goods belong to him. By the earning of profits, the partner actively doing the business does not become the owner of the goods. He becomes the owner only after the goods are divided between them. Now if the owner pays the zakaah from his personal wealth, it will be his favour. However, if he chooses to pay it from the funds of the partnership, it will be deducted like other expenses (the working partner will therefore have his share of the profits only after this deduction).

19. If someone has forty goats the value of which is not equal to Nisaab at the year-end, zakaah will be payable (which will be one goat). If he has 39 goats that have a combined value equal to Nisaab, zakaah will be payable according to the monetary value (and is therefore payable in cash).
Sadaqatul Fitr

Imaam Wakeeٰ said, "Just as the Sajdah Sahw compensates for deficiencies of salaah, the Sadaqatul Fitr compensates for deficiencies of Ramadhaan."

1. Sadaqatul Fitr is Waajib by consensus of the scholars.
2. It becomes Waajib for a person who is alive during the concluding moments of Ramadhaan and the opening moments of Shawwaal.
3. Every Muslim is liable to pay Sadaqatul Fitr for himself as well as for all his dependants.
4. One is liable to pay the Sadaqatul Fitr of everyone who is his dependent at the time when Sadaqatul Fitr becomes binding even though they may cease to be his dependants afterwards or had not been prior to this time.
5. A person is not liable for the Sadaqatul Fitr of his father's wife (who is not his mother) even though he may be obliged to support her.
6. If a couple married after sunset of the last day of Ramadhaan, the husband will not be obliged to pay his wife's Sadaqatul Fitr.
7. If a Kaafir became a Muslim only after sunset of the last day of Ramadhaan, Sadaqatul Fitr will not be binding on him.
8. If a child was born after sunset of the last day of Ramadhaan, the father will not be obliged to pay Sadaqatul Fitr for this baby.
9. If a person passed away after sunset of the last day of Ramadhaan, the obligation of Sadaqatul Fitr will not be waived.
10. If a man divorced his wife after sunset of the last day of Ramadhaan, the husband will still be obliged to pay his wife's Sadaqatul Fitr, regardless of whether divorce was revocable or not.
11. The time when Sadaqatul Fitr becomes compulsory is at sunset of the last day of Ramadhaan.
12. It is permissible to pay one's Sadaqatul Fitr throughout the month of Ramadhaan.
13. The best time to pay the Sadaqatul Fitr is before the Eid salaah.
14. One will be sinful for delaying it without a valid excuse and it will be necessary to compensate for it immediately.
15. Sadaqatul Fitr will not be compulsory for a person who is poor at the time when Sadaqatul Fitr becomes compulsory even though he may come by some wealth afterwards. However, if he receives sufficient wealth before the end of the day of Eid, it will be Sunnah for him to pay the Sadaqatul Fitr.

Note: A poor person is one who does not possess any wealth that exceeds his needs for food and drink for himself and his family for the day of Eid and the night thereafter and for the necessary clothing, house and debts (whether they are long-term debts or not). The person who has enough wealth to spare after the above expenses will be liable for Sadaqatul Fitr.

16. If a woman's husband is poor, he is not obliged to pay her Sadaqatul Fitr. If she has her own money, it will be Sunnah for her to pay her own.
17. If a woman loses her right to be supported by her husband because of her ill behaviour, she will be obliged to pay her own Sadaqatul Fitr.
18. The amount to be paid as Sadaqatul Fitr should be queried from an Aalim.
19. When a grain of an inferior quality is to be paid as Sadaqatul Fitr, it is permissible to give one of a superior quality. However, the opposite will not be permissible.
20. It will not suffice to give money, bread or flour as Sadaqatul Fitr.

Note: In today's times it will be permissible to give the Sadaqatul Fitr in cash according to the Hanafi school of jurisprudence because this will be more useful for the poor. It is however best to give grain as far as possible. Cash may be given when one has no other option.

On Whom is Zakaah compulsory?
1. Zakaah is payable only by free Muslims.
2. Zakaah is also payable by children, insane people and people who are financially inept. Their zakaah should be paid from
their wealth by their guardians. Should the guardians fail in this responsibility, they will be sinful.

3. If the guardian failed to pay the zakaah, it will be compulsory for such people to pay the zakaah that is in arrears once they become capable of doing so (i.e. when a child comes of age, when the insane person regains his sanity and when the financially inept person becomes competent enough to handle his finances).

4. When stolen wealth is recovered, the zakaah that was due during the years of absence will become due.

5. When lost wealth is recovered, the zakaah that was due during the years of absence will become payable.

6. When a debt is repaid, the zakaah that was due during the years of non-payment will become due.

7. Zakaah will also be payable for wealth that is far away.

8. Zakaah will also be payable on something that was not physically taken into possession after it was bought because it has already come into one's ownership.

9. When a debt becomes due and can be reclaimed whenever one wishes to, zakaah will be payable immediately even though the debt was not claimed. This is because the ability to claim the debt immediately is like actually having possession of the money.

10. A deferred debt is like stolen property. Zakaah will be payable only upon receipt.

11. Zakaah is not waajib if a debt is not due.

12. When a person has wealth equal to Nisaab, zakaah will be payable regardless of how many debts of any type he may have. This is so because the causes for zakaah being compulsory are general and there is no compulsion for the debts to be paid only from this wealth.

13. When a person dies without leaving enough wealth for both his outstanding zakaah and his debts to other people, his debt to Allaah (zakaah) will be given precedence. A narration of Bukhaari and Muslim states that the debt owed to Allaah deserves precedence.
Payment of Zakaah

1. Just like other Waajibaat, zakaah ought to be paid immediately when one has the means.
2. If the wealth is lost after zakaah became compulsory but before payment, it will still be due from the person and treated as debt due from him.
3. If the wealth is lost after zakaah became compulsory but before the person was capable of paying, it will not be due from the person and not treated as debt due from him.
4. While it is compulsory to make the intention of zakaah when paying, it is not necessary to stipulate for which wealth the zakaah is being paid. However, if the person stipulated the wealth for which he is paying zakaah, the zakaah will not be regarded as payment for his other possessions. For example, a person had 200 Dirhams with him and another 200 Dirhams that was not in his possession. When paying 5 Dirhams as zakaah, he stipulated that it is for the 200 Dirhams not with him. Now if he learns that the 200 Dirhams not with him has been destroyed, he will still have to pay zakaah for the 200 Dirhams that is with him.
5. It is necessary for a guardian to make the intention of zakaah when paying zakaah on behalf of his ward (from the ward's wealth). Without this intention, the zakaah will be invalid and the guardian will be responsible for paying it (from his personal wealth).
6. Making the intention of zakaah when separating the zakaah wealth from others is sufficient.
7. When the owner makes the intention of zakaah and the recipient thinks that it is Sadaqah or a gift, the zakaah will be discharged as long as the recipient is worthy of receiving the zakaah.
8. Zakaah will not be discharged if one pays government taxes with the intention of zakaah.
9. If 5 Dirhams are due from a person as zakaah and he gives 10 Dirhams with the intention of both zakaah and Sadaqah, the entire 10 Dirhams will be regarded as Sadaqah. The zakaah will not be discharged because a Fardh and a Nafl were mixed.
Paying Zakaah Before It Becomes Due

1. If a person owns wealth equal to Nisaab, it is permissible for him to pay his zakaah before the year ends.
2. When a person's merchandise is valued at less than the value of Nisaab but will be worth Nisaab by the end of the year, it will be permissible for him to pay his zakaah before the end of the year.
3. If a person bought merchandise worth 200 Dirhams and paid zakaah for 400 Dirhams before the year ends, the amount paid as zakaah will be valid if the value of the merchandise at the end of the year was 400 Dirhams. It is the value of the merchandise at the end of the year that is taken into account.
4. It is however not permissible to pay the zakaah of a few years in advance because it is not permissible to pay zakaah for a year that has not yet started. If a person paid zakaah for two years, only the zakaah of the present year will be discharged. The narration in Bayhaqi stating that the zakaah of two years was taken from Hadhrat Abbaas (R.A) is a Munqati narration (and therefore not to be relied upon).
5. It is not permissible to pay the zakaah on a crop before time. The time for paying zakaah on a fruit crop is when the fruit is ripe and the time for paying zakaah on cereal crops is when the grains have hardened. Before these times, it is not possible to estimate the zakaah amount.
The Recipients of Zakaah

Eight categories of people are deserving of zakaah. They are:

1) The Faqeer (destitute): The Faqeer is one who does not have sufficient wealth to fulfil his basic necessities at any level and does not even have an income that is sufficient to meet these necessities. Zakaah may be given to him.

2) The Miskeen (poor): Unlike the Faqeer, the Miskeen is a person who manages to fulfil his necessities to some level but still insufficiently. Such a person is worthy of receiving zakaah.

Ruling: A person may be given zakaah if is studying Deen and although capable of working to earn a living, the work will hamper his studies. He will fall into the category of a Faqeer or Miskeen because acquiring the knowledge of Deen is Fardh Kifaayah.

Ruling: Having a house, clothing and books (that he needs) will not disqualify a person from receiving zakaah.

Ruling: If a person has money 32 miles away or further, he may receive zakaah (if he needs the money) because he is presently in the category of a Faqeer and a Miskeen.

3) The Aamil: This applies in an Islaamic state where a person is employed by the state to either collect or distribute zakaah. People falling into this category include those who collect zakaah, those who record it as well as those who manage the zakaah accounts. The salaries of these people may be paid for from the zakaah funds.

4) Mu'allifatul Quloob (those whose hearts need to be won over): The details of this category of people should be learnt from an Aalim.

5) Freeing a Mukaatab (a slave who enters into a contract with his/her master to pay a stipulated sum for freedom).

6) The indebted person:

Ruling: It will be permissible to give zakaah to a person who took a loan to fulfil his permissible necessity even though the
money may have been used afterwards for something else permissible or impermissible.

**Ruling:** Zakaah may also be given to a person whose debt was taken for something impermissible eg. To purchase alcohol, on condition that he repents and seems genuinely repentant.

**Ruling:** Zakaah may also be given to a person whose loan was taken for unlawful purposes but who then used the money for something lawful.

**Note:** Zakaah may be given to the indebted people discussed only when he has no money at the time when the debt is due. Zakaah may not be given when he still has time to pay.

**Ruling:** Zakaah may not be given to a person whose loan was taken for unlawful purposes and who then proceeded to use the money for the unlawful purpose:

**Ruling:** Zakaah may be given to a person who took a loan for public welfare e.g. for building a Masjid, freeing prisoners of war, hosting guests etc. Such a person may receive zakaah even though he is not poor.¹

7) The person in the path of Allaah: Zakaah may be given to assist an unpaid soldier fighting in the path of Allaah, even though he is not poor.

8) The Traveller: Zakaah may be given to a needy traveller on condition that his journey is not for sinful purposes. This applies even to travellers who may have sufficient money elsewhere as well as travellers travelling for religious purposes (such as Hajj or Umrah) or those travelling for permissible purposes (such as business).

**Ruling:** Zakaah may not be given to a traveller who has the basic necessities, the traveller travelling for sinful purposes or the traveller who is travelling with no defined lawful purpose.

**General Regulations**

1. It is not permissible to give zakaah to a Kaafir.

¹ *Fat'hul Mu'een with Tarsheeh.*
2. It is also not permissible to give zakaah to someone belonging to the Banu Haashim or the Banu Abdul Muttalib families (the families of Rasulullah(S.A.W)). It is also not permissible to give them anything that was vowed or expiation for a wrong (Kaffaarah). It is however permissible to give them Nafl Sadaqah.

Note: Several early and latter day jurists share the opinion that since the Khumus (one fifth of a fifth from the Baitul Maal) is no longer given to the family of Rasulullah(S.A.W), it will be permissible to give them zakaah. Amongst these jurists are Istakhari, Harawi, Ibn Yahya, Ibn Abu Hurayrah, Fakhr Raaazi, Qaadhi Husayn, Ibn Shakeel, Ibn Ziyaad and Naashiri.¹

3. It is permissible to give zakaah to an open sinner. However, it will be Haraam to do so if one knows that he will use it for sinful purposes.

4. It is not permissible to give zakaah to a child or an insane person because the Shar’iah has restricted their activities. The money may however be given to their guardians.

5. If a poor or destitute person is capable of leading his life and acquiring his necessities, it is best not to give him zakaah and best for him not to accept zakaah as well.

6. A person cannot give zakaah to his dependents because giving them is like giving himself since he will benefit. One may therefore not give zakaah to one's parents, grandparents and ascendants higher up because they are his dependents.

7. A man may not give zakaah to his wife because she is his dependent.

8. If a woman has some wealth and her husband is a poor man, she may give him her zakaah. It is also Mustahab for her to give her zakaah to her children if they are poor because they are her husband’s dependents and not hers. When the wife of Hadhrat Abdullah bin Mas’ood(R.A), Hadhrat Zanab(R.A) asked Rasulullah(S.A.W) about her spending on her husband and the orphans in his care, Rasulullah(S.A.W) said, "Of course. You will then receive double the reward, one for Sadaqah and the other for fostering family ties."² A like

¹ Al Fiqhul Manhaj
² Bukhaari and Muslim.
Hadith narrated by Hadhrat Ummu Salamah(R.A) also appears in Bukhaari and Muslim.

9. It is permissible for a person to give his zakaah to close relatives who are not dependent on him, e.g. his siblings, uncle, aunt, etc.

**Note:** The original opinion of Imaam Shaafi'ee ﷺ is that it is compulsory to give one's zakaah to each of the various recipients. It is however the opinion of the other three jurists that it is permissible to give only one of them. It is in conformance with this opinion that Shaafi'ee scholars like Ibn Ajeel ﷺ and Asbahî ﷺ have issued their fatwa. In fact, most of the latter day Shaafi'ee scholars have also opted for this opinion. Following the opinion of these scholars, it will therefore be permissible for a person to give his zakaah to one of the recipient categories and to discharge his zakaah in another place.¹

**Note:** It has been reported from Ibn Ajeel ﷺ that verdicts contrary to original verdicts are issued in three rulings pertaining to zakaah. These are (1) Transferring zakaah, (2) giving zakaah to only one category of recipients and (3) giving zakaah to only one person.

**Note:** As was mentioned in point number 7 under the heading "zakaah on merchandise", zakaah is payable from the value of the goods and needs to be paid accordingly (in money). However, even though the rulings are similar when discussing other items, zakaah for other items cannot be paid in cash but with the item itself. Imaam Balqeeeni ﷺ has however permitted the payment of zakaah in gold and silver (or money in our situation) since they are the popular forms of exchange. Therefore, in the best interests of the poor, there is no harm in practicing on this opinion especially since zakaah is paid in cash in certain cases (such as in merchandise).

¹ Bughyatul Mustarhideen.
1. It is permissible to give Sadaqah to a person who has sufficient wealth. The giver will be rewarded because this may spur the recipient to also spend in the path of Allaah. It is however Makrooh for people with sufficient wealth to wait for Sadaqah. If he avoids such things, it will be better (Mustahab).

2. Fataawaa Suyutiyya states that it is Makrooh Tanzihi to beg in the Masjid.

3. Rather than giving Sadaqah openly in public, it is much better to give Sadaqah discreetly and anonymously.

4. Rather than giving Sadaqah at any time during the year, it is best to do so during the month of Ramadhaan.

5. Rather than giving Sadaqah to others, it is best to give it to one's relative, wife, friend or neighbour.

6. It is however preferable to give zakaah openly.

7. It is Sunnah to give Sadaqah abundantly during Ramadhaan, when in need of something, when the sun is eclipsing, when the moon is eclipsing, when one is ill, when travelling, when performing Hajj, when out in Jihaad and on auspicious occasions such as during the first ten days of Dhul Hijjah, on Fridays, during the last ten days of Ramadhaan, on the days of Eid and in Makkah and Madinah.

Note: When this weak servant was writing this ruling, it was two o' clock in the morning on the 14th Ramadhaan 1424 A.H. corresponding to 9 November 2003. I was fortunate enough to receive inspiration from Allaah to practice on this ruling because it was then that the moon happened to eclipse.

8. It is Haraam to remind the recipient about one's favour on him after giving him Sadaqah. This also destroys the reward for the Sadaqah.

9. Desiring that the recipient tells others about the Sadaqah or that he expresses thanks is tantamount to reminding him of the favour. So too is entertaining the desire that the recipient makes du'aa for one, renders one some service, honours one
or becomes one's follower. All of this will result in the rewards for the Sadaqah being destroyed.\(^1\)

10. If one knows that the Sadaqah he is receiving is Haraam, it will be Haraam to accept it.

11. It is Sunnah to give something as Sadaqah that one has a liking for and that is from one's earnings. It should be given happily, solely for Allaah's pleasure and with Bismillaah. It is also permissible to give it with the intention of expressing thanks to Allaah or with the intention of having a calamity averted by it.\(^2\)

12. It is Makrooh to give an inferior item as Sadaqah when one has a superior one in one's possession.

13. It is however **not** Makrooh to give old clothing away as Sadaqah.

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\(^1\) Tarsheeh.

\(^2\) Tarsheeh.
The Chapter of Fasting

Allaah says:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصَّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِنْ قَبْلِكُمُ لَعَلَّكُمْ تَتَّقُونَ

O you who have Imaan! Fasting has been made obligatory for you just as it was made obligatory for those before you so that you may develop Taqwa.
{Surah Baqarah, verse 183}

شهر رمضان الذي أنزل فيه القرآن هدى للناس وبيانات من الهدى والفرقان فمن شهد منكم الشهر فليصمه

The month of Ramadhaan is the month in which the Qur'aan was revealed (from the Lowhil Mahfoodh to the sky above the earth on Laylatul Qadr) as a guidance for mankind, whose Aayaat of guidance are absolutely clear, and which distinguishes (between truth and falsehood). So whoever among you witnesses this month (is alive during this month and capable of fasting) should fast in it... {Surah Baqarah, verse 185}

Hadith: Rasulullaah (S.A.W) mentioned that at the beginning of Ramadhaan the doors of Jannah are flung open, the gates of Jahannam are shut and the Shayaateen are imprisoned.

Hadith: Rasulullaah (S.A.W) also mentioned that Jannah has eight doors and one of them is named 'Rayyaan', which is reserved exclusively for the fasting people.

Concerning the wisdom of the Ramadhaan fasts, Hadhrat Hasan Basri رَحْمَةُ اللهِ عَلَيْهِ said, "(1) To enjoy the wedding feast of Jannatul Firdous one should keep oneself hungry, (2) so that one takes pity on the hungry and (3) by the blessings of fasting, one attains the Sunnah and Waajib levels of abstinence."

The word 'Sowm' (صوم) literally means to prevent, whereas in terms of the Shari'ah it refers to preventing the stomach, the private parts and the mouth from fulfilling their desires from dawn to sunset only to obey Allaah.

There are three fundamentals in the fast. These are (1) the intention, (2) fasting and (3) restraint.

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1 Bukhaari and Muslim.
2 Bukhaari and Muslim.
1. As far as the intention is concerned, Rasulullaah (S.A.W) said, "Actions are judged according to their intentions.".
2. Just as the case is with all other forms of Ibaadah, it is Waajib to formulate an intention when fasting. It is necessary to formulate the intention for Fardh fasts the night before, i.e. at any time between sunset and dawn.
3. When formulating the intention for a Fardh fast, it is also necessary to stipulate which fast it is viz. Ramadhaan, vow or Kaffaarah.
4. If a person is liable for the Qadhaa fasts of two months of Ramadhaan or for several types of Kaffaarah, it will suffice to merely make the intention of observing Ramadhaan Qadhaa fasts or Kaffaarah fasts without stipulating the year or the type of Kaffaarah.
5. When making the intention it is also not Waajib to specify when one is observing a specific Sunnah fast such as on the day of Arafaat, the day of Aashura, the middle days of the month and the six fasts of Shawwaal. Specification will not be necessary because these days are also specified. In fact, even if one makes other intentions for these fasts, the rewards of these Sunnah fast will also be attained because the purpose of these days is the fast. The example of this is like that of the reward for Tahiyyatul Masjid salaah which is attained by performing any other salaah upon entering the Masjid.
6. The intention will still be valid even if one did anything that nullified a fast between the time he made the intention and dawn (e.g. he had intercourse or vomited intentionally). The same will apply if the person fell asleep or a woman's menses stopped after the maximum period or according to her habit. In all these cases it will not be necessary to renew the intention because none of this contradicts the intention to fast.
7. The fast will however be invalid if one disbanded one's intention before dawn. The intention should be renewed before dawn. There will however be no harm done if the intention was disbanded during the day.
8. When observing Nafl or other Sunnah fasts, it will suffice to formulate the intention before Zawaal. In fact, on one occasion, Rasulullaah (S.A.W) asked Hadhrat Aa'isha (R.A) whether she had any food with her. When she informed

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1 Bukhaari.
Rasulullaah (S.A.W) that there was nothing to eat, Rasulullaah (S.A.W) said, "Then I shall fast."

9. When making the intention before Zawaal, the fast will be valid only if one did not do anything to nullify the fast (such as eating) from dawn up to the time of making the intention. If one did something of the sort, the fast will not be valid.

10. While it will suffice to make the intention in the heart and not state it in words, it will not suffice to state it in words without having the intention within the heart.

11. Making the intention to fast tomorrow on the 30th night of Ramadhaan will suffice even though the moon was not sighted as long as it is Ramadhaan. However, the fasts will not be valid if this intention was made on the 30th night of Sha'baan because the start of Ramadhaan was not confirmed. The intention could therefore not be a certain one.

12. If a person says to himself, "If tomorrow is still Sha'baan, I shall observe a Nafl fast and if it is Ramadhaan, I shall observe a Fardh fast" his fast will be valid only as a Nafl fast if the day turned out to be a day of Sha'baan. This is so because the natural occurrence would be for Sha'baan to continue. However, if the day turned out to be the first of Ramadhaan, both the Nafl and Fardh fasts will be invalid.

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1 Muslim, Abu Dawood and Ibn Hibbaan.

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Some factors that Nullify the Fast

The fasting person who is not excused from fasting, who is knowledgeable, has the ability to make decisions and he who remembers that he is fasting should note the following when fasting:

1. He should abstain from sexual intercourse.
2. He should abstain from vomiting on purpose. Therefore, if a fasting person engaged in sexual intercourse or purposely vomited knowing well that these acts are Haraam for him, his fast will be nullified. The same will apply when he did not know this but his lack of knowledge was due to his own negligence. With regard to sexual intercourse, the Ulema are unanimous on this ruling.
3. The fast will however not be nullified by engaging in sexual intercourse or purposely vomiting if:
   - The person did it in error
   - Someone forced him to do it
   - He did not know the ruling and his lack of knowledge was not due to negligence e.g. he was a new Muslim or had no access to people with knowledge
4. Vomiting unintentionally will not nullify the fast.
5. Vomiting intentionally will nullify the fast even though not a drop of the vomit goes back down the throat.
6. No harm will be done if oil or kohl enter the pores of the skin, just as there is no harm done when water enters them while taking a bath.
7. The fast will not be nullified by saliva entering the stomach even though it was collected in the mouth or was on the tongue before the tongue was stuck out. The fast will not be nullified in this case because it is difficult to avoid such situations.
8. If a persons gums bleed continuously, it will be sufficient for him to spit out the blood until his saliva is clear of blood. Because of the difficulty involved, it will not be necessary for him to keep rinsing his mouth.
9. When suffering very severe earache, a fasting person is allowed to insert eardrops when he is certain that they will provide relief. In this case the fast will not be nullified because of the necessity involved.
10. If because of a disease a person purposely vomits on the instruction of a reliable doctor, the fast will be nullified.¹
11. The fast will **not** be nullified by a fly or mosquito entering the throat.
12. The fast will **not** be nullified by forgetfully eating something. Rasulullah (S.A.W) mentioned that when a person forgetfully eats or drinks, he may continue with his fast because he had been fed by Allaah.²
13. No harm will come to one's fast if a protruding haemorrhoid (also referred to as piles) is pushed back into the anal passage even though one needed to use one's finger to do so. The fast will only be nullified if one entered the finger into the passage without necessity.
14. The fast will be nullified when water enters the stomach while doing something which is not necessary in the Shariat e.g. being excessive when rinsing the nostrils or when gargling during wudhu or when gargling or rinsing the nostrils for the fourth time during wudhu.
15. There is no harm done to the wudhu if water enters the ears while taking a compulsory or optional bath.
16. If water enters the ears while taking a bath merely to feel cool, the fast will be nullified.
17. If semen was discharged while touching or kissing one's wife without anything between the couple, the fast will be nullified. The fast however will **not** be nullified if there is something between them, even though it is a thin cloth.
18. Just as the fast will **not** be nullified by experiencing a wet dream, it will also **not** be nullified when one has an ejaculation by looking at someone.
19. When there is danger of being aroused when kissing one's wife, it will be Haraam to do so when fasting. However if there is no such danger, it will be permissible to do so, though best not to.
20. If one had food in one's mouth at the time of dawn, the fast will be valid on condition that he spat it out without swallowing anything.
21. Taking an injection as a treatment will **not** nullify the fast.³
22. It is a requisite of the fast that a person remains a sane Muslim pure from Haidh and Nifaas throughout the entire day.

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¹ Bughya.
² Bukhaari and Muslim.
³ Fataawa Siyaam.
(i.e. from dawn to sunset). The fast will therefore be invalid if the opposite of any of these factors takes place, meaning that becoming a Kaafir, becoming insane or experiencing Haidh and Nifaas for even a second of the day will render the fast invalid.

23. While it is Haraam for a woman experiencing Haidh or Nifaas to abstain from food, drink and carnal relations with the intention of fasting, it will not be compulsory for her to engage in any factor that nullifies the fast. It will suffice for her to just refrain from making the intention of fasting. Such is the ruling concerning the day of Eid as well.

24. Fasting will be invalidated by giving birth or by aborting blood clots or a foetus even though it is dry.

25. While the fast will not be nullified by falling unconscious for a part of the day, it will be nullified if a person was unconscious for the entire day because this condition makes one unworthy of being addressed by the Shariah.

26. The fast will not be nullified if one slept throughout the day.

27. It is forbidden to fast during the days of Tashreeq (11th, 12th and 13th of Dhul Hijjah) even though one may be performing the Tamattu Hajj.

28. It is also forbidden to fast during the two days of Eid.

Some Sunnah Practices While Fasting

1. To eat Sehri.
2. Not to delay in terminating the fast. Rasulullaah (S.A.W) said, "People will remain in good stead as long as they do not delay in terminating their fasts."
3. Terminating the fast by eating dates. If dates are unavailable and the time has arrived for terminating the fast, one should do so by drinking water.

Factors that are Sunnah to refrain from When Fasting

1. One should refrain from everything wicked and immoral such as lying, backbiting, etc.

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1 Bukhaari and Muslim.
2. One should also refrain from anything that may lead one to factors that nullify the fast.
3. While it is Makrooh to taste any foodstuff because of the danger of it entering the throat, it is not Makrooh to chew food for a baby to eat.
4. It is also Makrooh to chew (tasteless) gum.
5. It is Sunnat to take a Fardh ghusl before Subah Sadiq so that the fast is commenced in the state of purity.

Requisites for the Fasts of Ramadhaan to be Compulsory

1. **Being a Muslim.** If a Muslim left the fold of Islaam and then embraced Islaam again, he will be liable to observe the Qadhaa of the missed fasts.
2. **Being Mukallaf:** This means that the person must be sane and of age. No Qadhaa will be due from a child or an insane person. Qadhaa will however be due from one who had been unconscious or intoxicated.

**Note:** When children reach the age of seven, they have generally reached the age of understanding and should therefore be instructed to fast if they are capable. If they do not fast by the time they are ten, they may be lightly punished. This is to get them into the habit of fasting.

3. **Having the ability to fast:** This means that the person should neither be ill nor a Musaafir.

**Ruling:** If a person cannot fast due to illness or experiencing Hadith or Nifaas, it will be compulsory to make up the fast another time (i.e. to observe the Qadhaa).

**Ruling:** One is not permitted to miss a fast for minor ailments such as headaches, toothaches, earaches, etc. Fear of a disease worsening on account of fasting is a legitimate excuse for missing a fast.

4. **Not being on a journey:** It is permissible to miss a fast when travelling on a journey in which it is permissible to perform Qasr salaah. If fasting will cause the traveller harm, it is best to miss the fast but if no harm will be caused, it will be best to fast.
Ruling: If a person at home embarked on a journey after already starting the fast, he is not allowed to terminate it before sunset. The same applies to a traveller who returned home and a sick person who regained his health.

Qadhaa and Abstention

It is compulsory for a person to observe the Qadhaa fast when s/he has missed a fast on account of illness, travel, Haidh, Nifaas, unconsciousness, leaving the fold of Islaam, intoxication and foregoing the intention.

1. It is only Sunnat for the Qadhaa of Ramadhaan fasts to be consecutive.
2. If a child started the fast and came of age during the same day, he may complete the fast without the need of Qadhaa afterwards.
3. If a child came of age during a day of Ramadhaan and he was not fasting, an insane person regained his sanity or a Kaafir became a Muslim, it will not be necessary for them to observe the Qadhaa of the day's fast. This is so because they were not left with sufficient time to complete a fast. It is however Mustahhab for them to observe a Qadhaa fast. It is Sunnah for these three persons to abstain from food, drink and intercourse for the balance of the day. The same applies to the sick person who gets well during the day and the Musaafir who returns home during the day without having started his fast.
4. It is also Sunnah for a woman to abstain from factors that nullify the fast if her Haidh or Nifaas stops during the day.
5. It is also necessary for a person to abstain from factors that nullify the fast if he did not begin his fast because of some error, e.g. he forgot to make the intention or he was still busy eating at dawn, thinking that dawn had not yet arrived. Another example is the person who did not fast thinking that it was the last day of Sha'baan but then learnt that it was indeed the first of Ramadhaan. The same will apply to a person who for no valid reason did not start the fast from the beginning and the person who terminated his fast without completing it. Abstention is necessary in all the above cases.
6. There will be no harm done if a woman takes medication to stop her menses because she does not want to forfeit the
blessings of Ramadhaan. This is however applicable only when there is no medical risk of harm coming to her. However, when her only intention is to avoid observing the Qadhaa fasts, it will not be appropriate to do so, even though the fasts she observes will be valid.

The Perpetual Fast

1. Rasulullaah (S.A.W) had prohibited people from fasting perpetually.¹

2. Whether observing Nafl or Fardh fasts, it is compulsory to break (make iftaar) between two consecutive fasts.

3. The perpetual fast means that one fasts for two or more days continuously and without any valid excuse, does not eat or drink in between. It was a special privilege of Rasulullaah (S.A.W) to receive permission for doing this.

¹ Bukhaari and Muslim, reporting from Hadhrat Abdullaah bin Umar (R.A), Hadhrat Abu Hurayrah (R.A) and Hadhrat Anas (R.A).
Fidyah

1. It may occur that a person passes away before he is able to observe the missed Ramadhaan fasts, fasts that he vowed to observe or fasts of Kaffaarah. In such a case, he will not be sinful and it will not be necessary to compensate for these fasts. Examples of this is a person who missed the Ramadhaan fasts because of illness and did not recover from the illness until his death or a person who missed the Ramadhaan fasts because he was travelling and then passed away while still travelling. Another examples is that of a woman who missed the Ramadhaan fasts because she was pregnant or breastfeeding and then passed away in that very condition. There will be no need to give any compensation for the fasts missed in all these cases. However if the fast was omitted without a valid excuse, he will be sinful and he will also have to compensate it in the method the details of which are to follow.

2. If a person missed a fast of Ramadhaan (either with or without an excuse) and then passed away after having sufficient opportunity to observe the Qadhaa fasts, Fidyah (compensation) will have to be paid from his estate. The Fidyah amount is a Mudd\(^1\) of grain for every fast missed. The grain should be of the type normally given as Sadaqatul Fitr. Alternatively, a relative may fast on his behalf. A stranger may also fast on his behalf with the permission of the relatives or by the instruction of the deceased’s will.

**Hadith:** Rasulullaah (S.A.W) mentioned that when a person dies with fasts outstanding, a poor person should be fed for every outstanding fast.\(^2\)

**Hadith:** Rasulullaah (S.A.W) also mentioned that when a person dies with fasts outstanding, his successor should fast on his behalf.\(^3\)

3. A person may also pay the Fidyah when his excuse for not fasting is one that there is no hope of coming to an end. For example, old age or a terminal illness. He will then pay a

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1 One Mudd is equal to approximately 800g.
2 Tirmidhi.
3 Bukhaari and Muslim.
Mudd of grain for every missed fast and need not observe Qadhaa fasts. If the sick person chooses to endure the suffering and fast, it will be in order. If it should happen that the excuse for not fasting is suddenly removed, he may still pay the Fidyah and it will not be necessary to fast. While the Fidyah may be paid during the night preceding the day, it may not be paid before the night.

4. The following persons will be liable for both Fidyah and Qadhaa:

- The person who missed a fast to save the life of another person or of an animal or to save a limb or the use of a limb. For example, a person's fast was nullified when he jumped into a pool to save someone's life. Such a person will have to observe the Qadhaa fast as well as pay Fidyah.
- The expectant mother who misses her fast only to save the unborn child from harm.
- The suckling mother who misses her fast only to save the baby from harm.

5. Only a Qadhaa fast and not Fidyah will be due from the following persons:

- The expectant or suckling mother who misses a fast to save herself from harm or to save both herself and her baby from harm.
- The person who missed a fast for no reason.
- The person who missed a fast to save someone's wealth.

6. If a person does not observe the Qadhaa fasts of Ramadhaan despite having the opportunity to do so and then finds himself in the next Ramadhaan, he will have to observe the Qadhaa as well as pay Fidyah. Such was the verdict of six Sahabah (R.A).

7. If the person in the above case passed away before he could observe the fasts, two Mudd of grain will have to be paid for every fast from his estate; one Mudd for the fast and the other Mudd for delaying. If the wali fasts on the deceased's behalf, then only one Mudd will have to be paid due to delaying the fasts.
8. The Fidyah is to be paid to people falling under the categories of Faqeer and Miskeen because the verse of the Qur'aan mentions the Miskeen and the Faqeer is even more deserving.

9. A complete **Mudd** will have to be given to the Miskeen and cannot be shared between two Miskeens.

10. If a person terminated his Ramadhaan fast by indulging in sexual intercourse, he will have to pay Kaffaarah as well as observe the Qadhaa fast.

**Note:** The details of Kaffaarah should be queried from an Aalim.

**Sunnah (Nafl) Fasts**

1. It is Sunnah to fast on the day of Arafah (9\textsuperscript{th} of Dhul Hijjah). However, it is Sunnah for the person performing Hajj not to fast on that day to preserve his strength for du'aa and Ibaadah.

2. It is also Sunnah to fast on the day of Aashura (10\textsuperscript{th} of Muharram) and the day of Taasoo'ah (9\textsuperscript{th} of Muharram).

3. It is also Sunnah to fast on Mondays and Thursdays. A Hadith states that Rasulullaah (S.A.W) was particular about fasting on Mondays and Thursdays and would say, "Deeds are presented to Allaah on Mondays and Thursdays and I like my deeds to be presented when I am fasting."

4. One should also fast on the days of **Beedh**, i.e. the 13\textsuperscript{th}, 14\textsuperscript{th} and 15\textsuperscript{th} of every month.

5. It is also Sunnah to fast on the days of **Sood** i.e. 28\textsuperscript{th}, 29\textsuperscript{th} and 30\textsuperscript{th} of every month. These are called the days of **Sood** (darkness) because the moon is generally absent on these nights. It is preferable to add the 27\textsuperscript{th} as well. If one fasts on the 28\textsuperscript{th} and the 29\textsuperscript{th} and the month turns out to have only 29 days, one should observe the third fast on the first of the following month.

6. It is also Sunnah to fast for six days during the month of Shawwaal. These fasts are Sunnah even if one was unable to fast during Ramadhaan for a valid reason. However, if there was no valid reason for missing the fasts of Ramadhaan, the

\footnote{Tirmidhi, Abu Dawood, Nasa'ee and Ahmad.}
person should not observe these six fasts and start immediately with the Qadhaa fasts.

**Note:** If a person observes a Qadhaa fast or a vowed fast during Shawwaal or on the day of Aashura, he will also receive the rewards of the Sunnah fasts, though not completely.

7. Fasting throughout the year except for the days of Eid and the days of Tashreeq is also Sunnah on condition that no one else's rights are compromised and on condition that it will not cause harm to a person. If there is fear of a person being harmed by it, such fasting will be Makrooh.

8. Another recommended manner of fasting is the fasting of Hadhrat Dawood (A.S), meaning that a person fasts every alternate day.

9. It is also Sunnah to fast on the first three days of every month.\(^1\)

Besides the above, there are also other fasts that are Sunnah and optional to observe.

**Nullifying a Nafl Ibaadah**

1. It is **not** Waajib to reperform any act of Nafl Ibaadah if it is nullified because Rasulullaah (S.AW) did give Hadhrat Ummu Haani (R.A) permission to nullify her Nafl fast.\(^2\) It is however Mustahab to carry out the Qadhaa of the act because Rasulullaah (S.A.W) once instructed Hadhrat Aa’ishah (R.A) and Hadhrat Hafsah (R.A) to observe Qadhaa for a Nafl fast they had\(^3\)nullified.\(^3\) In fact, when Hadhrat Ummu Haani (R.A) nullified her fast, Rasulullaah (S.A.W) said to her, "You may observe the Qadhaa if you wish, otherwise not."\(^4\)

2. Because Hajj and Umrah have their own special injunctions, these must be completed (and cannot be nullified) even if the Hajj and Umrah are Nafl.

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\(^1\) Tuhfa.

\(^2\) Abu Dawood.

\(^3\) Mu’atta and Tirmidhi.

\(^4\) Haawi.
A Woman's Nafl Fast

1. A woman may not observe any Nafl fast without her husband's permission if the husband is present. If she does not get explicit permission, it will also suffice if she knows that the husband would allow her. This is established from a narration in Bukhaari and Muslim.

2. It is however permissible for her to observe emphasised Sunnah fasts such as Aashura without permission.

3. She does not need permission to perform Nafl salaahs because when compared to fasting, the time taken to perform salaah is much less.
I'tikaaf

1. There are four fundamentals of I'tikaaf. These are:
   - Intention
   - Masjid
   - Staying long enough to be called a stay
   - Staying in I'tikaaf

2. It is permissible to remain in I'tikaaf without specifying the period, whether the stay is long or short. However, once the person leaves the Masjid without intending to return, this intention will have to be renewed when he returns. If the person leaves to answer the call of nature or for any other necessity, his intention to return to I'tikaaf at the time of leaving will suffice as an intention upon return. Every period of time he spends in I'tikaaf is regarded as a complete act of Ibaadah.

3. If a person specified a time in his intention (e.g. a day, a week, etc) and he left the Masjid for anything other than answering the call of nature, he will need to repeat his intention upon return, regardless of how long he stayed away. This is because his I'tikaaf had been terminated by his leave. The I'tikaaf will however remain intact if the person left to answer the call of nature because this is a necessity. In this case, he will not have to repeat the intention.

4. If a person vowed to sit in I'tikaaf for a consecutive number of days and then (while sitting in I'tikaaf) had to leave the Masjid for a reason that does not disrupt the succession, he will not have to repeat the intention upon return. Answering the call of nature and even illness are factors that will not disrupt the succession because his intention includes the complete term.

5. A woman may not sit in I'tikaaf without her husband's permission.

6. I'tikaaf has to be in a place that the Shari'ah regards as a Masjid because this is established by the practice of Rasulullah (S.A.W), as reported in narrations of Bukhaari and Muslim. I'tikaaf will not be valid just anywhere even though the place may have been reserved for salaah.
7. According to the early opinion of Imaam Shaaafi'ee, a woman may perform I'tikaaf in a place in her home that is reserved for salaah.

8. If a person stipulates in his vow that he will perform I'tikaaf in the Masjidul Haraam (in Makkah), the Masjidun Nabawi (in Madinah) or the Masjidul Aqsa (in Quds), he will have to perform the I'tikaaf in these Masjids. However, if he specified any Masjid other than these three, he will reserve the right to perform I'tikaaf in any Masjid.

9. If a person specifies a time when he will perform I'tikaaf, the time must be abided by. Performing it earlier will be invalid and performing it later will be regarded as Qadhaa.

10. It is a requisite for the person performing I'tikaaf to be a sane Muslim who is not in need of ghusl.

11. The succession of a term of I'tikaaf will be disrupted by menstruation, when it is possible for the I'tikaaf to be free of it. However, if the I'tikaaf cannot be free of the menses, it will not disrupt the succession e.g. if the I'tikaaf is for a month.

12. It is permissible to use perfume when in I'tikaaf.

13. It is also permissible to take a bath during I'tikaaf.

14. Fasting is not a requisite of I'tikaaf unless a person stipulates this. For example, if a person makes a vow to perform I'tikaaf on days during which he will fast, it will be necessary for him to fast during the days of the I'tikaaf. These fast may however be Fardh or Nafl.

15. If a person stipulated that his I'tikaaf would not be on successive days and then proceeds to perform the I'tikaaf on successive days, the I'tikaaf will be valid because succession is better.

16. If a person stipulated that the I'tikaaf will be observed in succession but also stipulated that he may need to leave the Masjid for certain reasons, this clause will be valid only if the reason for leaving is one that is permissible and encouraged e.g. visiting the ill, attending a funeral, etc. This is so because while I'tikaaf is not a compulsory duty, a person made it compulsory for himself. He is therefore at liberty to add clauses.

Factors that do not invalidate the Succession in I'tikaaf

1. Answering the call of nature.
2. Visiting a sick person or welcoming a traveller back when this is on the way to answering the call of nature and when one does not spend too much time doing so.

3. Becoming insane, falling unconscious or suffering an illness that makes it too difficult to stay in the Masjid. However, if someone leaves the Masjid for reason of a headache or slight fever then the succession of the Iti'kaaf will be terminated.

4. Leaving for fear of a thief or a fire.

5. Forgetting that one is in Iti'kaaf.


**Note:** When one vows to sit in Iti'kaaf for a successive number of days and the person then has to leave the Masjid for a reason that does not invalidate the succession (e.g. Haidh, Nifaas), one will still have to make Qadhaa of those days. The Iti'kaaf will only not need to be repeated for the times one spent for answering the call of nature, eating or other such necessities.
According to the most accepted opinion, Hajj became Fardh in the 5th year after Hijrah.

1. For the Hajj and Umrah to be valid, the only requisite is for a person to be a Muslim. Because being Mukallaf is not a requirement, the Hajj and Umrah that a guardian makes a child perform after adorning the Ihraam will be valid regardless of whether the child is of an understanding age or not. Holding the hand of a little child, a woman once asked Rasulullah (S.A.W) whether the child's Hajj is valid. "Certainly," Rasulullah (S.A.W) replied, "and you will receive the reward."

Note: When entering a child or an insane person into the state of Ihraam, the only requirement is that the intention be made. Once the intention is made, the person becomes a Muhrim (one in the state of Ihraam) even if he is not present there.

2. If a child is not of an understanding age, the guardian should lead the child through the Tawaf. The guardian should also ensure that the child fulfils the requisites of Tawaf such as covering the necessary parts of the body, being in a state of wudhu, etc. Furthermore, the guardian will also lead the child through the Sa'ee (going between Safa and Marwah). However, it is the guardian who will have to perform the two Rakaaahs salaah after the Tawaf on behalf of the child. The guardian should also take the child to all the places the child needs to go during the Hajj. It will not be correct for the child to visit these places without the guardian. If the child is capable of Rami (stoning the Jamaraat), he should do so himself. Otherwise, the guardian should do it on his behalf. Another person may also do it with the guardian's permission on condition that the person does not have to do Rami for himself.

3. A child of understanding will do all of the above by himself.

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1 Mu'atta, Muslim, Abu Dawood and Tirmidhi.
4. Having the means to perform Hajj is not a requisite. Therefore, if a poor person exerts himself and completes his Hajj with difficulty, the Hajj will be valid and he will not need to repeat it once he acquires the means.

5. The obligatory Hajj will not be discharged when a child performs Hajj. Once the child comes of age, if he has the means, he will have to perform his Fardh Hajj because the Hajj performed as a child is incomplete.

6. A child's Hajj will be regarded as his Fardh Hajj if he comes of age during or before his stay in Arafat. If he had already performed the Tawaaf e Qudoom and Sa'ee before this, he will have to repeat it. When performing Umrah, the obligation to perform Umrah will be discharged when the child comes of age before performing the Tawaaf. If he comes of age during the Tawaaf, the Tawaaf will have to restarted for the obligation to be discharged.

7. A person will be obliged to perform Hajj and Umrah when the following five conditions are fulfilled:

- S/he is a Muslim
- S/he is understanding
- S/he is of age
- S/he is a free person (not a slave)
- S/he has the means to perform Hajj or Umrah

Istitaa'ah (Having the Means)

1. Istitaa'ah (having the means to perform Hajj or Umrah) is of two types: (1) individual Istitaa'ah and (2) Istitaa'ah by virtue of another.

2. One will be said to have Istitaa'ah (the means) when he has sufficient funds to travel to and from Makkah together with funds for meals and for official requirements (such as passports, visas, etc). In addition to this, these funds should be apart from his debts and the expenditure his dependents will require until he returns.

3. Individual Istitaa'ah refers to a person being capable of performing Hajj by himself without experiencing too much difficulty.

4. Istitaa'ah by means of another refers to a person having sufficient funds so that another person may perform the Hajj
on his behalf either during his lifetime or after he dies. This applies only when the person is incapable of performing the Hajj by himself because of factors such as old age or severe illness. A narration of Ibn Abbaas (R.A) in Bukhaari states that a woman once asked Rasulullaah (S.A.W) whether she could perform Hajj on behalf of her mother who had vowed to perform Hajj but had died before she could fulfil her vow. Rasulullaah (S.A.W) then permitted her to perform the Hajj. Another narration of Nasa'ee reports that a man once asked Rasulullaah (S.A.W) whether he could perform Hajj on behalf of his father who had passed away. Rasulullaah (S.A.W) granted him permission as well. Yet another narration of Bukhaari and Muslim states that a woman said to Rasulullaah (S.A.W) that her father was so old that he could not even sit on an animal to make the journey for Hajj. Rasulullaah (S.A.W) permitted her to perform the Hajj on his behalf.

Miscellaneous Injunctions Pertaining to Hajj

1. It is compulsory for a person to spend his business capital on Hajj (if he has no other funds).
2. It is not compulsory for a person to sell his house and furniture to go for Hajj because these are necessities.
3. If a person stays within Qasr distance of Makkah (within 81km) and cannot afford transport, it will be compulsory for him to go walking for Hajj and Umrah if he has the ability to walk the distance.
4. If a person has sufficient funds for Hajj but also intends getting married, his situation will assume one of two forms:

   - While he may need to get married, he is also able to control his passions. For such a person, Hajj will be compulsory and it is best for him to perform Hajj first and then get married.
   - If he is unable to control his passions and fears fornication, Hajj will still be compulsory for him, but it is best for him to get married first.

The general principle here is that the compulsion of Hajj is not cancelled by the need to marry.
5. In addition to the above requisites, women need to fulfil an additional two requisites. These are:

(a) Her husband or a Mahram should accompany her. This is on account of a Hadith in Bukhari and Muslim stating that a woman may never travel without a Mahram.

- In the absence of her husband or Mahram, a woman may travel in the company of at least two chaste and religious women. It is not a condition for the husband or Mahram of any one of these women to accompany them. By performing Hajj in this manner (i.e. with other women) will protect her from fitnah. While this is a requisite for Hajj being compulsory for a woman, it will also be permissible for her to travel with one woman. In fact if the way is safe she may even travel alone, but Hajj will not be compulsory for her.

- The presence of the husband or a Mahram is compulsory for a Sunnah Hajj and for other journeys. The Hadith substantiating that a woman may travel alone for Hajj is a narration of Bukhari in which Rasulullah (S.A.W) said to Hadhrat Adi bin Haatim (R.A), "If you live long enough, you will see a woman travel alone from Heera and make Tawaaf of the Kabah without anything to fear besides Allaah."

- It is Wajib for her to bear the expenses of a mahram if she has the means of doing so.

(b) She must not be spending her Iddah after either being divorced or widowed because Allaah says:


Do not turn them (divorced women) out of their homes (as they spend their period of Iddah) and neither should they leave by themselves. {Surah Talaaq, verse 1}

6. A woman may not leave for Hajj without the permission of her husband. If she has the means of going and her husband refuses her permission, Hajj will have to be made on her behalf after she passes away. The expenses will be borne by her estate and she will not be regarded as sinful.¹

¹ Fiqhul Manhaji.
7. If Hajj or Umrah had been compulsory for a deceased person, it will be Waajib to have Hajj done on his behalf and paid for by his estate as would be done for his other obligations. The heirs will receive their shares of the estate after the debts of the deceased have been settled. Should there be no estate, it would be Sunnah for the heirs to have the Hajj performed at their expense. If another person does it on behalf of the deceased, it will be fulfilled whether the heirs give permission or not.

8. The person who is unable to perform Hajj may appoint another to do it on his behalf, whether the Hajj is Fardh or Sunnah. In fact, appointing someone to perform his Fardh Hajj will be compulsory.

9. While a Fardh Hajj may be performed from the estate of a person without any conditions, a Sunnah Hajj will be performed on his behalf only if he has made a bequest to the effect.

10. It is not permissible for a person to appoint another to perform his Hajj if he is capable of doing so himself.

The Time for Hajj and Umrah

1. A person may enter into the state of Ihraam from the first of Shawwaal up to the Fajr of Eidul Adhaa (the 10th of Dhul Hijjah). Entering the state of Ihraam at any other time without specifying Hajj or Umrah or if he specifies Ihraam for Hajj will enter one into the state of Ihraam for Umrah and the Fardh Umrah may be performed in this state.

2. One may enter the state of Ihraam at any time during the year. However, the person performing Hajj may not perform Umrah before completing the Raml at Mina.

3. A person within the boundaries of the Haram has to leave the Haram to enter the state of Ihraam for Umrah. A narration of Bukhaari and Muslim state that after Hajj Rasulullaah (S.A.W) sent Hadhrat Aa'isha بنت مسعود to Tan'eem, from where she started her Umrah.

4. The closest portion of the Hil (area outside the Haram) is Tan'eem. However, the best place from whence Umrah should be made is Jil'irranah because it was from here that Rasulullaah (S.A.W) entered into the state of Ihraam for
Umrah when returning from the Battle of Hunayn during the year 8th A.H. after the conquest of Makkah.

5. If a person performs Umrah from within the Haram without going to the Hil, the Umrah will still be valid, as will the Fardh Umrah. However, the person will be sinful and liable for Damm (a penalty) for not entering into the state of Ihraam from the Miqaat. The Damm will be waived if the person later entered the Hil before starting any of the acts of Umrah.

6. The Miqaat for performing Hajj from Makkah is Makkah itself. This applies even if the Hajj is Qiraan and if the person is not from Makkah.

Injunctions Pertaining to the Ihraam

1. Ihraam refers to the intention to start performing Hajj or Umrah.

2. If a person enters into the state of Ihraam during the months of Hajj without specifying what he intends performing, he may perform either Hajj, Umrah or both. It is only after specifying that he may commence the actions of either Hajj or Umrah. Any act done prior to his specification will be invalid. If the time of Hajj terminates the Ihraam will be for Umrah. However, if it is not during the Hajj months that a person enters into the state of Ihraam, his Ihraam will be for Umrah if he does not specify anything. Thereafter, he may not make the intention for Hajj even if the Hajj months start.

3. While the intention of the heart is compulsory, stating it with the tongue is Sunnah.

4. It is Sunnah to take a bath when entering into the state of Ihraam.

5. It is also Sunnah to take a bath to enter Makkah.

6. It is also Sunnah to take a bath at Arafah after Zawaal.

7. It is also Sunnah to take a bath at Muzdalifah at dawn of the 10th of Dhul Hijjah or at any time after midnight.

8. It is also Sunnah to take a bath for every Rami during the days of Tashreeq.

9. One should remove unwanted hairs, pare the nails and trim the moustache before entering into the state of Ihraam. This should be done before taking a bath unless one is a Junubi (in which case, it should be done after the bath).
10. It is Sunnah to apply perfume before entering into the state of Ihraam. No harm will be done if the scent lingers on afterwards.

11. It is Sunnah for a woman to apply henna on her hands up to her wrists when she enters into the state of Ihraam since they may be exposed at times. Hadhrat Abdullaah bin Umar (R.A) has defined this as Sunnah.

12. It is Sunnah to perform two Rakaahs salaah before entering into the state of Ihraam (i.e. before making the intention). This should however not be during the Makrooh times unless one is within the Haram, in which case it may be performed at any time. This salaah will have to be repeated if there is too long a time lapse between the salaah and the actual entering into the state of Ihraam (i.e. the intention).

13. It is best to make the intention when starting off the journey to Makkah after completing the salaah.

The Talbiya

1. As proven from the actions of Rasulullaah (S.A.W), it is Sunnah for the person in the state of Ihraam to recite the Talbiya abundantly.¹

2. Men should recite the Talbiya in an audible voice because Hadhrat Jibra‘eel (A.S) told Rasulullaah (S.A.W) to instruct the Sahabah (R.A) to recite it audibly.²

3. The Talbiya should be recited more when changing situations e.g. when starting to ride, when disembarking, when ascending, when descending, when meeting people, after salaah, etc.

4. It is Sunnah to recite the Talbiya softly when entering into the state of Ihraam.

5. Women should not recite the Talbiya loudly.

6. It is Sunnah to repeat the words of the Talbiya in threes.

7. It is preferable not to add or omit words from the Talbiya. It is however not Makrooh to add something after saying the Talbiya, as mentioned in Bukhari and Muslim that Hadhrat Abdullaah bin Umar (R.A) did so when he said after the Talbiya of Rasulullaah (S.A.W), "لبيك و سعديك و الخير بيديك و الرغبة اللى و العمل".

¹ Muslim.
² Mu‘atta, Abu Dawood, Tirmidhi, Nasa‘ee and Ibn Maajah.
8. It is also best to recite the Durood on Rasulullaah (S.A.W), his family and his companions in threes after the Talbiya.

The Injunctions of Tawaaf

There are eight Waajibaat of Tawaaf:

1. Covering the Satr (as in salaaah).
2. Being pure from both the greater as well as the lesser Hadath together with purity from all types of Najaasah. This is necessary because Rasulullaah (S.A.W) had equated Tawaaf to salaaah.¹

**Ruling:** If one’s wudhu broke while performing Tawaaf, one should make wudhu again and then continue the Tawaaf from where one left off. This will apply even if the wudhu was purposely broken or even if there was a long lapse of time because unlike wudhu, carrying out the act in quick succession is not a requisite for Tawaaf. Therefore, if one performed three circuits of Tawaaf before the wudhu broke, one may perform the other four after repeating the wudhu.

**Ruling:** If a woman’s menses start before she could perform the Tawaaf Ziyaarah and there is no way in which she can wait for it to end (e.g. she has no funds or cannot secure a later flight), she may act on the verdict of Imaam Abu Haneefah. This verdict allows her to perform the Tawaaf in her state, after which she should offer a camel as Damm.

3. During Tawaaf, one should walk ahead with the Kabah on one’s left.
4. When starting the Tawaaf, the body must be facing towards the Hajar Aswad. Starting in any place other than this will be incorrect.
5. One should be certain that he performed seven circuits. If one has a doubt, one should take the lesser of the two into consideration and add as many as is necessary as per doubt.
6. The Tawaaf should be within the Masjidul Haraam.

¹ Tirmidhi.
7. Intention. The intention is Waajib if one is performing Tawaaf by itself. However, if the Tawaaf is a Fardh of the Hajj or Umrah or if it is the Tawaaf Qudoom, the intention will not be necessary because it would have been included in the intention to perform Hajj and Umrah.

8. The circuits around the Kabah should not be for another reason e.g. to follow a debtor around.

Some Sunnah and Makrooh Acts of Tawaaf

1. The entire Tawaaf should be done walking if one does not have a handicap or illness. There will be no harm in performing the Tawaaf riding when one has an excuse and intends practising on the Sunnah.

2. When commencing the Tawaaf, one should make Istilaam of the Hajar Aswad, kiss it and place the forehead on it. While the Istilaam and kissing are mentioned in Bukhaari and Muslim, placing the forehead on it is stated in a narration of Bayhaqi. Women may do these three acts in the absence of men.

3. The Istilaam, kissing and placing the forehead on the Hajar Aswad should be done thrice during each circuit.

4. One should also touch the Rukn Yamaani and then kiss the hand. If one is unable to touch it, one may point towards it with a stick or with one's hand and then kiss the stick or the hand. It is not a Sunnah to kiss anything other than the Hajar Aswad and to touch anything apart from the Hajar Aswad and the Rukn Yamaani.

5. Between the Hajar Aswad and the Rukn Yamaani it is Sunnah to recite the du’aa: "ربنا أتانا في الدنيا حسنة..."

6. Hadhrat Hasan Basri reports that du'as are accepted at fifteen places. These places are: at the Mataaf, the Miltazam, beneath the Mizaab, at Zamzam, Safa, Marwah, where the Sa'ee takes place, at the Maqaam Ibraheem, at Arafat, at Muzdalifa, at Mina and at the three Jamarats in Mina.

7. When Sa'ee has to be made after a Tawaaf, it is Sunnah for men to make Ramal in the first three circuits of the Tawaaf. The next four circuits may be carried out at the normal pace.

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1 As reported in Muslim.
2 Bukhaari and Muslim.
If one failed to make Ramal in the first three circuits, it cannot be done in the remaining four.

8. When Ramal is Sunnah in a Tawaaf, *Idh*’*tibaa* also becomes Sunnah in the entire Tawaaf. The *Idh*’*tibaa* will then be done in the Sa'ee as well.

9. Both *Idh*’*tibaa* and Ramal are Makrooh for women.

10. It is Sunnah for women to perform Tawaaf on the edge of the Mataaf so that they do not mingle with men. They may of course use the centre of the Mataaf when the area is vacant.

11. It is Sunnah for the circuits of the Tawaaf, the two Rakaahs salah afterwards, the Istilaam and then the Sa'ee to be carried out one after another in quick succession.

12. The two Rakaahs after Tawaaf are Sunnah and best performed behind the Maqaam Ibraheem.²

13. If unable to perform it behind the Maqaam Ibraheem, it should be performed in the Hateem or anywhere within the Masjidul Haraam. Nevertheless, these two Rakaahs may also be performed anywhere else and at any time before one's death.

14. When performing several Tawaafs, it is best to perform the two Rakaahs after every Tawaaf. It is however also permissible to perform two Rakaahs salah for each Tawaaf after the last Tawaaf. In fact, it will even suffice to perform just two Rakaahs salah for all the Tawaafs.

15. While it is Makrooh to spit during the Tawaaf, if one is forced to spit, one should do so in a cloth or something similar.

16. It is Makrooh to place the hands on the face when performing Tawaaf.

17. It is also Makrooh to make Tawaaf when one needs to answer the call of nature.

18. It is also Makrooh to eat or drink while performing Tawaaf.

Some Injunctions Pertaining to the Sa'ee between Safa and Marwah

The following are some conditions, Sunan and etiquettes of Sa'ee:

1. One should begin at Safa

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¹ Abu Dawood.
² Bukhaari and Muslim.
2. One should end at Marwah
3. If one started at Marwah, the first circuit will not be valid
4. There are seven circuits with each trip from Safa to Marwah counted as one circuit and then every trip from Marwah to Safa another. Seven are counted in this manner, with one finishing off at Marwah.
5. Men should jog between the green markings. It is **not** Sunnah for women to do so.
6. It is Sunnah to make du'aa while performing the Sa'ee.
7. It is **not** a requisite to be in a state of purity while performing the Sa'ee
8. It is Makrooh to talk while performing the Sa'ee.
9. It is Makrooh to perform two Rakaahs salaah after performing the Sa'ee
Staying at Arafah

1. After the light of the sun starts to spread on the 9th of Dhul Hijjah, people performing Hajj should leave Mina for Arafah. There they should stay near the Namirah plain until Zawaal when the Imam will deliver two Khutbahs followed by the Zuhr and Asr salahs combined as Jama Taqdeem1.
2. The Qasr salah and the Jama performed at Arafah and at Muzdalifah are on account of the people being Musaafir. However, those staying in Makkah and who are not Musaafir will neither perform Qasr nor Jama. However, those intending to return home after completing the Hajj and who do not wish to stay the period of Iqaamah in Makkah will be regarded as Musaafirs and will therefore perform Qasr and Jama.
3. After the salah is complete, the people should remain in Arafah until sunset, as Rasulullah (S.A.W) did. This staying in Arafah is referred to as Wuqoof.
4. When staying at Arafah, it is compulsory for the person performing Hajj to be fit for Ibaadah (even though he is asleep or doing something else).
5. The Wuqoof may be done any time between Zawaal of the 9th of Dhul Hijjah and dawn of the 10th. Being in Arafah even for a second during this time will suffice.
6. If a person leaves Arafah before sunset and does not return thereafter, it will be Sunnah for him to pay Damm so that he abstains from the difference of opinion of those who regard it as Waajib. The Damm will however be waived if he returns to Arafah at any time of the night because he has now acted on the Sunnah of being in Arafah both during the day and the night.

Leaving for Muzdalifah

1. People will leave Arafah and proceed to Muzdalifah after sunset. In conformance with the Sunnah of Rasulullah (S.A.W), they will then combine the Maghrib and Isha salah at Muzdalifah as Jama Ta’kheer2. This Jama is also due to

1 Muslim.
2 Bukhaari and Muslim.
being a Musaafir, not due to performing Haj. Thus those people who are not Musaafir will not combine the salaahs.

2. After leaving Arafah, a person should spend at least a moment of the latter half of the night in Muzdalifah. This is Waajib.

3. Damm will be due from the person who is not present in Muzdalifah for the second portion of the night or who leaves Muzdalifah before the second half of the night without returning because he omitted a Waajib act. If the stay at Muzdalifah was omitted for a valid reason, the Damm will be waived and the person will not be regarded as a sinner.

4. It is Sunnah to collect the pebbles to be used for Rami on the 10th during the night or after dawn at Muzdalifah. Rasulullaah (S.A.W) instructed Hadhrat Fadhl bin Abbaas (R.A) to collect his pebbles there on the morning of the 10th.¹

5. It is Sunnah for women and weak people to leave Muzdalifah after midnight and to head to Mina where they will be able to stone before the crowds arrive. Hazrat Ibn Abbas (R.A) narrated that Hadhrat Sauda (R.A) secured permission from Rasulullaah (S.A.W) to leave for Mina after midnight and Rasulullaah (S.A.W) did not instruct her or those accompanying her to pay any Damm.²

6. People should then leave for Mina after performing Fajr at Muzdalifah but before sunrise. It is Makrooh to stay until sunrise.

7. When arriving in Mina after sunrise, every person performing Hajj should use seven pebbles to pelt the Jamarah Aqabah.³

8. The Talbiya is stopped immediately upon pelting the Jamarah because people will now start performing the acts that will release them from the Ihraam. This is similar to how the person performing Umrah will stop the Talbiya immediately upon starting Tawaaf.

9. Takbeer should be recited with every pebble thrown.

10. Those who had brought along their sacrificial animals should now slaughter their animals while the others may shave off or trim their hair.

11. Women will only trim a bit of their hair. It is Makrooh for them to shave off their hair.

¹ Bayhaqi.
² Bukhaari and Muslim.
³ Muslim.
12. If a person performs Umrah just before Hajj so that he has no hair to shave off after Hajj, it will be best for him to only trim his hair after Umrah.

13. A bald person should pass a razor over his head to emulate the act of shaving.

14. A woman should trim the equivalent of fingertip of all her hair.

Injunctions Pertaining to the Tawaafuz Ziyaarah and other General Injunctions

1. After completing the rites at Mina, people should leave for Makkah where they will perform the Tawaafuz Ziyaarah and the Sa'ee (Sa'ee being one of the fundamentals of Hajj).

2. If a person performed the Sa'ee after his Tawaaful Qudoom when he arrived in Makkah in the state of Ihraam, he will not have to perform Sa'ee now (after the Tawaafuz Ziyaarah). However, since most people enter into the Ihraam for Hajj from Makkah and do not perform Tawaaful Qudoom then, it will be Fardh for them to do so after the Tawaafuz Ziyaarah. Performing the Sa'ee after a Nafl Tawaaf before returning to Mina will not suffice.

3. It is Mustahab to carry out the acts of the 10th of Dhul Hijjah in sequence. This sequence is not Waajib, as proven from a narration of Muslim in which a person asked Rasulullaah (S.A.W) what should be done if he shaved his hair before pelting. Rasulullaah (S.A.W) said, "There is no problem. Now go and pelt." Another person then came to ask what he needed to do since he had performed the Tawaafuz Ziyaarah before pelting. Rasulullaah (S.A.W) said to him as well, "There is no problem. Now go and pelt."

4. There are three times for pelting on the day of Nahr (10th of Dhul Hijjah). These are:

- Between sunrise and Zawaal, which is the best time
- Between Zawaal and sunset, which is an optional time
- Between sunset and the end of the days of Tashreeq, during which time pelting is permissible

5. There is no final time for shaving the hair and for the Tawaafuz Ziyaarah. The Hajj will be valid if they are performed at any time during one's lifetime. However, the
restrictions of Ihraam will apply for as long as they are not done. It is of course best to carry them out during the day of Nahr and Makrooh to delay it for afterwards. It will be more detestable if these acts are delayed for after the days of Tashreeq and even worse if one leaves Makkah without performing them.
Injunctions Pertaining to Emerging from Ihraam

1. The first stage of emerging from Ihraam will take place once a person carries out any two of the three acts of the day of Nahr, viz. pelting, shaving the hair and the Tawafuz Ziyaarah. This means that all the restrictions of Ihraam will no longer apply except for intercourse and anything leading to it (kissing, etc). The person may now wear tailored clothing, may pare his nails, use perfume, cover his head and a woman may cover her face.

2. The second stage of the emergence will come into effect when the third act is also done. Once this is done, the person performing Hajj may also do everything a normal person may do.

3. If a person needed to fast or pay Damm for missing the pelting of the day of Nahr, he will have to remain in the state of Ihraam until he fulfils this.

Spending the Night in Mina During the Days of Tashreeq

It is Waajib to spend most of the three nights of the 11th, 12th and 13th of Dhul Hijjah in Mina e.g. if there are 10 hours between sunset and dawn, a person should spend more than five hours in Mina.

Injunctions Pertaining to the Days of Tashreeq

1. It is Waajib to pelt each of the three Jamaraat after Zawaal on every day of the Days of Tashreeq.

2. It is permissible for a person to leave Mina after the pelting on 12th without returning to spend the night of the 13th. In this case, he will not have to spend the night of the 13th in Mina and will also not need to pelt on the 13th.

3. It is however not permissible to skip spending the 11th and 12th nights. One may also not leave before Zawaal of the 12th or after Zawaal without pelting.
Injunctions Pertaining to Rami

There are six requisites for Rami (pelting):

1. **Sequence.** First to be pelted is the Jamarah Ula, then the Jamarah Wusta and finally the Jamara Aqabah. This was how Rasulullaah (S.A.W) pelted, as quoted in Bukhaari. It is also necessary to complete each pelt.

2. **To pelt seven times.** If one throws all seven pebbles at once, it will be counted as one throw. Throwing a pebble with the left hand and simultaneously throwing another with the right hand will also be counted as just one throw. What will be regarded as two throws will be throwing one after another. If only one pebble is used repeatedly, it will suffice.

3. **To throw with the hand.**

4. **To use pebbles or stones.**

5. **To aim at the Jamarah:** Therefore, if a person merely threw a stone which happened to land on the Jamarah, the throw will not be counted as one.

   **Note:** The pillar that represents the Jamarah has a circular enclosure. It is this enclosure that is referred to as the Jamarah and it is here that one should throw. Many people wrongly regard only the pillar as the Jamarah and it will be incorrect to intend hitting only the pillar even though the pebble hits the pillar and lands into the enclosure. The throw will be valid if the stone hits the pillar and falls within the enclosure after one throws with the intention of getting the stone into the enclosure. Imaam Shaafi’ee has stated that the Jamarah is the area where the stones fall and pile up. Many people regard the pillar as the Shaytaan and think that it is the pillar that they must hit. This notion is wrong.

6. **To be certain that the pebble lands at the Jamarah.**

   **Ruling:** If a person is genuinely unable to pelt and he has no hope of gaining the ability before the expiry of the time, it will be Sunnat for him to appoint someone else to do it on his behalf. If he unexpectedly regained the ability after the appointed person
pelts the other person's pelting will suffice. It will however be Sunnah for the person to personally repeat the pelting.

**Ruling:** The appointed person may not pelt on behalf of another person unless he has completed his own pelting.

**Ruling:** One cannot pelt on behalf of another even though one has only a single pebble left of one's personal pelting.

**Ruling:** If a person pels on behalf of another before doing his own, it will be regarded as his own.

**Ruling:** If one was unable to pelt during the day of Nahr or during any of the days of Tashreeq, one may make up for it by pelting anytime during the day or night until the days of Tashreeq are over.

**Ruling:** Sequence is however Waajib in the pelting that has been left out and any subsequent pelting. Therefore, if the pelting on the day of Nahr or even one pebble for the day was omitted, the pelting of subsequent days will not be valid until the outstanding pelting has been completed.

**Ruling:** Outstanding pelting may be done during the nights as well as before Zawaal.

**Ruling:** Damm will be payable if three or more throws of a pelting remain outstanding. If only one throw is outstanding, one Mudd of grain should be given to the poor and if two throws are outstanding, two Mudd should be given.

**Ruling:** Damm will not be payable if one failed to stay a night in Mina on any reasonable account e.g. nursing a sick person.

**Tawaaful Widaa**

1. The Tawaaful Widaa is Waajib for every person leaving Makkah who intends to travel a distance longer than that of Qasr. This applies to residents of Makkah as well as non-residents, whether they are performing Hajj or not.

2. The Tawaaful Widaa is Sunnah for the person leaving Makkah (e.g. for Taneem) with the intention of performing Umrah.

3. Even if a person performing Hajj wishes to leave for home from Mina, it is compulsory for him to go to Makkah to perform the Tawaaful Widaa.

4. The Tawaaful Widaa is also Waajib if one wishes to leave Makkah to visit Madinah.

5. The Tawaaful Widaa will not be Waajib for a woman leaving Makkah when she is experiencing Haidh or Nifaas. If such a
woman becomes pure before leaving the boundaries of Makkah, she must return to perform the Tawaaful Widaa. This will however not be necessary if she becomes pure only after leaving the boundaries.

6. Damm is compulsory if a person failed to perform the Tawaaful Widaa when it was compulsory for him.

7. If one remains in Makkah after performing the Tawaaful Widaa, one will have to repeat it before leaving. This will however not be necessary if one remained in Makkah only to perform salaah in congregation or to prepare for one's journey.

Zamzam

1. It is Sunnah to drink Zamzam water because it is blessed and lends strength to the heart.

2. When drinking Zamzam water, it is Sunnah to sit facing the Qibla. Rasulullah (S.A.W) drank it standing only to show that this is permissible.

3. Before drinking, one should say, "O Allaah! I have heard the Hadith stating that the intention with which Zamzam is drunk will be fulfilled. O Allaah! Grant me what I intend when drinking it." One should then drink with the need in mind that one wants fulfilled.

4. It is Sunnah to take Zamzam water home with one so that others may benefit from it. Hadhrat Aal'isha (R.A) used to take Zamzam water with her and stated that Rasulullah (S.A.W) did the same.¹

5. As substantiated by Hadhrat Abdullaah bin Abbass (R.A), one may pray for one's needs even when drinking Zamzam water outside Makkah.

6. It is Sunnah to sprinkle Zamzam water on the face and chest.

7. One should also make an attempt to recite the entire Qur'aan in Makkah.

¹ Tirmidhi and Haakim.
The Fundamentals of Hajj and Umrah and the Manner of Performing them

The Arkaan of Hajj

Hajj has the following six Arkaan (fundamentals):

1. Ihraam
2. Wuqoof at Arafah
3. Tawaaful Ifaadah (Tawaafuz Ziyaarah)
4. Sa'ee
5. Shaving or trimming the hair
6. Sequence in most of the above. The Ihraam precedes all the rest and Wuqoof-Arafaat precedes Tawaaf Ifaadah and the shaving or trimming of one's hair. If the Sa'ee was not performed after the Tawaaful Qudoom, it must be done after the Tawaaful Ifaadah. This has been established from both the words and deeds of Rasulullaah (S.A.W).

**Ruling:** The Arkaan cannot be compensated for by Damm.

The Waajibaat of Hajj

1. Entering the state of Ihraam at the Miqaat
2. Pelting on the day of Nahr and the days of Tashreeq
3. Spending a night at Muzdalifah
4. Spending the nights at Mina during the days of Tashreeq
5. Abstaining from factors forbidden in the state of Ihraam
6. Performing the Tawaaful Widaa is also Waajib, but is not part of the Hajj or Umrah.

**Ruling:** The Waajibaat can be compensated for by Damm, unlike the Arkaan which cannot be compensated for by Damm.

The Arkaan of Umrah

1. Ihraam, which is essentially the intention to perform Umrah
2. Tawaaf
3. Sa'ee
4. Shaving or trimming the hair
5. Sequence

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The Various Methods of Performing Hajj and Umrah and Some Injunctions pertaining to the Sacrificial Animal

There are three methods of performing Hajj and Umrah:

(a) **Ifraad**: This refers to performing Hajj by itself. It is only after completing the Hajj that Umrah may be performed (the Hajj will still be regarded as Ifraad if Umrah is not performed afterwards).
(b) **Tamattu**: This is the opposite of Ifraad in that Umrah is performed before Hajj.
(c) **Qiraan**: This refers to performing both Hajj and Umrah with the same Ihraam both within the months of Hajj. Alternatively, one may enter into Ihraam for Umrah and then enter into the Ihraam for Hajj with the coming of the months of Hajj. This however needs to be done before starting the Tawaaf of Umrah.

1. From the above three methods, it is Ifraad that is the most virtuous on condition that the Umrah is performed before the end of the year i.e. before the end of Dhul Hijjah. If the Umrah is not performed within the year, the other two methods will be better because it is Makrooh to postpone the Umrah to the following year.
2. It is compulsory for people performing Tamattu and Qiraan to sacrifice an animal if they are not residents of the Haram and if the person performing Tamattu performs the Umrah in the same year as the Hajj.
3. Residents of the Haram need not sacrifice an animal when performing Tamattu and Qiraan because they do not receive the benefit of leaving the Miqaat.
4. This sacrifice will not be necessary when a person performs Umrah before the months of Hajj start.
5. The sacrifice becomes binding as soon as one enters the Ihraam for Tamattu Hajj. It is permissible to sacrifice the animal after completing the Umrah and before entering the Ihraam for Hajj. While there is no time limit for sacrificing this animal, it is best to do it on the day of Nahr because Rasulullaah (S.A.W) did it then.
6. If a person is unable to sacrifice an animal, he will have to fast to compensate. Three of these fasts will have to be observed before the day of Nahr. The Sunnah is to complete them even
before the day of Arafah (9th) because it is Sunnah for a person performing Hajj not to fast on the day of Arafah.

7. It is however not permissible to observe these fasts during the day of Nahr and the days of Tashreeq. It will also not be permissible to observe them before entering into the state of Ihraam for Hajj.

8. The person concerned will then have to fast another seven days at home. It will not suffice to observe them in Makkah or while travelling home. However, if after performing Hajj a person makes Makkah his home, the fasts may be observed there.

9. If the three fasts during Hajj were missed, Qadhaa fasts should be observed.

Factors that are Forbidden in Ihraam

1. A man may not cover his head with anything usually used to cover the head such as a hat, shawl, turban, etc.

2. A woman may not wear gloves or cover her face.

3. It is permissible for a woman to wear clothing that covers her entire body including her head.

4. It is also permissible for women to wear veils over their faces in a manner that the veil does not touch the face. If the veil happens to touch the face briefly and is immediately moved, no Fidyah will be due. However, if the veil was purposely made to touch the face or if it was not removed immediately, Fidyah will be due.

5. It is permissible for a woman to:
   - wear socks
   - wear sleeves that reach up to and cover the palms
   - to wrap a cloth over her hands. It is however Mustahab for women to leave their palms uncovered

6. It is necessary for immature children to also refrain from the prohibitions of Ihraam and it is the duty of their guardians to ensure that they do. If the child violates any of the prohibitions, the guardian will be sinful and if the child is of an understanding age, Fidyah will be due from the guardian. If someone else is responsible for the child violating any of the prohibitions, that person will be responsible for paying the Fidyah e.g. someone applied perfume or oil to the child or
dressed him in fitting clothing. No Fidyah will however be payable if the child is not of an understanding age.

7. It is also necessary for a person in Ihram to abstain from using anything in which fragrance is an objective, whether these are items of clothing or food e.g. musk, ood, camphor, saffron, etc. They may however use things that are not intended for their fragrance even though they may be fragranced, e.g. lemon, cloves, fennel seeds, henna, spices etc.

8. One may not eat anything that has been fragranced.

9. It is Haraam to apply oil to the head or beard, regardless of whether it has a fragrance or not.

10. It is also Haraam to remove any hair or nail on the body.

11. The hair of the head may not be shaved until the animals have arrived at their place of slaughter.

12. If a person removed his fingernail because of extreme pain after it had broken off, he will not have to pay any Fidyah.

13. If one removes a single hair or nail or a part of it, a Mudd of Fidyah becomes payable. Two Mudd will be payable for two hairs or nails and if one opts for fasting, one fast will be observed for one hair or nail and two fasts for two hairs or two nails. If three or more adjoining hairs or nails are removed, a complete will Fidyah will be due.

14. Sexual intercourse is completely Haraam in Ihram.

15. It is also Haraam to eat, hunt or interfere with game when in Ihraam.

16. A person in Ihraam may however kill a wild animal (if he is threatened).

17. Marine creatures may be caught while in Ihraam or when in the Haram while amphibious creatures fall in the category of land creatures.

18. Domesticated animals (such as cows, sheep, etc) remain Halaal.

19. Within the precincts of the Haram, it is Haraam for anyone to hunt, whether the person is in Ihraam or not.

20. It is Haraam to interfere with every part of a wild animal, even if it be milk, eggs, hair, feathers, etc.

21. The penalty for hunting an animal will be a similar animal. If there is no similar animal, the price of the animal will have to be paid.
22. Every such marriage is also invalid if either the guardian, the husband, the wife or the representative is in the state of Ihraam.

The Types of Prohibitions when in Ihraam

1. Those prohibitions done out of necessity. There will be neither any prohibition nor any Fidyah due in such cases, e.g. wearing a trouser in the absence of a lower garment or wearing socks cut below the ankles in the absence of sandals. Other examples are killing a dangerous animal in self defence, being forced to or forgetfully using perfume or clothing or tying a cloth around the private part when droplets of urine will not stop without it.

2. Those that are sinful. In such cases Fidyah will not be due e.g. getting married, assisting another in a hunt, having someone hunt for one and eating of it, chasing game or violating one of the prohibitions of Ihraam while burying a person in Ihraam (e.g. applying perfume to his body).

3. Those that are not sinful but for which Fidyah is due, e.g. wearing sewn clothing because of an illness, for a woman to cover her face, to cut the hair or nails in the event of an emergency, to hunt an animal when starving or to unintentionally chase an animal because of which it was killed.

4. Those that are sinful and for which Fidyah will also be due. The balance of prohibitions fall into this category.

The gist of the above is that a person will be responsible for those prohibitions that entail the loss of something (such as killing game) or those that amongst other factors include both loss as well as benefit (e.g. paring nails or cutting hair). This will not be waived by lack of knowledge or other excuses. As far as those prohibitions which entail benefit only (e.g. applying perfume), a person will be responsible for them only when he is sane, had a choice in the matter and knew the ruling.
The Unique Attributes of the Haram of Makkah

1. Hunting the game of the Haram is forbidden
2. Cutting the trees of the Haram is forbidden
3. Hadi (Hajj sacrificial) animals can only be slaughtered here
4. The meat of Hadi can only be distributed here
5. The grains to be distributed on account of the rites of Hajj are to be distributed here only. The Muhsar (one who is prevented from reaching Makkah) is excused from the above three injunctions.
6. It would be compulsory to walk there if one makes a vow to the effect
7. One may enter it only in Ihraam (either compulsorily or optionally)
8. It is only here that one can emerge from the state of Ihraam (except for the Muhsar)
9. Whoever finds something lost there can never become its owner
10. No Kaafir or Mushrik is allowed here
11. A Kaafir or Mushrik may never be buried here
12. The Ihraam for Umrah cannot be entered into from here unless one intends going to the Hil (the area outside the Haram)
13. The residents of the Haram need not sacrifice an animal when performing Tamattu or Qiraan.¹

Deficiencies and Disruptions in Hajj

1. Omitting any of the Waajibaat of Hajj will necessitate the slaughtering of goat (as required for Qurbaani) as compensation. If one is unable to do this, one will have to fast for three days during Hajj and another seven days at home.
2. The following details apply to omitting a Rukn (fundamental) of Hajj. If one omitted the Wuqoof at Arafah, one should:
   - slaughter a goat or, if unable to do so, fast (as with the sacrifice of Tamattu). This will be carried out after entering into the Ihraam for the Qadhaa Hajj

¹ Bughya.
emerge from Ihraam after completing the rites of Umrah. This means that one should perform Tawaf, make Sa'ee (if it was not already done with the Tawaaful Qudoom) and then shave or trim the hair.

repeat the Hajj the following year, regardless of whether the Hajj was Fardh or not. It is not permissible to postpone it for another year without a valid excuse.

3. If a Rukn other than the Wuqoof was omitted, nothing can be done about it other than carrying it out. The Hajj will remain Incomplete until it is done, regardless of how long this takes. The person will therefore remain in Ihraam until he carries out the act.

The Types of Damm

Damm generally refers to sacrificing an animal, giving grains as Sadaqah or fasting. In Hajj, there are five types of Waajib Damm:

1. The systematic and specified Damm: (Those that need to be done in sequence and which are specified by the Shari'ah). This type of Damm becomes Waajib when one omits one of the Waajibaat of Hajj. The first course of action to take is to sacrifice a goat (as required for Qurbaani) or to take a seventh share in the slaughtering of a cow or camel. Only if this is not possible should a person fast for ten days; three days during Hajj and seven at home. The same will apply for Tamattu, Qiraan and for omitting the Wuqoof at Arafah.

2. The discretionary and specified Damm: (Those that need not be done in sequence and which are specified by the Shari'ah). This Damm becomes binding when one pares one's nails, cuts one's hair or carries out anything similar that is prohibited in Ihraam. In this case, either a goat is sacrificed, three fasts are observed or three Saa of wheat or barley is given to six poor people of the Haram (half Saa each).

3. The discretionary and unspecified Damm: This is Waajib when one cuts any plants or kills any game.

4. The systematic and unspecified Damm: This becomes Waajib in the case of Ihsaar (when one is prevented from Hajj after entering into the state of Ihraam). In such a case, the person should sacrifice a goat at the place where he is prevented from proceeding. If this is not possible, he should distribute
grain equivalent to the value of the goat amongst the poor. If this is also not possible, he should fast a day for every Mudd of grain.

5. Also included in the systematic and unspecified Damm is the Damm due from a person who engages in sexual intercourse before carrying out any of the acts which release him from Ihraam. Such a person will have to slaughter a camel, failing which a cow will suffice. If this is also not possible, he may slaughter seven goats. If this is also not possible, he may give the value of a camel in grains to the poor people of the Haram. Finally, if this is also not possible, he should fast a day for every Mudd of grain, e.g. if the price of a camel fetches 200 Mudd of grain, he should fast for 200 days.

The sacrifice and Sadaqah in all the above cases must take place within the Haram. The fast may however be observed wherever one pleases, although it is best done in the Haram. The term 'systematic' mentioned in the above types means that one may not move on to another form of settling the Damm until one is unable to do the previous act. The term 'discretionary' in this case means that one has the option to choose between the various manners of settling the Damm. The term 'specified' means that the alternative has been specified by the Shari'ah. The opposite of this will be 'unspecified', meaning that the alternative is fixed by estimation.¹

**Note:** There is no time limit within which the Damm has to be settled when one omits some rite or commits some violation. It is however best to do it within the days of Qurbaani (10th to the 13th). Imaam Subki Ḥaḍīth, has however stated that the Damm be settled immediately if it was caused by perpetrating a forbidden act.

**Ruling:** Damm has to be settled within the Haram in all cases save for the case of Ihsaar.

**Ruling:** The meat of the animal or the grains must be distributed amongst poor people in the Haram (whether they live there or not). It is however best if they are residents of the Haram.

**Ruling:** The best place for a person performing Hajj to slaughter an animal is in Mina.

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¹ Fiqhul Manhaji.
Ihsaar

1. If a person leaving for Hajj or Umrah is prevented from fulfilling the necessary rites by an enemy (Muslim or non-Muslim) sealing off all roads, he will have to emerge from his Ihraam.

2. If one is prevented from fulfilling a Waajib act such as Rami, one may not emerge from Ihraam because one can still make Tawaaf and shave the hair and offer the Damm in lieu of the missed Waajib.

3. It will be permissible to emerge from Ihraam when one stipulated at the time of entering Ihraam that one would emerge from it if need be (e.g. in the event of illness).
Injunctions Pertaining to Madinah Munawwarah

1. Rasulullaah (S.A.W) said, "Between my grave and my pulpit lies a garden of Jannah and above my pulpit is my pond (of Kauthar)."\(^1\)

2. When dispatching Hadhrat Mu'aadh (R.A) to Yemen, Rasulullaah (S.A.W) said, "O Mu'aadh! You will perhaps not meet me after this year. You will perhaps pass by this Masjid of mine and my grave."\(^2\)

3. It is Sunnah to visit the grave of Rasulullaah (S.A.W):

4. Visiting Rasulullaah (S.A.W)'s grave is especially emphasised for people performing Hajj and Umrah because it is an awful thing to come from so far and not visit Madinah so close by.

5. It is Makrooh to kiss and touch the gates enclosing the pure grave. Proper etiquette demands that one stands a little far, as one would have done during Rasulullaah (S.A.W)'s lifetime.

6. One should fast as often as possible in Madinah and give Sadaqah to Rasulullaah (S.A.W)'s neighbours (the people of Madinah).

7. The person heading for Madinah to visit Rasulullaah (S.A.W) should recite Durood as often as possible and increase this as soon as he sights the Haram of Madinah and the foliage. He should also pray to Allaah to accept him and to bless him.

8. One should take a bath before entering Madinah or at least before entering the Masjidun Nabawi. Wearing clean clothes (preferably white), one should then enter the Masjidun Nabawi and proceed to the garden of Jannah (the area between the pure grave and the pulpit). There, one should perform two Rakaahs Tahiyyatul Masjid salah, preferably close to the pulpit if possible. Here one should thank Allaah for affording one the momentous opportunity to be there.

9. After the salah, one should proceed to the pure grave and freeing one's heart from all worldly attachments, one should greet Rasulullaah (S.A.W) in a soft tone. One should then move approximately an arm's length to the right and greet Hadhrat Abu Bakr (R.A). Thereafter, one should then move another arm's length to the right and greet Hadhrat Umar (R.A). One should then return to Rasulullaah (S.A.W)'s grave

\(^1\) Bukhaari and Muslim:

\(^2\) Ahmad.

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and using Rasulullaah (S.A.W) as a medium and hoping for his intercession, one should pray for the Muslim Ummah. One should face the Qibla when doing this without turning the back towards Rasulullaah (S.A.W).

10. When leaving Madinah, one should perform two Rakaahs salaah in the Masjid as a farewell and then recite Durood and Salaam at Rasulullaah (S.A.W)’s pure grave. One should also pray for one’s well-being in both worlds and that Allaah affords one this opportunity again and again.

11. When visiting Madinah, one should make the intention of visiting the Masjidun Nabawi and performing salaah in it together with visiting Rasulullaah (S.A.W).

12. Every day after visiting Rasulullaah (S.A.W), one should visit Baqee (the graveyard of Madinah), especially on Fridays.

13. It is also Mustahab to visit the graves of the martyrs of Uhud. This is best done on a Thursday.

14. An emphasised Mustahab is to visit the Quba Masjid with the intention of performing salaah and earning rewards. An authentic narration of Tirmidhi and others states that salaah in this Masjid is equal in rewards to performing Umrah. A narration of Bukhaari states that Rasulullaah (S.A.W) went there and performed two Rakaahs salaah there. Another narration states that Rasulullaah (S.A.W) went there every Saturday.

15. A sign of an accepted Hajj is that a person’s Ibaadah, piety and good deeds increase after returning.

16. It is Mustahab for the person returning from Hajj to pray for the forgiveness of others even if they do not request it. The Ahadeeth also encourage people to request the person returning from Hajj to pray for them.

17. It is Mustahab for the returning traveller to invite people, especially family and friends for meals.

اللهوم وفقنا لاداء المناسك كما تجب وترضى وارزقتنا العود بعد العودة بعد المرة الى بيتكم الحرام وشرفتكم بزيارات الصومع وسيد الأنام عليه الصلاة و السلام ، ربي تقبل منا انك انت السميع العليم و تقبل علينا انك انت التواب الرحيم (آمين )، اللهم لتك الحمد و لتك الشكر اللهم لا احبس ثناة عليك انك كما اثبتت على نفسك اللهم صل على سيدنا و مولانا محمد وعلى آل سيدنا و مولانا محمد و بارك و سلم

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