



# ISLAMIC FINANCIAL RESPONSIBILITIES

*Hujjat ul Islam wal Muslimeen*  
*Sheikh Shabbir H. Lakhani (Maisami)*

**ZAHRA (S.A.) ACADEMY PAKISTAN**

First Edition: Nov, 2009  
Zilhajj, 1430 A.H.

Published by

**ZAHRA** <sup>(S.A.)</sup> **ACADEMY PAKISTAN**  
6 Jivani Garden JM-208/2, Amil Colony,  
Soldier Bazar No.3, Karachi - Pakistan.  
[zahraacademy@gmail.com](mailto:zahraacademy@gmail.com)

Printed in Pakistan



*In the name of Allah  
the all mercy,  
the ever merciful.*



# **CONTENTS**

<b>Introduction</b>	<b>08</b>
<b>Islamic Financial Responsibilities, a brief overview</b>	<b>22</b>
<b>ZAKAAT</b>	<b>25</b>
<b>1. ZAKAAT UL MAAL (Wealth Tax)</b>	<b>33</b>
Detailed Ruling on Zakaat of wheat, barley, dates.....	37
Minimum Taxable Limit of Gold	44
Minimum Taxable Limit of Silver	45
Zakaat on Paper Currency (fiat money)	47
Zakaat on Business Goods	49
Zakaat Payable on Camel, Cow and Sheep	50
Taxable Limit of Sheep, Goat and Camel	52
Miscellaneous rules related to Zakaat on animals	55
Payment & Use of Zakaat	56
Misc. Rules Related to Disbursement of Zakaat	59
Intention of Zakaat	62
Miscellaneous Rules of Zakaat	62
<b>2. ZAKAAT UL FITRAH (Health Tax)</b>	<b>71</b>

Disposal of Fitrah	76
Miscellaneous Matters Regarding Fitrah	77
<b>3. KHUMS</b>	<b>81</b>
Khums in the Qur'an, Sunnah & History	87
Khums as per other schools of Ijtehad	91
Historical Evidence	92
Khums is Wajib on Seven Items	95
The Distribution of Khums	119
Some Thoughts on Zakaat and Khums	132
Personal Khums Calculation Form	137
<b>4. HAJJ</b>	<b>139</b>
Conditions for the Obligation of Hajjat-ul-Islam	144
Having Financial Istita'ah	146
Miscellaneous Issues of Istitaah	151
Some Questions Related to Istitah	156
<b>5. FINANCIAL RESPONSIBILITIES TOWARDS ONE'S PARENTS, WIFE AND CHILDREN</b>	<b>165</b>
<b>6. SPECIAL SHARE IN OUR EARNINGS FOR THE NEEDY</b>	<b>175</b>
<b>7. SADAQAH (Insurance With Allah)</b>	<b>183</b>
<b>8. KAFFARA (Religious Fine)</b>	<b>197</b>
<b>9. FIDYAH (Alternative Tax)</b>	<b>203</b>
<b>10. DIYYAT (Blood Money)</b>	<b>209</b>

<b>11. RADD E MAZALIM (Compensation of Injustice Done)</b>	<b>215</b>
<b>12. LOST AND FOUND THINGS</b>	<b>219</b>
<b>13. MEERATH (Islamic Inheritance) and WASIYYAH (An Islamic Will)</b>	<b>229</b>
1- Is it Necessary to Make a Will	231
2- The One Third Option	232
3- What is an “Estate”?	234
4- Who Can Inherit?	236
5- Basic Shares of the Most Common Heirs	238
6- Wife’s Share in Real Estate	242
7- Executor or Executrix	244
8- Guardian of Children	245
9- Charts of 36 Most Common Cases	246
10- Sample of an Islamic Will	266
<b>Instrument &amp; Measurement Chart</b>	<b>277</b>

ନଈର ଓଷ୍ଠ ନଈର ଓଷ୍ଠ ନଈର

## Introduction

It is an accepted fact that economics and finance play a vital role in human society. Without proper economical and financial strategies, a society cannot achieve social justice and peace, both of which are necessary for achieving perfection.

Islam has clear instructions regarding these matters, and has laid down a system for achieving the goal. In chapter 2, verse 180 of Holy Quran, Allah (S.W.T.) says:

كتب عليكم إذا حضر أحدكم الموت إن ترك خيراً  
الوصية للأقربين والأقربين بالمعروف حقاً على المتقين

*“It is prescribed for you, when death approaches any of you, if he leaves wealth, that he makes a bequest to parents and next of kin, according to reasonable manners. (This is) a duty upon Al-Muttaqeen (the pious)”. (2:180)*

Thus, proper planning and giving clear instructions regarding one’s capital is the duty of every true follower.

In chapter 28, verse 77, Allah (S.W.T.) reminds his servants and says:

وابتغ فيما آتاك الله الدار الآخرة ولا تنس نصيبك من  
الدنيا وأحسن كما أحسن الله إليك ولا تبغ الفساد في  
الأرض إن الله لا يحب المفسدين

*“But seek, with that (wealth) which Allah has bestowed on you, the home of the Hereafter, and forget not your portion of lawful enjoyment in this world; and do good as Allah has been good to you, and seek not mischief in the land. Verily, Allah likes not the Mufsideen (those who commit great crimes and sins, oppressors, tyrants, mischief-makers, corrupters).” (28:77)*

A true follower always maintains a balance between the life hereafter and this world. He does not leave one for another, nor does he create problems for others.

According to Islamic laws, all the followers are supposed to earn or serve the society and are not allowed to waste their time, energy or economic resources.

All Muslims are supposed to lead a healthy life, with sufficient financial resources, and proper religious understanding and practice. Only then it is possible to achieve perfection.

For attaining the above goals, Islam has laid down specific laws, related to the financial responsibilities towards society. On one hand it bounds a set of people to pay, and on the other, lays

down a set of rules for proper and justified distribution.

According to Islamic scholars, Allah (S.W.T.) has emphasized on two types of responsibilities; one towards the Creator, and the other towards His Creation.

وأقيموا الصلاة وآتوا الزكاة وما تقدموا لأنفسكم من  
خير تجدوه عند الله إن الله بما تعملون بصير

*“And perform As-Salaat (Iqamat-as-Salaat), and give Zakaat, and whatever of good (deeds that Allah loves) you send forth for yourselves before you, you shall find it with Allah. Certainly, Allah is All-Seer of what you do.” (2:110)*

Allama Muhammad Hussain Tabatabaee says:

*“Wherever in Quran, the term “Salaat” is used with “Zakaat”, Salaat covers all responsibilities towards Allah (s.w.t.), while Zakaat includes all the duties towards fellow human beings.”*

According to Quran al-Mubeen, all what we have or earn, belongs to Allah (S.W.T.). Thus, He orders us to give away in His way, a very small fraction of it, and allows us to use the rest, but according to the guidelines given by Allah (S.W.T.).

كلوا من طيبات ما رزقناكم ولا تطغوا فيه فيحل عليكم  
غضبي ومن يجلل عليه غضبي فقد هوى

*“Eat of the Tayyibat (good lawful things), wherewith We have provided you; and commit no transgression or oppression therein, lest My Anger should justly descend on you. And he on whom My Anger descends, he is indeed perished.” (20:81)*

ولا يحسبن الذين ييخلون بما آتاهم الله من فضله هو خيرا  
لهم بل هو شر لهم سيطوقون ما بخلوا به يوم القيامة والله  
ميراث السماوات والأرض والله بما تعملون خبير

*“And let not those who covetously withhold of that which Allah has bestowed on them of His Bounty (wealth), think that it is good for them (and so they do not pay the obligatory Zakaat). Nay, it will be worse for them; the things which they covetously withheld, shall be tied to their necks like a collar on the Day of Resurrection. And to Allah belongs the heritage of the heavens and the earth; and Allah is Well-Acquainted with all that you do”. (3:180)*

### **700% Minimum Guaranteed Return:**

In all such verses, Allah (S.W.T.) clearly says that give away in my way, from whatever I have given to you. Thus, He is asking back from us His

deposits, and if we return what He is asking, He guarantees us a minimum return of 700 times.

مثل الذين ينفقون أموالهم في سبيل الله كمثل حبة أنبتت  
سبع سنابل في كل سنبل مئة حبة والله يضاعف لمن يشاء  
والله واسع عليم

*“Example of those who spend their wealth in the way of Allah, is like the example of a grain (of corn); it grows seven ears, and each ear has a hundred grains. Allah gives manifold increase to whom, He wills. And Allah is All-Sufficient for His creature’s needs, and is All-Knower.” (2:261)*

الذين ينفقون أموالهم في سبيل الله ثم لا يتبعون ما أنفقوا  
منا ولا أذى لهم أجرهم عند ربهم ولا خوف عليهم ولا  
هم يحزنون

*“Those who spend their wealth in the Cause of Allah, and do not follow up their gifts with reminders of their generosity or with injury, their reward is with their Lord. On them shall be no fear, nor shall they grieve.” (2:262)*

ومثل الذين ينفقون أموالهم ابتغاء مرضاة الله وتثبيتاً من  
أنفسهم كمثل حبة من برودة أصابها وابل فأتت أكلها ضعفين  
فإن لم يصبها وابل فطل والله بما تعملون بصير

*“And the likeness of those who spend their wealth seeking Allah’s Pleasure, while they in their own selves are sure and certain, that Allah will reward them (for their spending in His Cause), is the likeness of a garden on a height; heavy rain falls on it and it doubles its yield of harvest. And if it does not receive heavy rain, light rain suffices it. And Allah is All-Seer (knows well) of what you do.” (2:265)*

### **If You Betray Allah (S.W.T.):**

But if some one does not care for Allah (S.W.T.), thinks that all what he possesses belongs to him, and that other human beings have no share in it, then Allah (S.W.T.) warns him:

ولا يحسبن الذين يبخلون بما آتاهم الله من فضله هو خيرا  
لهم بل هو شر لهم سيطوقون ما بخلوا به يوم القيامة والله  
ميراث السماوات والأرض والله بما تعملون خبير

*“And let not those who covetously withhold of that which Allah has bestowed on them of His Bounty (wealth), think that it is good for them (and so they do not pay the obligatory Zakaat). Nay, it will be worse for them; the things which they covetously withheld, shall be tied to their necks like a collar on the Day of Resurrection. And to Allah belongs the heritage of the heavens and the earth;*

*and Allah is Well-Acquainted with all that you do”. (3:180)*

Whoever fulfils all his duties, and also prepares himself and his family members for the life after death, saves himself and his family from the distress at the time of death and in the life hereafter.

يا أيها الذين آمنوا قوا أنفسكم وأهليكم نارا وقودها  
الناس والحجارة عليها ملائكة غلاظ شداد لا يعصون الله  
ما أمرهم ويفعلون ما يؤمرون

*“O’ who believe, shield yourselves and your families from a fire, whose fuel will be men and stones. Over it there [lurk] fierce, stern angels who do not disobey God in anything; He commands them [to do]. They do whatever they are ordered to.” (66:6)*

Surely, “*Salaat*” is a means for connection with the Creator and “*Zakaat*” is a way of connection with the Creator’s creation. In the Holy Quran, term “*Zakaat*” has been used 27 times with “*Salaat*”. This reflects the importance of this duty. The reason behind is that human beings are social beings; and whatever we earn in terms of wealth, knowledge, respect etc., is due to our social contacts with other creations of Allah (S.W.T.). Therefore, society also has a right in our earnings, be it spiritual or material. That is why everyone is bound to repay the share of the society, which has helped him earn what he has. Islam being a rational way of life, makes its follower understand this duty, and asks him to return society’s

share in different forms. Nothing is being asked from our wealth; rather, we are returning the share of the society present in our earnings. Allah (S.W.T.) has made this compulsory, so that the whole society moves in the right direction.

### **Poverty Elimination Scheme:**

Islam emphasizes on these financial responsibilities because if properly applied, there will be no needy person left in the society. Thus, we would have a society, free from financially less privileged people. This will in itself reduce crimes, and trampling of the oppressed. As a result, the entire society will enjoy peace and satisfaction, where every one would be striving hard towards perfection.

Imam Jaffer al Sadiq (A.S.) said:

*“Allah (s.w.t.) has fixed the share of needy people in the wealth of rich, in such a way that their need gets fulfilled.”*

If required Allah (S.W.T.) could have increased their share from the present proportion. The reason behind the prevailing poverty in the society is that, those who should pay their dues do not pay them as ordered by Allah (S.W.T.). If people comply with their obligation towards society, all members of the society would live comfortably and to a large extent, peacefully.

Allah (S.W.T.) clearly warns those who do not fulfil their duties:

يا أيها الذين آمنوا إن كثيرا من الأحبار والرهبان  
ليأكلون أموال الناس بالباطل ويصدون عن سبيل الله  
والذين يكتزون الذهب والفضة ولا ينفقونها في سبيل الله  
فبشرهم بعذاب أليم

*“O’ Believers, many priests and monks use the money of people wrongly and drive them away from the way of Allah; and those who store the gold and silver and don’t give them in the way of Allah, give them the good news of the great punishment. The day when they shall be put in the fire of Hell, and their foreheads and backs shall be burnt from things that they had kept in treasure; this is what you were saving; now taste, what you had kept in your treasures”. (9:34)*

Remember that the effect of charity and of assisting the needy in a society is much deeper than what one can imagine. That is why the Holy Quran repeatedly mentions it parallel to *Salaat*, the most important act of worship in Islam.

Financial assistance to the needy with respect and honour, and before one begs for it, is so important that, according to Prophet Muhammad (S.A.W.W.), it has a reward greater than 70 acts of Hajj.

## **The Etiquettes of Giving/ Assistance in Islam:**

The act of giving in the way of Allah (S.W.T.) has certain rules and etiquettes, as explained by Allah (S.W.T.) and practically shown by Prophet Muhammad (S.A.W.W.) and our Imams (A.S.).

الذين ينفقون أموالهم في سبيل الله ثم لا يتبعون ما أنفقوا منا  
ولا أذى لهم أجرهم عند ربهم ولا خوف عليهم ولا هم  
يخزنون

*“Those who spend their wealth in the Cause of Allah, and do not follow up their gifts with reminders of their generosity or with injury, their reward is with their Lord. On them shall be no fear, nor shall they grieve.” (2:262)*

الذين ينفقون أموالهم بالليل والنهار سرا وعلانية فلهم  
أجرهم عند ربهم ولا خوف عليهم ولا هم يحزنون

*“Those who spend their wealth (in Allah’s Cause) by night and day, in secret and in public, they shall have their reward with their Lord. On them shall be no fear, nor shall they grieve.” (2:274)*

We conclude our introductory remarks by a point wise mention of the most recommended etiquettes of giving, according to the teachings of Islam:

- a) Financial assistance should be made secretly except for the compulsory *Zakaat*, which is recommended to be carried out openly. However all care should be taken, so as not to hurt the feelings of the one on the receiving end.
- b) It should never be considered to be too much, as it is nothing compared to what Allah (S.W.T.) has blessed us with, and the reward is much bigger than the act itself.
- c) The one on the receiving end should not feel obliged towards the person at the giving end. Rather, the person giving away the charity should feel obliged towards the one accepting it, because he has infact helped him in making his wealth clean, *tahir* and *halal*.
- d) It should be given, before the person asks for it. Giving after the question, reduces the charm of the act, which is being done for seeking the pleasure of Allah (S.W.T.) According to Imam Jaffer al Sadiq (A.S.), when you assist someone after he has asked, actually you have just balanced his self esteem, which he has thrown upon you by asking for help.
- e) Try to hide yourself or your identity from the one being assisted, so that he does not feel embarrassed when you meet him else where.

- f) After assisting the person, ask him to pray for you. Imam (A.S.) has recommended that when you assist some one financially, try to stretch the duration of your meeting with him, and request that person to pray for you during that time. His prayers are especially accepted by Allah (S.W.T.) at that moment.
- g) After assisting the needy kiss his hand, as what you have given has not gone into that person's hand, rather you have kept it in the hands of Allah (S.W.T.), as HE says in the Holy Quran:

أَلَمْ يَعْلَمُوا أَنَّ اللَّهَ هُوَ يَقْبَلُ التَّوْبَةَ عَنْ عِبَادِهِ وَيَأْخُذُ  
الصَّدَقَاتِ وَأَنَّ اللَّهَ هُوَ التَّوَّابُ الرَّحِيمُ

*“Don’t they know that Allah accepts the pardon and the charity...”!*  
(9:104).

How lucky are those who return Allah's *Amanat* in the best possible way. They enjoy the benefits in this world, and have a huge balance with Allah (S.W.T.)'s bank, for the life hereafter, where everyone will be badly need it.

This book has been prepared with the intention to clearly explain the Islamic Financial Responsibilities. I have tried to incorporate the *fatawa* of the all *maraja-e-taqleed* of present times regarding the subject matter, so that reader does not need to refer to their books of *fatawa* separately.

I have also referred to the book “*Khums*”, written by the eminent scholar, Ayatullah Dr. Syed Mohammed Rizvi, who is selflessly serving Muslim communities in North America. The last chapter of this book, “*Meerath & Wasiyyah*” is also his work. Multiple editions of which have so far been published\*. Dr. Rizvi has rendered a commendable service by simplifying the complicated calculation of share divisions amongst the heirs as specified by shariyah. He has beautifully explained the different possible sample models with the help of pie charts that covers almost all common combination of deceased heirs. The issue has been made so simple that the reader will not find any difficulty whatsoever, to understand his/her financial obligation towards *meerath* after identifying the model that is applicable to his/her case. In the end Dr. Rizvi has devised a sample format of an Islamic Will in the currently prevailing legal language and has further facilitated this issue. May Allah (S.W.T.) reward him for this excellent work and increase his *taufeeqat* further to serve Islam.

I hope this book will give its readers, a clear understanding of the financial responsibilities that the Divine Religion has levied upon them, and if followed with the same spirit that it has been written, will help the believers make their wealth clean, pure and *tahir*.

---

\*We have reproduced here from the revised 6<sup>th</sup> edition with his permission.

This work would not have been possible without the help of Allah (S.W.T.), blessings of Imam-e-Zamana (A.S.), enthusiasm infused by my parents, knowledge imparted by my teachers especially Ayatullah al-uzma Sheikh Muhammed Hadi Marefat (R.A.) and Ayatullah Dr. Syed Hussain Murtaza Naqvi, assistance provided by my colleagues at Zahra (S.A.) Academy, especially my dear brothers Br. Mazhar Jumani, Dr. Husain Kanani and Br. Iqbal Gangjee and the support of my wife and children.

As none of us are free from mistakes, I too, do not render this work to be absolutely without any error. However, I have made every effort with the best of my knowledge to report from the available authentic sources. Yet, if the reader finds any error or a questionable statement, I would whole heartedly welcome any feedback and will try to rectify in the future editions. May Allah (S.W.T.) accept this effort as an investment for the time when it shall be needed the most. (*Aameen*)

*Shabbir H. Lakhani (Maisami)*

## **Islamic Financial Responsibilities, A Brief Overview**

Following different financial obligations have been levied upon the Believers under specific conditions, each discussed in the related chapters.

- 1) *Zakaat ul Maal*. (Wealth tax)
- 2) *Zakaat ul Fitrah*. (Health tax)
- 3) *Khums*.
- 4) *Hajj*.
- 5) Maintenance of parents, wife and children.
- 6) Special share in our earnings for the needy.
- 7) *Sadaqah* (General insurance)
- 8) *Kaffara* (Religious fine)
- 9) *Fidyah* (Alternative tax)
- 10) *Diyyat* (Blood money).
- 11) *Radd-e-Mazalim* (Compensation for the injustice done).
- 12) Lost & Found things.
- 13) *Meerath* (Islamic inheritance) & *Wasiyyah* (Islamic Will).

We shall be discussing *Zakaat* and *Khums* in detail and rest briefly, as these are amongst the most important duties after parent's rights. *Sadaqah*,

*Kaffara, Fidyah, Diyyat* and *Radd e Mazalim* do not involve compulsion, and are given either voluntarily, or as a fine, for an act which is not allowed in Islam, in order to seek the forgiveness of Allah (S.W.T.). The chapter of *Meerath* and *Wasiyyah*, as already mentioned, is the work of Ayatullah Dr. Syed Mohammad Rizvi of Canada, and has been dealt in good detail.

The central idea towards fulfilling all the Islamic financial obligations as explained earlier is that, all what we own, belongs to Allah (S.W.T.), who has allowed us to use it to fulfil our needs, and then asks us to fulfil our responsibilities towards others.

May HE give us *taufeeq* to perform all the duties for the sake of His happiness only.



# ZAKAAT



The word “*Zakaat*”, means cleaning a thing from its impurities. This is why when an animal becomes halaal, after being slaughtered in the Islamic way, it is called “*muzakkah*” (clean and tahir) and the process of slaughtering is known as “*tazkiyyah*”.

The term *Zakaat* has been used 32 times in the Quran. It has come in line with the term *Salaat*, 27 times. Allama Tabatabai says in his tafseer, “*Al-Mizan*”:

*“Wherever in Quran the term “Zakaat” has been used with “Salaat”, the later means all the responsibilities of a human being towards Allah (S.W.T.), whereas Zakaat means all the responsibilities towards fellow human beings.”*

The former includes duties such as daily prayers, fast during Ramadhan, Hajj etc., whereas the latter, apart from other responsibilities towards fellow human beings, also includes the specific *Zakaat*, which one has to pay at the end of his financial year, if conditions apply. On the other hand Hajj becomes compulsory on a person once in a life time, if he fulfils the specific conditions of its eligibility. (although it is highly recommended to go for Hajj as often as one can, whether the *wajib* or compulsory Hajj has been performed or not).

Those who do not pay *Zakaat* regularly, are entitled to be sealed (branded), as per holy Quran, with whatever they had collected as their treasure in this world.

يا أيها الذين آمنوا إن كثيرا من الأحبار والرهبان ليأكلون  
أموال الناس بالباطل ويصدون عن سبيل الله والذين يكتزون  
الذهب والفضة ولا ينفقونها في سبيل الله فيشرهم بعداب أليم

*“O Believers! many [Jewish] scholars and [Christian] monks do consume people's wealth to no good purpose, and they obstruct the path of Allah. Announce painful torment to those who hoard gold and silver and do not spend them for the cause of Allah.”*  
(9:34)

يوم يحمى عليها في نار جهنم فتكوى بها جباههم وجنوبهم  
وظهورهم هذا ما كنتم لأنفسكم فذوقوا ما كنتم تكتزون

*“Some day [these metals] will be heated up in Hellfire, so their foreheads, sides and backs may be branded with it. This is what you have hoarded up for yourselves, so taste what you have been hoarding! (9:35)*

The teachings of Quran and Ahl ul Bait (A.S.) stress upon the concept, that everything belongs to Allah (S.W.T.).

ولله ما في السماوات وما في الأرض وإلى الله ترجع الأمور

*“And to Allah belongs all that is in the heavens and all that is in the earth. And all matters go back (for decision) to Allah.”*  
(3:109)

ولله ملك السماوات والأرض والله على كل شيء قدير

*“And to Allah belongs the dominion of the heavens and the earth, and Allah has power over all things.” (3:189)*

ولله ما في السماوات وما في الأرض ولقد وصينا الذين أوتوا الكتاب من قبلكم وإياكم أن اتقوا الله وإن تكفروا فإن لله ما في السماوات وما في الأرض وكان الله غنيا حميدا

*“And to Allah belongs all that is in the heavens, and all that is in the earth. And verily, We have recommended to the people of the Scripture before you, and to you (O Muslims) that you (all) care for Allah, and keep your duty to Him. But if you disbelieve, then unto Allah belongs all that is in the heavens, and all that is in the earth, and Allah is Ever Rich (Free of all wants), Worthy of all praise.”(4:131)*

ولله ما في السماوات وما في الأرض وكفى بالله وكيلًا

*“And to Allah belongs all that is in the heavens, and all that is in the earth. And Allah is Ever All-Sufficient as Disposer of affairs.” (4:132)*

He has kindly permitted us to use whatever we need for our well being, and ordered us to refrain from all sorts of misuse, as it is *haraam* to misuse someone else's property. One can only be entitled to

use someone else's property up to the extent permission has been granted by its owner.

يا بني آدم خذوا زينتكم عند كل مسجد وكلوا واشربوا  
ولا تسرفوا إنه لا يحب المسرفين

*“O Children of Adam! wear your best clothes to every place of worship. Eat and drink, yet do not overdo things; He does not love the extravagant.” (7:31)*

As every thing belongs to Allah (S.W.T.), and not to us, we should obey His order, which in turn benefits us.

Hence, those who strive hard in gaining the pleasure of Almighty Allah, and refrain from extravagance on Allah's property, will be in heavens, full of real pleasure. Moreover, Allah (S.W.T.) will send them *salaams* and regards in the heavens all the time.

تلك الدار الآخرة نجعلها للذين لا يريدون علوا في الأرض  
ولا فسادا والعاقبة للمتقين

*“That home of the Hereafter (i.e. Paradise), We shall assign to those who rebel not against the truth with pride and oppression in the land nor do mischief by committing crimes. And the good end is for the Muttaqeen (the pious).” (28:83)*

All financial duties in Islam, are labelled as “*Zakaat*”, which is then divided into *Zakaat ul Mal*, *Ushur*, *Zakaat ul badan*, *Khums*, and other responsibilities towards family and the needy people of the society. Details shall be under the headings of:

- 1) *Zakaat ul Maal*. (Zakaat on property)
- 2) *Zakaat ul Fitrah*. (Health tax)
- 3) *Khums*.
- 4) *Hajj*.
- 5) Maintenance of parents, wife and children.
- 6) Special share in our earnings for the needy.
- 7) *Sadaqah* (General insurance)
- 8) *Kaffara* (Religious fine)
- 9) *Fidyah* (Alternative tax)
- 10) *Diyyat* (Blood money).
- 11) *Radd-e-mazalim* (Compensation for the injustice done).
- 12) Lost and Found things.
- 13) *Meerath* (Islamic inheritance) and *Wasiyyah* (Islamic Will).



# **1. ZAKAAT UL MAAL**

## **(Zakaat on Property)**



As per Islamic laws, *Zakaat ul Maal* is obligatory on the following things:

1. Wheat
2. Barley
3. Dates
4. Raisins
5. Gold
6. Silver
7. Camel
8. Cow (including buffalo)
9. Sheep (including goat)
10. Wealth

If a person owns any of these ten things, he should in accordance with the conditions, as explained below pay *Zakaat*:

If someone remains the owner of cow, sheep, camel, gold and silver for 11 months, the payment of *Zakaat* becomes obligatory upon him from the first day of the 12<sup>th</sup> month; and he should pay off *Zakaat* by the end of the 12<sup>th</sup> month.

The liability of *Zakaat* on gold, silver and merchandise is conditional to its owner being sane and *Baligh*. But in the case of wheat, barley, raisins, camel, cow and sheep, being sane and *Baligh* is not a prerequisite; and it is the caretaker's (*wali's*) responsibility to perform this duty.

For establishing liability of *Zakaat* on items other than wheat, barley, raisins and dates, it is necessary that the owner has a discretion over their disposal etc. In case the owner is prevented from its control because of usurpation or any other reason, *Zakaat* will not be compulsory (*wajib*) till it is returned to the owner.

*It is important to note that the rate of zakaat on these crops differs according to the way they have been watered. If wheat, barley, dates and grapes are watered with rain or river, or if they benefit from the moisture of the land, like in the case of Egyptian crops, the Zakaat payable on them is 10% (ushr); whereas if they are watered with buckets, tube wells etc., the Zakaat payable on them is 5% (khums); and if the people in general say that they have been irrigated with both, the Zakaat payable on them is 7.5%.*

	Source of water	Amount of Zakaat
1.	Rain, Moisture of land, River.	10% ( <i>Ushr</i> )
2.	Bucket, Tube wells etc.	5% ( <i>Khums</i> )
3.	Combined	7.5% ( <i>Saba wa nusf</i> )

## **Detailed ruling on Zakaat of Wheat, Barley, Dates & Raisins:**

1. *Zakaat* on wheat, barley, dates and raisins becomes obligatory when their quantity reaches the taxable limit, which is 300 saa'. It is said that this equals 847.207 kg. (816.6 kg., according to Ayatullah Marefat (R.A.)).
2. If a person or members of his family consume the grapes, dates, barley or wheat, on which payment of *Zakaat* has become obligatory, or if, for example, he gives these things to a poor person, without the intention of paying *Zakaat*, he should also pay *Zakaat* on the quantity consumed.
3. If the owner of wheat, barley, dates or grapes dies after *Zakaat* had become obligatory on them, it should be paid from his estate. However, if he dies before *Zakaat* became obligatory, each one of his heirs, whose share reach the taxable limit, should pay *Zakaat* from his or her own share.
4. A person, who has been appointed by the *Hakim-e-Shariya* to collect *Zakaat*, can demand it at the time of harvest, when wheat and barley are threshed and chaff is separated from grains, and when the dates and grapes become dry. If the owner of these items does not give *Zakaat* at that time, and the crop perishes, he should compensate for the loss.

5. If a person sells the crop and trees once *Zakaat* on wheat, barley, palm-dates or grapes becomes obligatory, the seller should pay *Zakaat* on them. And if he pays off *Zakaat*, it will not be obligatory on the buyer to pay anything.
6. If a person purchases wheat, barley, dates or grapes, and knows that the seller has paid *Zakaat* on them, or doubts as to whether *Zakaat* has been paid, it is not obligatory on him (i.e. the buyer) to pay anything. But if he knows that the seller has not paid *Zakaat* on them, then he should pay it himself. In case, the seller cheats him by telling that he has not paid *Zakaat*, and therefore the buyer pays the obligatory *Zakaat*, but later comes to know that *Zakaat* has been paid, he can reclaim that *Zakaat* from the seller.
7. If the weight of wheat, barley, dates or grapes reach the taxable limit i.e. about 847 kg. when they are wet, but reduce when they become dry, payment of *Zakaat* will not be obligatory any more.
8. If a person disposes off wheat, barley or dates before they get dried up, and if they reach the taxable limit after they got dried, he should pay *Zakaat* on them.
9. If a person has paid *Zakaat* once on wheat, barley, dates or raisins, no further *Zakaat* is payable on them, even if they remain with him for a few years.

10. If wheat, barley, dates or grapes are watered with rain or from a river, or if they benefit from the moisture of the land, like in the case of Egyptian crops, the *Zakaat* payable on them is 10% (called *ushr*) and if they are watered with buckets, tube wells etc., the *Zakaat* payable on them is 5% (called *khums*).
11. In case wheat, barley, dates or grapes are watered with both rain water as well as water supplied in buckets etc., we will have to find out what people generally say about it. If it is commonly said that they have been irrigated by bucket water etc. the *Zakaat* payable on them will be 5% (*khums*). If the general impression is, that they have been irrigated with river or rain water, the *Zakaat* payable will be 10% (*ushr*). And if the general opinion is that they have been irrigated with both, the *Zakaat* payable will be 7.5%.
12. If a person doubts about the common impression, and is not able to determine whether the crop was watered by rain alone, or by rain and buckets together, it will be sufficient for him to pay *Zakaat* at the rate of 7.5%.
13. If a person still doubts, and cannot determine the general opinion, whether the land was irrigated both ways, or was only watered with buckets etc., it will be sufficient for him to pay 5%. And the same will apply if the common opinion is that it was probably irrigated with rainwater.

14. If wheat, barley, dates or grapes are irrigated with rain and canal water, and although they did not need bucket water, yet that was also supplied, with no further beneficial effect on the crop, the *Zakaat* on them will be 10%. And similarly if they are mainly watered with bucket water and had no need for canal and rainwater, yet they were also supplied and this had no further beneficial effect on the crop, the *Zakaat* on them will be 5%.
15. If a crop is watered with buckets etc. and in the adjoining land the person raises the same crop which benefits from the moisture of the land itself and does not need extra watering, the *Zakaat* on the crop which is watered with buckets will be 5%, whereas, on the crop grown on adjoining land, as a precaution will be 10%.
16. A person cannot deduct the expenses incurred on the production of wheat, barley, dates or grapes from the income obtained from them, in order to determine the minimum taxable limit. Hence if the weight of any one crop, before calculating the expenses, was about 847 kg., he should pay *Zakaat* on it. However, Ayatullah Khamenai & Ayatullah Marefat (R.A.) differs in this issue and allowed deduction of the expenses incurred in the production of the crop.
17. A person, who has used seeds for farming, whether he owned them or had bought them, cannot deduct their value from the total harvest for calculating the minimum taxable limit.

Rather, he should calculate the taxable limit by taking into account the entire crop.

18. It is not obligatory to pay *Zakaat* on what government takes away from the goods or wealth itself. For example, if the harvest is 2000kg. and the government takes 50 kg. from it, as taxation, it is obligatory to pay *Zakaat* on 1950 kg. only.
19. As an obligatory precaution, a person cannot deduct from the harvest, the expenses incurred by him before *Zakaat* became due, and thus paying *Zakaat* on the net balance.
20. It is not obligatory for a person to wait till wheat and barley pile up for threshing, and the grapes and dates become dry, for paying *Zakaat*. As soon as payment of *Zakaat* becomes due, he may calculate the amount of *Zakaat* and pay.
21. After *Zakaat* becomes payable, a person can calculate and handover the standing crops, or dates or grapes, before they are harvested or picked, as *Zakaat* to the deserving poor, or to the *Hakim-e-Shariya* or his representative, as the case may be. They may then share the expenses (incurred later on) on the basis of joint ownership.
22. When a person handsover *Zakaat* of crops or dates or grapes in their essential forms to the *Hakim-e-Shariya* or his representative, or to the deserving poor, it is not necessary for him to look after the whole crop any more, free of

charge. As they are now joint owners, he can charge rental from them, as long as the crop remains on his land, for harvesting and drying.

23. If a person owns wheat, barley, dates or grapes in various cities, where the time of ripening of crops and fruits are different, and hence all are not received at one time: in such a situation if all of them are considered to be the harvest of the same year, then the crop which ripens first and reaches the minimum taxable limit i.e. 847 kg. (approx.), he should pay the *Zakaat* due on it at that time; and pay the *Zakaat* on the remaining crops, when they get ready and he receives them. But if the crop which is ready first, does not reach the minimum taxable limit, he should wait till other crops get ready. Now if they reach the taxable limit when combined together, *Zakaat* will become obligatory, but not earlier.
24. If a date tree or vine bears fruit twice in a year and when combined they reach the minimum taxable limit, it is obligatory as a precaution, to pay its *Zakaat*.
25. If a person has a certain quantity of dates or grapes which have not dried up, and which would reach the taxable limit when they get dried, he can replace them with fresh dates and grapes for the purpose of giving *Zakaat*, provided that, in the dried form, they would equal the obligatory *Zakaat* amount.

26. If it is already obligatory on a person to pay *Zakaat* on dry dates or raisins, he cannot replace them with fresh dates or green grapes. And, if he calculates the value of *Zakaat* and gives green grapes or fresh dates, or other dry raisins or dates, against that value, it is a matter of *Ishkal*. Similarly, if it is obligatory on a person to pay *Zakaat* on fresh dates or green grapes, he cannot pay it with dry dates or raisins, and, if after calculating the value of *Zakaat*, he pays it from other dates or grapes, it will again be a matter of *Ishkal*, even if the other dates and grapes were green and fresh.
27. If a person dies with a debt, and has a property on which *Zakaat* has become due, it is necessary to first pay the entire *Zakaat* on the property, and thereafter pay his debt.
28. If wheat, barley, dates or raisins, on which *Zakaat* has become obligatory, are of different qualities (good quality and inferior quality), the obligatory precaution is that *Zakaat* for each of the two categories be paid separately from its respective type.
29. According to Ayatullah al-uzma Khamenai, Safi Gulpaygani expenses incurred on cultivation like preparing the land for cultivation, buying or hiring of tractor, buying of seeds, etc., if it is for that year only he can deduct it from the same years yield, otherwise will have to calculate as per law of depreciation. In both the cases this shall be deducted after completely accessing the

amount of yield for *Zakaat*. So, if the yield reaches 847.216 kgs of wheat, he can deduct his expenses e.g. equal to 100 kgs and pay *zakaat* on 747.216 kgs.

### **Minimum Taxable Limit of Gold:**

There are two taxable limits of gold:

- i. The first limit is 82gms. of pure gold. Hence when the quantity of gold reaches 82gms. and other requisite conditions are also fulfilled, one should pay 1/40th part of it, as *Zakaat* which equals to 2.5%. If the quantity of gold does not reach this limit, it is not obligatory to pay *Zakaat* on it.
- ii. The second taxable limit applies, if gold increases further to the first limit. If an addition of 17gms. takes place to the first slab of 82gms, one should pay *Zakaat* on the total quantity at the rate of 2.5%. However, if the addition is less than 17gms., additional *zakaat* will not be obligatory. The same rule applies as further additions takes place in the quantity of gold. That is to say, after every additional increase of 17gms., *Zakaat* is to be paid at 2.5% on the entire quantity. Any increase that is less than 17gms., that part will not be liable to *Zakaat*.

## **Minimum Taxable Limit of Silver:**

There are two minimum taxable limits for silver: The first is 105 ordinary *mithqals*, which equals to 446.25gms. Therefore, when the quantity of silver reaches that limit, and other necessary conditions are also fulfilled, one should pay 2.5% of it as *Zakaat*. If the quantity of silver does not reach the aforesaid limit, there is no obligation to pay *Zakaat*.

The second taxable limit of silver is when there is an addition of 89.25gms. to the first limit. If the addition is less than 89.25gms., one has to pay *Zakaat* on the first limit only, and no *Zakaat* is payable on the additional quantity. The same rule applies as further additions take place in the quantity of silver.

If a person possesses gold or silver which has reached the taxable limit, he has to pay *Zakaat* due on it in the same year, when it reached the taxable limit. If he continues to own that gold or silver in the subsequent years, he will need to pay *Zakaat* on it every year, as long as it does not reduce below the minimum taxable limit.

## **Combined Laws Related to Gold & Silver Coins:**

*Zakaat* on gold and silver becomes obligatory only when they are in the form of coins, and are used as currency for transactions. *Zakaat* should be paid on them, even if their stamp has been effaced.

As stated earlier, *Zakaat* on gold and silver coins (instruments of transactions), becomes obligatory only when a person owns its taxable quantity for 11 months continuously. If however, the quantity falls below the taxable limit any time during the period of 11 months, it will no longer remain liable to *Zakaat*.

If during the period of 11 months, a person who possesses gold and silver, exchanges them for something else, or melts them, *Zakaat* liability does not remain obligatory any more on him. However, if he changes them from coins to plain gold or silver, with the intention to avoid the payment of *Zakaat*, the obligatory precaution is that, he should pay *Zakaat*.

## **Zakaat on Paper Currency (Fiat Money):**

Nowadays, paper and plastic currency have replaced the instruments of transactions of olden days. Islamic scholars are trying hard to understand from Quran and Sunnah, if *Zakaat* is *wajib* on these legal tenders, plastic currencies and other instruments of transactions, developed in the present age. The question that confronts here is, what is the difference between gold & silver coins and currency? When we study the traditions related to *Zakaat*, we come to know that Masumeen (a.s.) were also asked questions about *Zakaat* on commodities such as seeds, pulses and rice, but they clearly replied that Allah (s.w.t.) has not made *Zakaat* compulsory on these items. This shows that Allah (s.w.t.) could have made *Zakaat* compulsory on many more things, but He selected only limited items, for the reasons best known to Him alone.

Another important point is the basic difference between the metal currency and fiat currency. Metal currency has its own value and is considered an asset, whereas the fiat money is neither considered an asset, nor has its own value. Its value rather depends upon many factors, like the discretion of issuing authority, the economy of the country, etc.

The issuing authority of currency notes can depreciate its value simply by making an announcement, what is called “devaluation” in modern terms. As opposed to this, gold and silver coins have inherent properties of being an asset.

Although market situation may affect its value, but no one can nullify its inherent state, or make it unstable.

Some of the *Mujtahideen* of present age and times, after thorough study, have come out with the ruling, that 2.5% *Zakaat* is also compulsory on fiat money, just like it was compulsory on those gold and silver coins which were instruments of transactions in the past.

Ahl-e-Sunnah scholars are clearly of the view that *Zakaat* has to be paid on whatever is owned in liquid form. However, the way it is being deducted from the bank accounts in Pakistan (from every saving account on a fixed day), neither any of the past or present scholars have given such a *fatwa*, nor this is being practised in any other Muslim country throughout the world.

Many *Mujtahideen* have suggested, as a recommended precaution (but not made it obligatory), to pay *Zakaat* on currencies other than gold and silver coins, like paper notes, if other conditions of *Zakaat's* eligibility on gold & silver coins, also apply to them.

## **Zakaat on Business Goods:**

According to *Ayatullah al uzma*, Syed Ali Seestani, goods earned by commutative contracts and set aside for investment in business, or for earning profit, are as a compulsory precaution, liable to *Zakaat*, if following conditions are fulfilled. It should be clear that this is other than what becomes compulsory for *Zakaat*, such as the instruments of transactions. The rate of *Zakaat* on such business goods is 1/40. The conditions are as under:

- i. The owner of the goods should be *baligh* and sane.
- ii. The goods should have reached the taxable limit, which is same as that for gold and silver.
- iii. The goods should have remained with the owner for one complete year, ever since the owner intended to invest it for profit.
- iv. The intention of investment for profit should have remained unchanged throughout the year. If at any time during the year the intention changes, like if he decides to spend it for maintenance etc., then he will not be required to pay its *Zakaat*.
- v. The goods should actually remain at owner's discretion for disposal, throughout the year.
- vi. Throughout the year, the owner should have a buyer for the goods at a rate equal to the

invested capital, or more. If however during the year the value of the goods become less than the capital outlay, it will no longer be obligatory to pay its *Zakaat*.

### **Zakaat Payable on Camel, Cow & Sheep:**

For *Zakaat* payable on camels, cows and sheep (including goats), there are two additional conditions, besides the usual ones. They are:

- 1) The animal should have grazed in a jungle or open fields for one year. In case the animal is fed on cut or plucked grass, or if it has grazed in the owner's or somebody else's farm, there is no *Zakaat* on it, except where the animal fed itself on the grass of its master's farm for a very short duration, say for a day or two in the year.
- 2) The second condition as per majority of *maraja-e-taqleed*, is that the animal should not have been used for any work for almost the whole year. In case it was used for some purpose during the year, then again *Zakaat* is not compulsory.

Only *Ayatullah al-uzma*, Seestani differs in this issue and says that, "as a matter of precaution, it is not a condition for *Zakaat* liability, that the camel, cow or cattle should not have been used during the whole year. In fact, *Zakaat* will be obligatory on them, even

if they were used for purposes such as irrigation and ploughing of land for cultivation”.

If a person purchases or leases a pasture for his cattle (camel, cow & sheep), which has not been cultivated by anybody, rather has grown on its own; and animals graze from this naturally grown feed, *Zakaat* is not compulsory on such animals; although it is recommended to pay *Zakaat* on them as well. However, if he pays tax to the government for grazing his animals on open land of government, then he should also pay *Zakaat* on them.

**TABLE FOR:**

**TAXABLE LIMIT FOR SHEEP & GOAT**

<b>Taxable Limit</b>	<b>Number of Sheep/Goat</b>	<b>Amount of Zakaat</b>
1 <sup>st</sup> Limit	40	1 Sheep or Goat
2 <sup>nd</sup> Limit	121	2 Sheep or Goats
3 <sup>rd</sup> Limit	201	3 Sheep or Goats
4 <sup>th</sup> Limit	301	4 Sheep or Goats
5 <sup>th</sup> Limit	400 or more	1 Sheep for each group of 100 sheep.

**TAXABLE LIMIT FOR CAMEL**

<b>Taxable Limit</b>	<b>Number</b>	<b>Amount of Zakaat</b>
1 <sup>st</sup> Limit	05 Camels	1 Sheep
2 <sup>nd</sup> Limit	10 Camels	2 Sheep
3 <sup>rd</sup> Limit	15 Camels	3 Sheep
4 <sup>th</sup> Limit	20 Camels	4 Sheep
5 <sup>th</sup> Limit	25 Camels	5 Sheep
6 <sup>th</sup> Limit	26 Camels	a camel which has entered the 2nd year of its life.
7 <sup>th</sup> Limit	36 Camels	a camel which has entered the 3rd year of its life.
8 <sup>th</sup> Limit	46 Camels	a camel which has entered the 4th year of its life.

9 <sup>th</sup> Limit	61 Camels	a camel which has entered the 5th year of its life.
10 <sup>th</sup> Limit	76 Camels	2 camels which have entered the 3rd year of their life.
11 <sup>th</sup> Limit	91 Camels	2 camels which have entered the 4th year of their life.
12 <sup>th</sup> Limit	121 Camels or more	<p>In this case, there are two options:</p> <p>1) Calculate the camels in groups of 40 each, and for each set of 40 camels give one camel, which has entered the third year of its life;</p> <p>2) Calculate them in groups of 50 each, and for each set of 50 camels, give one camel which has entered the 4<sup>th</sup> year of its life. However, in both the cases, the calculation should be made in such a way that there does not remain any</p>

		<p>balance; and if at all there is a balance, it should not exceed 9. For example, if one has 140 camels, for the first 100 camels, he should give 2 such camels which have entered the fourth year of their life; and for the remaining 40 camels, he should give 1 camel, which has entered the third year of its life. And the camels to be given as <i>Zakaat</i>, should be female.</p>
--	--	--

## **Miscellaneous Rules Related to Zakaat on Animals:**

1. When the number of camels, cows and sheep reach the taxable limit, irrespective of their sex, the payment of *Zakaat* on them becomes obligatory, if they have grazed from open land and have not been provided with feed by the owner nor they have been used for any work. But if they were given food by the owner all the year round, or for most of the months, then in that case *Zakaat* is not compulsory.
2. For the purpose of *Zakaat*, cows and buffaloes are treated to be of the same class, and likewise Arabian and non-Arabian camels are also considered to be of the same group. Similarly, for the purpose of *Zakaat*, there is no difference between a goat, a sheep and a one-year old lamb.
3. If a person who is required to pay *Zakaat* on cows, sheep and camels, gives *Zakaat* from his other property, he will need to pay *Zakaat* on the animals every subsequent year, as long as their number has not become less than the first taxable limit. But if he gives *Zakaat* from those very animals, and as a result they become less than the first taxable limit, payment of *Zakaat* on these animals will no longer be obligatory on him in subsequent years. For example, if a person owns 40 sheep and gives its *Zakaat* out of his other property,

he will need one sheep every year, as long as their number does not become less than 40. But if he pays *Zakaat* from those very sheep, payment of *Zakaat* will not be obligatory on him in subsequent years, until such time when their number reaches 40.

## **Payment & Use of Zakaat:**

*Zakaat* should be spent for the following eight purposes:

إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا  
وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَارِمِينَ وَفِي سَبِيلِ اللَّهِ  
وَابْنِ السَّبِيلِ فَرِيضَةٌ مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ

*“Welfare funds (Zakaat) are only for the poor, the destitute, the sadaqa managers, those whose hearts are inclined (towards Islam), the bonded human beings, those who can not pay their debts, for the cause of Allah (S.W.T.) and for those who have become needy on a journey. It is obligatory order from Allah. Allah is all-knowing and all-wise”. (9:60)*

- i. It may be given to a poor person, who does not possess actual or potential means to meet his own expenses, as well as that of his family for a period of one year. However, a person

who possesses a skill to make his living, or possesses property or capital to meet his expenses, is not classified as poor.

- ii. It may be paid to a *maskin* (a destitute person), who leads a harder life than a *faqir* (a poor person).
- iii. It can be given to one who is managing *zakaat* like a *wakil* (representative) of Holy Imam (A.S.) in the days of occultation or his representative, who has been assigned the duty of collecting *Zakaat*, keep it in safe custody, maintain its accounts and deliver it to the Imam (A.S.) or his representative, or to the poor, as per Islamic laws.
- iv. It can be given to those non-Muslims, who may as a result, get inclined to Islam, or may assist Muslims against its enemies, or for other justified purposes. It can also be given to those Muslims whose faith in the Prophet or in the *Wilayat* of Amirul Momineen (A.S.) is unstable and weak, provided that as a result of giving, their faith is strengthened.
- v. It can be spent to purchase slaves in order to set them free. It may also be used for the release of Muslim prisoners, who cannot be freed due to non-payment of fine etc. However it should be considered that the person being set free, does not have the intention of continuing the bad actions.

- vi. It can be given to an indebted *momin*, who is unable to repay his debt.
- vii. It may be spent in the way of Allah (S.W.T.), for a cause which is beneficial to the Muslims in general; for example, construction of a mosque, or a school for education with good religious training, or to keep the city clean, or to widen or build roads, or to fight diseases which spread in the society, etc.
- viii. It may be given to a stranded traveller.

### **Clarification:**

These are the areas where a person intending to pay *Zakaat* can spend. But in situation number (vii) above, one cannot spend without the permission of Imam (A.S.) or his representative, as per obligatory precaution, so that a centralised system could be developed and minimise the misuse.

The person, who is paying *Zakaat*, after identifying its right place of use, can pay by himself or can nominate someone as his representative. However, the ultimate responsibility of rightful distribution of *Zakaat*, lies with the person giving *Zakaat*.

## **Miscellaneous Rules Related to Disbursement of Zakaat:**

1. As an obligatory precaution, a poor and destitute person should not be given as *Zakaat*, an amount that is more than that required to cover his and his family's one year's expenses. And if that poor person possesses some money or commodity, he should only be given *Zakaat*, equivalent to the shortfall in meeting his expenses for a year.
2. Somebody who had enough amount to meet his expenses for a year, spends a part of it, and is now not sure, whether the remaining amount will be sufficient to meet his expenses for the rest of the year, cannot receive *Zakaat*.
3. An artisan, a land-owner or a merchant whose income is less than his expenses for one year, can receive *Zakaat* to meet his annual shortfall; and to meet this it is not necessary for him to sell off his tools, or his essential property, or spend his essential capital in order to meet his expenses.
4. A poor person, who has no means for meeting his own expenses, and those of his family for one year, can receive *Zakaat*, even if he owns the house he lives in, or possesses a means of transport, without which he cannot lead a respectable life, or which may be necessary to maintain his self-respect. The same rule holds if he owns essential household equipments,

utensils, clothes and other such things. Likewise a poor person, who does not have these essential things, can use *Zakaat* money for purchasing, if he needs them.

5. If it is not difficult for a poor person to learn an art or skill to make his living, he should as an obligatory precaution, not depend on *Zakaat* and learn the art or skill. However, he can receive *Zakaat* for as long as he is learning that art or skill.
6. If a *Zakaat* giver is the creditor of a poor person, he can adjust the debt against *Zakaat*.

It is important to note that Islam emphasizes a lot on self-esteem. It is therefore not necessary for a person giving away *Zakaat*, to mention to the poor that the assistance that he is offering, is *Zakaat*. In fact, if there is a possibility of the poor feeling embarrassed, it is recommended that he should not mention at all, that he has assisted him from *Zakaat*.

It is necessary for the person receiving *Zakaat* to be a *momin* (follower of Ahl ul Bait (A.S.)). If someone pays *Zakaat* to a person under the impression that he is a *Momin*, and it transpires later that he is not, he should pay *Zakaat* again, except in the situations mentioned above, where *Zakaat* can be given to others as well.

Another noteworthy point is that, *Zakaat* can be given to a poor man who begs, but cannot be given to a person who spends for sinful purpose. In fact, as a precaution, it cannot be given to a poor person, for

whom it is felt that as a result, he would be encouraged to commit sins.

If a father is not sound financially to get his son married, he can spend from *Zakaat*, and likewise the son can spend from *zakaat* for his father's matrimonial, if required.

As an obligatory precaution, *Zakaat* cannot be given to a drunkard, or to one who does not offer daily prayers, or commits major sins openly.

Another important point to be noted is that a Sayyed (*Hashmee*) cannot accept *Zakaat* from a non-Sayyed (*Hashmee*). However, a non-Sayyed (*Hashmee*) can receive from Sayyed (*Hashmee*).

## **Intent (*Niyyat*) of Zakaat:**

A person should give *Zakaat* with the intention of *Qurbat*, i.e., to seek the pleasure of Almighty Allah. He should specify in his *Niyyat*, the form of *Zakaat* that he is giving, e.g. *Zakaat* on his wealth, *Zakaat ul Fitrah* etc. Also, if it is obligatory upon him to give *Zakaat* on wheat as well as barley, he should calculate them separately, and cannot substitute one for the other; and if he wants to pay a sum of money equal to the value of *Zakaat*, he should specify whether he is paying in lieu of wheat or barley.

If some profit is gained out of the *Zakaat*, that a person has set apart, for example, if the sheep which has been earmarked for *Zakaat*, gives birth to a lamb, or the shares set aside as *Zakaat*, increase in value, it should be given away along with *Zakaat* as part of *Zakaat*.

## **Miscellaneous Rules of Zakaat:**

1. As a precaution, when wheat and barley are separated from chaff, and when dates and grapes become dry, the owner should either give its *Zakaat* right away to the poor, or atleast separate it from his wealth. Similarly, *Zakaat* on gold, silver, cow, sheep and camel should either be given to the poor, or at least be separated from one's wealth after the expiry of eleven months. However, if he is awaiting a

particular poor person, or wishes to give it to a poor with some excelling virtue, he may not separate it from his wealth.

2. It is not necessary for a person to pay *Zakaat*, immediately to a deserving person, once he has separated it from his wealth. However, if a deserving poor is accessible, the recommended precaution is that, payment of *Zakaat* should not be delayed.
3. If a person who could deliver *Zakaat* to a deserving poor, did not do so, and then if it gets lost out of his negligence, he should replace it.
4. If a person who could deliver *Zakaat* to a deserving poor, did not do so, and then if it gets lost, but without him being careless about it; if he had a good reason for the delay, there is no obligation to pay again. Such a situation may arise for example, if he was waiting for a particular poor person, or if he wanted to distribute amongst many poor people gradually over a period of time. But if he had no good reason for the delay, he should replace it.
5. If a person separates *Zakaat* from the wealth on which it had become due, he has the right to use/spend the remaining wealth.
6. When a person has separated *Zakaat* from his property, he cannot utilise this amount and later replace with other payment.

7. If some profit accrues from the *Zakaat* which a person has set apart, for example, a sheep which has been earmarked for *Zakaat*, gives birth to a lamb, it forms a part of *Zakaat*.
8. If someone entitled to receive *Zakaat* is present at the time when a *Zakaat* giver separates *Zakaat* from his property, it is better to give it to him only, except when there is another person in view, whom he considers preferable over him for some valid reason.
9. If a person trades with the property set apart for *Zakaat*, without obtaining permission from *Hakim-e-Shariya* or his representative; and then sustains a loss, he is not permitted to deduct the loss from *Zakaat*. However, if he makes a profit out of it, he should as an obligatory precaution, give it to a person entitled to receive *Zakaat*.
10. If a person gives to a poor, an advance, with the *Niyyat* of *Zakaat*, while it had not yet become obligatory on him; such an assistance cannot be treated as *Zakaat*. However, he can consider it as *Zakaat*, after *Zakaat* becomes obligatory on him, provided that the thing given has not been used up, and that the poor continues to be deserving. Therefore it is suggested that in situations where one wishes to assist a poor from *Zakaat*, before it has become obligatory, he may give him as a loan, and later treat it as *Zakaat*, when it becomes obligatory.

11. It is *Mustahab* to give *Zakaat* on cows, sheep and camels to the poor having integrity (white collar *momineen*). It is also recommended that preference be given to one's own deserving relatives, over others. Similarly, preference should be given to the deserving learned persons, over those who are not learned, and to those who do not beg, over those who beg. However, if one considers that giving *Zakaat* to a particular poor is better for some reason, than to give it to some other person under consideration, it is *Mustahab* that *Zakaat* be given to him.
12. It is better that *Zakaat* be given openly, whereas for *Mustahab Sadaqah*, the recommendation is to give secretly.
13. If there is no known deserving person in one's hometown, nor there is any chance to identify and utilise it for any other purpose prescribed for *Zakaat's* use, and also there is no hope of finding a deserving person later; he should spend that *Zakaat* in some other town, for an appropriate purpose. He may deduct the expenses incurred in transferring to the other town, with the permission of the *Hakim-e-Shariya* or his representative. However in such a situation he will not be held responsible, if it is lost in the way.
14. Even if a deserving person is available in the home town of a person, he can still distribute the *Zakaat* amongst the deserving in some

other town. However in this case, the expenses incurred in transferring to the other town, will be borne by the person himself, and he will be responsible if it is lost on the way, except when he takes it with the permission of the *Hakim-e-Shariya* or his representative.

15. The charges for weighing and scaling of wheat, barley, raisins and dates, that a person gives as *Zakaat*, are to be paid by him and cannot be deducted from the *Zakaat*.
16. It is *Makrooh* for a person who has given something as *Zakaat* to a deserving poor, to request to sell that thing back to him. However, if the deserving person himself wishes to sell the thing that he has received as *Zakaat*, he should give priority to the person who has given him the *Zakaat*, over other buyers, after deciding the selling price.
17. If a person doubts whether or not he has given the *Zakaat*, which had become obligatory on him; in such a situation, if the property on which *Zakaat* was due still exists, he should pay *Zakaat*, even if he is in doubt about the *Zakaat* of earlier years. But if the liable property does not exist anymore, no *Zakaat* is due on it, even if the doubt relates to *Zakaat* of the current year.
18. A poor man has got no right to compromise for a quantity, less than the quantity of *Zakaat* due on the person giving away *Zakaat*, before

having actually received it, neither can he accept as *Zakaat*, something costlier than its actual value. Similarly, the owner cannot give *Zakaat* to a deserving person with a prior condition that he would return part or whole of it back to him. However, there is no problem if the deserving poor, after having received the *Zakaat*, agrees to return it. For example, this can happen in a scenario where a person owes a large sum of *Zakaat*, because he did not pay when it was due. He now repents for not having paid, and seeks forgiveness from Allah (S.W.T.), but is unable to pay his dues because of present poor financial status. In such a situation, the deserving recipient can, of his own pleasure, bestow it back on him, after having received it, if it does not contradict any other condition.

19. A person cannot purchase Holy Qur'an, prayer books or other religious books from the *Zakaat* due on him and dedicate them as *Waqf*, except when it becomes necessary for public welfare; and for that too, as an obligatory precaution, he must seek permission from the *Hakim-e-Shariya* or his representative.
20. A person can receive *Zakaat* to perform *Hajj*, *Ziyarat* or other such religious activities, even if he may not be poor, provided this is in the interest of the public at large. However, as a precaution, he should obtain permission from the *Hakim-e-Shariya* or his representative.

21. If the owner of a property nominates a poor man, as his agent to distribute *Zakaat* of his wealth, and if the poor has a feeling that the owner does not intend to give him anything from that, he cannot take anything for himself. But if he is sure that the owner had no such intention, he can take for himself as well as per his needs.
22. If a poor man gets camel, cow, sheep, gold or silver as *Zakaat*, and after that if he himself attains the minimum taxable limit and fulfils other conditions of obligatory *Zakaat*, he will have to give *Zakaat* from it.
23. If two persons are joint owners of a property on which *Zakaat* has become obligatory, one of them pays *Zakaat* for his share, and thereafter they divide the property. Now even if he knows that his partner has not paid *Zakaat* on his share, and has no intention to pay it afterwards too, there is no problem if he exercises the right of discretion over his own share.
24. If a person owes *Khums* or *Zakaat*, and also owes *Kaffara* and *Nazr* etc.; and is presently also indebted and cannot make all these payments. Now if the property on which *Khums* and *Zakaat* has become obligatory exists, he should pay *Khums* and *Zakaat*; and if it has been used up, *Zakaat* and *Khums* debt will have priority over *Kaffarah* and *Nazr*.

25. If a person owes *Zakaat* or *Khums*, has an obligation of *Hajj* and is also indebted; and if in such a situation he dies, and the property that he has left is not sufficient to pay all these debts, following line of action should be under taken:
- a) If the property on which *Zakaat* or *Khums* had become obligatory, has not ceased to exist, *Zakaat* or *Khums* should be paid first and the balance should be spent on repaying the debt, and on performing *Hajj* on behalf of the deceased.
  - b) If the property on which *Zakaat* or *Khums* became obligatory has reduced in value, then whatever property is left, should be spent to pay his debt first; and if anything remains after that, it should be spent on performing *Hajj* on his behalf. If there is still an excess, then it must be divided to pay *Zakaat* or *Khums*.
26. If a person who is acquiring knowledge is compelled to abandon his education in order to earn his livelihood, *Zakaat* can be given to him if acquiring that knowledge is obligatory. If that particular education is not obligatory, but is in the public interest, he can still be assisted from *Zakaat* but with the permission of *Hakim-e-Shariya* or his representative, as a precaution. In the absence of these two circumstances, it is not permissible to assist him from *Zakaat* fund.



## **2. ZAKAAT UL FITRAH (Health Tax)**



This is another form of *Zakaat*, which may also be called **Health Tax**. This system if properly organized can become a good source of economic activity. Billions of pounds, dollars, euros and rupees change hands overnight. Following are the laws related to this form of *Zakaat*:

1. This *Zakaat* is taken out at the time of sunset on the night of Eid ul fitr (i.e. the night of 1<sup>st</sup> Shawwal). It is obligatory on every adult Muslim who is sane, and is neither unconscious, nor poor, nor a slave. Every such person should give on his own behalf, as well as on behalf of all his dependents, about three kilos per head of wheat or barley or dates or raisins or rice or millet etc. It is also sufficient if he pays the price of one of these items in cash. However as an obligatory precaution, he should not give this *Zakaat* in the shape of food which is not staple, in the place where he resides, even if it be wheat, barley, dates or raisins.
2. A person who is not in a position to meet his own expenses, and those of his family, for a period of one year, and also has no one to help him meet these expenses, is considered to be a poor person. It is not obligatory on such a person to pay *Zakaat ul fitrah*.
3. One should pay *Fitrah* on behalf of all those persons who are treated as his dependents and are present in his house on the nightfall of Eid

ul fitr, whether they be young or old, Muslims or non-Muslims; irrespective of whether or not it is obligatory on him to maintain them, and whether they are in their own town, or in some other town.

4. If a person's dependant, e.g. a son, is in some other town, he can ask him to pay his own *fitrah* to a deserving poor in that town, from the property that the son is holding, provided he is satisfied that the son will pay the *fitrah*.
5. It is obligatory to pay *fitrah* of a guest who arrives at one's house with the host's consent, before sunset on the night of *Eid ul fitr* and becomes his temporary dependent.
6. The *fitrah* of a guest, who arrives at one's house with the host's consent, on the night of *Eid ul fitr* before sunset, and stays with him for some time, is also as an obligatory precaution, compulsory (*wajib*) upon the host. Similarly, if he is forced to maintain someone, his *fitrah* will also be his obligation.
7. If a guest arrives after sunset on the night of *Eid ul fitr*, and is considered to be a dependent of the host, payment of his *fitrah* is compulsory on the host, as an obligatory precaution, but not otherwise, even if he has invited him before sunset and the guest has broken fast at his place.
8. If a person is insane at the time of sunset on the night of *Eid ul fitr*, and his insanity persists

till *Zuhr* on the day of Eid, it is not obligatory upon the host, to pay *fitrah* on behalf of an insane person.

9. If *fitrah* of a person is an obligation of another person, it is not obligatory upon him to give his *fitrah* himself.
10. If wife is dependent on a person other than her husband, that person will have to pay *fitrah* on her behalf. But if she is not dependent on anyone else, she has to pay her own *fitrah*, provided she is not poor.
11. A person, who is not a Sayyed, cannot give *fitrah* to a Sayyed. This applies even if the non Sayyed has a Sayyed dependent; that is to say the *fitrah* of his Sayyed dependent will also go to a non-Sayyed.
12. Even if a person maintains the members of his family by *haraam* means, he should pay *fitrah* on their behalf out of his *halal* property.
13. A person who employs someone like a driver or a servant, and agrees to maintain him fully, such that he is considered to be his dependent, he should pay *fitrah* on his behalf as well. But in case he doesn't maintain him fully, and just pays his labour charges, it is not obligatory on him to pay his *fitrah*.

## Disposal of Fitrah:

1. As an obligatory precaution *Fitrah* should be paid to a *momin* (follower of *Ahlul Bait* (A.S.)) who is poor, and fulfils the conditions mentioned for those deserving *Zakaat*. If there is no deserving *momin* in one's hometown, it can be given to other deserving Muslims. But in no circumstances should *Fitrah* be given to *Nasibi*-the enemies of *Ahlul Bait* (A.S.).
2. It is not necessary that the poor, to whom *fitrah* is given, should be *Adil* (a just person). However, as an obligatory precaution, *fitrah* must not be given to a drunkard, or one who does not offer his daily prayers, or commits sins openly.
3. *Fitrah* should not be given to a person who is expected to spend on sinful acts.
4. The recommended precaution is that *fitrah* should not be less than a *sa'a* (about 3 kilos). However, there is no problem if more than that is given.
5. One cannot give as *fitrah*, half a *sa'a* of one commodity (eg. wheat) and half a *sa'a* of another commodity (eg. barley). Even if someone wants to pay in cash, the price of *fitrah* cannot be calculated in this way
6. While giving *Zakaat ul fitrah*, it is *Mustahab* to give preference to one's poor relatives and

neighbours, and then to the deserving learned persons, over other people.

7. *Fitrah* cannot be given to a person who himself claims to be poor. The person giving away *fitrah* should be satisfied that he is giving this *Zakaat* to a deserving person.

### **Miscellaneous Matters Regarding Fitrah:**

- 1) One should give *fitrah* with the *Niyyat* of *Qurbat*, that is, to seek the pleasure of Almighty Allah (S.W.T.).
- 2) It is not right to give *fitrah* before or during the month of Ramadhan. However, if a person gives it with the *Niyyat* of loan to a poor before or during Ramadhan, and adjusts that loan against *fitrah*, when it becomes obligatory, there is no problem.
- 3) It is necessary that wheat or whatever a person gives as *fitrah*, is not mixed with another commodity or dust. In case it is mixed, but in its pure form equals one *sa'a* (about 3 kilos), or the quantity of the thing that is mixed with it, is negligible, there is no problem.
- 4) It is necessary that whatever is given as *fitrah*, is of proper quality and is commonly used by

people. Knowingly giving something which is defective or inferior in quality will not suffice.

- 5) If a person gives *fitrah* on behalf of a number of persons, it is not necessary for him to give everybody's *fitrah* from the same commodity. For example, if he gives wheat as *fitrah* for some of them and barley for others, that would be sufficient.
- 6) If a person offers *Eid ul fitr* prayers, he should, as an obligatory precaution, give *fitrah* before Eid prayers. But if he does not offer Eid prayers, he can delay giving *fitrah* till *Zuhr* on Eid day.
- 7) If a person sets aside *fitrah* from his wealth but does not give it to the deserving till *Zuhr* of Eid day, he should make *Niyyat* of *fitrah* whenever he gives it.
- 8) If a person does not pay *fitrah* at the time when it is obligatory, and also does not set it aside, he should give *fitrah* later, as an obligatory precaution, without making the *Niyyat* of *ada* or *qadha*.
- 9) If a person sets aside *fitrah*, he cannot take out from it for his own use, and later replace it with another sum or thing.
- 10) If the thing set aside for *fitrah* is unnecessarily delayed in handing over to the deserving and is lost out of one's negligence, he should replace it. However if the disposal was delayed for the

reason that a deserving person was not accessible and there was no negligence on the part of the person, and it gets lost, there is no obligation for replacement.

- 11) If a deserving person is available in the hometown of a person, the obligatory precaution is that he should not transfer the *fitrah* to some other place. But if he does so, and it is lost, he should give its replacement.



## **3. KHUMS**



Islam being a perfect and complete religion, has given instructions regarding all matters relating to human life. To uplift the economic condition of the Muslims, Islam has introduced various methods.

An important method is the transfer of excess wealth from the fortunate sector of the society to its less fortunate members. This is done in two different ways:

- a) Individually
- b) Collectively.

**a) Individually:**

The economic health of an Islamic society is pursued through the moral and ethical teachings of charity. In Arabic, this is known as “*Sadaqah*” and “*Infaq*”. There are many verses in the Qur'an which command Muslims to help others voluntarily. In fact there are more verses dealing with voluntary charity, than the obligatory dues. Everyone is morally obliged to help others according to his or her means and resources.

## Levels of charity:

### First level of charity:

ويسألونك ماذا ينفقون قل العفو كذلك يبين الله لكم  
الآيات لعلكم تتفكرون

*“.....They ask you (O Muhammad) as to what they should spend (in way of charity). Say, Whatever can be spared”. (2:219)*

### Second level of charity:

الذين يؤمنون بالغيب ويقيمون الصلاة وما رزقناهم ينفقون

*“who believe in the Unseen, keep up prayer, and spend something from whatever We have provided them with”. (2:3)*

### Third level of charity:

الذين ينفقون في السراء والضراء والكاظمين الغيظ  
والعافين عن الناس والله يحب المحسنين

*“who spend [for others] throughout happiness and hardship, and suppress their anger and overlook what other people do. God loves the kindly”. (3:134)*

At all these levels, one must follow the path of moderation:

ولا تجعل يدك مغلولة إلى عنقك ولا تبسطها كل البسط  
فتتعد ملوما محسورا

*“Neither keep your hand shackled to your neck (out of greed), nor outspread it completely open -- otherwise you will sit reproached and denuded”. (17:29)*

Someone asked Imam Ja`far as-Sadiq (A.S.) about a group of people who were prosperous, while their Muslim brothers were in dire need.

*“Is it right for the rich people to eat and drink satisfactorily while their brothers are hungry, especially during the difficult days?”*

The Imam (A.S.) said,

*“Surely a Muslim is a brother of a Muslim; he does not oppress his brother, neither abandons him nor deprives him. The Muslims are obliged to work hard for their brother, to relate to him, to help him, and to be charitable towards the needy people.”* <sup>[1]</sup>

---

[1] (Hasan b. Hasan al-Hurr al-`Amili, Wasa'ilu 'sh-Shi`ah, vol. 11 (Beirut: Dar Ihya'i't-Turathi 'l-'Arabi, 1391 AH) p. 597.)

## **b) Collectively:**

Islam guarantees an economically healthy society through the obligatory taxes that it imposes on the excess wealth of every Muslim. In an ideal Islamic society, the Islamic government is responsible for enforcing the laws of Islamic taxes like *zakaat*, *fitrah*, *khums*, *khiraj*, etc.

While explaining the role of an Imam as a leader, Imam Musa al-Kazim (A.S.) says:

*"Imam is the heir of a person who has no heir, and he is the provider of a person who has no provider."* <sup>[1]</sup>

In an ideal condition this economic security is to be extended to all the subjects of an Islamic state, even if they are non-Muslims. Once Amir-ul-Momineen Imam Ali (A.S.) passed by an old man who was begging on the side of the road. Imam (A.S.) asked:

*"Who is this?"*

People said:

*"O Amiru 'l-mu'minin, he is a Christian".*

Imam (a.s.) said:

*"You benefited from him until he became old, and when he is unable (to work any longer), you have deprived him (of his basic needs)!! Provide for him from the public treasury."* <sup>[2]</sup>

---

[1] (Muhammad b. Ya`qub al-Kulayni, al-Usulu 'l-Kafi, vol. 1 Tehran: Daru 'l-Kutubi 'l-Islamiyya, 1388 AH p. 542.)

[2] (Al-`Amili, Wasa'il, vol. 11, p. 49.)

In short, Islam aims at eliminating the "need" (*hajat*), and elevating the needy people to the level of being "free from want" (*ghani*).

## **Khums in the Qur'an, Sunnah & History:**

“*Khums*” literally means "one-fifth or 20%". In Islamic legal terminology, it means:

*“One-fifth of certain items which a person acquires as wealth, and which must be paid as an Islamic tax”.*

The Qur'an mentions it in the following verse:

واعلموا أنما غنمتم من شيء فإن لله خمسه وللرسول ولذي  
القربى واليتامى والمساكين وابن السبيل إن كنتم آمنتم بالله  
وما أنزلنا على عبدنا يوم الفرقان يوم التقى الجمعان والله  
على كل شيء قدير

*“Know that whatever of a thing you acquire, a fifth of it is for Allah, for the Messenger, for the near relative, and the orphans, the needy, and the wayfarer...” (8:41)*

In this verse, the word “*ghanimtum*” has been used which has been translated as “you acquire”. As explained above, it means “certain items which a person acquires as wealth”.

According to the *ahadith* of the Imams of *Ahl-ul-bayt* (A.S.)<sup>[1]</sup>, following seven items are liable to khums:

- 1) The profit or the surplus of the income.
- 2) The legitimate wealth that is mixed with some illegitimate wealth.
- 3) Mines and minerals.
- 4) The precious things like stones and pearls obtained from sea by diving.
- 5) Treasures.
- 6) The land which a *dhimmi kafir* buys from a Muslim.
- 7) The spoils of war.

### **Point to be noted:**

There are some people who interpret the word “*ghanimtum*” as “whatever you acquire as spoils of war,” thus confining the obligation of khums to the spoils of war only. This interpretation is based on ignorance of the rules of Arabic language, the history of khums, the Islamic laws and of the interpretation of the Qur'an. To make this point crystal clear, I would like to quote the following arguments presented by Allamah Sayyid Saeed Akhtar Rizvi (R.A.), in his book “*Khums*”. While reading the following paragraphs, remember that the word *ghanimtum* has been derived from “*al-ghanimah*”.

---

[1] (Al-`Amili, Wasa'il, vol. 9, Chapter of Khums, p. 483)

## The Meaning of *Ghanimtum*:

The famous Arabic dictionary of *al-Munjid* (by Father Louis Ma'luf of Beirut) says, *al-ghanim* and *al-ghanimah* means:

- a) What has been snatched from the warrior enemies.
- b) All earnings generally.

Moreover, the saying *al-ghunm bi'l-ghurm* means 'the profit stands against expenses', i.e., as the owner is the sole proprietor of the profit and nobody shares it with him, therefore only he bears all the expenses and risk.<sup>[1]</sup>

This implies that in Arabic language *al-ghanimah* has two meanings: one, 'the spoils of war', and the other, 'profit'.

The above quoted source also proves that 'profit' is not an uncommon meaning. When a word in the Qur'an can be interpreted in more than one way, it is incumbent upon the Muslims to seek guidance from the Holy Prophet Mohammed (S.A.W.W.) and the Ahlu'l-bayt (A.S.). Otherwise, they would be guilty of *tafsir bi'r-ra'iy* (interpreting the Qur'an according to one's own personal views); and this is a sin which can push the sinner into hell.

---

[1] See the entry under G-N-M; *Al-Munjid* 28th edition (Beirut: Dar el-Machreq, 1986) p. 561. Also see other famous dictionaries, like *Lisan al-'Arab* and *Al-Qamus*.

“Khums is one of those obligatory things which was introduced by Hazrat Abdul Muttalib(A.S.), the grandfather of the Holy Prophet Mohammed (S.A.W.W.), which was then continued in Islam. Acting upon a command of Allah (S.W.T.), given to him in a dream, when Hazrat Abdul Muttalib(A.S.) rediscovered the well of *Zamzam*, in which he found many valuable items buried by the Ishmaelite in the remote past when they feared that their enemies would plunder them. When Hazrat Abdul Muttalib (A.S.) found that buried treasure, he gave away its one-fifth (literally *Khums*) in the way of Allah (S.W.T.) and kept the remaining four-fifth for himself. This practice then became a custom in his family, and after the *hijrah* of the Holy Prophet Mohammed (S.A.W.W.), the same system was incorporated in Islam. Thus the first *khums* was not given from the 'spoils of war', rather from a buried treasure, one of the seven items on which *khums* is levied.

## **Khums as per other schools of Ijtehad:**

Not a single sect of Islam, confines the meaning of *ghanimah* to the 'spoils of war'.

In addition to the 'spoils of war' the following items are subject to khums:

- a. Minerals: liable to khums in Shi`ah and Hanafi sects.
- b. Buried treasure: liable to khums amongst all five schools of thought (i.e., Shi`ah, Hanafi, Maliki, Hanbali and Shafi`iy).

## **Interpretation of Holy Qur'an by Ahl ul Bait (A.S.):**

It is part of our faith that the interpretation of the Qur'an must be based on the teachings of the Ahl-ul-bayt (a.s.). The term *ghanimah* in the verse under discussion has clearly been interpreted as '*al-fa'idatu 'l muktasabah* – “the earned profit”, by our Imams.

Allama Rizvi<sup>[1]</sup> concludes his arguments as follows:-

"To conclude, we can say that the word *ghanima* was never treated as being confined to the 'spoils of war' by any sect of Islam; and as far as our Imams are concerned, it meant many things besides the spoils of war right from the times of Imam `Ali (peace be upon him), as authentic traditions show." <sup>[2]</sup>

---

[1] May Allah rest the soul of Allama S. S. Akhtar Rizvi (r.a.) in heaven and reward him for his excellent services towards Islam, specially in East Africa.

[2] (Rizvi, S.S.A., Your Questions Answered, vol. 1 (Dar-es-salaam: Bilal Muslim Mission, 1973) p.44-46.)

## Historical Evidence:

What has been quoted above can also be substantiated from the practice of the Prophet (S.A.W.W.) of Islam himself. For example, when the Prophet (S.A.W.W.) sent `Amr bin Hazm to Yemen, he gave instructions to him in which, amongst other things, he said:

*“...collect the khums of Allah (S.W.T.) from the gains [of Yemenis].....”* <sup>[1]</sup>

And when the tribe of Bani Kilal of Yemen sent its *khums* to the Prophet Mohammed (S.A.W.W.), the latter acknowledged it by saying:

*“Your messenger has returned and you have paid the khums of Allah from the gains (al-ghana'im)”.* <sup>[2]</sup>

It is interesting to note that Bani Kilal obeyed the Prophet's order and sent the *khums* of its gains to him, while no war had yet taken place between the Muslims of Yemen and the unbelievers. This is a clear indication that *khums* was not restricted by the Prophet (S.A.W.W.) to the spoils of war.

The importance given by the Prophet (S.A.W.W.) to the issue of *khums* can also be seen in

---

[1] (Ibn Khaldun, *Ta'rikh*, vol. 2, part II (Beirut: al-A' lami, 1971) p. 54; Ibn Kathir, *Al-Bidayah wa'n-Nihayah*, vol. 5 (Beirut: al-Ma'arif, 1966) pp.76-77; Ibn Hisham, *Sirah*, vol. 4 (Beirut: Daru 'l-Jayl, 1975) p. 179.)

[2] (Abu Ubayd, *Al-Amwal* (Beirut: Mu'assasah Nasir, 1981) p. 13; Al-Hakim, *Mustadrak*, vol. 1 Hyderabad: `Uthmaniyya Press, 1340 AH) p. 395. For more references, see Ja'far Murtada al-Amili, *Al-Sahih fi Sirati 'n-Nabi*, vol. 3 (Qum: n.p, 1983) p. 309.

his advice to the delegation of Bani Abdul-Qays. It seems that Bani Abdul Qays (which was a branch of Rabi`ah) was not a very strong tribe. Moreover, in order to travel to Medina, they had to cross an area which was inhabited by the Muzar tribe, who were against Muslims. Consequently, the Bani Abdul Qays could not travel safely to Medina except during the months in which war-fare was forbidden according to the Arab custom.

Once a delegation from Bani `Abdul-Qays came to Medina and said to the Prophet (S.A.W.W.):

*“We cannot come to you except in the haram months [when war-fare is forbidden], as there are between us and you, the unbelievers of Muzar. Therefore, please give us some advice that we may pass on to those whom we have left behind and that we may enter the Paradise [by acting on that advice ourselves].”*

The Prophet (S.A.W.W.) advised them to:

- a) *Believe in One Allah,*
- b) *Establish prayer,*
- c) *Pay zakaat,*
- d) *Fast in the month of Ramadhan,*
- e) *Pay khums (one-fifth) of whatever you gain.*<sup>[1]</sup>

---

[1] (Bukhari, *Sahihu 'l-Bukhari*, vol. 4 (Beirut: Daru 'l-'Arabiyyah, n.d.) p. 213; Abu `Ubayd, *Al-Amwal*, p. 13.

This has also been recorded by other Sunni sources of hadith, like *Sahih Muslim*, *Sunan Nisa'i*, *Musnad of Ahmad bin Hanbal*, and *Sunan of Tirmidhi*.

The circumstances of the Bani Abdul Qays, 'that they were weak and small in numbers, and were thus prevented from travelling safely to Medina', leaves no room in the above *hadith* for interpreting the application of *khums* exclusively on the spoils of war.

## Khums is Wajib on Seven Items

### 1. Mines and Minerals:

Gold, silver, lead, copper, iron, oil, steamcoal, Feerozah, Aqeeq, alum, salt or any other mineral are from “*Anfaal*”, which means that they belong to Imam (A.S.). However anyone who extracts them without any religious impediments, can own them. And when they reach the prescribed quantity, Khums must be paid on them.

The taxable limit of a mineral is 15 common *mithqals* of coined gold. i.e., if the value of the mineral extracted from a mine, reaches 15 *mithqals* (63.75gms) of coined gold (1 *mithqal* = 4.25gms), the owner should pay Khums on it, after deducting the expenses incurred on extraction.

Chalk, lime, fuller's-earth and red clay are, as an obligatory precaution, considered to be minerals; and one who extracts them, is required to pay Khums, if its present market value reaches the prescribed taxable limit. Khums on all the extracted minerals is calculated on its actual market value at the time of bringing it into the market after deducting the expenses incurred in extraction, but without deducting one's annual expenses.

## **2. The precious stones obtained from the sea by diving:**

If pearls, corals or other gems are obtained from the sea-bed by diving, if it reaches  $\frac{3}{4}$  *mithqal* of gold in value (=5.66gm.), Khums should be paid on it, regardless of whether it was brought up after a single or more than one dives. But if the gems were brought up in two different diving sessions, and each time, the minimum value limit of 5.66 gm. of gold was not reached, it will not be obligatory to pay Khums on either. Similarly, when diving is done in partnership, and the share of each partner is not commensurate with 5.66 gm. of gold in value, Khums will not be obligatory upon either partner.

If a person takes out gems from the sea mechanically without diving, it is obligatory on him, as a precaution, to pay Khums on it. But, if he obtains them from the surface of the sea or from the sea-shore, he should pay Khums, if his income from this source alone, or in combination with other profits made by him, exceeds his expenses for one year.

## **3. Treasures:**

A treasure trove is a property which is hidden underground, or in a tree or a mountain or a wall, and someone discovers it. It should be in

such a form that it can be called a treasure-trove.

If a person finds a treasure-trove in a land which does not belong to anyone, he can own it, after paying Khums on it.

The taxable limit of a treasure-trove is 105 *mithqals* (446.25gms) of coined silver or 15 *mithqals* (63.75gms.) of coined gold. This means that any thing found in the treasure should be equal to the above-mentioned value of either of the metals, before it becomes liable to Khums.

#### **4. If a Zimmi (non-believer) purchases land from a Muslim:**

As is commonly held by *Fuqaha*, the *Zimmi* should pay Khums on piece of land purchased from a Muslim either from that land itself, or from any other property belonging to him. However the liability of Khums, the way it is understood in this case, is a matter of *Ishkal*.

#### **5. The spoils of war:**

If Muslims fight against the infidels under the command of the Holy Imam (A.S.) and, as a result, acquire some booty, that booty is called *Ghanimat*. It is obligatory to pay Khums on what remains, after deducting the expenses incurred for protection and transport etc. of

that booty, and after setting aside what the Imam spends according to his discretion, and what he keeps as his special right. As regards the liability of Khums, there is no difference between movable and immovable booty. But the lands which have been seized as spoils of war belong to the Muslim public, irrespective of whether the war was fought with or without the permission of Imam (A.S.).

If Muslims engage in a war against infidels without the permission of Imam (A.S.), and win some spoils of the war, whatever they acquire as the spoils, belongs to Imam (A.S.), and the fighters have no right on it.

## **6. Khums on the surplus or profit of the income:**

Khums becomes compulsory (*wajib*) at the beginning of the new financial year on the surplus of the past year's income.

The "beginning" of a new year means the date fixed by a person as the closing day for his accounts of the year. It is the time when profit or surplus of one's income becomes clear.

So whatever is the net profit or surplus of the income at the end of the year, and has not been used for household or commercial expenses of that year, one-fifth of that surplus

becomes property of *Imam e Zaman (A.J.)* as Khums.

The consideration of "year" in khums is just like consideration of year for financial purposes, as in most cases the surplus of the income becomes clear at the end of the year. Otherwise, khums becomes payable as soon as profit or the surplus of the income is known. Therefore a person may fix a schedule for khums calculation as per his convenience, e.g., monthly, bi-monthly, quarterly, half yearly, yearly or whenever a surplus income is received by him.

The end of the year calculation is actually a facility given by *Ahl ul Bait (A.S.)* to their followers. Of course, one is allowed to fix any day of the year (or for that matter, the beginning of a fiscal year according to the Christian calendar), as the "beginning" of his year. He will then calculate the surplus of his income on that fixed day every year, and pay khums accordingly. It is always easier to count from the day one starts earning.

## **Definitions of Income, Profit & Surplus:**

Khums originally was levied on the profit or one's actual income, before the deduction of annual expenditure, but our Imam (A.S.) have facilitated us, and allowed us to calculate khums after deducting annual expenditure according to one's standard in the society.

Now let us define the terms "income", "surplus", "profit" and "expenditure", and then clarify how these terms are related to khums calculation.

### **Income:**

Income means whatever one earns from business, wage, salary, dividend, or by any other means of possession recognized by the shari'ah, or even those not recognized as lawful by the shari'ah but accepted as one's property, like lottery etc. Although Islam forbids participating in schemes such as lotteries and other gambling, but if somebody indulges into such acts and gains from them, he is not supposed to return it back to that organization or company. Islam rather considers it to be his property, although he has acquired it by unlawful means and performed a great sin, but still he is required to pay khums from that money.

Khums has also been rendered compulsory (*wajib*) on gift, prize, legacy and charity. According to most *mujtahideen* of present times, it is precautionary (*ehtiyat-e-wajib*) to pay khums from such gains as well. Ayatullah al-uzma Khamenai says

that if the gift is nominal, then khums is not wajib but if it is something extra ordinary, khums should be paid on it as per other *Mujtahideen*.

By "legacy" we mean anything bequeathed to a person in the will of a friend, or of someone not related to him.

However, khums is not liable on:

- i. Dowry: By "dowry" (*mahr*) we mean the marriage-gift, which the husband agrees to pay to his wife at the time of marriage or whenever she demands.
- ii. Things or amount kept aside for the daughter's marriage (if this is a custom in a society).
- iii. Inheritance except when one inherits from the least expected person; for example, a very distant relative, from whom one does not usually expect to inherit.
- iv. Gifts received from someone, though some *Mujtahideen* differ in this issue as mentioned above.

## **Surplus and Profit:**

In case of a wage earner or a salaried person, the "surplus" of the income means whatever remains after deducting the annual expenditure of oneself and one's dependents.

The "dependents of a person" mean those persons whose maintenance is one's responsibility. For the purpose of khums calculation it does not make any

difference whether the maintenance of these persons is one's compulsory obligation (like wife, children and parents), or an optional responsibility because of shariat's recommendation (like a relative, a friend or an orphan).

“Profit” is a term that pertains to business. Whatever remains after deducting the annual business expenses from a businessman's income, is his profit.

## **The Deductible Expenses**

The expenditure that may be deducted from the income are of two types:

- 1) Household expenses.
- 2) Commercial expenditure.

### **1. The Household Expenses**

The deductible household expenses include food and drink, accommodation, transportation, furniture, marriage expenses, medical expenses, payment of *sadaqah*, *hajj* & *ziyarat* expenses, gifts, donations, charity, payment of debts, legal penalties, wages of servants, insurance premiums, the amount deducted from one's salary for mandatory provident fund or mandatory pension plan, income tax, etc.

As regards “debt payments”, only the debts for the essential needs can be deducted from the income, and not the payment of loans acquired for expanding the business, etc. In the latter case, one should first

pay khums from the surplus of the income and then pay such debts from the remaining amount.

### **Premiums of Insurance, Pension and Retirement plans:**

Premiums paid for most of the insurances like car, fire, medical and protection insurance are deductible expenses from the annual income.

But the premium of life insurance depends upon the system of the society. If it is considered necessary in a society and is at par with the living standard of the person, only then it will be considered a deductible expense, otherwise not.

A mandatory pension will be counted as part of one's income whenever he receives it. He will need to pay khums on it, if he saves anything from this sum at the end of that year.

The non-mandatory "retirement saving plan" is also just like life insurance. If a person invests a large sum in such plans, and then is not left with enough liquid assets to pay khums, he should in a few months time work out an instalment plan to pay khums, with the permission of the *Hakim-e-Shariya* or his representative who holds the authority to do so on behalf of *Hakim-e-Shariya*.

The household expenses differ from person to person. An individual's expenditure should be considered according to the needs and status of that person in the society.

For example, a person's annual earning is Euro 20,000, and his annual household expenses according to his needs and status is estimated to be Euro 10,000. But he spends extravagantly and is left with a surplus amount of Euro 5,000 only, at the end of his khums year. Such a person is not permitted to calculate his khums on Euro 5,000, rather he will have to pay 20% of Euro 10,000 (i.e. Euro 2,000), as khums.

But, if the same person lives meagrely and spends only Euro 7,000 over the year, he will calculate his khums on the entire surplus amount, which is Euro 13,000 in this case. Needless to say, there is no khums on a person whose annual income and annual expenditure, according to his status in the society, is equal, and there is no surplus left at the end of the khums year.

### **Deduction for lost or damaged household items:**

If the item that got lost or damaged was neither for trade nor for household consumption, compensation for such a loss is not permitted from one's annual income, for purpose of khums calculation.

However, if the lost or damaged item is one of the household consumption items (e.g., furniture, domestic electronic appliances, etc.), or an essential business or trade tool, then one can replace those items with new ones or get them repaired; and

calculate the cost of replacement or repair in the annual expenses for the purpose of khums calculation.

### **Rules for Calculating Household Expenses:**

#### **i. More than one source of income:**

One is permitted to deduct the household expenses from the annual income, even if he has some other wealth which is not liable to khums.

For example, a person's annual expenditure is Euro 10,000; he inherits Euro 10,000 from his father, and earns Euro 20,000 from his business during that year. Now for the purpose of khums calculation, he has two options. One option is to use Euro 10,000, which is the inherited amount, for his annual expenditure; and pay khums on the entire Euro 20,000 which he earned during that year and saved. The other option is to deduct Euro 10,000 from his earned income, and pay khums on the remaining Euro 10,000, which is the surplus of that year's income. As there is no khums on inheritance, the Euro 10,000 which he inherited is not liable to khums.

#### **ii. New and unused household items:**

For the purpose of khums calculation, all new household items that stay packed, and the leftover unused goods by the end of one's khums year, must be counted as his savings. But if an item is used in a way that people would generally render it as used, there is no khums on that item.

For example, a person has fixed the 30<sup>th</sup> of June, as the end of his "khums year". On that day he still has, for example, 10 kg. sugar, 5 kg. flour and 20 kg. rice left with him which has not been consumed in the "previous year". In this case, he cannot deduct the price of this leftover foodstuff from his annual income of that year for the purpose of khums calculation. He can only deduct the price of the foodstuff that has been consumed in the year which ended on 30<sup>th</sup> June. The price of the leftover food items therefore needs to be included in calculating his annual savings for the purpose of khums calculation. However in such cases it is not necessary to weigh and calculate the exact and actual price of all such items, rather one may give away a lump sum amount that is enough to make him sure that he has fulfilled his responsibility.

### **iii. Woman's Income:**

It is compulsory (*wajib*) for an earning woman to pay khums from the surplus of her income, if she is the provider of the family. In case her husband or father is the provider, she is required to pay khums from the amount which is in excess of her own expenses (if not paid by father or husband), at the end of her khums year.

If a non-earning woman gets some wealth from her husband or from any other source, it is compulsory (*wajib*) to pay its khums, provided it is more than her annual expenses, and she continues to possess that wealth for a period of one year. This

however does not apply to dowry or inheritance, which is not liable to khums.

**iv. Income of a dependent:**

The same applies to the income of the person whose expenses are provided by someone else. For example, an earning person whose expenses are being provided by his father has to pay khums from the surplus of his income at the end of his khums year.

**v. Combined family income:**

If a husband & wife, and/or their sons & daughters, or brothers, or sisters, living in a joint family system are all earning, and all of them are jointly contributing towards the family expenditure, then practically khums has to be calculated from the total family income after deducting the total expenditure of the entire family, collectively at the end of a pre-set family's khums year.

**vi. Income of a minor or insane person:**

Khums is also compulsory (*wajib*) on a non-baligh child or an insane person. If a non-baligh or an insane acquires any wealth, which is more than his/her annual expenses, khums has to be paid from whatever is left from that wealth at the end of one year. It is the duty of his guardian (*wali*) to pay khums on his/her behalf from that amount, after deducting the expenses incurred on his/her maintenance, if there is no one else to pay for them.

## **vii. Child Allowance:**

In many western countries, the parents get financial allowance for their children from the government. Here there can be two scenarios:

- 1) The parents spend that money for child's maintenance. In this case, the child allowance has to be included in the income of the parents, and child's khums need not be calculated separately.
- 2) The parents keep that money aside and do not spend from it for the child's maintenance, considering it to be child's property, for his/her future use. In this case, khums needs to be calculated and paid from this money, by the parents, on behalf of the child at the end of the year.

## **viii. Deceased Person's Estate:**

If a person dies before the end of his khums year, it is the responsibility of the heirs to first deduct his expenditure for that year, upto the time of his death from his legacy, and then pay khums from the surplus of his remaining income of that year, if he has been paying khums regularly; and if not, then from his whole asset. Only then, can the heirs take their shares from the estate.

If the heirs know that the deceased had not paid khums from his estate, and that khums was wajib

on him, it is compulsory (*wajib*) for them to pay the khums before dividing the estate.

## **2. The Commercial Expenses**

### **(a) The Deductible Expenses:**

This includes every expenditure that is involved in business, such as wages or salaries of the employees, rent, insurance premiums, government taxes, amount spent on purchase of furniture, machines or necessary equipments, expenses incurred on their maintenance, etc.

### **(b) Rules on Commercial Expenditure:**

#### **i. Investment capital:**

Suppose a person is in need of a certain capital to run a business in order to sustain himself and his family. If he gets the required capital as a gift or assistance from somebody, the rules for khums in this scenario will vary according to the following different situations:-

- a) If that capital is not more than his annual expenditure, he can use the entire capital to trade with; and in this

situation there is no khums on that amount.

For example, a person gets Euro 10,000 as a gift from a friend. His necessary annual expenses are Euro 11,000. He can use the entire capital in business, and is not required to pay khums on this amount.

- b) If that capital is more than his necessary annual expenses, he can use it and pay khums on amount which is over and above his annual expenses at the end of the year.

In the above example, say if that person gets Euro 15,000 as assistance or gift from his friend, he can utilise this amount in business and pay khums on whatever is left at the end of the year.

- c) If for instance a person needs an investment capital just to run or expand his business, and has sufficient resources to meet his annual household expenses; such a person is permitted to use that amount to expand his existing business or to earn extra income and shall pay khums at the end of the year or whatever is left as saving.

**ii. Increase in by-product of a khums-free commodity:**

If someone owns a property which is not liable to khums, e.g. inheritance, or has a property on which khums has already been paid; if the owner of such a property gains further from it in the form of by-products, it is compulsory (*wajib*) for him to pay khums on the by-products. Here it does not matter whether the by-product was a "separate product", like calf & milk from a cow or wool from a sheep, or a "connected product", like fruits on a tree.

**iii. Increase in market value of a commercial commodity:**

If the market value of a commercial commodity increases, without any increase in its by-product, then:-

- a) If he had bought it for business, then it is compulsory (*wajib*) to pay khums from the increased value, provided it stays 'increased' till the end of the khums year. However, if someone buys a commodity for business and its market value appreciates during the year, but he does not sell it, now if by the end of the year it depreciates again to the same value or less, then in such a situation there is no khums on the previously appreciated value. But if he

does not sell it in expectation of further increase in price, and by the end of the year it comes down, he should pay khums of the increased price.

- b) If he had not bought it for business purpose, then it will become *wajib* to pay khums on the increased value, only at the time when he sells it.
- c) If he had not bought it but came to own that item by inheritance, then khums is not liable on its increased market value, even when he sells it.

#### **iv. Depreciation or loss in value of a commodity:**

If a person sustains a loss in business and his invested capital decreases he is permitted to compensate for it by deducting that amount from the profit of that year before calculating his khums. This adjustment for depreciation can thus be regarded as an "expenditure on commercial production", which is not liable to khums.

According to Ayatullah al-uzma Sistani, the depreciation of machines etc. can be calculated as annual expenditure.

**v. Compensation for the loss:**

The question that needs to be addressed now is, whether one is permitted to compensate for the losses in his property from the annual profit or income, and count it as a part of his "annual expense"? If insurance does not compensate for such a loss, there can be three possibilities:

- a) If the loss involves in item of trade, and the trading is restricted to only that commodity, then one is allowed to provide compensation for the loss or destroyed goods from the profit before calculating khums. For example, if a person's trading was limited to buying and selling of sugar, and during the year some of the goods got destroyed by being sunk, or he sustained a loss in its sale; he is permitted to calculate the compensation for its destruction or loss from the profit and count it in the annual expenditure.
- b) If the loss involves one commodity of trade, and trading is not restricted to that commodity only, one is still permitted to provide compensation from the profit before paying khums. However, as a precaution it is better not to deduct the compensation for the loss of one section

of the trade from the profit of the other, before paying its khums.

- c) If the destruction or loss occurred in a trading commodity, while the trader made profit from activities outside trading such as agriculture etc.; in such a case, as a compulsory precaution he can not calculate compensation for the loss in trade from agricultural profit, before paying the latter's khums.

**vi. Selling an item on which khums is *wajib*:**

If khums becomes liable on an item of trade, it is forbidden (*haraam*) to sell before paying its khums. However, if one sells it, the seller will have to pay the khums from the price of that item.

**vii. Partnership with one who does not pay khums:**

There is no problem in getting into a business or trade partnership with a person who does not pay khums:

*“no bearer of burden shall bear the burden of another”.*(53:58)

**(c) One Who Never Paid Khums Before:**

If a person who has never paid khums in his life, by the Grace of Allah (S.W.T.) decides to pay khums; such a person will have to follow the following lines of action:-

It is compulsory (*wajib*) to pay khums on every item which he has bought, built or planted, and is also in excess of his needs. For example, an apartment bought for renting purpose or a taxi for transportation business, etc. However things which are amongst his needs, for example, the house in which he lives or the car which is in his personal use, the rules will apply differently, as follows:-

- i. If he has come to own these items from the profit or surplus of the income of same year, there is no khums on them.

For example, in the year 2000, he earned Euro 25,000 and in the same year he bought a car for his personal use for Euro 7,000 from that income; there is no khums on this car.

- ii. If he has bought these items from the accumulated surplus of previous years, he will have to calculate and pay the khums on the savings of those years.

For example, from the year 1995 to 2000, he annually earned Euro 20,000, and then at the end of year 2000 he buys a house for Euro 80,000. It is obvious that this house was not bought from the income of a single year. In

this case, he has to pay khums on his savings of the previous years, i.e., the years prior to the year that he bought the house.

- iii. If a person's income was not stable throughout i.e., in some years he made profit and in some he sustained loss; and he cannot determine whether he bought his various properties in the year of profit or loss; such a person should explain his circumstances to the Hakim-e-Shariya or his representative, and come to a compromise with him about the amount of khums. This can be done either by personally meeting the Hakim-e-Shariya or his representative, or by corresponding with him or his authorized representative.

(Most leading *mujtahideen* have their authorized representatives in major parts of the Shi`ah world and also in many non-Muslim countries and are also available on email).

## **7. The Legitimate Wealth Mixed With Illegitimate Wealth:**

### **Definitions:**

It is compulsory (*wajib*) to pay khums from a wealth which is mixed with illegitimate wealth. By “*illegitimate*”, we mean anything that has been acquired by means not permitted in shariah, e.g., usury, gambling, liquor business, etc. By “*mixed*” we mean that the owner is unable to distinguish the amount or the items which have come in his possession by lawful and legitimate means from those acquired by unlawful means.

### **Possibilities:**

In this situation, there can be following possibilities:-

- a) A person knows the amount and also the owner. Here it is *wajib* for him to return the unlawfully obtained property to its rightful owner.
- b) A person knows the rightful owner but does not know the amount of the unlawfully acquired wealth; in this case he must come to a compromise with the owner.
- c) A person knows the amount, or the item possessed by unlawful means but does not

know its rightful owner or owners. In such a situation he must give that amount or item to a needy, as charity (*sadaqah*) on behalf of the unknown owner. However, before giving that amount or item as *sadaqah*, as a precaution, it is *wajib* to acquire permission of the Hakim-e-Shariya or his representative.

- d) A person cannot determine the amount, the item and the rightful owner of the wealth that he has acquired by the unlawful means. In such a case, the only way to make his existing properties lawful is to pay khums on the entire wealth.

## **The Distribution of Khums**

### **A. The Two Shares of Khums**

According to the Quranic verse of khums, this Islamic tax is meant for:

- (1) Allah
- (2) The Messenger of Allah
- (3) The near relatives of the Messenger
- (4) The orphans
- (5) The Needy
- (6) The Stranded traveller.

The first two shares are very clear, they belong to Allah (S.W.T.) and Prophet Mohammed (S.A.W.W.) respectively. The third share, that of "the near relatives", belongs to the infallible Imam of the time. The last three shares are for the orphans, needy and the stranded travellers, belonging to the Hashimite family.

Obviously, Allah does not come in person to take His share of khums; therefore Prophet Muhammad (S.A.W.W.), as Allah's representative on this earth, has to receive both his own share and that of Allah. Now the question is, what is to be done with the Prophet's share after his death? The Sunni scholars are in great disagreement with each other on this issue. For example, some say that Allah's and the Prophet's share goes to the caliph who may use it as

he pleases; others say it goes to the Prophet's relatives (the Hashimites); and still others say that it should go to the Muslims in general.<sup>[1]</sup>

According to the Shi'ah view, after the Prophet's death, the shares of Allah and Prophet goes to Prophet's rightful successor. And the rightful successor of the Prophet in the present times is Imam Muhammad al-Mahdi, *ajjalallah'u ta'ala farajah'u sharif*, (upon whom be peace).

Since the Present Imam, besides the owner of his share as "the near relative," is also the rightful owner of Allah's and the Prophet's shares of khums, the first half of khums is commonly known as "Sehm 'l-Imam" -- the share of the Imam.

The second half of khums is for the orphans, the needy and the stranded travellers from the Prophet's family, i.e., the "*Hashimi*" or in Latin, the "*Hashimite*". A Hashimite is the one who, from his father's line, is a descendent of Hashim, the great grandfather of the Prophet (S.A.W.W.). However, the Hashimites who descend from Fatimah, the daughter of the Prophet, have preference over other Hashimites. Since the descendants of Fatimah are commonly known as "*sayyed*, pl. *sadaat*," the second half of khums is known as "Sehmu's sadaat" - the share of the sayyeds. (In non-Shi'ah parts of the Arab world, the sayyeds are commonly known as "*sharif*, pl. *ashraf*").

---

[1] (Ibn Rushd, *Bidayatu 'l-Mujtahid*, vol. 1) Cairo:al-Maktabatu't-Tijariyyatu'l-Kubra, 1952 pp. 13-14; 377-378.)

Thus we divide the khums into two equal shares:

1. The share of the Present Imam;
2. The share of sadaat (the sayyeds).

The recipients of the sehmu's-sadaat change all the time. An 'orphan' ceases to be an orphan legally, as soon as he becomes an adult; a 'needy' ceases to be a needy, as soon as he becomes financially sound; and a 'stranded traveller' ceases to be so as soon as he reaches home.

But the recipient of the sehm'l-Imam, that is Imam Muhammad al-Mahdi (a.f.s., upon whom be peace), will never cease to be the Prophet's 'near relative' and his rightful successor. Therefore, his right is perpetual and will never end.

## **B. The Sehm 'l-Imam**

### **1. Where Should The Sehm 'l-Imam Go?**

#### **(a) During the Presence of Imam (A.S.):**

The first half of khums is the share of the Imam. During the presence of the Imams both, the sehm'l-Imam as well as the sehmu's-sadaat were given to them directly or to their specially appointed representatives. The Imam, as the chief of the sadaat, was also responsible for distribution of sehmu's-sadaat among the sadaat.

Since the times of Imam Ja`far as-Sadiq's, the Imams had also initiated the system of “*wikalah*” (deputyship). One of the functions of this system was to collect the khums and bring it to the Imam, or distribute it according to his instructions. This is clear from a letter by Imam Muhammad Taqi (A.S.) about the financial obligations of Shi`ahs, in which he says:

*“...As for the gains and profits, it is obligatory on them [to pay khums] every year...Therefore, whosoever has anything of those [items on which khums is applicable], he should bring it to my wakil; and the person who lives far away should try his best to bring it to my wakil even if it takes some time...”* <sup>[1]</sup>

Another question that needs to be addressed here is: Did the Imams ever release the Shi`ahs from the obligation of khums at any point in time? The answer is that Imams never suspended the obligation of khums as an annual financial tax. However, there are individual cases where the Imam had exempted certain persons from khums because of the tough economic circumstances of the time. But such exemptions were for individuals and for a limited time.

---

[1] (Al-Amili, Wasa'ilu 'sh-Shi`ah, vol. 6, p. 348-349.)

The fact that khums as an annual tax on the Shi`ahs in general, was wajib at all times in Islamic history, can be seen from what follows.

Once a Shi`ah from Persia wrote to Imam Ali ar-Reza (A.S.) asking for an exemption from khums. The Imam did not approve his request and wrote:

*"...And the khums is a help to us in [promotion of] our religion, [upliftment of] our family, and our followers...Do not deprive yourselves of our prayers as long as you can, because paying [the khums] is the key to sustenance, the forgiveness for your sins...Was-salam."*<sup>[1]</sup>

In reply to a letter from Muhammad bin Ja`far al-Asadi, Imam al-Mahdi (A.S.) wrote:

*"As for what you have asked about the issue of a person using our property without our permission, he should know that whosoever does so is cursed, and [on the day of judgement] we will be his opponent... And whosoever devours anything from our property [without permission], he is actually devouring fire and will surely reach the Hell."*<sup>[2]</sup>

---

[1] (Al-'Amili, Wasa'ilu 'sh-Shi`ah, vol. 6, p. 375-376.)

[2] (Al-Amili, Wasa'ilu sh-Shi`ah, vol. 6, p. 377.)

Thus khums was always wajib and used to be collected by the Imams directly or through their wakils, although Imams did facilitate their followers in this regard in different ways.

**(b) During the Ghaybat of the Imam (A.S.):**

At present, our Imam, Muhammad al-Mahdi (A.F.S., upon whom be peace), is in occultation and he has not appointed anyone as his representative. Therefore the question arises what should be done with his share of khums?

All '*ulama*' of our times unanimously hold that during the period of occultation, the share of the Present Imam (A.S.) must be used for the causes with which the Imam (A.S.) would agree. They also believe that the best persons to determine such causes are mujtahideen. Therefore, according to all our present '*ulama*', *sehm'l-Imam* must be handed over to the learned and trustworthy Hakim-e-Shariyah or used in the way authorized by them. The condition of religious knowledge and trustworthiness are important to guarantee the right use of *sehm'l-Imam*.

It is the individual's responsibility to transfer *sehm'l-Imam* to the Hakim e Shariyah. If it is given to the representative of Hakim e Shariyah, then the responsibility will shift from the khums-payer to the representative.

That is to say, if the representative loses the money before it reaches the Hakim-e-Shariyah, then the khums-payer is not responsible for that.

If a trustworthy person who is not a representative of Hakim e Shariyah agrees to take the sehm'l-Imam to the Hakim e Shariyah, then, in case of loss, the responsibility will not shift from the khums-payer to that person. In such a situation either the messenger should make up the loss, or the khums-payer has to pay again. However in the latter case, the khums-payer may request the Hakim e Shariyah to exempt him for that year.

## **2. How Is The Sehm'l-Imam Used?**

The Hakim e Shariyah spends sehm'l-Imam in a way he thinks would please the Present Imam, Muhammad al-Mahdi (A.F.S., upon whom be peace). The most important causes, for which the sehm'l-Imam is used presently, are the following:-

- a) Strengthening of the school of Ahl-ul-Bait(A.S.) and propagation of its teachings amongst the believers as well as the non-believers.
- b) Supporting religious establishments, religious schools, teachers and students.
- c) Providing the household and academic expenses of the `ulama' (the religious

scholars), who dedicate their life and efforts for teaching and preaching the religion of Islam to the people.

- d) Providing the necessary expenses of the poor and needy Shi`ah Ithna-`Asheri.
- e) It may also be used by the Hakim e Shariyah during natural disasters like earthquake, famine, war, etc.

It would not be wrong to say that most of the sehm'l-Imam does not physically reach the Hakim e Shariyahs, rather it is used, with their permission, in various parts of the Shi`ah world. Many, if not most, religious and charitable works being done by the Shi`ahs are financed from sehm'l-Imam. The public at large is usually not aware of the fact that huge sums of sehm'l-Imam are being used for most of the projects of religious and charitable nature all over the world, as it is difficult to materialize such costly projects with charity money alone. It needs to be stressed that work done by sehm'l-Imam should bear the name of Imam e Zaman (A.F.S.) or the Hakim e Shariyah, with whose permission that project has been completed, so that every beneficiary realizes that a large amount of Imam's property has been utilized in that facility.

An example of one such mega facility is Hawza `Ilmiyya (religious education centre) of Qum, Iran. Today more than twenty five thousand students and teachers, from more than 50 countries are studying in this Hawza, and are spreading the message of Ahl ul

Bait (A.S.) all over the world. All are financed collectively by the leading mujtahideen of our times. If we count fifty euros each as monthly scholarship for twenty five thousand students and teachers, the total monthly budget in this single entity comes to seven hundred and fifty thousand euros per month. Most of this revenue comes from khums, while waqf, other charities and endowment funds also contribute to some extent.

Similarly, two of the major projects of Islamic centres in Canada worth more than 10 million dollars each, are being financed from *sehm'l-Imam*. Many education centres, community centres, healthcare centres, social welfare projects, mosques and religious centres in Europe, America, East Africa, U.A.E., Pakistan and India have been constructed and are being run from *sehm'l-Imam*.

### **3. *Sehm'l-Imam's Role in the Financial Independence of the Marja-e-Taqlaad (Hakim e Shariyah):***

The *sehm'l-Imam* has also played an important role in the financial independence of our ulama. Unlike the ulama of other schools of thought, whose appointment to the positions like mufti or shaykhul Islam as well as their livelihood depends on people or government, the Shi`ah mujtahideen are not dependent on governments or other organizations for their position or livelihood. This prevents any unwarranted influence in their affairs and hence in their *fatawa* and decisions. A probe into the political

*fatawa* of our *mujtahideen* during the last century will prove this point.

This is not to imply that the integrity of Hakim-e-Shariya or his representative in the shia school depends on khums; their independence and integrity remains preserved even without khums. After all, the most important condition for a *mujtahid* is that he must be ‘*adil*’, i.e., pious and of upright character. A person who is highly knowledgeable in Islam but has a doubtful character, or is under the influence of a tyrant and unjust ruler, will not be accepted as a religious leader by the people.

Another note worthy point is that khums revenue very much depends on the overall economic well being of the true followers of Ahl-ul-Bait (A.S.). When the Muslims are in good economic condition, the khums revenue is generated satisfactorily; but if they are not financially stable, the khums flow is reduced. Besides, unfortunately, not all eligible Shi`ahs pay their khums, some out of ignorance and others out of negligence.

## **C. The Sehmu 's-Sadat**

### **1. During The Prophet's Time:**

The fact that the Prophet used to give the khums to his Hashimite relatives exclusively, is beyond any doubt.<sup>[1]</sup>

---

[1] (At-Tabari, *Tafsir*, vol.13 (Cairo: Daru 'l-Ma`arif, 1958) p. 553-556; Ahmad al-Jassas, *Ahkamu 'l-Qur'an*, vol. 3 (Beirut: Daru 'l-Kitabi 'l-'Arabi, 1916a) p. 61, 65; Abu `Ubayd, *Al-Amwal*, pp. 136-138.)

Even the descendants of Hashim's brothers (Abd ash-Shams and Nawfal) were excluded from the khums. Jubayr bin Mut'im (a descendent of Nawfal) and Uthman bin Affan (a descendent of Abd ash-Shams) were not given anything from the khums of *Khaybar*. Both came to the Prophet and complained:

*“O’ the Messenger of Allah! You have given [the khums] to Bani al-Muttalib but left us out although we and they are equally related to you.”*

The Prophet (s.a.w.w.) said:

*“The Bani al-Muttalib and Bani Hashim are one and the same.”* <sup>[1]</sup>

## **2. After The Prophet's Death:**

Although the Qur'anic injunction about the relatives of the Prophet is very clear, and is also supported by the *sunnah* of the Prophet, unfortunately, there arose a great difference of opinion amongst the Muslims after the Prophet's death in many matters. Obviously, the people in power did not want the Ahlul-bayt (A.S.) to get access to the khums. This policy of depriving the Ahlul-bayt (A.S.) of their right has continued since, with a short break during the reign of Umar bin Abdul-Aziz, who decided to give at least some of the khums to the Banu Hashim.<sup>[2]</sup>

---

[1] (Bukhari, *Sahihu 'l-Bukhari*, vol. 4, p. 240; vol. 5, 375. Also see *At-Tabari, Tafsir*, vol. 13, p. 556; *Al-Amwal*, p. 137.)

[2] (At-Tabari, *Tafsir*, vol. 13, pp. 556-559; al-Hakim, *Mustadrak* vol. 3, p. 442; For more references on this issue, see Al-'Amili, *As-Sahih fi Sirah*, vol. 3, pp. 318-321.)

### 3. How Is Sehmu's-Sadaat Distributed?

In keeping with the Qur'anic injunction and the *sunnah* of the Prophet, the Shi'ah law says that the second half of khums is the share of the Hashimites, preferably the *sayyeds* descending from Fatima(S.A.).

The sehmu's-sadat can be given to the following *Shi'ah Ithna Asheri sayyeds*:-

1. Those orphans who are poor.
2. Those who are poor and needy.
3. An *ibnu's-sabil*, i.e., a traveller who is stranded and is short of money to continue his journey back home, provided it is not for any unlawful purpose.

Khums can be given to such a sayyed, even if he is a wealthy person in his hometown. However, it is not permitted to give khums to a sayyed, who would spend even a part of it in a sinful act. It is also better not to give khums to a sayyed, who openly leads an immoral life and involves in acts like drinking alcohol, etc.

One can give sehmu's-sadaat to a deserving sayyed directly, without channelling it through the Hakim-e-Shariyah. However some of the *mujtahideen*<sup>[2]</sup> are of the opinion that even sehmu's-sadaat must be channelled through the Hakim-e-Shariyah. As a precaution, it is better that the disbursement of sehmu's-sadaat

---

[1] Ayatullah al-uzma Ali Khamenai.

also operates through Hakim-e-Shariyah or his representatives, or at least with their consent, so that one is sure of fulfilling his duties.

Sehm'l-Imam (A.S.) can be given to any *mujtahid* who fulfils the condition or his representative and it is not necessary to give it to one whose *taqleed* is being done by that person with the condition that this *mujtahid* and the one whose *taqleed* is being done allow the use of sehm'l-Imam in the same way.

Ayatullah al-uzma Sistani has said that as per recommended precaution sehm'l-Imam (A.S.) should be given to the most learned of the mujtahideen of the time who understand the matters related to the well being of momineen.

He has also put a condition that if sehm'l-Imam (A.S.) is given to him or his representative, a receipt should be obtained from him or his office.

## **Some Thoughts On Zakaat & Khums:**

### **Zakaat & Khums: A Charity or a Duty?**

In our evaluation, we normally judge a person by his deeds. This is so, because we as human beings cannot know the motives of the doer. But does Allah judge the people the same way? No, Allah does not judge the people by looking at their deeds; rather, judges by their motives. The Qur'an says,

إِنَّمَا يَتَقَبَّلُ اللَّهُ مِنَ الْمُتَّقِينَ

*“Verily Allah accepts (the good deeds) only from the pious people.”(5:27)*

In the introduction, we mentioned that there are two levels by which Islam aims to create and preserve economic equilibrium in the society: individual and collective levels. Under the 'individual level', we talked about charity, which is a voluntary good deed. Under the 'collective level', we discussed the taxes which Islam has made obligatory upon the Muslims.

Khums and zakaat come under the second category, and therefore it should never be looked upon as an act of charity. Rather, it is a duty and a mandatory obligation which must be fulfilled whether one likes it or not. In fulfilling this obligation, one's intention should be none other than seeking the pleasure of Allah (S.W.T.). At times it has been observed that some people give away sadaat's share

as if they are doing charity. This might nullify the action and the person may need to pay again, because, it is not a charity; rather, the right of sadaat being given to them. Similarly, sometimes sehmu'l-Imam is given to a needy, or is spent on social projects considering it to be a charity. This is not correct, because the person is actually paying on behalf of Imam (A.S.) and it is not something that belongs to him.

We must emphasize that performing an act is one thing but its acceptance or rejection by Allah is something else. The former does not guarantee the latter. It is the motive which plays a crucial role in acceptance or rejection of one's deed. To use khums, whether on a personal or organizational level, as a leverage to promote oneself, is very detrimental to the spirit of khums. We are especially concerned about the emphasis put on accrediting as 'donors', the persons or organizations who give khums for valid Islamic causes.

They should take a moment to think whether the sehmu'l-Imam that they are giving is owned by them, or is it Imam Mahdi's (A.F.S., upon whom be peace) property? If it belongs to the latter, they do not have any right to be accredited as donors. If at all any acknowledgment is to be made, should it not go to the Imam (A.S.)?

### **D. Imam Ali's (A.S.) views about those who do not pay their dues:**

Some Shi'ahs take the issue of paying Zakaat and khums lightly. They think that giving some money in charity from time to time absolves them of their duty. Such Shi'ahs apparently do not realize that not paying khums, zakaat or fitrah (which are obligatory dues) amounts to misappropriation of the money which rightfully belongs to the Imam (A.F.S., peace be upon him), the needy, the orphan and the poor.

To get the feeling of how Imam Ali (peace be upon him) looks upon the misappropriation of such funds, I would like to quote some parts of a letter which he wrote to one of his officers about the latter's misappropriation from the public fund. The reader should keep in mind that the officer addressed in this letter was apparently a cousin of Imam Ali (A.S.). I would specially like to draw the attention of the respected representatives (*wukala*) of the *mujtahideen* of our times to this letter.

Imam Ali bin Abi Talib (A.S.) wrote:

*“As soon as it was possible for you to misappropriate the ummah's trust, you hastened to turn around and attack (them), and made a swift leap to snatch away whatever you could from their property (which was) meant for their widows and their*

*orphans, just as a wolf snatches a wounded and helpless goat. Then, you happily loaded it off to Hijaz without feeling guilty for having misappropriated it...It was as though you were sending to your family what you had inherited from your father and mother!*

*“Glory be to Allah! Do you not believe in the Day of Judgement, or do you not fear the exaction of account? O' you who were considered by us amongst the men who possess mind, how can you enjoy food and drink when you know that you are eating the unlawful, and drinking the unlawful. You are marrying women with the money of the orphans, the poor, the believers and the mujahideen to whom Allah has dedicated this money...Fear Allah and return to these people their properties. If you do not do so, and Allah grants me power over you, I shall excuse myself before Allah and strike you with my sword with which I did not strike anyone but those who went to Hell.*

*“By Allah, even if Hasan and Husayn had done what you did, there would have been no leniency on my part for them, and they could not have won their way with me till I had recovered from them the right, and destroyed the wrong produced by their unjust action. I swear by Allah, the Lord of all beings, that I would not be pleased to regard the people's money which you have misappropriated as*

*lawful for me, and to leave it to my successors by way of inheritance.*

*“Mind yourself and consider yourself for a while in a situation where you had reached the end of life and had been buried under the earth. Then your actions will be presented to you at a place where the oppressor cries 'Alas', while he who wasted his life yearns for return (to the world); but time was none to escape. (38:3)”.*<sup>[1]</sup>

---

[1] (Razi, *Nahju'l-Balaghah*, Letter No. 41.)

## **PERSONAL KHUMS CALCULATION FORM**

### **I. CALCULATION OF THE INCOME LIABLE TO KHUMS**

Savings, Liquid Assets, Dividend Income	101
New/Unused Clothes	102
Market Value of Unconsumed food Stuff	103
New/Unused Household Appliances	104
Any Other Income (not consumed in expenditure)	105
<b>TOTAL</b>	<b>106</b>
Balance of Last Year's Savings on which Khums was already paid.	107
Total Income liable to Khums (subtract line 107 from line 106)	108

### **II. CALCULATION OF KHUMS**

Total Income liable to Khums (enter line 108)	109
	divide by 5
Total Payable Khums: Divide line 109 by 5	<b>KHUMS</b> 110

### **III. PAYMENT OF KHUMS**

Enter line 110	120
----------------	-----

  
**120 - THIS IS IMAM'S & SADAAT'S SHARE WITH YOU.**



## **4. HAJJ**



## Reaching Towards Allah:

Hajj is a religio/political *ibadat* which can be performed every year. Although it becomes obligatory in normal circumstances once in life, but it is highly recommended to perform this *ibadat* from time to time.

Hajj creates a real spiritual effect on one's heart and soul and can completely change the life style of a *momin*. During this *ibadat* a person gets spiritual upliftment by:

- a) Performing different acts of Hajj.
- b) Visiting the most sacred sites of Islam.
- c) Visiting the grave of Allah's Prophet (S.A.W.W.) and his Progeny (A.S.).
- d) Observing the strength of *Ummah* by observing and meeting Muslims from around the world.
- e) By understanding that he is just a part of a drop of water in the ocean of the followers of Islam.

Allah (S.W.T.) calls it as an *ibadat* for Him in the following verses of Quran:

*“In it are clear signs [such as] Abraham's station. Anyone who enters it will be secure. Pilgrimage to the House is a duty imposed on mankind by God, for anyone who can afford a way to do so. Anyone who disbelieves [will find] that God is*

*Transcendent, beyond [any need of] the Universe". (3:97)*

One should try that before departing for *wajib* Hajj, debts should be paid<sup>[1]</sup>. Your hate and anger towards relatives or friends must be wiped out. A will must be drawn up. These acts assist in your personal and financial clearance. All of these gestures are an exercise in the preparation for death (which will overtake everyone some day).

The event resembles a farewell to this life, and a reception to the life hereafter.

Hajj represents your return to Allah (S.W.T.), the absolute, who has no limitations and none is like Him. To return to Him signifies a definite movement toward perfection, goodness, beauty, power, knowledge, value, and fact.

O' man, return to your origin. Go to Hajj and visit your best friend who created you as the best creature. He is waiting to meet you! Leave the palaces of power, the treasures of wealth and the misleading temples. Dismember yourself from the flock of those animals whose shepherd is the wolf. Join the flock at the *Miqat*, which is going to see the house of Allah or the house of the people.

**Hajj is a finance related responsibility. This *ibadat* does not become *wajib* unless the person has enough financial resources to perform it, while maintaining his family.**

---

[1] Under Specific rules a person with debt can go for Hajj.

Following are some of the rules related to it.

### **Introduction:**

1. The *Hajj* in Islam, is incumbent upon a *mustati'* (one who has all the physical & material needs for going to Makkah). *Hajj* is not obligatory more than once in the entire lifetime of an individual. This *Hajj* in the terminology of *fiqh* is termed "*Hajjat ul Islam*".
2. The obligation of *Hajj* is immediate for a *mustati'*; i.e. it should be performed in the first year of *istita'ah*, and any unnecessary delay is a sin and hence not permissible. In case of delay, the obligation still remains and it should be performed in the following years.
3. If after attaining *istita'ah*, *Hajj* requires preliminaries like travel provisions, these should be arranged for, so that *Hajj* can be performed in the very first year of *istita'ah*. In case of dereliction of an individual, such that he could not go for *Hajj* that year, the obligation remains, which has to be fulfilled in later years under any conditions, even if the status of *istita'ah* is lost in later years.

## **Conditions for the obligation of *Hajjat-ul-Islam*:**

- (i) One should be *baligh*.
- (ii) One should be sane and free, that is, he/she should not be insane and should not be a slave.
- (iii) In proceeding to Makkah for *Hajj*, the person should not be obliged to commit a *haraam* act, avoidance of which is more important than *Hajj*; nor should he be compelled to forsake an obligatory work that is more important than *Hajj*.
- (iv) One should be capable of performing *Hajj*. This depends upon a number of factors:
  - Should possess provision and means for transportation, if need be; or should have enough money to buy or pay fare for them.
  - Should be healthy and strong enough to travel to perform Hajj, without suffering extreme or intolerable difficulties.
  - There should be no obstacle in the way. If the way is closed, or if someone fears that he will lose his life or honour during the journey, or will be robbed of his property, *Hajj* is not an obligation for him. However if there is a possibility for such a person to reach Makkah by some other route, he/she should go to perform

*Hajj*, even if that route is a longer one (not unusually long to put oneself in extreme difficulties).

- Should have enough time to reach Makkah, and perform the compulsory rites and rituals of *Hajj*.
- Should possess sufficient money to meet the expenses of his/her dependents, whose maintenance is obligatory on him, like, his wife and children, as well as the expenses of other dependents like, servants, maids, etc.
- On return from *Hajj*, he should have proper means of livelihood, like, income from property, agriculture, business, employment etc., so that he does not meet hardships after return.

Of the above conditions we will only discuss the financial aspect here, which is commonly known as *Istita'ah*.

## Having Financial Istita'ah:

Financial *istita'ah* means to have material provision to undertake the *Hajj* journey, including conveyance. If this is not available, then one should have enough money to obtain the required provisions. It is necessary that the individual is able to financially afford his return trip. Other issues related to *istita'ah* are as under:

1. He should not only be able to afford the expenses of departure and return, but should also have whatever is considered essential for living and sustenance, such as a suitable residence, essential household appliances, means of transport etc., in accordance with his social standing and honour. In case he lacks these essentials, he should possess enough money or an asset to provide them.
2. Someone who needs to get married, and for whom abstaining from marriage would result in a disease, or lead to commitment of sin & forbidden acts; such a person would become *mustati'* only when he has enough money to meet the marriage expenses in addition to the *Hajj* expenditure.
3. If someone has money owed to him and he satisfies the rest of the conditions of *istita'ah*, if the due time for payment has arrived and he can obtain it without difficulty, then he should

demand the amount owed to him and go for *Hajj*.

4. If one who cannot otherwise afford *Hajj* expenses, obtains a loan to meet these expenses, he will not be considered a *mustati'*, and the *Hajj* so performed will not be considered the obligatory *Hajjat-ul-Islam*. Yet it is highly recommended to obtain loan to go for *Hajj*, although this *Hajj* will not be counted as one's compulsory *Hajj* (*Hajjat-ul-Islam*).
5. One who can afford *Hajj* expenses, but has debts as well; should go for *Hajj* if he has time available for repayment and is confident enough that he will be able to repay his debt when the time comes. The same rule applies to a situation where the repayment time has approached but the creditor agrees to defer his repayment and the debtor is confident of making the payments as per rescheduled agreement.
6. If someone has extra property that he does not require at the moment, and which if sold would cover the *Hajj* expenses, *Hajj* becomes obligatory (*wajib*) on him, provided he also meets all other conditions for *istitah'*.
7. If one doubts whether the property that he owns is sufficient enough to make him *mustati'* for *Hajj*, it is an obligation upon him to study the matter. There is no difference regarding the obligation to investigate between the one who does not know the worth of his property and the

one who does not know how much would *Hajj* journey cost. Both have an obligation to look into the matter and reach a conclusion regarding *istitah*'.

8. One who knows that his present circumstances do not make him *mustati*' for *Hajj*, but believes that an investigation into its present condition might find him ways to go for *Hajj*; such a person does not need to do such investigation. But for the one, who is not sure about his *istita'ah* for *Hajj*, it is an obligation upon him to take proper stock of his present financial condition.
9. One who has been employed to render services to the pilgrims and who can in the meantime perform all the *Hajj* rites, and has got means to earn his living upon return, would be considered *mustati*'. *Hajj* is obligatory upon him and this *Hajj* would meet the requirements of *Hajjat-ul-Islam*.
10. One of the conditions for *istita'ah* is that, the individual should be able to meet the expenses of his family (members of his household who are dependent on him), until his return from *Hajj* journey.
11. If a person has money that is just enough to meet the *Hajj* expenses but he considers himself competent enough and is confident that upon return from *Hajj*, he will be able to make his living; for example by engaging himself into

trade, agricultural or industrial activity, or if he has a property such as orchards or shops, the rentals acquired from which is enough to meet his living expenses; such a person is considered to be *mustati'*. The *istita'ah* so attained is said to arise through an individual's competence.

12. Similarly *Hajj* becomes obligatory upon the students of theological seminaries, who have enough money to meet the *Hajj* expenses, and who upon return from *Hajj* can comfortably meet their usual living expenses from the allowances that they acquire from these seminaries.
13. As mentioned earlier, conditions of *istita'ah* for *Hajj* not only includes economic stability but also sound physical health, clear and safe route of journey and availability of ample time to be able to reach Makkah at the required time, are also essential prerequisites of *istita'ah*. *Hajj* is therefore not obligatory for a sick person, who lacks the physical strength to undertake the *Hajj* journey. Likewise if the journey is not considered to be safe, or if one fears shortage of time, *Hajj* does not remain obligatory even if other conditions of *istita'ah* are fulfilled.
14. A person abstaining from performing *Hajj* after becoming *mustati'*, actually commits a sin. He is not permitted to delay or to postpone the performance of this *wajib* responsibility, once it is proven for him that he fulfils all the conditions of the *istita'ah*.

15. It is compulsory (*wajib*) for the *mustati'* to perform the *Hajj* himself. One cannot depute anybody to perform *Hajj* on his behalf unless he is old or sick enough to be able to carry out *Hajj* rites himself.
16. A person who is *mustati'* himself and has not performed his *Hajjat-ul-Islam*, cannot become a representative to perform *Hajj* on somebody else's behalf. If such a person is deputed to perform *Hajj* for somebody else, it will be null and void.
17. If a *mustati'* passes away before performing *Hajj*, it is obligatory on the heirs to perform *Hajj* on his behalf from whatever he has left behind. A *Hajj-e-Miqati* will suffice in such a case. The heirs are not permitted to take their shares from his property, without first fulfilling this obligatory responsibility.

## Miscellaneous Issues of Istita'ah:

1. A woman who lacked financial means and hence was not *mustati'* during her husband's lifetime, but acquires enough finances after his death through his inheritance, to be able to perform *Hajj*; however she is now quite old, or has an illness that prevents her from undertaking the *Hajj* journey; such a lady will not be considered *mustati'* and *Hajj* is not an obligation for her. Likewise, if after becoming a widow, she does not have a job or means to earn a living upon return from *Hajj*, she is not considered *mustati'*, even if what she has received in inheritance, is enough for her to meet the *Hajj* expenses.
2. A woman whose marriage portion (*mehr*) is equal to or more than the *Hajj* expenses, is considered to be *mustati'*. She should go for *Hajj*, if she also meets other conditions of eligibility. In cases, where in the marriage contract, the *mehr* was agreed upon to be given upon demand (*mehr-e-moajjal*), she should ask for it, provided it can be obtained without any problem and without causing any difficulty for her husband.
3. A woman whose marriage portion (*mehr*) is sufficient enough to meet *Hajj* expenses and is owed by her husband; however, he cannot at the moment afford to pay it; such a woman is not

considered to be *mustati'*, and she does not have the right to demand her *mehr* at that point in time.

4. If a person lives in an expensive house, and can only afford to go for *Hajj* with the difference earned through selling this house and buying a cheaper one; such a person is not permitted to sell the house if it is not higher than his status and position in the society. In this situation he is not considered a *mustati'*. On the contrary if the house is considered more than his social standing, he is a *mustati'*, and in this case he should sell his house, move into a cheaper residence and go for *Hajj*, provided all other conditions of *istita'ah* are also met.
5. If someone does not have a house of his own but owns other property, e.g. a piece of land; if he sells that land with the intention to buy a house, and if after selling the land he still needs more money in order to buy the house, commensurate to his status in the society, he cannot be considered *mustati'*, even though he now has sufficient money to cover the *Hajj* expenses.
6. When the due time for *Hajj* arrives, the *mustati'* cannot dispense with his status of *istita'ah*, and before this time, based on *ihtiyat wajib* he should not dispense with his status of *istita'ah*.
7. If a person who himself is not *mustati'*, enters into a hiring contract to perform *Hajj* on behalf

of some other person, but before going for *Hajj* this person acquires *istita'ah* himself through means other than the sum of the contract, he should cancel the contract of deputation and perform his own obligation of *Hajjat-ul-Islam*. A person who is *mustati'* himself but has not performed his own *Hajjat-ul-Islam* cannot be deputed to perform *Hajj* on behalf of somebody else; and if he does so, that *Hajj* is null and void.

8. Attendants of a *Hajj* caravan whose job is to serve the pilgrims, would become *mustati'* after arriving in Jeddah, if while serving the *Hajj* pilgrims, they can also perform all the *Hajj* rites and rituals, provided they also meet all other conditions of *istita'ah*; for instance should have actual or potential means of earning a proper living upon return. The *Hajj* so performed by these caravan attendants is considered *Hajjat-ul-Islam*, which means that this fulfils their compulsory obligation of performing *Hajj* once in a lifetime. If, however, a caravan attendant does not meet the required conditions of *istita'ah*, his *Hajj* will be considered *istihbabi* (*mustahab*), and he will need to perform his obligatory *Hajj*, later in life, whenever he acquires *istita'ah*.
9. It is incumbent upon the doctors, nurses, technicians and other such staffs, who come to *Miqat* on duty, and who meet all the conditions

of *istita'ah*, to perform their obligation of *Hajj*, while side by side carrying out their professional duties.

10. One, who has financial capability and meets other conditions of *istita'ah*, should go to perform the obligatory *Hajjat-ul-Islam*. Performing other good deeds, such as visiting the holy sites or building mosques can never be a substitute for the compulsory obligation of *Hajj*.
11. If during the obligatory *Hajj*, a *mustati'* makes the intention (*niyyat*) of *istihbab* out of negligence, or due to the assumption that he has not attained *istita'ah*, or even consciously and wilfully with the aim to practice the *Hajj* rituals this year, in order to perform the obligatory *Hajj* better in the following year, the fulfilment of obligatory *Hajj* under such circumstances will remain doubtful, and therefore as a matter of *ihtiyat*, he should perform *Hajj* again next year.
12. If a *mustati'* passes away after putting on the *ihram* and entering the Sacred Mosque, his compulsory *Hajj* obligation is fulfilled.
13. If a deceased was *mustati'* in his lifetime and deliberately delayed the obligatory *Hajj*, it is the responsibility of his heirs to perform a *Hajj-e-Miqaati* on his behalf from whatever assets he has left behind.

14. Someone who meets all the conditions of *istita'ah* for *Hajj*, but is not able to perform it, e.g., due to old age or an incurable disease, the obligation remains. If such a person is unable to go for *Hajj* himself, he should depute somebody to perform *Hajj* on his behalf.
15. A wife does not require permission from her husband to perform obligatory *Hajj*, if she has become *mustati'*. She should go for her obligatory *Hajj* even if her husband does not approve, or is not happy with her decision to undertake *Hajj* journey.

## Some Questions Related To Istita'ah:

**Question 1:** Suppose a person becomes ill in Madinah and is hospitalised there for two weeks. If after discharge from the hospital, he still feels quite weak and finds it difficult to go to Makkah to perform *Hajj* rites, what is his duty?

**Answer:** If it is the first year of *istita'ah* and the person lacks the strength, to carry out the *Hajj* rites, the status of *istita'ah* will become null and void; and the *Hajj* will not remain obligatory anymore that year. If however, it is not the first year of *istita'ah* and *Hajj* was already incumbent on him during previous years; and there is no hope of his regaining health, then a substitute should carry out the rites of *Umrah* and *Hajj-e-Tamattu'* on his behalf.

**Question 2:** At present, those who want to perform the *Hajj* are required to pay and register their names in advance, in order for the organizers to make necessary arrangements. If for example, it takes several years for a person's turn to come, and before that he finds some other means to go for *Hajj*, but for that he needs to borrow money. Will such a pilgrimage be considered as the obligatory *Hajjat-ul-Islam*?

**Answer:** If *Hajj* has not already become incumbent on him and he cannot presently go for *Hajj* without borrowing money, *Hajj* is presently not an obligation

on him. Therefore such a pilgrimage cannot be rendered as the obligatory *Hajjat-ul-Islam*.

**Question 3:** I went for *Hajj* after borrowing money and also taking one month's advance salary from my employer. The person who lent the money was in full agreement with my plan to go for *Hajj*. Would my *Hajj* be regarded as the obligatory *Hajjat-ul-Islam*?

**Answer:** If your financial *istita'ah* met the required conditions, your *Hajj* was correct and deemed obligatory, provided that you can easily repay your debt later on. But if your financial status did not make you *mustati'* and you borrowed money just to be able to meet the *Hajj* expenses, this does not establish your *istita'ah* for *Hajj*; and therefore your *Hajj* cannot be considered as the obligatory *Hajjat-ul-Islam*.

**Question 4:** I have registered mine and my spouse's name with the *Hajj* and Pilgrimage Organisation. Allah willing, if we qualify in the draw we will be going for *Hajj* in the coming years. My present circumstances are as under:

- (a) I am a school teacher and lead an ordinary but contended life.
- (b) I do not own a house nor have a transport vehicle of my own. I live in a rented house.
- (c) I own ordinary household appliances.

Considering my present circumstances, doubts have been raised by my friends, regarding our *Hajj* obligation. Would our *Hajj* meet the conditions necessary for obligatory *Hajjat-ul-Islam*?

**Answer:** If your spouse has enough money of her own to meet the *Hajj* expenses, she would be considered *mustati'*. As regards your *istita'ah* for *Hajj*, you would be considered *mustati* only when you have enough wealth to own appropriate household appliances, according to your social status, and if upon return, you have provision to earn a living for yourself and your family.

**Question 5:** If a person was *mustati'* but did not register himself for *Hajj* with the concerned authorities, and as a result lost the chance out of his own negligence. Now that the names are no longer being registered officially, would it be permissible for him to perform *Hajj* by way of connections and influence that he has inside or outside the country, but by spending huge amount of money? This is the only option available to him at present, or otherwise fulfilling this obligation would be delayed for years and he fears that Allah forbid, he would be considered as one who has forsaken *Hajj*.

**Answer:** He should go for *Hajj* by whatever rightful means possible, provided it does not violate the regulations of the country he is residing in, and it does not put him in extraordinary difficulties.

**Question 6:** Someone who becomes *mustati'* for the first time, registers himself for *Hajj* with the authorities, but before he could go for *Hajj* faces financial problems and needs the money he had deposited with the bank (for registering his name). Can he now withdraw the money or not? Would it make any difference if his turn comes in the first year or in subsequent years?

**Answer:** Based on this assumption, he is not *mustati'* and can withdraw his money. Therefore it would not make any difference even if his name qualifies in the draw the very first year. *Hajj* will only be obligatory on him in the following years if he fulfils the conditions for *istita'ah*.

**Question 7:** A person, who had departed to perform the obligatory *Hajj*, fell ill in Madinah, continued his journey to Makkah in that condition and passed away in a hospital in Makkah without performing *Hajj*. At the time of his death, his entire property consisted of some money and a piece of land. Given the fact that the money he left is not enough to perform *Hajj* on his behalf, should his heirs sell the land and hire someone to fulfil his *Hajj* obligation, or would the obligation of *Hajj* no longer be due upon his death?

**Answer:** The answer to this question depends upon whether or not he arrived in Makkah with the *ihram* of *Umrah-e-Tamattu'*. If he came to Makkah with the *ihram* of *Umrah-e-Tamattu'* and died before completing the *Hajj* rites, whatever he has performed

will be accepted and the obligation of *Hajj* would be removed from him. But if he entered Makkah without the *ihram* of *Umrah* and passed away there, what needs to be seen is, whether it was his first year of *istita'ah* or *Hajj* was incumbent upon him since previous years. If he had acquired *istita'ah* the same year, becoming sick and not remaining capable of performing *Hajj*, removed his *istita'ah*; and therefore *Hajj* was no longer an obligation on him. But if *Hajj* was incumbent upon him, since previous years, the obligation remains on him; and in this case a substitute should be hired from what he has left behind, to perform *Hajj* on his behalf. A *Hajj-e-Miqaati* would suffice in such a case.

**Question 8:** At times organisations send a staff member for *Hajj* without asking him to do anything in return. Would such a *Hajj* be regarded as *Hajj-e-Badhli* (gifted hajj) and should it be necessarily accepted?

**Answer:** There is no problem in accepting such an offer, provided it is legitimate. It would be regarded as *Hajj-e-Badhli*, if there is no commitment to do anything in return.

**Question 9:** A person has four sons, all are married. All of them are jointly living a comfortable life, can meet their annual expenses and have no debts. However, they are making their living jointly from the same source of income. Their present financial status allows them to meet the *Hajj* expenses of only

two of them. Is *Hajj* obligatory in this case? If so, is it only incumbent upon the father, or on the sons as well? If *Hajj* is also incumbent upon the sons, who amongst them be given priority to perform it? How to decide the status of financial *istita'ah* of each individual in this situation?

**Answer:** One who has enough property to meet his *Hajj* expenses, should go to Makkah, and upon return can afford a living, which befits him, is *mustati'* and should perform the *Hajj*.

**Question 10:** I am 72 years old and have financial *istita'ah* for performing *Hajj*. I have been prevented to undertake *Hajj* journey by the Health ministry in accordance with domestic laws, as I am addicted to opium. What is to be done from the viewpoint of *Shariya* in my case?

**Answer:** If you were previously *mustati'*, but did not perform *Hajj*, you shoulder the obligation of *Hajj*. You should therefore acquire the required medical assistance to come out of opiate dependance, obtain the required permit from the concerned authorities and go for *Hajj*. But if you did not have *istita'ah* previously, you are not *mustati'* under the present conditions, until you take measures to abandon opium addiction and come out of its dependence.

**Question 11:** If a person owns certain property, and by selling part of it can lead a comfortable life, as

well as meet *Hajj* expenses. Would he be considered *mustati'*?

**Answer:** If all the other conditions of *istita'ah* are also met with, such a person will be deemed *mustati'*.

**Question 12:** A person has an orchard which has not brought him any income for several years but which, if sold, would cover his *Hajj* expenses. He is sure that by the time the orchard bears fruit, he would be old and retired and would be dependent on it for his living. Would such a person be *mustati'*?

**Answer:** If he does not have any source of income other than the orchard, he is not considered *mustati'*.

**Question 13:** In the case of debt, how much money should one possess to acquire *istita'ah*? In case he has the required money to pay the debt and meet *Hajj* expenses, but he suffers from cardiac ailment and physicians at the *Hajj* and Pilgrimage Organisation render his journey dangerous from a health point of view, should he arrange for a substitute to perform *Hajj* on his behalf?

**Answer:** A person acquires financial *istita'ah* only when he has enough wealth to repay the debt, undertake the *Hajj* expenses and has provision and means to make his living upon return from *Hajj* journey.

If someone attains financial *istita'ah* and does not go for *Hajj* out of negligence; if he later becomes ill and his illness prevents him to undertake *Hajj* journey, he shoulders the compulsory obligation of *Hajj*. If such a person cannot go for *Hajj* himself, he should arrange for a substitute to perform *Hajj* on his behalf. However, if a person becomes ill before he attained financial *istita'ah* and his illness prevents him to undertake *Hajj* journey, he is not considered *mustati'*, and therefore he need not arrange a substitute to perform *Hajj* on his behalf.



## **5. FINANCIAL RESPONSIBILITIES TOWARDS ONE'S PARENTS, WIFE & CHILDREN**



Allah (S.W.T.) describes the functional limitations of men and women in the Holy Quran as follows:

الرجال قوامون على النساء بما فضل الله بعضهم على بعض  
وبما أنفقوا من أموالهم فالصالحات قانتات حافظات للغيب بما  
حفظ الله واللاتي يخافون نشوزهن فعضوهن واهجروهن في  
المضاجع واضربوهن فإن أطعنكم فلا تبغوا عليهن سبيلا إن  
الله كان عليا كبيرا

*“Men are the protectors and maintainers of women, because Allah has made one of them excel the other, and because they spend (to support them) from their means. Therefore the righteous women are devoutly obedient (to Allah and their husbands) and guard in the husband’s absence, what Allah orders them to guard (i.e., their chastity and their husband’s property). As to those women, on whose part you see ill-conduct, admonish them (first), (next) refuse to share their beds, (and lastly) beat them (lightly, if it is useful); but if they return to obedience, seek not against them means (of annoyance). Surely, Allah is Ever Most High, Most Great.” (4:34)*

According to the teachings of Islam, man is the head of the family and bread earner, although others may also earn. He has been given the strength to earn whereas women have been granted the spirit to take care of their husbands and children.

Islam emphasizes on the family system. It lays stress on the training of all the family members in such a way that a strong bond is created amongst them and each member comes to help the other, whenever need be, although they may be living in separate houses.

Allah has made man responsible to provide for the maintenance of his parents, wives and children. Islamic shariya has laid down a complete set of rules with regard to the handling of financial matters of one's dependents. It is incumbent upon man to provide for all the material and spiritual needs of his dependents, till the time they are able to manage themselves. In the case of wife however, this duty is till she remains wife and obeys her husband in special matters of marriage.

### **Children:**

It is the responsibility of a father to provide all the needs of his children, till the time they become capable of managing their affairs themselves.

Education, being a necessity, should be provided by the father. If children have enough financial resources of their own, father can utilise these for their upbringing. Similarly, the responsibility of providing medical assistance whenever required also lies with the father. Sports activities, *halal* entertainment like outings, picnics etc., as it is considered an important part of training and development, should be provided by the father.

The standard of all academic, training and recreational facilities, however, will depend upon the family background and one's status in the society, and thus may vary in different societies.

### **Parents:**

If there is more than one son, then the responsibility of maintaining the parents lies on the shoulders of all equally. The eldest son has been given by the shariya an extra duty of performing *Qaza Salat* & Fast after the death of the father. However, all children have a choice to participate in this duty if they wish so. In case of mother, all the children should participate to perform the leftover *Qaza* obligations on her behalf, out of their own free will.

After the death of one's parents, the burial expenses may be deducted from their estate, but all other management issues are the joint responsibilities of children.

If a father or a son cannot afford to bear the expenses acquired to maintain his dependants he can request for *zakaat* to meet these expenses.

### **Wife:**

Islam has not placed any responsibility of earning livelihood on females, as they are supposed to perform a much more important duty of taking care of husband and upbringing of children, in a peaceful surrounding. It is husband's duty to try and maintain

the standard of life that the wife enjoyed before marriage.

It is husband's responsibility to provide all the necessities, regardless of her own financial or material status. If a husband does not take care of the needs of his wife, she can complain to Hakim e Shariya, but she cannot refuse to fulfil the special needs of her husband, upto a certain limit.

It is not a compulsion for the wife to maintain and clean her husband's house, and again it is the husband's responsibility to make necessary arrangements for this, like provision of a maid or servant. However, it is highly recommended that a lady should take care of the house of her husband, and she shall be rewarded heavily for this. According to the Holy Prophet (S.A.W.W.), any lady who takes care of her husband's house and keeps it clean, will get a special place in heaven.

Likewise, it is not compulsory for a lady to breastfeed her child, but she has the option to do so if she wishes. A wife has the right to ask her husband for compensation to breastfeed their child. And if she asks for payment, the husband is bound to pay for this service. However the husband (father of the child) also has the right to refuse, to find someone else to nurse his child at lower rates.

In case she refuses to perform this duty it is the responsibility of the father of the child to make alternative arrangements for this, as it is his duty to provide proper nourishment to his children.

The provision of appropriate clothing as per society's standards and weather requirements, perfumes and cosmetics, necessary health and recreational facilities like gym, outings, etc., are all responsibility of the husband. All this has to be provided according to the standard that the wife was enjoying before marriage. However, this does not mean that a lady coming from a lower socio-economic background who is not used to luxurious standards of living at her parent's house, after marriage can pressurize and ask her husband to provide high standard living facilities as per husband's standard. It is highly recommended that if a lady coming from an affluent family and was used to luxurious standards of living, after marriage finds that her husband cannot provide her a lifestyle at par with her parent's standards, should try and compromise with lower standards. This attitude would not only give good results in her domestic life in this world but also pay her fruits in the life hereafter.

Although man has the permission of marrying four women at a time, it is necessary that he ensures and fulfils the rights of all his wives in a just manner, according to their standards of living. This is clearly stated in the Quran in the following verse:

*".....then marry such women, as seen good to you—two, three or four. But if you fear that you will not do justice between your wives, then marry only one...." (4:3)*

Like food, clothing, shelter, health and recreational facilities, transport is also an essential necessity of life. It is the husband's responsibility to arrange appropriate transport for all necessary outings for his wife. Again, this should be according to the standard of living that she was enjoying at her parents house.

A lady in *Muta* (temporary marriage contract) has no right by default. That is to say that she does not have the rights that a lady in permanent marriage enjoys. However, she has all the right to make prior conditions at the time of pronouncement of *muta* contract.

*Hajj, ziaraat, nazr* etc., if becomes *wajib* on a lady shall not be the responsibility of the husband, although it is *thawab* to pay for such expenses.

If a husband does not provide maintenance to his wife, she can draw her expenses from his property without asking his permission. And if this is not possible, she has every right to take her case to the Hakim-e-Shariya, who would compel the husband to pay the maintenance. Besides, if in such a situation a wife is compelled to earn her livelihood to maintain herself, it will not be obligatory upon her to obey her husband, while she is engaged in earning.

While concluding this chapter I would like to emphasize that all the above rules have been framed for the sake of securing the rights of each other. Islam wants that the relation between husband and wife should develop on the basis of love and affection for

each other as emphasized by Allah (S.W.T.) in the Holy Quran:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا  
إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ  
يَتَفَكَّرُونَ

*“And among His signs is that He has created for you spouses from among yourselves, so that you may live in tranquillity with them; and He has created love and mercy between you. Verily in that are signs for those who ponder”. (30:21)*



## **6. SPECIAL SHARE IN OUR EARNINGS FOR THE NEEDY**



Allah (S.W.T.) praises some virtues of the true followers of Islam in the Holy Quran, in the following words:

*“Surely those who guard (against evil), shall be in Gardens and Fountains” (51:15)*

*“They shall be taking whatever their Lord gives them; surely before that (day), they were doers of good.” (51:16)*

*“They used to sleep little in the night”. (51:17)*

*“And in the morning (before the time of salaate fajr) they used to ask for forgiveness”. (51:18)*

*“And in their property, is a right for the one who begs, and the one who is denied (materially in his daily life needs).” (51:19)*

Allama Tabatabai says in his *tafseer*<sup>[1]</sup> that, this right in the property of Momineen does not include *Zakaat* or other defined financial responsibilities; rather it is a special share for the needy, that is decided by the person himself, and is distributed on a daily, weekly or monthly basis.

According to Allama Tabatabai, this is also a compulsory duty. The only difference is that, Allah has left the decision regarding its amount and the frequency of its payment on the believers themselves, unlike *Zakaat & Khums* --- the responsibilities which are fully defined in *shari'a*.

---

[1] Al Mizan vol. 20, page 22

I would now quote a few traditions from the famous book *Al-Kafi*, just to make the readers more clearly understand the importance of this very much neglected financial responsibility.

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ  
 بْنِ مِهْرَانَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ إِنَّ اللَّهَ عَزَّ وَ جَلَّ فَرَضَ لِلْفُقَرَاءِ فِي  
 أَمْوَالِ الْأَغْنِيَاءِ فَرِيضَةً لَا يُحْمَدُونَ إِلَّا بِأَدَائِهَا وَ هِيَ الزَّكَاةُ بِهَا حَقُّوا  
 دِمَاءَهُمْ وَ بِهَا سُمُّوا مُسْلِمِينَ وَ لَكِنَّ اللَّهَ عَزَّ وَ جَلَّ فَرَضَ فِي أَمْوَالِ  
 الْأَغْنِيَاءِ حُقُوقًا غَيْرَ الزَّكَاةِ فَقَالَ عَزَّ وَ جَلَّ وَ الَّذِينَ فِي أَمْوَالِهِمْ حَقٌّ  
 مَعْلُومٌ فَالْحَقُّ الْمَعْلُومُ مِنْ غَيْرِ الزَّكَاةِ وَ هُوَ شَيْءٌ يَفْرِضُهُ الرَّجُلُ عَلَى  
 نَفْسِهِ فِي مَالِهِ يَجِبُ عَلَيْهِ أَنْ يَفْرِضَهُ عَلَى قَدْرِ طَاقَتِهِ وَ سَعَةِ مَالِهِ  
 فَيُؤَدِّي الَّذِي فَرَضَ عَلَى نَفْسِهِ إِنْ شَاءَ فِي كُلِّ يَوْمٍ وَ إِنْ شَاءَ فِي كُلِّ  
 جُمُعَةٍ وَ إِنْ شَاءَ فِي كُلِّ شَهْرٍ وَ قَدْ قَالَ اللَّهُ عَزَّ وَ جَلَّ أَيْضًا أَقْرَضُوا  
 اللَّهَ قَرْضًا حَسَنًا وَ هَذَا غَيْرُ الزَّكَاةِ وَ قَدْ قَالَ اللَّهُ عَزَّ وَ جَلَّ أَيْضًا  
 يُنْفِقُوا مِمَّا رَزَقْنَاهُمْ سِرًّا وَ عَلَانِيَةً وَ الْمَاعُونَ أَيْضًا وَ هُوَ الْقَرْضُ  
 يُقْرِضُهُ وَ الْمَتَاعُ يُعِيرُهُ وَ الْمَعْرُوفُ يَصْنَعُهُ وَ مِمَّا فَرَضَ اللَّهُ عَزَّ وَ جَلَّ  
 أَيْضًا فِي الْمَالِ مِنْ غَيْرِ الزَّكَاةِ قَوْلُهُ عَزَّ وَ جَلَّ الَّذِينَ يَصِلُونَ مَا أَمَرَ  
 اللَّهُ بِهِ أَنْ يُوصَلَ وَ مَنْ أَدَّى مَا فَرَضَ اللَّهُ عَلَيْهِ فَقَدْ قَضَى مَا عَلَيْهِ وَ  
 أَدَّى شُكْرَ مَا أَنْعَمَ اللَّهُ عَلَيْهِ فِي مَالِهِ إِذَا هُوَ حَمَدَهُ مَا أَنْعَمَ اللَّهُ عَلَيْهِ  
 فِيهِ مِمَّا فَضَّلَهُ بِهِ مِنَ السَّعَةِ عَلَى غَيْرِهِ وَ لِمَا وَفَّقَهُ لِإِدَاءِ مَا فَرَضَ اللَّهُ  
 عَزَّ وَ جَلَّ عَلَيْهِ وَ أَعَانَهُ عَلَيْهِ

**Hadith no. 8:** A person asks Imam (A.S.) to explain what does the above quoted verse of Holy Quran mean? Whether it is the same as *Zakaat*, which is an obligation on every follower, or something other than this?

Imam Jaffer al Sadiq (A.S.) replied:

“Allah (S.W.T.) has allocated a portion for the needy in the property of those who have more than enough for their livelihood. The follower shall not be praised by Allah (S.W.T.), unless he gives away this share. This is what is called *Zakaat*. When a Muslim pays it, his life is spared and he is labeled as a ‘Muslim’.

But, apart from this compulsory *Zakaat*, Allah (S.W.T.) has kept another part in the wealth of true followers. He says in Quran:

*“And in their property, is a right for the one who begs, and the one who is denied (materially in his daily life needs).”*

This right is the one that a true follower makes compulsory on him for seeking Allah’s (S.W.T.) pleasure. He takes this out from his wealth according to his affordability and pays it either on a daily, weekly (e.g. every Friday), or monthly basis.....”

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ فَصَّالَةَ بْنِ أَيُّوبَ  
عَنْ أَبِي الْمَعْرَاءِ عَنْ أَبِي بَصِيرٍ قَالَ كُنَّا عِنْدَ أَبِي عَبْدِ اللَّهِ ع وَ مَعَنَا

بَعْضُ أَصْحَابِ الْأَمْوَالِ فَذَكَرُوا الزَّكَاةَ فَقَالَ أَبُو عَبْدِ اللَّهِ ع إِنَّ الزَّكَاةَ لَيْسَ يُحْمَدُ بِهَا صَاحِبُهَا وَ إِنَّمَا هُوَ شَيْءٌ ظَاهِرٌ إِنَّمَا حَقَّنَ بِهَا دَمَهُ وَ سَمَّى بِهَا مُسْلِمًا وَ لَوْ لَمْ يُؤَدِّهَا لَمْ تُقْبَلْ لَهُ صَلَاةٌ وَ إِنِّ عَلَيْكُمْ فِي أَمْوَالِكُمْ غَيْرَ الزَّكَاةِ فَقُلْتُ أَصْلَحَكَ اللَّهُ وَ مَا عَلَيْنَا فِي أَمْوَالِنَا غَيْرُ الزَّكَاةِ فَقَالَ سُبْحَانَ اللَّهِ أَمَا تَسْمَعُ اللَّهُ عَزَّ وَ جَلَّ يَقُولُ فِي كِتَابِهِ وَ الَّذِينَ فِي أَمْوَالِهِمْ حَقٌّ مَعْلُومٌ. لِلسَّائِلِ وَ الْمَحْرُومِ قَالَ قُلْتُ مَا ذَا الْحَقِّ الْمَعْلُومِ الَّذِي عَلَيْنَا قَالَ هُوَ الشَّيْءُ يَعْمَلُهُ الرَّجُلُ فِي مَالِهِ يُعْطِيهِ فِي الْيَوْمِ أَوْ فِي الْجُمُعَةِ أَوْ فِي الشَّهْرِ قَلَّ أَوْ كَثُرَ غَيْرَ أَنَّهُ يَدُومُ عَلَيْهِ وَ قَوْلُهُ عَزَّ وَ جَلَّ وَ يَمْنَعُونَ الْمَاعُونَ قَالَ هُوَ الْقَرْضُ يَقْرِضُهُ وَ الْمَعْرُوفُ يَصْطَنَعُهُ وَ مَتَاعُ الْبَيْتِ يُعِيرُهُ وَ مِنْهُ الزَّكَاةُ فَقُلْتُ لَهُ إِنِّ لَنَا جِيرَانًا إِذَا أَعْرَنَاهُمْ مَتَاعًا كَسَرُوهُ وَ أَفْسَدُوهُ فَعَلَيْنَا جُنَاحٌ إِنِّ نَمْنَعُهُمْ فَقَالَ لَا لَيْسَ عَلَيْكُمْ جُنَاحٌ إِنِّ تَمْنَعُوهُمْ إِذَا كَانُوا كَذَلِكَ قَالَ قُلْتُ لَهُ وَ يُطْعَمُونَ الطَّعَامَ عَلَى حُبِّهِ مَسْكِينًا وَ يَتِيمًا وَ أَسِيرًا قَالَ لَيْسَ مِنَ الزَّكَاةِ قُلْتُ قَوْلُهُ عَزَّ وَ جَلَّ الَّذِينَ يُنْفِقُونَ أَمْوَالَهُمْ بِاللَّيْلِ وَ النَّهَارِ سِرًّا وَ عَلَانِيَةً قَالَ لَيْسَ مِنَ الزَّكَاةِ قَالَ فَقُلْتُ قَوْلُهُ عَزَّ وَ جَلَّ إِنِّ تُبْدُوا الصَّدَقَاتِ فَنِعَمًا هِيَ وَ إِنِّ تُخْفُوهَا وَ تُؤْتُوهَا الْفُقَرَاءَ فَهُوَ خَيْرٌ لَكُمْ قَالَ لَيْسَ مِنَ الزَّكَاةِ وَ صَلَاتِكَ قَرَابَتِكَ لَيْسَ مِنَ الزَّكَاةِ

**Hadith no. 9:** “Abu Baseer says that once I was with Imam Jaffer al Sadiq (A.S.) at a place where some Momineen with good financial background were also

present. Suddenly, discussion started on *Zakaat*. Imam (A.S.) said:

“If someone pays *Zakaat*, he has just fulfilled his financial responsibility, but there is nothing to praise him for. If he fulfills this duty, his blood will be spared and the person will be called a Muslim. And if he does not pay this, his *salaat* will not be accepted. Beware! You people have on your shoulder, a financial responsibility other than *Zakaat*”.

Abu Baseer says, I asked Imam (A.S.) to explain what other financial responsibility do we have to fulfill?

Imam (A.S.) replied:

“Have you not heard the verse of Quran:

*“And in their property, is a known right for the one who begs, and the one who is denied (materially in his daily life needs)”.*

Abu Baseer again asked: What is that known right in our wealth? Imam (A.S.) replied:

“It is the amount that a true momin pays from his wealth, out of his own wish, either daily or weekly (on Fridays) or monthly, be it less or more, but he makes sure that it is paid on a regular basis.....”

**Hadith no. 10:** “While Imam Jaffer al Sadiq (A.S.) was explaining the verse of Holy Quran:

*“And in their property is a known right for the one who begs and the one who is denied (materially in his daily life needs)”*

Someone asked Imam (A.S.), is it other than the obligatory *Zakaat*? Imam (A.S.) replied:

Yes! (it is other than the obligatory *zakaat*)  
When Allah (S.W.T.) gives wealth to someone, that person takes out a thousand, or two thousand, or three thousand, or less or more; and gives it to his relatives, or tries to help the needy in the community.<sup>[1]</sup>

It is clear from the above Quranic verse and the traditions from *Masumeen* (A.S.), that a true follower has a financial responsibility other than *Zakaat*, the amount and the timings for payment of which have been left at the discretion of the *momin* himself. It may be given to one's poor relatives or to those who face problems in meeting their ends, despite working hard for it. This is actually a special test by Allah (S.W.T.) to judge a *momin*, how much does he willingly give away to seek His pleasure, when given a choice.

May Allah (S.W.T.) give us courage to score high in this test of our wealth. It is quite clear that this charity is neither included in compulsory *Zakaat*, nor in *Sadaqah*.

---

[1] Al-Kafi, vol. 3 page 499.

## **7. SADAQAH**

### **(INSURANCE WITH ALLAH)**



In the Islamic culture Sadaqah means any thing that is given in the way of Allah (S.W.T.) in order to seek his pleasure, Sadaqah is directly accepted by Allah (S.W.T.) and has a very positive effect in one's life.

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلِّ عَلَيْهِمْ  
إِنَّ صَلَاتَكَ سَكَنٌ لَهُمْ وَاللَّهُ سَمِيعٌ عَلِيمٌ

*“Accept charity out of their wealth; you will cleanse and purify them by means of it. Pray for them; your prayers will mean relief for them. Allah is Alert, Aware.” (9:103)*

أَلَمْ يَعْلَمُوا أَنَّ اللَّهَ هُوَ يَقْبَلُ التَّوْبَةَ عَنْ عِبَادِهِ وَيَأْخُذُ  
الصَّدَقَاتِ وَأَنَّ اللَّهَ هُوَ التَّوَّابُ الرَّحِيمُ

*“Do they not know that it is Allah who receives Repentance from His servants and accepts such acts of charity, and that Allah is the Oft-returning (to mercy), the Merciful?” (9:104)*

How many bread earners strive hard from morning till evening, and at the end of the day return back to their families only to find that they failed to fulfil their needs? How many mothers feel so hurt and pained when they compare the poor condition of their children with other children of the society? How many Eids and other celebrations round the year do the orphans witness others celebrating but their wish

to have good food or new clothes remains buried deep in their hearts? How many capable youth have had their dreams and hopes crushed because of the non availability of funds to continue higher education. How many parents have not been able to save their children from the pangs of death simply because they didn't have funds to procure the required medical assistance for the cure of their illnesses?

It is always the generous people of a society, who inspire hopes in the hearts of this unfortunate class in their hard times. The people who secretly give charity, such that their left hands do not know of the generosity of their right hands, are the saviours of millions of poor people who roam about in the streets, and are on the increase, as witnessed daily. Such people are providing a partial solution to the difficulties of thousands of people; and at the same time are reaping rewards from Allah in this world and the hereafter, as revealed by Him in the Holy Qur'an:

لَا خَيْرَ فِي كَثِيرٍ مِّنْ نَّجْوَاهُمْ إِلَّا مَنْ أَمَرَ بِصَدَقَةٍ أَوْ مَعْرُوفٍ  
أَوْ إِصْلَاحٍ بَيْنَ النَّاسِ وَمَن يَفْعَلْ ذَلِكَ ابْتِغَاءَ مَرْضَاتِ اللَّهِ  
فَسَوْفَ نُؤْتِيهِ أَجْرًا عَظِيمًا

*“There is no good in much of their intrigue except with someone who calls for charity, decency or reconciliation among people; We shall give a splendid wage to anyone who does that in pursuit of God’s approval”.  
(Surah al-Nisa, verse 114)*

## **Sadaqah:**

As earlier mentioned, *Sadaqah* in general means any good action performed for the sake of happiness of Allah (S.W.T.). Thus, removing a stone from the way, or planting a tree for the sake of good environment, or building a bridge for the benefit of people in general, or visiting a sick person etc., these are all counted as *Sadaqah*.

## **Sadaqah Eliminates Evil, Disasters, Sickness & Unfortunate Incidences!**

The Holy Prophet Muhammad (S.A.W.W.) has said that:

*“An act of charity shields one from seventy types of ill fated deaths”.*

Imam Jaffer Sadiq (A.S.) says that:

*“An act of charity given openly prevents seventy types of mishaps, whereas a secretly given charity cools the anger of our Lord Allah (s.w.t)”.* <sup>[1]</sup>

It is also been narrated in the same book that the Holy Prophet (S.A.W.W.) said that:

*“Allah says that the time when angel of death is asked to remove the soul of a person, if he/she gives sadaqah at that moment, Allah orders the angel to hold his death”.*

---

[1] (Al Bihar Vol 62 Pge 269)

Imam Jaffer Sadiq (A.S.) says that:

*“An act of charity shields us from seventy evils of this world including an ill fated death. One who gives sadaqah never meets an ill fated death”.* <sup>[1]</sup>

Thus, when one gives sadaqah, Allah out of His mercy changes his/her fate. He says in the Holy Qur'an that:

يَمْحُو اللَّهُ مَا يَشَاءُ وَيُثَبِّتُ وَعِنْدَهُ أُمُّ الْكِتَابِ

*“Allah erases and consolidates whatever He wishes He retains the Mother of the Book”.*  
(13:39)

I shall now quote a few incidences from genuine and reliable sources to visualize the above effects of charity in real life scenarios.

---

[1] (Bihar Al-Anwaar)

## **Disaster Will Not Reach His Garden!**

Sheikh Ahmed Mujtahidi says:

“There was a time when many grape gardens in a village in a place called *Shahriyaar*, in Iran, were afflicted with disease, which caused extensive damage to the fruit. There was a man who owned a garden in the same village, who on hearing the news was sure that his garden was in a good state. When that man was asked how he could be so sure about this, he answered that he always takes out *Zakaat* (Islamic Tax) due on his property and regularly gives away *Sadaqah*. And this was a guarantee for the safety of his property from disasters.

When people went to his gardens in *Shariyaar* to investigate the truth of his claim, they found it to be the only garden which had not been affected with the disease.”<sup>[1]</sup>

## **Sadaqah Removes Illness!**

The author of the book *Najafiyat*, Sheikh Ali Dakheel narrates that “Al Haj Abdul Hussein Abu Reeha narrated to him that, Al Haj Rasheed Roomaani who was a Syrian businessman, once became extremely sick. His family had surrounded him in despair and was crying for him. The sick man asked the family if they wished him to be well. They admitted eagerly, that this was their heart’s desire. He asked them to give all the food and grains stored in

---

[1] (Jazaa Al Aamal Page 37)

the house as *sadaqah* to the poor. Shortly after that he recovered and is then said to have lived up to the age of 130 years”.<sup>[1]</sup>

Indeed the Holy Prophet Muhammad (S.A.W.W.) says:

*“Cure your sickness with charity”.*

### **Sadaqah increases sustenance and protects wealth**

Allah (S.W.T.) has devised a set of rules for cause and effect. He has connected a cause for every effect to take place. For example, the person who uses good methods in planting his crops, will get a good harvest or the person who has healthy eating and drinking habit, generally enjoys good health.

In the same way Allah has linked spiritual and metaphysical causes to spiritual results. Allah states that the person, who is good to his relatives, will have an increase in his life span. He has also said that giving charity (*Sadaqah*), removes evil. We the human beings often wonder how the cause and effect is connected, and what is the wisdom behind the various incidences in life? Some causes and effects are easy to explain and the wisdom behind them is easily understood, while others are difficult to clarify. Islam stresses that giving charity (*Sadaqah*) increases sustenance. Here are a few traditions that explain this fact.

---

[1] (Najafiat Page 117)

The Holy Prophet (S.A.W.W.) says:

*“Attract sustenance by giving charity”.*<sup>[1]</sup>

Imam Jaffer Sadiq (A.S.) says:

*“Allah helps a person, equal in quantity to the charity that he gives”.*<sup>[2]</sup>

Imam Jaffer Sadiq (A.S.) says that:

*“Everything has a key, and the key to sustenance is charity”.*<sup>[3]</sup>

Below are some real life events which will illustrate these facts:

### **Effects of Charity:**

A famous scholar, Sheikh Muhammed Hadi Al Amini narrates that, while his father was studying in Najaf, Iraq, once he came back to his hometown, Tabriz, to see his relatives and friends.

Sheikh Amini's father didn't see an old acquaintance of his, who used to be a poor and needy person. When he inquired about him, he was told by the people, that the person he was asking about, was a rich man and no longer poor. Sheikh Amini's father went to visit him.

He asked his friend out of his curiosity that how was he able to bring such a drastic change in his status? The man replied that he was financially ruined

---

[1] (Bihar Vol 74 Page 392)

[2] (Bihar Vol 76 Page 311)

[3] (Bihar Vol 47 Page 38)

to the extent that, he had to sell some of his very basic properties, like furniture etc., to procure some money to start a small business. When he was on his way back home, after receiving money acquired from this sale, he saw on the way a poor lady crying. The man trying to console her asked her problems. She explained that she was a widow and did not have anything to feed her hungry orphans. The man felt pity and realized that she needed the money more than he himself did. He therefore gave the whole amount to her, and returned home bare handed, to spend another night depressed and worried for his family.

The next morning, surprisingly he was summoned to the house of a rich man, who had six thousand bags of rice, which he feared were on the verge of expiry. The rich man offered him to buy that rice at a low price as a loan from him. The poor man decided to accept the offer and was very soon able to sell some of the rice bags. He then bought more from him and was able to make a very good profit within a short span of time. Soon he became rich and was leading a comfortable life. <sup>[1]</sup>

Indeed the Quran says:

مَنْ ذَا الَّذِي يُقْرِضُ اللَّهَ قَرْضًا حَسَنًا فَيُضَاعِفَهُ لَهُ أَضْعَافًا كَثِيرَةً  
وَاللَّهُ يَقْبِضُ وَيَبْسُطُ وَإِلَيْهِ تُرْجَعُونَ

*“The person, who lends to Allah a goodly lending, will receive many times more”. (2:245)*

---

[1] (Najafiat Page 217)

## Sadaqah According to One's Means:

Sheikh Abdul Azim Al Muhtadi Al Bahraani in his book '*Qasas wal Khawatir*' narrates that once a beloved friend of his came and asked for some money. Though Sheikh didn't have anything to offer him, yet he asked his friend to see him at a certain venue, so that he would give away the little that he possessed. While the Sheikh was waiting for his friend, he came across a verse of Quran which says;

لِيُنْفِقْ ذُو سَعَةٍ مِّن سَعَتِهِ وَمَن قَدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا  
آتَاهُ اللَّهُ لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا مَا آتَاهَا سَيَجْعَلُ اللَّهُ بَعْدَ  
عُسْرٍ يُسْرًا

*“That a person should give charity according to his means, and that Allah doesn't burden a person more than his affordability; and surely after difficulties there is ease”. (65:7)*

The Sheikh realized that, the verse was describing his position with respect to his friend, since he didn't have much to offer and would be able to give him a very small amount. He took out the envelope containing the little he had, and started writing the above verse of Quran over it. As soon as he finished writing, his friend arrived and very happily said that his problem has been solved and he does not need assistance from him anymore. What happened was that soon after the Sheikh had promised

to give him something, he was assisted by somebody else.<sup>[1]</sup>

The *recommended sadaqah* is the one which may be given at any time, and has lots of effect in one's daily life. According to Imam Jaffer Al-Sadiq (A.S.) *sadaqah* drives away more than 70 problems and difficulties in one's daily life. *Sadaqah* is highly recommended to be given in the following situations:

- i) For the cure of one's sickness.
- ii) Daily *sadaqah* for safety.
- iii) At the time of burial and first night in the grave.
- iv) At the time of starting a new gesture (house/business etc).
- v) On the beginning of every Islamic month.
- vi) During the month of Holy *Ramadhan* and especially in *Lailatul Qadr*.
- vii) During *Hajj* and in *Haram*.
- viii) Before starting a journey.
- ix) On every happy occasion.
- x) At the time of difficulties in one's life.

In short, it is recommended to give *sadaqah* and perform *sajadah*, whenever possible. This is one of the signs of *Emaan* within a Muslim. Needless to say, that all these recommended types of *sadaqah* come after the obligatory and compulsory types, discussed earlier in this book.

---

[1] (Qasas Wal Khawatir Page 280)

### **Distribution of Mustahab Sadaqah:**

It is highly recommended to give such *sadaqah* first to close relatives, then to *white collar momineen*, and then to others.



## **8. KAFFARA**

**(RELIGIOUS FINE)**



There are specific situations when religion imposes a fine on people, so that they refrain from disobeying Allah (S.W.T.). This fine is called *kaffara*.

Some of the fines imposed are as follows;

**a) *Kaffara* For Intentionally Breaking Compulsory Fast:**

Both *qadha* and *Kaffara* become obligatory, if the following acts are committed intentionally and voluntarily i.e. without any force or pressure, during the fasts of Ramadhan:

- (i) Eating
- (ii) Drinking
- (iii) Sexual Intercourse
- (iv) Masturbation
- (v) Staying in the state of *Janabat* till the time of *Fajr* prayers (specific conditions apply).
- (vi) The recommended precaution is that, intentionally or voluntarily invalidating the obligatory fast of Ramadhan, due to reasons other than those mentioned above, should also be recompensed with *kaffara*, besides the obligatory *qadha*.

If a person commits any of the above acts with an absolute certainty that it does not invalidate the fast, *kaffara* will not be obligatory on him.

The *kaffara* for not performing, breaking or invalidating the obligatory fast of Ramadhan is as under:

(a) *free a slave*,

or

(b) *fast for two months*

or

(c) *feed sixty poor to their full* or give one *mudd* (3/4kg.) of eatable like, wheat or barley, bread etc. to 60 poor people.

If it is not possible for a person to fulfil any of the above, he should give *Sadaqah* according to his means and affordability, and seek Divine forgiveness. And as an obligatory precaution, if later in life he becomes capable of giving *kaffara*, he should give that as well.

When a person is required to feed sixty poor as *kaffara* for one fast, if he has access to the required number of people, he cannot give to any one of them more than one *mudd* of food, or feed a poor man more than once, for one fast. However, he can give to a poor person one *mudd* of food for each member of his family, even if they may be minors, for each fast.

If a person performing *qadha* for a left over fast of Ramadhan, intentionally breaks his fast after *Zuhr*, he should give as *kaffara*, one *mudd* of wheat or other food each to ten poor persons. If he cannot do this, he is required to observe fast for three days.

### **b) *Kaffara* for Wrong Actions of *Hajj*:**

While performing *Hajj*, if a *Haji* performs an act which is *haram* while one is in a state of *ihram* (*muhrim*), he is required to pay a fine or *kaffara* in order to validate his *Hajj*. The details of all such acts and their *kaffara* that Shariya has imposed can be seen in the books written on the laws of *Hajj* (*Ihkam-e-Hajj*).

### **c) *Kaffara* for Intentionally Breaking the Oath (*Qasam e Shara'ee*), Vow (*nazr*) or Contract with Allah:**

These terms are commonly used interchangeably in the society. They are not synonymous and each has a different meaning and different application from the point of Islamic *fiqh*.

i) *Qasam-e-shara'ee* (Oath) means to pledge or to take an oath by the name of Allah (S.W.T.), that one would do something that is permitted in Islam, or would abstain from performing an act, for instance would leave off some bad habit.

ii) *Nazar* (Vow) means just to make an intention of doing something good (e.g. offering charity daily, or to jog or perform physical exercise daily, or to take out sometime for one's wife and children everyday, etc.) or abstaining from something bad (e.g. smoking cigarette, or eating gutka, or using bad language, etc.) to seek Allah's (S.W.T.) pleasure.

iii) ***Ahd e shara'ee*** (Contract) is a contract done with Allah (S.W.T.) for performing a good act or leaving a bad habit.

If a person undertakes a *qasam-e-shara'ee* or makes a *nazar*, that he/she will perform an act (e.g. that he will fast) or will refrain from doing an act (e.g. that he will not smoke), but then does not intentionally fulfil his *qasam* or *nazr*, he has to give *kaffara* for breaking his oath or vow. The *kaffara* for this is either to set free a slave, or feed ten poverty-stricken persons, or provide them with clothes. If one is not able to carryout these acts, he should fast for three consecutive days.

In case of breaking the *Ahd e Shara'ee* (contract with Allah, S.W.T.), one is required to pay one of the fines or *kaffara* mentioned earlier for intentionally breaking the obligatory fast of Ramadhan-ul-Mubarak.

## **9. FIDYAH**

### **(ALTERNATIVE TAX)**



Allah (S.W.T.) has emphasised a lot on *ibadat* like *salat* and fasting. If a person leaves them intentionally shall be punished in life hereafter. But with all these strictness we observe that due to His kindness He has excused from fasting all those who really cannot do it, like old people or pregnant or nursing mother or sick person. This shows how practice and logical Islam is.

So, one who is sick and cannot fast in the holy month of Ramadhan ul Mubarak, should give one *mudd* or 750gms. of wheat or any other eatable, to a needy momin. This is known as *fidyah*.

Similarly if a pregnant lady or a feeding mother, does not fast because she fears that fasting will harm the foetus, or that the reduced amount of milk as a result of fasting will make the child sick, then she should also pay *fidyah*.

- Fasting is not obligatory on a person who cannot fast because of old age, or for whom fasting causes extreme hardships. In the latter case however, one should give one *mudd* of wheat or other eatable to a poor person in lieu of every fast.
- If a person who did not fast during the month of Ramadhan owing to old age but becomes capable of fasting later, he should as a recommended precaution, perform the *qadha* fast.
- Fasting is not obligatory on a person who suffers from a disease which causes excessive

thirst, making it unbearable. It is not obligatory on a person if fasting causes extreme hardships in his life. However in the latter case he should give one *mudd* of wheat or other eatable in lieu of every missed fast. As a recommended precaution, such a person should not drink water in a quantity more than essential. And if later in life he recovers from this disease and is able to fast, then as a recommended precaution, he should perform *qadha* for the fasts that he missed.

- Fasting is not obligatory on a woman in pregnancy, if it is considered harmful for her or for the child that she is carrying. However, she should give one *mudd* of wheat or other eatable to a poor for every fast that she missed. In both the cases, she is bound to do *qadha* for the fasts that are left out.
- If a woman is breastfeeding a child, whether as a mother or as a nurse, and the quantity of milk that is produced gets reduced as a result of fasting, and this is considered harmful for the child, fasting is not obligatory for her. In this situation she should give one *mudd* of wheat or other eatable to a poor person in lieu of every left out fast. In both these cases, she should also later do *qadha* for the left out fasts. But as an obligatory precaution, this rule is specifically applicable in a situation where there is no other option of feeding milk to the child. If for example more than one woman is

available to breastfeed the child, then establishing this rule is a matter of *Ishkal*.

Here I would like to quote some questions and answers related to the *kaffara* and *fidyah* for not fasting (intentionally or unintentionally), so that things become clear.

**Question 1:** A woman could not fast during the month of Ramadhan due to pregnancy. She knew that after delivery she must perform *qadha* for the days that she missed her obligatory fasts before the next Ramadhan. But she did not fast after delivery, intentionally or otherwise, for several years. Does she have to pay *kaffara* for that year only or is she required to pay for all the years she delayed fasting?

**Answer:** The *fidyah* for delaying the *qadha*, even if it is for several years, is required only once. It is one *mudd* (750 grams) of wheat or other eatable for each day missed, and is required only if the *qadha* was delayed until next Ramadhan, without any legitimate excuse. If one had a valid excuse for the delay which precluded her to perform her obligatory *qadha* fasts, no *fidyah* is required.

**Question 2:** A woman could not fast due to illness during Ramadhan ul Mubarak. Her illness continued and she could not perform their *qadha* until the next Ramadhan ul Mubarak. Does she or her husband have to pay *kaffara*?

**Answer:** In this case, *fidyah* which is a *mudd* of wheat or other eatable for each left over fast has to be given by her, and not her husband.

**Question 3:** Is it sufficient to give a needy person the money to buy one *mudd* (750 grams) of wheat or other eatable instead of giving him the eatable itself?

**Answer:** If you are sure that the needy person receiving the money will buy the eatable on your behalf, and then take it as *kaffara*, there is no problem.

**Question 4:** A person is appointed as an incharge to manage the distribution of food amongst the poor, on behalf of the people in the society who shoulder the obligation of *fidyah* and *kaffara*. Can such a person draw his wage for the work or his labour for cooking etc. from the *kaffara* money he was entrusted with?

**Answer:** The wages for this work and the labour for cooking cannot be paid from the *kaffara* or *fidyah* money and this needs to be arranged separately.

# **10. DIYYAT**

## **(BLOOD MONEY)**



If someone injures or kills a person or a specific type of dog (the details of which are mentioned in the books of Islamic laws), he is required to pay blood money to him (if he lives), or the relatives in case of his death. This blood money is called “*Diyyat*” in terms of *fiqh*.

### **a) *Diyyat* for Killing a Person:**

Killings have been divided in Islamic Shariya into three types, based on the intention and instrument used for it:

- i) **Intentional killing:** where a person kills somebody with a weapon like pistol, knife, poison etc. In this case the killer has to be executed, once confirmed by the Hakim-e-Shariya.
- ii) **Unintentional killing:** where the killer does not intend to kill, but somebody dies due to his action, e.g. a person simply pushes somebody on the floor and he dies as a result of head injury. In this case he should pay the blood money and he is also required to pay *Kaffara*, the details of which is to follow.
- iii) **Semi-intentional:** the killer uses an instrument which is meant for killing but does not actually intend to kill, and the person dies. In this case he has to pay the blood money, once proven in the presence of Hakim-e-Shariya.

The blood money is one of the following, the right of finalization of which lies with the Hakim-e-Shariya.

For killing males:

- i) 1000 dinar = 4250gms of pure gold  
(1dinar = 4.25gms).
- ii) 10000 dirhams = 29700gms of pure silver  
(1 dirham =2.97gms).
- iii) 1000 goats.
- iv) 100 camels.
- v) 200 rolls of special type of cloth.

For killing a female, half of the above applies.

### **b) *Diyyat* for Injuring a Person:**

Depending upon the type, location and depth of injury, the Hakim-e-Shariya shall decide the amount as per Islamic laws.

### **c) *Diyyat* for Chopping Off or Making Invalid a Limb, or a Part of Body:**

Just like above, different amounts have been fixed for cutting off different parts of the body or making them invalid. Please refer to books on Islamic laws for details.

### **d) *Diyyat* for Abortion of Foetus (Baby in the Womb of Mother):**

It is *haraam* (forbidden) to undertake any sort of measures to abort a foetus in normal circumstances, but if an embryo (primitive child in mother's womb) is deliberately aborted, the following amount has to be paid as *diyyat*:

a	Fertilization stage:	85gms. of pure gold.
b	Blood clot stage:	170gms. of pure gold.
c	Bone development stage:	425gms. pure gold.
d	Entrance of soul stage & onwards:	4250gms pure gold.

**Note:** In case of females, all this shall be half of a male.

### **Payment of *Diyyat*:**

The person who is directly or indirectly involved in abortion is responsible for the payment. This amount is to be distributed among the inheritors of the aborted child, except the one who is responsible for abortion. It should be clearly understood that the payment of blood money does not mean that the sin committed by the person has been excused. Killing of a human being is one of the major sins, which cannot be pardoned without Allah's mercy.

### **e) *Diyyat* for Making a Person Insane:**

This is equivalent to killing, and therefore complete blood money as explained above, should be paid. In this case it is the responsibility of the father or grand father (*wali*) of a person, if alive, to take care of the amount paid for him. In case he has no *wali*, then Hakim-e-Shariya will nominate a person to take care of him and his property.

### **f) *Diyyat* for Beating a Person:**

Different fines have been prescribed by shariya. Depending upon the effect of beating for details please refer to the books of Islamic laws.

### **g) *Diyyat* for Killing any of the following types of dogs:**

- i) The dog meant for guarding one's property.
- ii) The dog guarding one's farm.
- iii) The dog used as a guard for other animals.
- iv) The dog used for hunting.

Incase a person kills any of the above dogs, he should pay its full price to the owner, except in a situation where he killed the dog to save his or someone else's life.

# **11. RADD-E-MAZALIM**

## **(COMPENSATION FOR INJUSTICE DONE)**



*Radd-e-Mazalim* means to compensate for the injustice done to somebody. It applies where a person does some sort of injustice to someone, or for example takes away his belongings or property without his consent, and later realizes his sin or mistake. Following scenarios can be considered in such cases:

- a) He knows the person and also remembers the amount unjustifiably taken or still has the thing taken away, at his disposal. In this case the remedy is simple and that is to return it to the owner without losing any more time.
- b) He knows the person but does not remember the amount, or the thing taken away does not exist any more. In this situation he should try and reach an understanding with the owner, and the amount so fixed should be paid to him.
- c) He knows the amount, or the thing taken away is still with him, but does not know the owner or is not aware of his whereabouts, and there is no way to locate him. In this case the matter should be referred to Hakim e Shariya and resolved as per his decision.
- d) He neither knows the person nor remembers the amount, but is sure that he shoulders responsibility in this regard. Here again the matter should be referred to Hakim e Shariya and resolved according to his decision.

*Radd-e-Mazalim* usually applies in situations where a person uses someone else's property and later realizes that he did so without the owner's permission, or where a person unintentionally causes damage to someone else's property. It also has its application in the field of healthcare, where at times a doctor or a nurse unintentionally commits a mistake which brings damaging effect to the patient, or results in his/her death. In such situations, it is the responsibility of the concerned doctor/nurse to reach a conclusion, pay *radd-e-mazalim* and relieve & save oneself from the wrath of unintentional injustice, that he/she has done to the patient.

According to Ayatullah al-uzma Syed Ali Sistani:

“If a person receives an amount on his deposits or securities or a prize from Muslim governments, he should pay 50% of the amount received as *radd-e-mazalim*. In this case rest shall be *halal* for him”.

## **12. LOST & FOUND THINGS**



It is the responsibility of every Muslim to take care of the property of all those living in a society. If someone finds a property lying some where and feels that it will be lost, destroyed or misused, then he should take that thing in his custody. If he comes to know the owner, he should return it to him.

### **Rules of Lost Property When Found:**

The rulings related to lost and found items are detailed as follows:

- If a person finds a property worth less than a dirham whose owner is known to him; if he is not sure whether the owner would feel happy about it, he cannot take that thing without his (i.e. the owner's) permission. But if its owner is not known, the person who finds, should as an obligatory precaution, pick that thing up and give it away as *Sadaqah* on behalf of the unknown owner. If later, the owner is found and in case he does not approve the *Sadaqah* given on his behalf, a replacement should be given to him.
- If a person finds something worth a dirham or more, which bears a sign by which its owner can be located, whether he be a Muslim, or a non-Muslim whose property must be protected; he should make an announcement about its loss at a public place for a period of one year, from the day he finds that thing. He may also ask some other reliable person to make the announcement, on his behalf.

- If the owner of the lost property does not turn up in spite of announcement and one year lapses, following line of action is to be adopted:
  - i. If he has found that thing at a place other than the Haram of Makkah, he may retain it further, so as to return it to its owner in case he finds him, or he may give it as *Sadaqah* to the poor, on behalf of the owner. But as an obligatory precaution, he should not keep it for himself.
  - ii. If he has found that thing in the Haram, the obligatory precaution is that he should give it away as *Sadaqah* to the poor.
  - iii. If inspite of making announcement for the lost property for one year, the owner does not turn up, and the person continues to care for it on behalf of the unknown owner; if in the meantime it is lost, he will not be held responsible for the loss, if he has not been negligent about it. But if he gave it as *Sadaqah* on behalf of the owner, and later finds the owner, who does not approve the *Sadaqah*, he will have to give its replacement. The *thawab* for the *Sadaqah* would obviously go to the person who gives it.

- iv. If a person finds a property worth more than a dirham, and purposely does not make an announcement about its loss as required by the Shariya, he commits a sin. The obligation of making an announcement will remain on him till such time it is considered helpful in locating the owner of the lost property.
- v. If an insane person or a non Baligh child finds something which bears a sign by which its owner can be located, and that thing is worth one dirham or more, it is obligatory upon the guardian to make announcement for its loss, if he has taken its possession from the child or the insane. And if the owner is not located even after having announced for a year, he should act as above.
- vi. While a person is making announcement for the lost property, if during the year he loses all hopes of finding the owner, he may give it away as *Sadaqah* with the permission of the Mujtahid.
- vii. If during the year, while a person is making announcement for the lost property, he loses it because of negligence in caring for it, he will be held responsible for the loss and will need to replace it, while continuing to announce. But if the loss is not due to

negligence on his part it is not obligatory for him to replace.

- viii. If someone finds a property which bears a mark and is worth one dirham or more, from such a place that there is no hope at all of finding the owner by the above means, he may give it to the poor as *Sadaqah* on behalf of the owner on the very first day with the permission of the Mujtahid. In such a situation he need not wait till the end of the year.
- ix. If a person finds a thing and possesses it under the impression that it is his property, but later learns that it was not, he should act as outlined in the above rule.
- x. The announcement for the lost article should be made in a way that would draw the attention of the owner, if he hears about it. This may differ in different situations. For example, at times it may be sufficient to declare that an article has been found. At other times, it may be important to define the lost article, like saying that a gold item has been found. Still at other times, it may be necessary to further define and say that a gold earring has been found, and so on.

- xi. If a person finds an article and makes announcement for it as required by Shariya. If a clamant approaches him and after mentioning certain marks of identification, claims that the thing belongs to him, the former should handover that thing to him, if he is satisfied with his claim. In this regard it is not justified to expect him to mention those inconspicuous or not very obvious marks, of which most people and even the owner do not take notice.
- xii. If a person finds a thing worth one dirham or more and does not make an announcement about it as required by Shariya, instead leaves it in the mosque or some other public place, and then the thing is lost, the person who found the thing will be responsible.
- xiii. If a person finds something that is perishable, he should keep it for as long as it does not perish, and as an obligatory precaution announce its loss. If the owner does not turn up, as a precaution he should fix its value with the permission of the *Mujtahid* or his *Wakil*, sell it and keep the money with him. In the meantime, he should continue announcing till one year lapses. If the owner is not found until then, he should act as explained above.

- xiv. If a person finds something on the way that he keeps for himself and does not intend to return that thing to its owner; this act is a sin in itself. If such a person performs *Wudhu* and offers prayers, his *Wudhu* and *Salaat* do not become void because of his sinful act.
- xv. If a person by mistake puts on somebody else's pair of shoes considering them to be his, and later comes to know that the pair of shoes which is now with him, belongs to a certain person who would not mind if he took that person's shoes instead of his own, there is no problem in such a case. He can take them and can use them. The same rule applies when one understands that some unknown person has by mistake taken his shoes and left his own instead. However in this case the value of shoes left behind must not exceed the value of his own shoes; otherwise the difference of the price shall be given to Hakim-e-Shariyah. In situations other than the two mentioned herein, the shoes will be considered as articles of unknown ownership.
- xvi. If a person has some property of 'unknown ownership', which cannot be classified as lost, he is allowed to use it in a manner that would be agreeable to the owner, provided that he is sure that

the owner will have no objection in principle. Otherwise, he must try to find the owner, and continue doing so for as long as he thinks there is hope of finding him. And when he is unable to locate him, he should, with the permission of *Mujtahid*, give it away as *Sadaqah* to the poor. In case the owner later turns up but refuses to approve the *Sadaqah* which was given on his behalf, he must give him a replacement, as a precaution.



# **13. MEERATH**

**(Islamic inheritance)**

# **&**

# **WASIYYAH**

**(Islamic Will)**

**By: Hujjat-ul-Islam wal Muslimeen  
Dr. Syed Mohammed Rizvi**



## 1. Is it Necessary to make a will?

None of the laws, neither secular, nor Islamic, consider making will a must. However by looking at the consequences of not having a will, especially in the west, it seems necessary to make one, from both legal as well as religious aspects.

Firstly, if a person dies without a will, the government appoints an executor whose job is to divide the estate amongst the heirs, according to the law of the land. The pay of the executor for this job also comes out of the deceased person's estate, and the government bureaucracy takes its time in getting things done. Secondly, from the *shariya* point of view, the heirs may get more or less than the shares specified for them in Islam. Therefore not writing a will, leaves the door open for a non-Islamic authority to distribute one's estate, according to the law of the land.

Therefore not making a will is costly as well as problematic from both secular as well as Islamic point of views. Considering the consequences, I am of the opinion that it is *wajib* especially for a Muslim in the West to have an Islamic will; more so when the law of the land allows one to do so.<sup>[1]</sup>

---

[1] Such a will, will be upheld by the law unless challenged by one's spouse or child; but in either case, he would have done his Islamic duty.

## 2. The One-Third Option:

After the person dies what is the relationship between him and his estate? There are three possibilities:

- ☺ He has full control over it through a will.
- ☹ He has partial control over it through a will.
- ☹ He has absolutely no control over it.

Islam has taken the middle position. It says when a person dies; he still retains the right to decide about up to  $1/3^{\text{rd}}$  of his entire estate. But as far as  $2/3^{\text{rd}}$  is concerned, the deceased person loses the right to dispose this part of his wealth according to his wish alone. The  $2/3^{\text{rd}}$  must be divided according to the shares specified by the *shariya* or as agreed by the inheritors. Most of these shares have been specified in the Quran itself. (See 4:11-12) This law is part of the overall Islamic system for distribution of wealth in the society.

The right of disposal of  $1/3^{\text{rd}}$  according to one's own wish can only be exercised by making a will. One can do whatever he likes with the  $1/3^{\text{rd}}$  e.g. give to a family member, a relative, a friend, a charitable cause or organization, etc. Thus one can use this  $1/3^{\text{rd}}$  or a part of it to make – if he wishes – the shares of his wife or his daughter equal to those of his other children. When Quran talks about *wasiyyat* which is normally translated as will, it refers to the will covering the  $1/3^{\text{rd}}$  only e.g. it says:

*“O you who believe! It is prescribed upon you that when death approaches one of you – if he leaves behind property – he should make a will (wasiyyat) for his parents and near relatives (in the 1/3<sup>rd</sup>). This is a duty upon the pious people”. (2:180)*

Writing more than 1/3<sup>rd</sup> to a person or a cause means depriving the potential heirs of their rightful share in the estate; and therefore it is considered unjust and wrong unless and until it is with the consent of the inheritors. The Quran says:

*“If a person fears that the testator is (wrongfully) inclined (to one party) or is sinning (by depriving the rightful heir in the will, and so that person intervenes between the testator and the potential heirs) and makes peace between them – then there is no sin upon him. Indeed Allah is Forgiving, Merciful”. (2:182)*

What has been described in this verse as wrongfully “inclining” to one party and “sinning” by depriving the rightful heir – is related to the 2/3<sup>rd</sup> part of the estate.

### 3. What is an “Estate”?

An “estate” is a collective name for everything that one owns at the time of his/her death.

Before distributing the estate amongst the heirs, the executor of the will has to pay off all the debts, legal as well as religious. (Religious debts mean the unpaid *khums*, *zakaat*, *kaffara*, and the *wajib hajj*). Even the *wajib* portion of the funeral expenses comes out of the estate before it is distributed amongst the heirs.<sup>[1]</sup>

Finally comes the time for distribution of the remaining estate amongst the heirs. The estate could consist of the followings:

- All properties, goods and investments that belongs the deceased, whether in his name or not.
- Half or the specified portion of the goods and investments that are in the name of the deceased.

The first type of property is very straight forward. The entire estate will be divided according to the will and the specified shares of the heirs.

But there are certain cases in the second type which need explanation:

---

[1] *Wajib* portion of funeral expenses means *kafan*, water for *ghusl*, rental of space for *ghusl*, coffin, grave, transportation and other similar charges. The memorial ceremonies (e.g. *fatiha*, *Quran khawani*, *khatm*, *majlis*, *nazr* etc.) are not *wajib*. The expenses of these latter activities will come out of the 1/3<sup>rd</sup>, provided the deceased made a will about them; otherwise, it is up to the heirs to arrange, if they wish, and pay for such activities.

### **Joint Account:**

According to the laws of most western countries, with the death of one spouse, the money becomes the property of the surviving spouse. Such a transfer of money is not valid in Islam. According to Islam half of the money in that account belongs to the surviving spouse while the other half will become the part of deceased's estate.

### **House:**

Houses are normally in the name of the couple. Such ownership can be of two types: common ownership and tenants in common. "Tenants in common" is also without any problem because when one spouse dies, his or her share becomes part of the estate.

But in "common ownership", there is a problem because with the death of one spouse, according to laws in western countries, the entire property becomes that of the surviving spouse. This is contrary to Islamic law which says that the surviving spouse gets his or her 50%, and the remaining 50% becomes part of the estate of the deceased. We will talk more about this below.

## 4. Who can Inherit?

After disbursing the one-third according to your will, your remaining estate is to be divided among the heirs mentioned in the Quran: the surviving spouse and blood relatives.

No one can prevent the spouse from inheriting his or her specified share from the estate of the deceased spouse. The share of the spouse has to be given out first before distributing the remaining among the blood relatives.

As for the blood relatives, they are of different degrees.

***First degree:*** your parents.

and your children.

your grandchildren qualify as “first degree relatives” only if both your parents and your child(ren) have predeceased you.

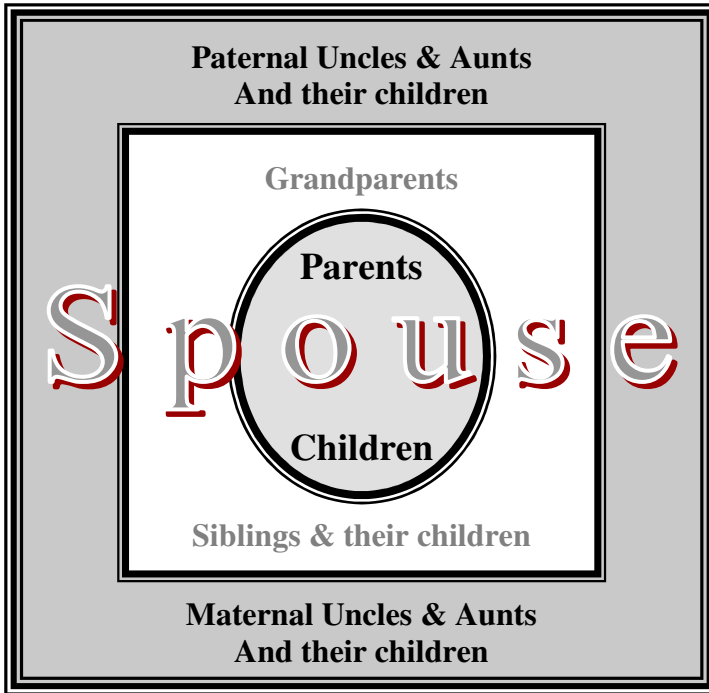
***Second degree:*** your grandparents.

and your siblings.

your nieces and nephews qualify as “second degree relatives” only if no one from your grandparents and your siblings are alive.

***Third degree:*** your uncles & aunts.

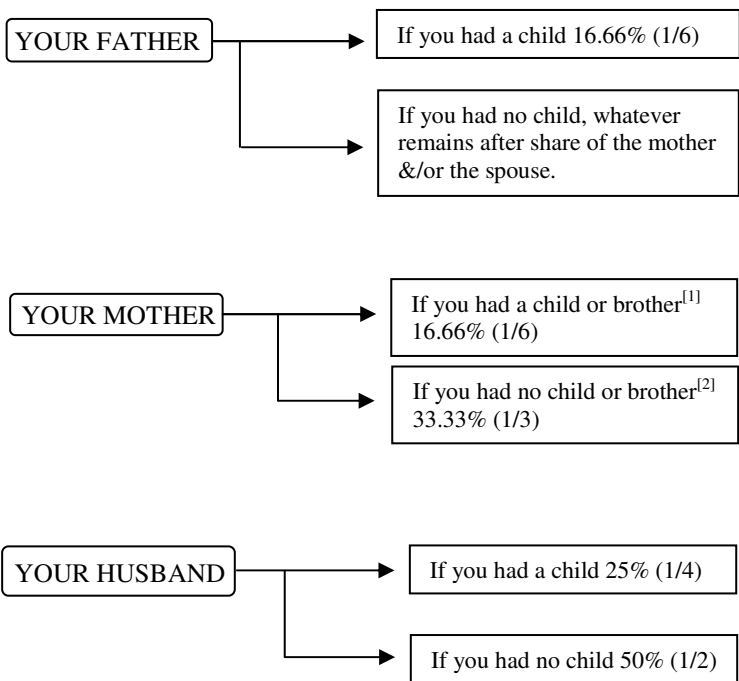
(In this manual, we shall be discussing the most common cases which cover the first degree relatives only.)



If anyone from your first degree relatives is alive, no other relatives from the second or third degree will get anything from your estate. See the diagram above: the persons in the inner circle will exclude those who are outside it; in their absence, the persons in the box will inherit and exclude those who are outside it. The spouse, however, will always get his or her share of the estate.

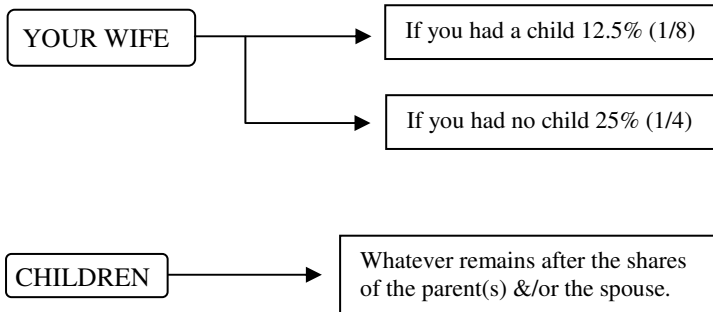
## 5. Basic Shares of the Most Common Heirs:

What you see below are the basic shares of your most common heirs. In these examples, you have been considered as the deceased and the relatives mentioned here are your heirs.



---

[1] [2] In presence of a parent or a child (or a grandchild), the brother of the deceased does not get anything. However, he affects the share of the mother: instead of  $1/3$ , it becomes  $1/6$ .



**Note:** A male child gets twice the share of a female child.

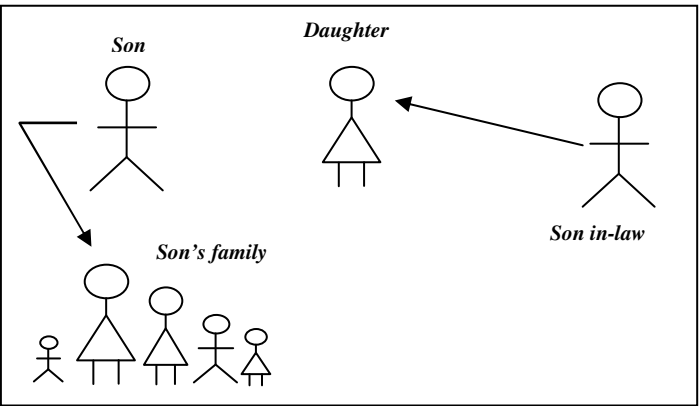
### **(a) Why a female child gets half of a male child's share?**

It is not a male versus female issue; it is not a sexual issue. If it were a sexist issue than why do we have cases in inheritance where females get the same percentage as their male counterparts. For example:

- If daughter is the only heir from the first group, then she inherits 100% and she excludes her grandparents and her uncles.
- A mother in most cases gets 1/6, the same share as that of a father.

So, why is there a difference? The difference in inheritance is based on economic responsibilities: those who have been given greater burden of responsibility have been given greater share in

inheritance. Rights are tied to responsibilities. See, for example, this diagram:



Another example of the inter-relation between responsibility and rights is the case of the mother: if parents are the only heirs and the mother has no other son to take care of her, then her share increases from 1/6 to 1/3.

**Objection:** What if the daughter's family is not rich or that she is a minor?

**Answer:** The one-third option has made the shariya laws quite flexible. If you think that your daughter needs extra help, then you can give upto one-third of your estate to her:

Son	Daughter
44.44	22.22 → out of the 2/3
<u>5.56</u>	<u>27.78</u> → use of the 1/3
50.00	50.00

### (b) Wife's Share:

The wife's share is  $\frac{1}{4}$  if the husband was childless or  $\frac{1}{8}$  if he had a child. This is basically because of two reasons: it is possible for a woman to marry again and her new husband will be responsible for her; or, if she does not want to marry again and has grown-up children, then they are religiously responsible for her maintenance.

However, even in this case, the one-third rule makes the shariya laws very flexible. Look at the following examples of a person who died leaving a wife, a son and a daughter as his heirs:

Shares			
	Wife	Son	Daughter
1 <sup>st</sup> example: out of 100%	12.5	58.34	29.16
2 <sup>nd</sup> example: with the 1/3 option in favour of wife	8.33	38.90	19.44
	33.33		
	41.66		

In the second example, the share of the wife was increased from 12.5% to 41.66% by using the one-third option.

## **6. Wife's Share in Real Estate:**

Since the share of the wife is somewhat complicated, I would like to explain a few points separately.

Firstly, as the definition of the “estate” shows, a house in reality jointly-owned by a couple is divided according to the shariya – into two: half becomes part of the estate of the deceased, and the other half of the property belongs to the surviving spouse.

Secondly, according to the shariya, the wife is not entitled to land of her husband (whether agriculture land or a residential lot): she only inherits the house on the land according to her proportional share in inheritance.

In common ownership case, the wife is the owner of 50% of the house and the land; the other 50% becomes part of her husband's estate from which she will inherit only 6.25% of the house. So in the end, the wife becomes the owner of 56.25% of the house and 50% of the land.

This creates practical problems: a house cannot be divided; if other heirs insist on their share in the house, then it has to be sold and the price divided accordingly; it is also difficult to assess the value of the land separate from the house, etc. Therefore, I suggest you do one of the following:

---

\*As at times it is done for some special reason, whereas the whole property belongs to one person only (Shabbir Maisami).

1. Either give the house to your wife during your life-time.

Whenever I mention this suggestion in seminars, I have been asked about the risk of losing the house if the marriage ends in divorce; or the risk of losing some share of it to the wife's parent(s) if she predeceases her husband.

In response to this, in my opinion, one should use the concept of "conditional gift" (*hiba mashruta*): the husband can gift the house to his wife with the condition "that this gift must be returned to the husband if the marriage ends in divorce or if the wife dies before the husband, the wife's inheritors shall fore go their share in that house (and wife should write it in her will and take the permission of her inheritors from before)."

2. Or, if the value of the 50% of the house plus the land is within the one-third of your entire estate, then write the entire house to your wife in your will. In this way, half of the house plus the land is her property from before and the other half will go to her on the strength of the 1/3 option in your will.
3. Or, if the value of the 50% of the land is more than the one-third of your estate, then discuss it with your other heirs (parents and children) and ask for their consent to write the entire house for your wife in the will. If they give the consent (which is irrevocable), then you can

write the house to your wife in the will even if it is more than her proportional share of inheritance.

## **7. Executor or Executrix:**

Appointing an executor or executrix is very important. This would prevent any ill feelings among the heirs when they argue or dispute, in absence of a written will, about who has the right to administer the distribution of the estate.

It is a normal practice to appoint your spouse or another family member as the executor of your will although an outsider (e.g., your lawyer, trustworthy friend, a trustworthy relative who does not inherit from you) would be emotionally and mentally in a better position to act as the executor. There is nothing wrong with this from the Islamic point of view. The only conditions which are necessary for an executor or an executrix is that he or she should be *baligh*, sane and Muslim. It is necessary for him or her to be *adil* (religiously upright person); trustworthiness would be a sufficient quality for an executor.

If you accept to be an executor for someone's will, then it becomes *wajib* for you to fulfill your duty. You can only reject this responsibility while the testator is alive; you cannot reject this role after his death.

## **8. Guardian of Children:**

If you have chosen to live in a non-Muslim country, it is very important to write in your will about the guardian and custodian of your children. Under normal circumstances, the surviving spouse is made the guardian, and this is indeed the best decision.

Here, for the sake of record, I would like to mention the conditions which must be found in the guardian of your children. The guardian must be a Muslim, sane and trustworthy. From the Islamic point of view, those who have the right of custody of children (in order of preference) are: father, mother, paternal grandfather; and then anyone specially appointed as the guardian of the children. However, the duty of providing for the children falls upon the following (in order of preference): father, paternal grandfather, mother and then other grandparents collectively (like maternal grandfather/mother).

The last person in this list of custodians can be from outside the family, but one must be very careful in selecting such a person. The most important condition is that he or she besides being trustworthy must also be a Muslim who will raise the children according to the teachings of Ahl-ul-Bait (A.S.). This is imperative in order to safe-guard our children from being taken over by the government agencies which assign foster homes for them according to their own standards and outlook.

## **9. Charts of 36 Most Common Cases:**

This section gives you the charts explaining the shares of heirs in 18 most common cases. For each case, we have given two charts: one shows you the shares of your heirs out of 100% of your estate (if you do not wish to exercise the 1/3 option), and the other shows you the shares of your heirs out of two-thirds of your estate (if you wish to exercise the one-third option).

Find the chart (from the list given below) that fits your situation and prepare your will according to the sample given in the next section.

### ***Spouse + Children as Heirs:***

1. Wife + Daughter + Son
2. Husband + Daughter + Son
3. Wife + Daughter + Sons
4. Husband + Daughter + Sons
5. Wife + Daughters + Son
6. Husband + Daughters + Son

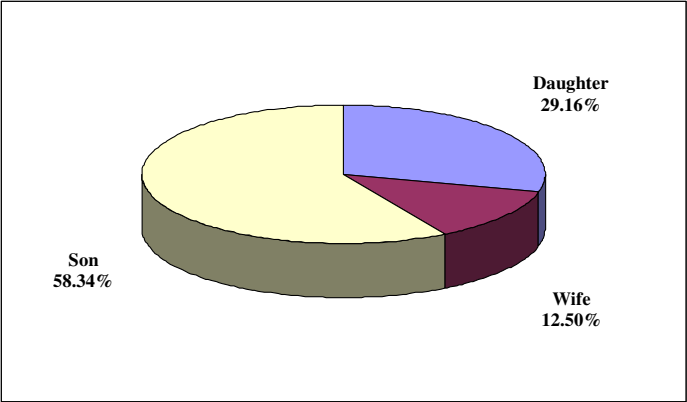
***1Parent + Spouse + Children as Heirs***

7. Parent + Wife + Daughter + Son
8. Parent + Husband + Daughter + Son
9. Parent + Wife + Daughter + Sons
10. Parent + Husband + Daughter + Sons
11. Parent + Wife + Daughters + Son
12. Parent + Husband + Daughters + Son

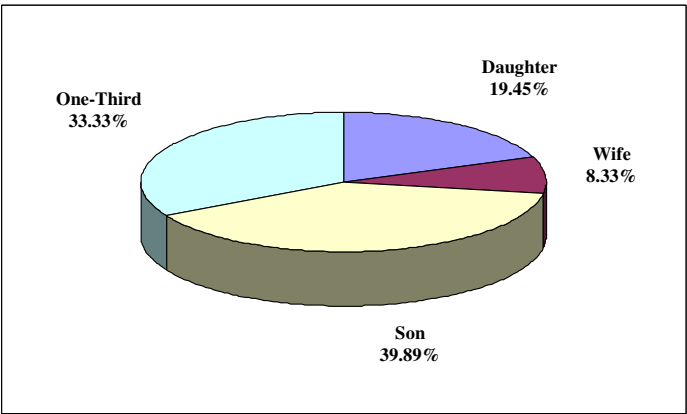
***Parents + Spouse + Children as Heirs***

13. Parents + Wife + Daughter + Son
14. Parents + Husband + Daughter + Son
15. Parents + Wife + Daughter + Sons
16. Parents + Husband + Daughter + Sons
17. Parents + Wife + Daughters + Son
18. Parents + Husband + Daughters + Son

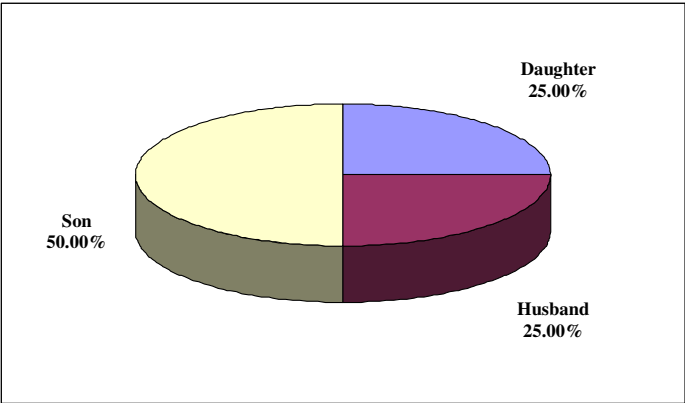
**1a.**  
**Wife & Son & Daughter**  
**(out of 100%)**



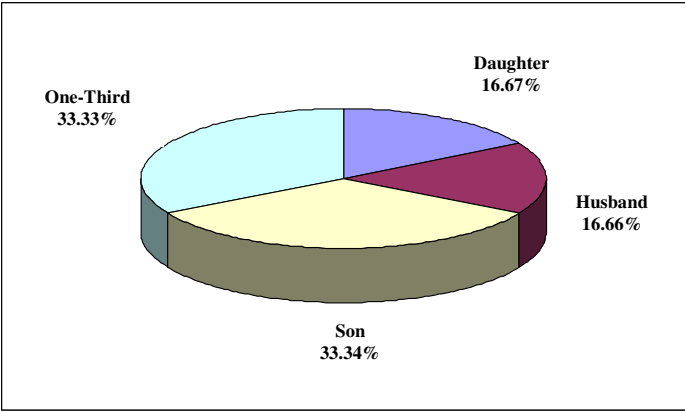
**1b.**  
**Wife & Son & Daughter**  
**(with the 1/3 option)**



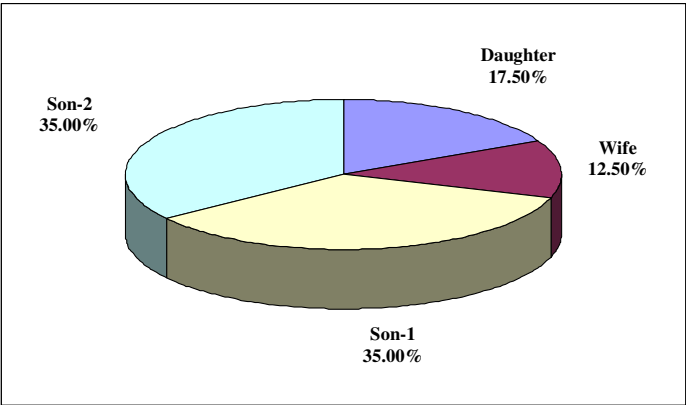
**2a.**  
**Husband & Son & Daughter**  
**(out of 100%)**



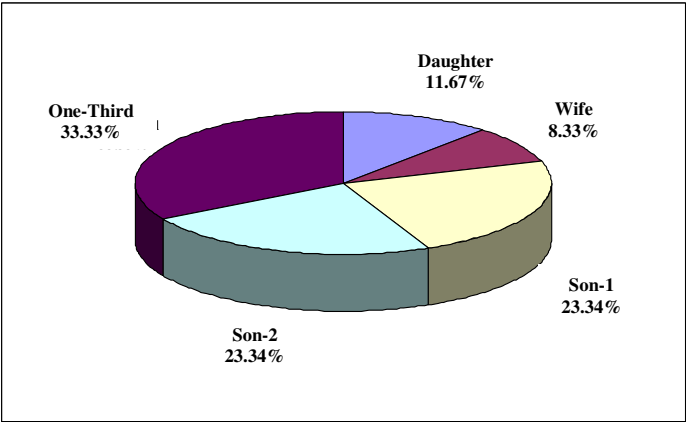
**2b.**  
**Husband & Son & Daughter**  
**(with the 1/3 option)**



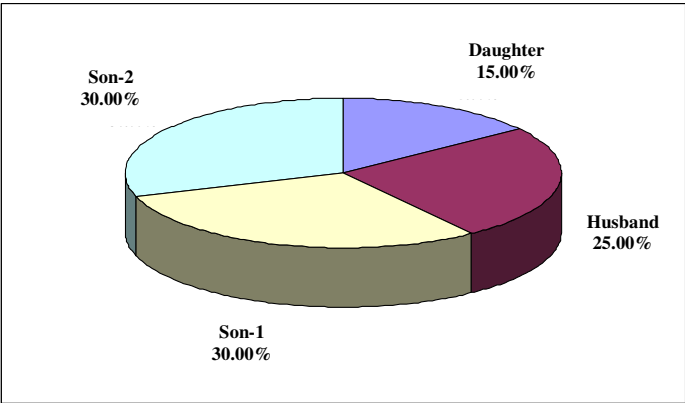
**3a.**  
**Wife & Sons & Daughter**  
**(out of 100%)**



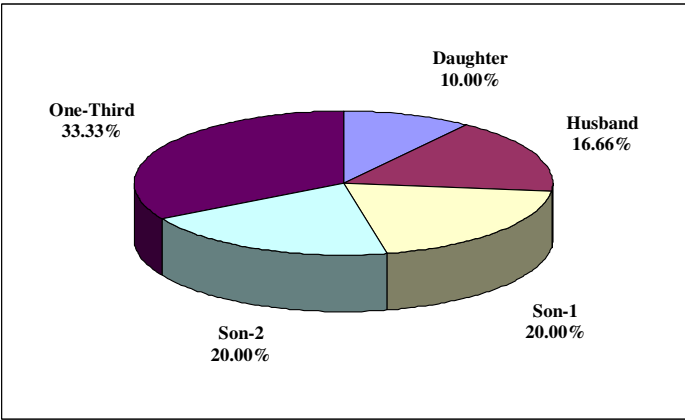
**3b.**  
**Wife & Sons & Daughter**  
**(with the 1/3 option)**



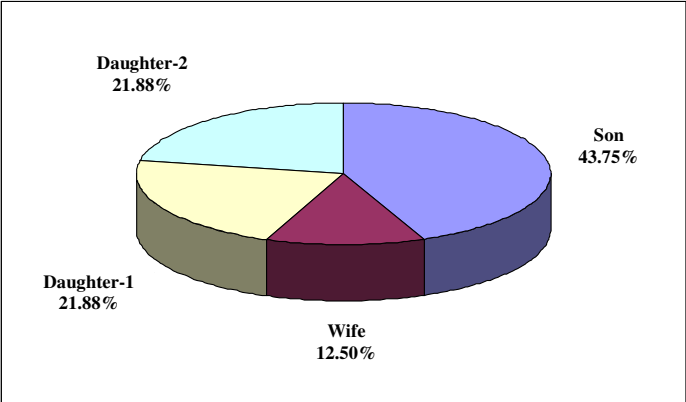
**4a.**  
**Husband & Sons & Daughter**  
**(out of 100%)**



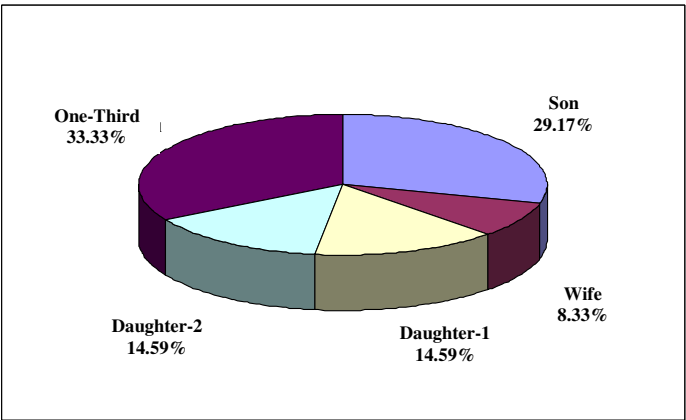
**4b.**  
**Husband & Sons & Daughter**  
**(with the 1/3 option)**



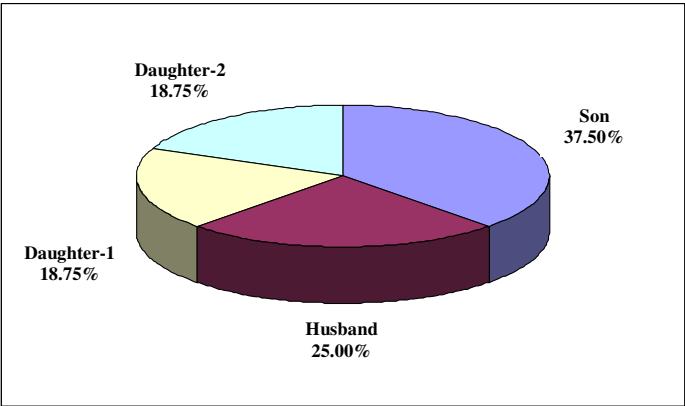
**5a.**  
**Wife & Son & Daughters**  
**(out of 100%)**



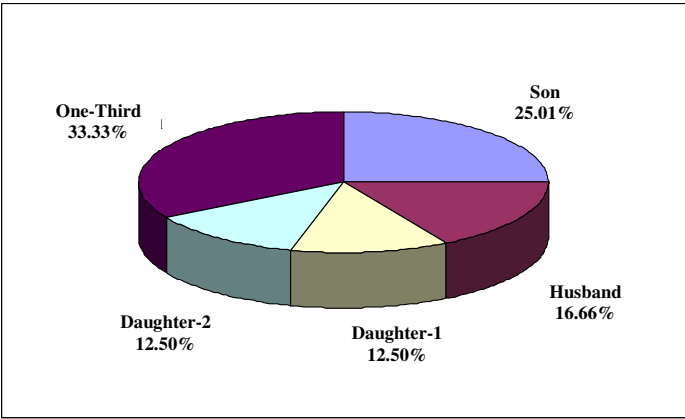
**5b.**  
**Wife & Son & Daughters**  
**(with the 1/3 option)**



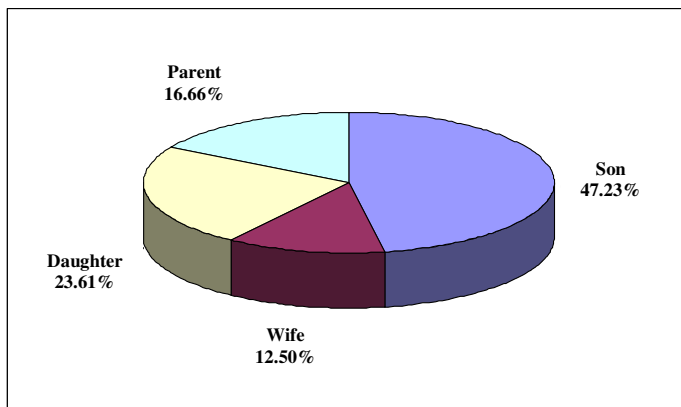
**6a.**  
**Husband & Son & Daughters**  
**(out of 100%)**



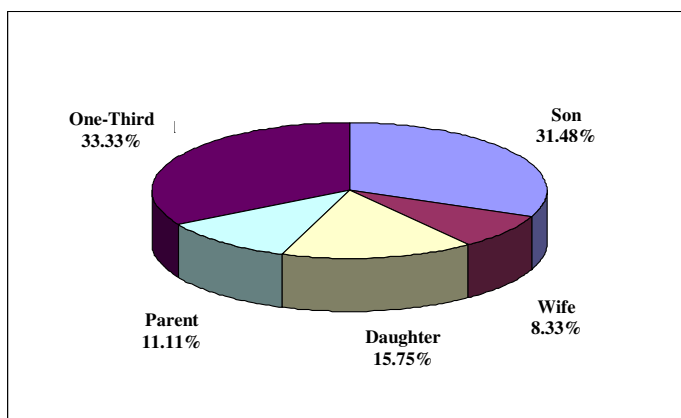
**6b.**  
**Husband & Son & Daughters**  
**(with the 1/3 option)**



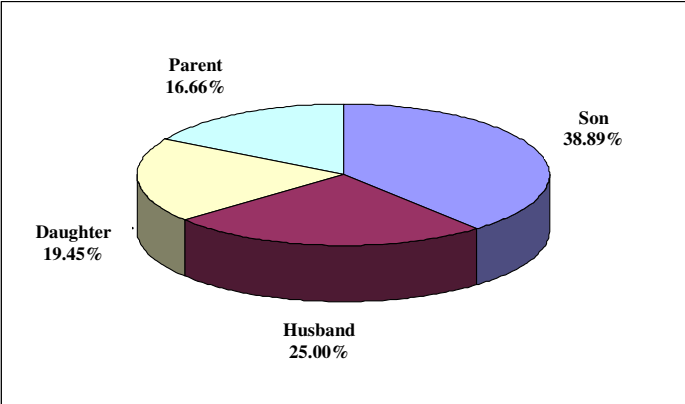
**7a.**  
**Parent & Wife & Children**  
**(out of 100%)**



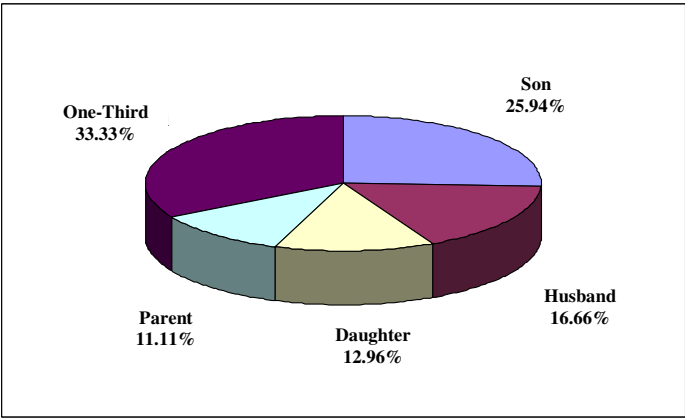
**7b.**  
**Parent & Wife & Children**  
**(with the 1/3 option)**



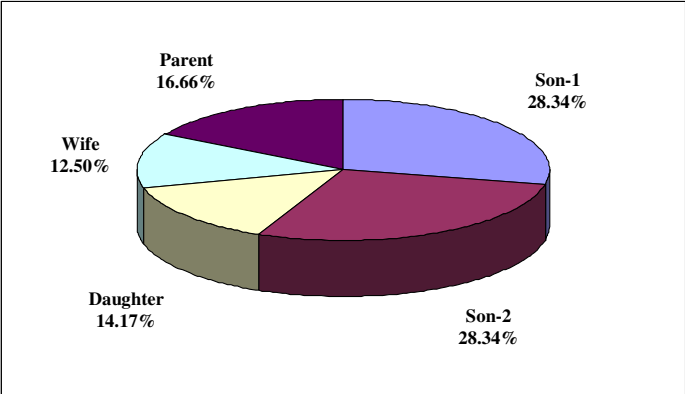
**8a.**  
**Parent & Husband & Children**  
**(out of 100%)**



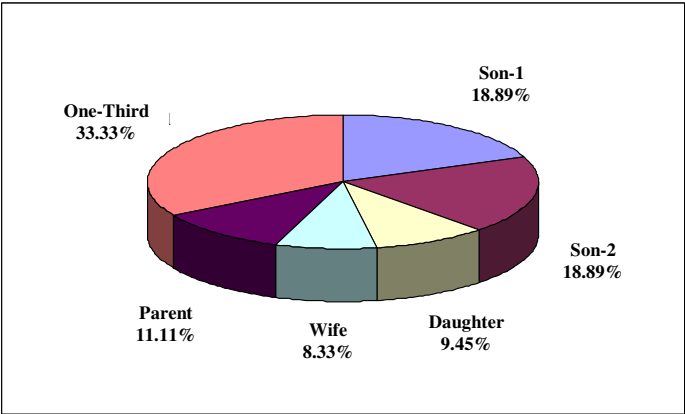
**8b.**  
**Parent & Husband & Children**  
**(with the 1/3 option)**



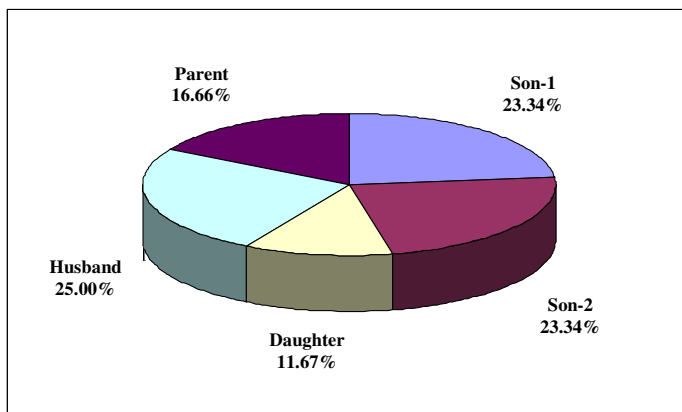
**9a.**  
**Parent & Wife & Sons & Daughter**  
**(out of 100%)**



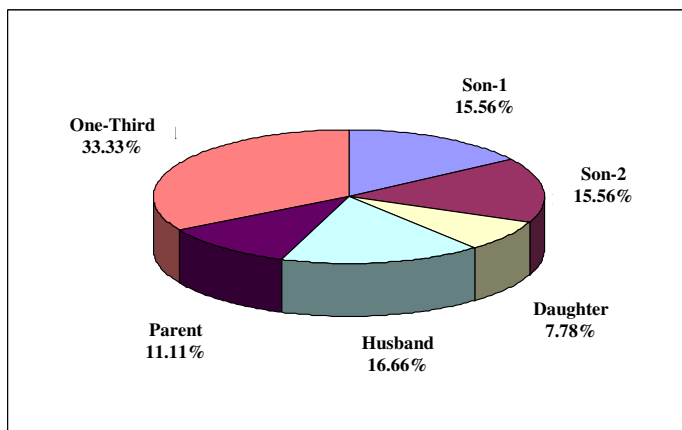
**9b.**  
**Parent & Wife & Sons & Daughter**  
**(with the 1/3 option)**



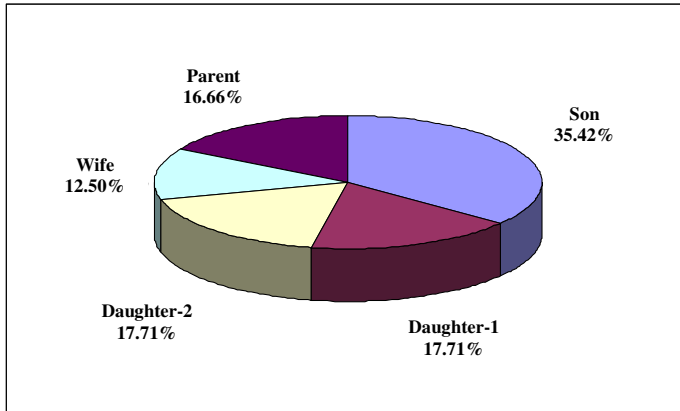
**10a.**  
**Parent & Husband & Sons & Daughter**  
**(out of 100%)**



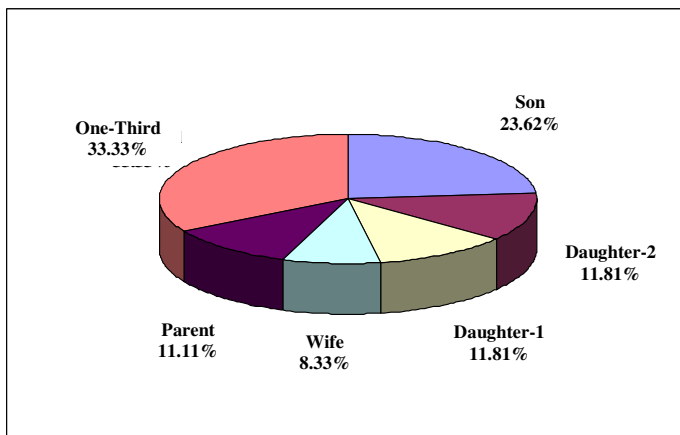
**10b.**  
**Parent & Husband & Sons & Daughter**  
**(with the 1/3 option)**



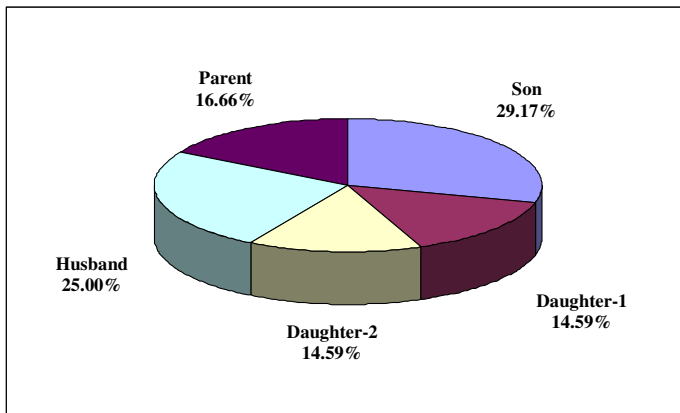
**11a.**  
**Parent & Wife & Son & Daughters**  
**(out of 100%)**



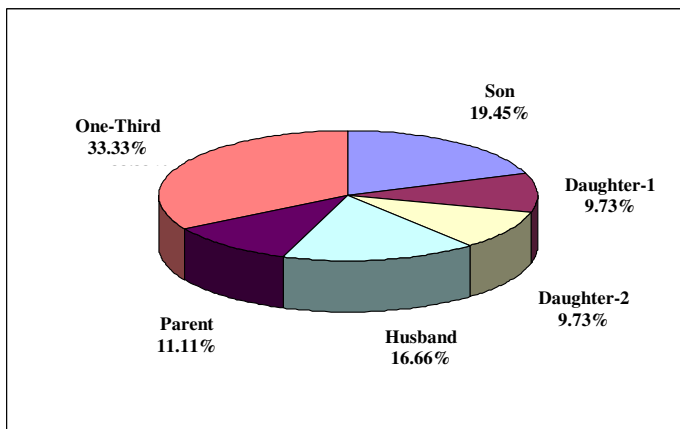
**11b.**  
**Parent & Wife & Son & Daughters**  
**(with the 1/3 option)**



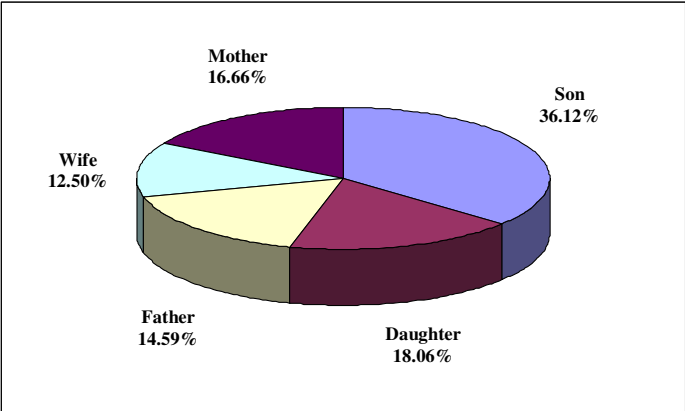
**12a.**  
**Parent & Husband & Son & Daughters**  
**(out of 100%)**



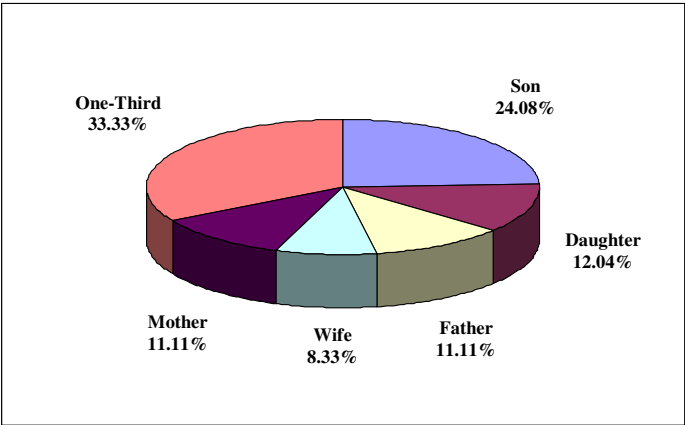
**12b.**  
**Parent & Husband & Son & Daughters**  
**(with the 1/3 option)**



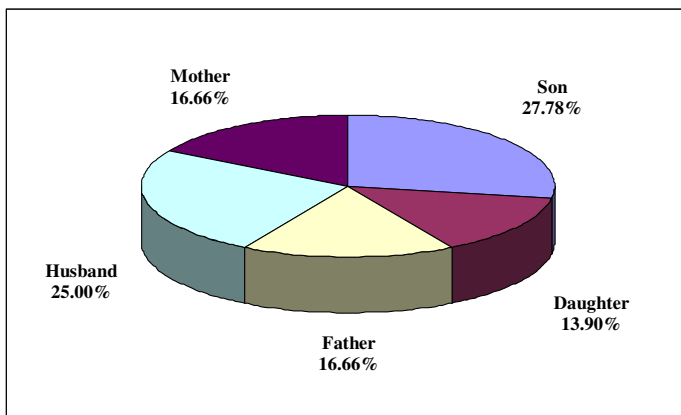
**13a.**  
**Parents & Wife & Son & Daughter**  
**(out of 100%)**



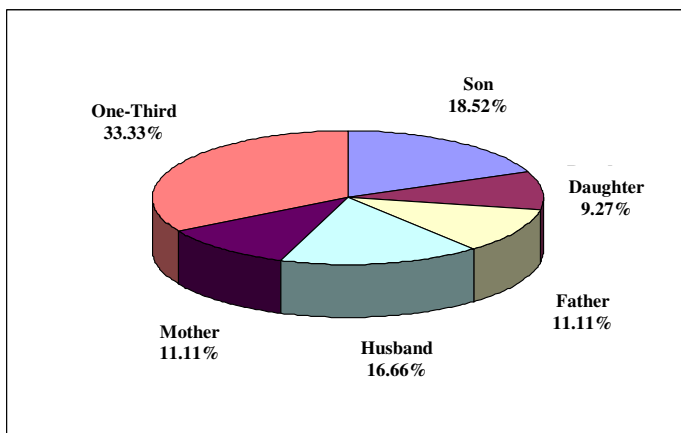
**13b.**  
**Parents & Wife & Son & Daughter**  
**(with the 1/3 option)**



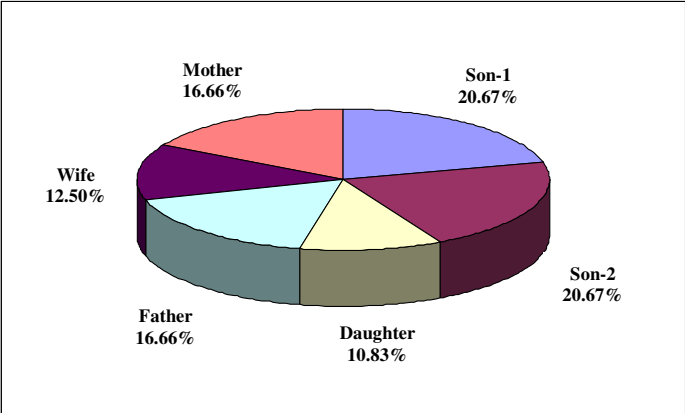
**14a.**  
**Parents & Husband & Son & Daughter**  
**(out of 100%)**



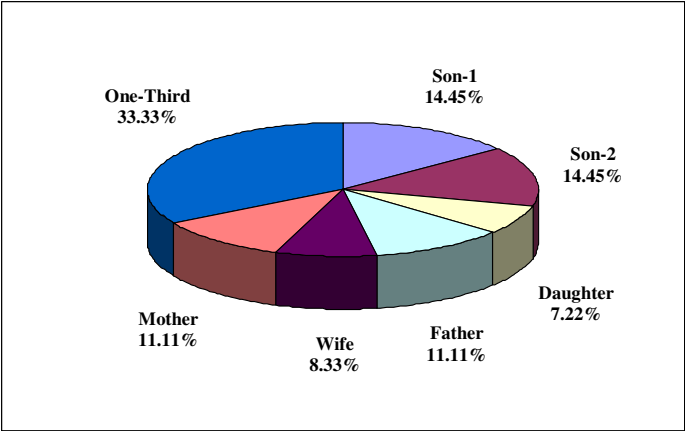
**14b.**  
**Parents & Husband & Son & Daughter**  
**(with the 1/3 option)**



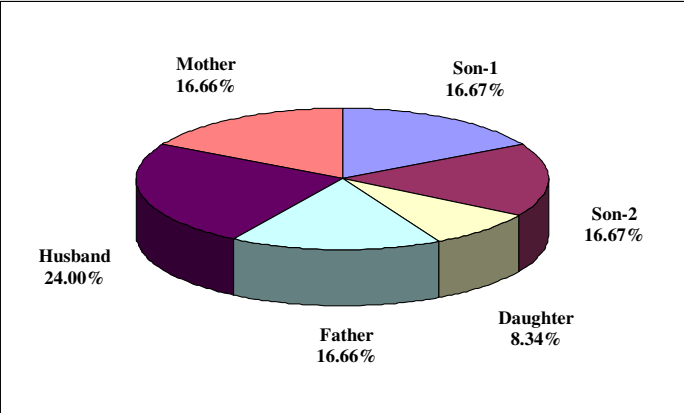
**15a.**  
**Parents & Wife & Sons & Daughter**  
**(out of 100%)**



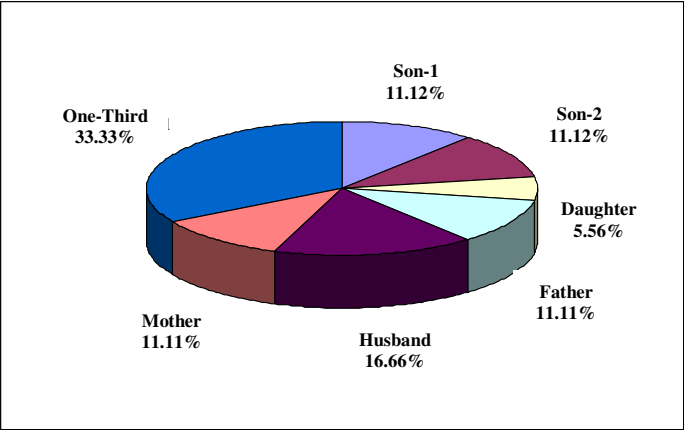
**15b.**  
**Parents & Wife & Sons & Daughter**  
**(with the 1/3 option)**



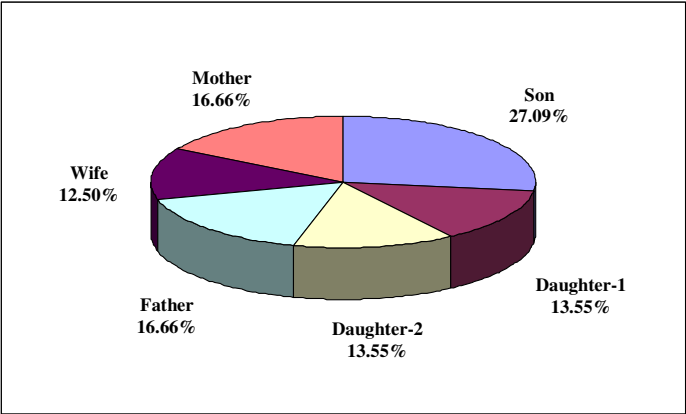
**16a.**  
**Parents & Husband & Sons & Daughter**  
**(out of 100%)**



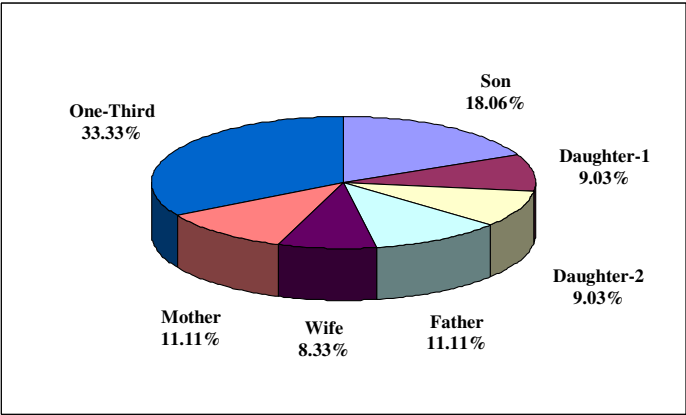
**16b.**  
**Parents & Husband & Sons & Daughter**  
**(with the 1/3 option)**



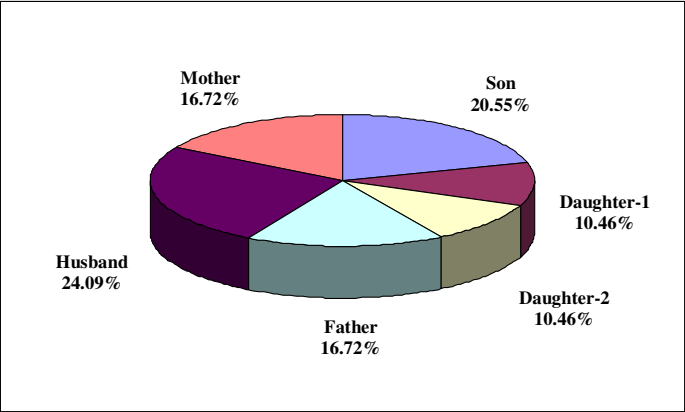
**17a.**  
**Parents & Wife & Daughters & Son**  
**(out of 100%)**



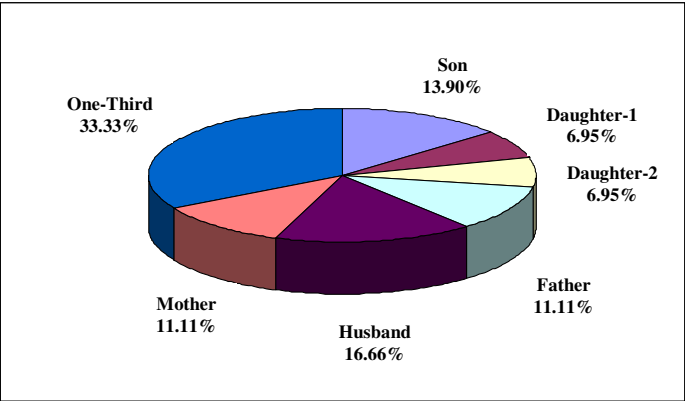
**17b.**  
**Parents & Wife & Daughters & Son**  
**(with the 1/3 option)**



**18a.**  
**Parents & Husband & Daughters & Son**  
**(out of 100%)**



**18b.**  
**Parents & Husband & Daughters & Son**  
**(with the 1/3 option)**



## 10. Sample of An Islamic Will:

### *Preamble*

*In the name of Allah, the Beneficent, the Merciful.*

*I believe that there is no god but Allah, He is One and has  
no partner.*

*I believe that Hazrat Muhammad (S.A.W.W.) is the Final  
Messenger of Allah,*

*and that Ameer-ul-Momineen Ali (A.S.) & his infallible  
descendants are the rightful successors of Prophet  
Muhammad (S.A.W.W.).*

*May Allah send His blessings upon Muhammad & his  
Progeny.*

This is the Last Will and Testament of me  
\_\_\_\_\_ of  
\_\_\_\_\_

made this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

1. I **REVOKE** all former Wills, Codicils and  
Testamentary Dispositions previously made by  
me.

2. I **APPOINT** \_\_\_\_\_  
of \_\_\_\_\_

\_\_\_\_\_ and  
\_\_\_\_\_  
\_\_\_\_\_ of  
\_\_\_\_\_

to be the joint Executors and Trustees of this my last Will and Testament. BUT IF anyone or more of the above named persons should refuse to act, predecease me, or die before the trusts hereof have been fully performed, THEN I APPOINT \_\_\_\_\_ of \_\_\_\_\_ to be the Executor and Trustee of my Will and Testament in the place and stead of anyone or more of the above named persons, and the expression, “my Trustee”, used throughout include the Trustee for the time being, whether original or substituted.

3. **I GIVE, DEVISE AND BEQUEATH** all my real and personal property of every nature and kind, wheresoever situated, including any property over

which I may have a general power of attorney, to my Trustees, namely:

- a) Subject to my express direction to the contrary, to use their discretion in the realization of my estate with the power to my Trustees to sell, call in or convert into cash at such time or times and in such manner and upon such terms, either for cash or credit or part cash and part credit as my Trustees may in their absolute discretion decide upon or to postpone such conversion of my estate or any part or parts thereof for such length of time as they may think best and I hereby declare that my said Trustees may retain any portion of my estate in the form in which it may be at the time of my death, notwithstanding that it may not be in the form of an investment in which Trustees are authorized to invest trust funds and whether or not there is liability attached to any such portion of my estate for such length of time as my Trustees in their absolute

discretion deem advisable and my Trustees shall not be held responsible for any loss that may happen to my estate by reason of their so doing;

- b) To pay my just debts, funeral and other testamentary expenses, all succession duties, inheritance and death taxes, and all expenses necessarily incidental thereto, to be paid and satisfied by my Trustees as soon as may conveniently be after my death;

*You may want to keep a list of your bank accounts, investments, insurance policies, loan payables, etc alongwith your will.*

*You may also, if you wish, write specific instructions about your funeral and burial. For example, if you have any specific graveyard (of course, Shi'a Muslim) where you wish to be buried or have already purchased a grave, etc.*

- c) To pay such religious taxes (like *khums* and *kaffara*) and other expenses for hiring people to do *qaza* prayers and fasts;

*If you pay khums regularly, then it is good to write your khums date so that the executor can easily determine how much khums is due on you. Also if you know, you should specifically mention the number of months or years for the salaah or fasting that you want the hired person to do.*

d) To divide and pay or transfer the balance of my estate as soon as is reasonably practicable after my death as follows:

(i) to my eldest son, \_\_\_\_\_,  
my dress in which I die, my ring and my personal Quran;

(ii) to my wife/husband \_\_\_\_\_

(iii) to my father \_\_\_\_\_

(iv) to my mother \_\_\_\_\_

(v) to my son \_\_\_\_\_,  
\_\_\_\_\_

(vi) to my daughter \_\_\_\_\_,  
\_\_\_\_\_

*In the above list, delete those who are not alive when you are writing this will. Or add if you have more children. Remember to adjust the numbering accordingly.*

4. The share of each child of mine as determined above shall be paid or transferred to such child of mine, if he or she is over the age of twenty-one at the time of my death, for his or her own use absolutely. If however, any child of mine, whether male or female, is under the age of twenty-one at the time of my death, my Trustees shall hold and keep invested the share of such child of mine and the income from and capital of such share or so much thereof as my Trustees in their discretion consider advisable shall be paid to or applied for maintenance, education and benefit of such child of mine until he or she reaches the age of twenty-one, at which time my Trustees shall pay or transfer the amount remaining of the share of such child, if any, to such child for his or her own use absolutely.

*If all your children are over 21 years of age, then delete all references which delay the payment of their share until they become 21 years old.*

**5. I NOMINATE, CONSTITUTE AND APPOINT**

\_\_\_\_\_ of  
\_\_\_\_\_ to be  
the Guardian of my infant children. I direct the  
Guardian of my infant children to raise them as  
Muslims according to the rules, customs and  
teachings of the *Shi'ah Ithna Asheri* sect of Islam.

*If all your children are over 21 years of age, then delete this paragraph. Remember to adjust the numbering of the following paragraphs.*

6. In the event that my said spouse should predecease me, then I direct my Trustees to distribute the share that my spouse would have received had he/she survived me amongst my parents and my children alive at my death in the same proportion and in the same manner as provided for in paragraph 3 (d) (i, iii to vi) of this my Will and the provisions of paragraph 4 of this my Will shall apply mutatis mutandis.

*This paragraph assumes that your spouse is alive. If not, then delete this entire paragraph. Remember to adjust the numbering of the following paragraphs.*

*This paragraph also assumes that your parents are alive. If not, delete all reference to “my parents”.*

7. In the event that my mother or my father or both my mother and my father should predecease me, then I direct my Trustees to distribute the share that my mother or my father or both my mother and my father would have received had they survived me amongst my wife and my children alive at my death in the same proportion and in the same manner as provided for in paragraph 3 (d) (i, ii, v to vi) of this my Will and the provisions of paragraph 4 of this my Will shall apply mutatis mutandis.

*This paragraph assumes that your parents are alive. If not, then delete the entire paragraph from your will.*

*This paragraph also assumes that your spouse is alive. If not, then delete the reference to “my spouse” from this paragraph.*

IN **WITNESS** WHEREOF I have to this my Last Will and Testament set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature

**SIGNED** by my Testator and published and declared as and for his last Will and Testament, in the presence of us both, present together at the same time, who at his request and in his presence and in the presence of each other have hereunto subscribed our names as witnesses.

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Witness

Name:\_\_\_\_\_

Name:\_\_\_\_\_

Address:\_\_\_\_\_

Address:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Occupation:\_\_\_\_\_

Occupation:\_\_\_\_\_

### **Possible Use of the One-Third**

- For charity.
- For giving to those (relatives or friends) who have no share in the estate.
- For giving to those relatives whose share is less and you think they are in need.

### **Sheikh Mufid's Suggestion for using the one-third**

- $\frac{1}{4}$  for *qaza namaz*, *sawm*, and *kaffaras*.
- $\frac{1}{4}$  for the relatives who do not inherit you.
- $\frac{1}{4}$  for the deserving poor *sadaat*.
- $\frac{1}{4}$  for the poor Shi'as in general.

Still need help? Then fill in this form indicating **your heirs** & send its copy to one of your known religious scholars:

***Tick the appropriate boxes in group A and B***

**GROUP A**

☐ Husband \_\_\_\_\_ %

or

☐ Wife \_\_\_\_\_ %

**GROUP B**

☐ Father \_\_\_\_\_ %

☐ Mother \_\_\_\_\_ %

☐ Son(s) \_\_\_\_\_ %

☐ Daughter(s) \_\_\_\_\_ %

***Tick the appropriate boxes in group C  
only if you did not tick any box in group B***

**GROUP C**

☐ Grandson(s) \_\_\_\_\_ %

☐ Granddaughter(s) \_\_\_\_\_ %

***Tick the appropriate boxes in group D  
only if you did not tick any box in group B or C above***

**GROUP D**

☐ Grandfather \_\_\_\_\_ %

☐ Grandmother \_\_\_\_\_ %

☐ Brother(s) \_\_\_\_\_ %

☐ Sister(s) \_\_\_\_\_ %

**IMPORTANT NOTE:** Islam has given you the right to give upto one-third (1/3) of your estate to any cause of your choice. If you choose to do so, then the percentages given above of your heirs will be out of the remaining 2/3 of your estate. If not, then the above percentages are out of your entire estate.

## **INSTRUMENT & MEASUREMENT CHART**

Muslim jurists usually use the old terms for describing Islamic Jurisdiction of weights and measurements. These old units are no more in practice. We are therefore presenting here, a chart showing the equivalent values of various instruments of weights & measurements traditionally used by the Islamic jurists, in the terminology that is in common use today.

### **According to Ayatullah Syed Ali al-Sistani's calculation**

Silver Coin	Past = 18 nakhud / Present = 3.50g
Denar (pure gold)	3.50g = 1 Mithqal
Sa'a	03 kg.
Kur	For dry things 377 kg. For liquid 384 Litre
Farsakh	5.50 km.
Mithqal (Seirfy)	05 gms.
Mudd	750 gms.

### **According to Ayatullah M. Hadi Marefat's calculation**

Silver Coin	Past = 3.18g / Present = 2.97g
Denar (pure gold)	4.25g = 1 Mithqal
Sa'a	2.722 kg.
Kur	For dry things 393.12 kg. For liquid 196.56 Litre
Farsakh	6.23 km.
Mithqal	4.25 gms.
Mudd	680 gms.

