

Contemporary Q & A

By Mufti Abdool Kader Hoosen

CONTEMPORARY Q & A

VOLUME 2

AL-ISLAAH PUBLICATIONS

P.O.Box 1106 Kroonstad, South Africa, 9500

Tel no.: 056 -2124604 / 083 477 3786(mobile no.)

e-mail: info@everymuslim.net

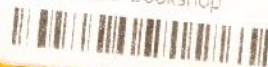
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Contemporary Q & A

A collection of Fatawa

Volume 2

By Mufti Abdool Kader Hoosen

Published by
AL-ISLAAH PUBLICATIONS

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April 2012

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FOREWORD

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

الحمد لله رب العالمین والصلاة والسلام على محمد وعلى آله والحقبة اجمعین اما بعد

مولانا مفتی عبدالقادر حسین صاحب مدت دراز سے فتویٰ دینے کا کام فرماتے ہیں

دارالعلوم بنوکاسل میں بھی افتخار کام انجام دیتے رہے۔

اس کے بعد چینل اسلام سے منسلک اور ریڈیو کے مقبول ٹیپوں والے بن گئے۔

بعض فتاویٰ میں بندہ فقیر کا نام مشورہ بھی فرماتے رہے

اب بعض اصحاب ان کے نشریاتی فتاویٰ کو جی کرکے شائع کر رہے ہیں

مشتی سے دعا ہے کہ اس مجموعہ کو نافع اور مقبول بنے۔

اور مفتی صاحب اور جامع اور دیگر معاونین کیلئے ذخیرہ اخذ بنا دے۔

رضاء الحق صاحب

دارالعلوم زکریا لینیا

جنوب افریقہ

۱۸۷۹
۱۰ مارچ ۲۰۰۸

IN THE NAME OF ALLAH, THE MOST GRACIOUS,
THE MOST MERCIFUL

All Praise is due to Almighty Allah, the Sustainer of the universe. Peace & Blessings be upon Nabi Muhammad (صلی اللہ علیہ وسلم) and his family and all his companions.

Moulana, Mufti Abdul Kader Hoosen Saheb has been issuing Islamic verdicts for a long period of time. In Darul Uloom Newcastle issuing of these decrees was one of his portfolios. Subsequently, he joined Channel Islam International and has become an accomplished and prominent radio personality.

In certain fatawa, he regularly consulted this humble servant. It has now been suggested by some close associates that these fatawa broadcasted on air, be compiled and published.

I supplicate to Almighty Allah that He makes this publication beneficial and accepted. As for Mufti Saheb, the publishers and all those who assisted, May Almighty Allah make this presentation a treasure for them in the Hereafter (Aameen).

(Hazrat Mufti) Ridha-ul Haq Saheb

Darul Uloom Zakariyya, Lenasia

South Africa

1 Rabi ul Awwal 1429

10 March 2008



786

Darul Uloom Newcastle

CAMPUS:
P/Bag 6637
Newcastle
2940

Tel.: Principal: (034) 317 1612
Admin Sect.: (034) 317 1205
Fax: (034) 317 1612

To whom it may concern

15th September 2006.

This is to confirm that Respected Hazrat Mufti Abdul Kader Hoosain **رحمۃ اللہ علیہ** was a Teacher/Lecturer for 20 years in Darul Uloom Newcastle. He Lectured on various subjects viz. Arabic grammar, Balaagah, Translation of the Holy Quraan, Tafseer of the Holy Quraan, Fiqh, Usoolul-Fiqh, Usoolul-Tafseer, Hadith and Usoolul-Hadith etc.

He was also a Mufti of Darul Uloom Newcastle for over ten years, during which period hundreds of Fatawa were issued to Istiftas on various matters relating to our noble Deen.

During this period he also delivered impressive talks on various topics of Deen throughout the Country whereby the Muslim Community derived authentic guidance on matters of Islamic Aqaaid and Laws of Islam.

May Allah give him health, wealth and a long life to carry on his noble Islamic activities. Ameen.


ML.C.M.SEMA.
PRINCIPAL.
DARUL ULOOM NEWCASTLE.



All praise is due to our Gracious and Beneficent Allah and May His choicest salutations continue to descend upon our Master and Leader who had been sent as a mercy unto mankind.

"Allah exalts in ranks those of you who believe and who have been granted knowledge. And Allah is well-acquainted with all you do." (Surah 58 verse 11)

It is indeed a privilege to pen a few words in acknowledgement of the scrupulous and painstaking work of my eminent teacher Mufti Abdul Kader Hoosen, who served as the Mufti at my revered alma mater- Darul Uloom Newcastle- for more than ten years of his twenty year vocation as a senior lecturer at the institute. This compilation of Fatawa bear testimony to the jurisprudential acumen of Mufti A.K. Hoosen, which was harnessed by our venerated Ustadh and rector; the late Hazrat Moulana Cassim Sema (ra) - May Allah illuminate his blessed grave with His abiding Noor.

Mufti A K Hoosen's aptitude and understanding of Fiqh is evident by his spontaneous answers on the Q & A programme held weekly on Channel Islam International (Cii). He also answers hundreds of email queries on a daily basis. Mufti Saheb serves as a point of reference, as a pillar of support, as a confidant and guide for thousands of people from various parts of the globe. His strengths are his accessibility, his readiness and his overflowing enthusiasm.

May Allah grant him the dexterity to continue providing his exemplarily service to the Ummah. (Ameen)

Yusuf Patel (Ml.)
Secretary General
United Ulama Council of South Africa (UUCSA)
4 April 2012

INTRODUCTION

All praise is due to our Creator whose knowledge surpasses the volume of the oceans if they were used as ink to document it and may His choicest salutations continue to descend upon our Master and Leader Nabi Muhammad (صلى الله عليه وسلم), who served as both the divine Messenger and the flawless exemplar of scholarship.

"Ask people of expertise if you know not" (16:43). This verse alludes to the need for people to refer religious issues to competent scholars in order to ascertain a correct ruling or edict. The Darul Iftaa's attached to the various Darul Uloom endeavour to fulfil this directive through the issuance of Fatawa. A Fatwa is a legal opinion issued by an alim demonstrating a ruling within Islamic Law based on evidence as a response to a question.

Alhamdulillah, I had been blessed with the great fortune of working at Darul Uloom Newcastle for twenty years under the tutelage of the late Hazrat Moulana Cassim Sema (May Allah fill his grave with noor). My vocation at Darul Uloom gave me the opportunity to serve in the Darul Iftaa for more than ten years. Majority of the Fatawa that I prepared were meticulously checked by Hazrat Moulana (ra) and thereafter co-signed by him. His endorsement not only authenticated my findings, it also gave me much needed confidence to continue with issuing Fatawa. My twenty years as a lecturer of Tafseer, Hadith and Fiqh at Darul Uloom Newcastle, South Africa, gave me the academic temperament to research more than thousand queries that I receive on a monthly basis, Al-hamdulillah. My experience at Darul Uloom served as a catalyst for the popular Q&A program on Channel Islam International, Voice of the Cape & Radio Al-Ansaar in Durban.

The more than ten years of painstaking and assiduous work however lay buried in the archives of the Darul Iftaa Newcastle

generally inaccessible to the public. I therefore decided to unearth these Fatawa, collate and publish them for the benefit of the public. I pray that this humble endeavour will serve as salvation for those who contributed towards this publication, especially Dr Yunus Moosa of Al-Islaah Publications, Kroonstad, South Africa. Ameen.

"Wa maa Taufiqi illa billah"

Abdool Kader Hoosen

DEDICATION

This work is dedicated to the Mujahideen of the world in acknowledgement of their unparalleled sacrifices. May Almighty Allah crown their efforts with success in both the Worlds. (Ameen)

ABBREVIATIONS

1. SAW	sallallahu alaiyhi wasallam	Peace & blessings be upon him	ﷺ
2. RA	radhiyallahu anhu OR radhiyallahu anha	May Allah be please with him / her	ﷺ / ﷻ
3. AS	alaiyhis salaam	Peace be upon him	ﷺ
4. ra	rahmatullahi alaiyh	Mercy of Allah be upon him	رحمة الله عليه
5. AH	Ba'dal Hijra	After Hijra	بعد الهجرة

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QUR'AN & SUNNAH



PRINT ARABIC TEXTS IN NEWSPAPER

Q: Can one print Arabic texts in the local newspaper for Haj advertisements which will be handled by Non-Muslims?

A: With reference to the Haj advertisements in local newspapers, the printing of the Arabic Qur'anic text in newspapers is an un-Islamic practice. Since there is no guarantee as to who handles it and where these newspapers end up, this constitutes a gross disrespect for the word of Almighty Allah. Hence, it is not permissible.

SAJDA IF LIVE RADIO TRANSMISSION

Q: Whilst listening to a live radio transmission, one hears an Ayat containing a Sajda. Is it compulsory to make Sajda-e-Tilawat? What is the ruling if it was made from a recording?

A: In the event of the listener hearing a live transmission of Qirat, it becomes compulsory to perform Sajda Tilawat according to the Hanafi scholars only. However, if it is a recording, then it is not necessary.

RECITE QUR'AN IN MIND

Q: It is permissible to recite the Qur'an Shareef in the mind?

A: It is permissible to recite the Qur'an Shareef softly provided that the lips move whilst reciting.

RECITE QUR'AN WITH UNDERSTANDING

Q: Would one get more reward if one recites the Qur'an Shareef with understanding?

A: One is rewarded for the reciting of the Noble Qur'an. However, recitation of the Qur'an Shareef accompanied by understanding is definitely worthy of more reward.

SHAVING BEARD

Q: Is it true, that it is mentioned in Hadith, that a man who shaves his beard off, is like piercing the heart of Nabi (ﷺ) with a sword?

A:

- The matter mentioned is not a Hadith, since Hadith relates to speech, actions and tacit approval by Nabi (ﷺ).
- This incident relates to the shaving of the beard and the resultant response by Hazrat Umar bin Abdul Aziz (ra), a senior Tabi'e and just ruler of the Umayyad Dynasty, who stated that, shaving off the beard is mutilation of oneself, and that Nabi (ﷺ) prohibited the mutilation of the body. For reference see: Three Symbols by Dr Ashqar, page 46
- Furthermore, a similar incident was reported to have occurred many years after the demise of Nabi (ﷺ), which is found in "The Compulsion of Lengthening the Beard" by Hazrat Moulana Zakariyya (ra), pages 47-48.

A poet named Mirza Qatil had greatly influenced a person who therefore went to visit him. On meeting him, he found the poet shaving his beard and questioned the act, to which Mirza responded by saying that, he was not hurting the heart of anyone. This man responded by saying that, you are piercing the heart of Nabi (ﷺ), to which Mirza responded by making Taubah.

Lastly by general consensus of the 4 Imams, it is clear that it is a sinful act to shave off one's beard.

FEATURES OF RASULULLAH (ﷺ)

Q: Can I please have a detailed description on the hair and features of Rasulullah (ﷺ) from head to toe?

A: Rasulullah (ﷺ) was neither tall, nor was he short. In complexion, he was neither very white like lime, nor very brown which results in darkness. The hair of Rasulullah (ﷺ) was neither very straight nor very curly. When he attained the age of forty, Allah Ta'ala granted him prophethood. He passed away at the age of sixty three years. At that time there were not more than twenty white hair on his Mubarak head and beard. (Shamail Tirmidhi)

KHATAMS WHEN WEDDINGS

Q: What is your view regarding *Khatams* where there is a wedding in a home or a person has shifted to a new home. Is this permissible?

A: Such practices are permissible though they are not compulsory nor are they Sunnah, provided that their observance is not restricted to specific times and places.

EXPLANATION OF A VERSE

Q: In Surah Tabarak of the Noble Qur'an, Almighty Allah says: "*And indeed we have adorned the sky of the earth with stars and we made it missiles for pelting the Shayateen.*" What does Allah Ta'ala mean by "*We made it*"?

A: When Allah Ta'ala addresses the Angels, a vast array of information is given to them. The obtaining of such knowledge is the desire of Shaytan and when he seeks to reach the Heavens to steal information, he is reproached and driven away with a brightly shining flame which we regard as a falling star. In this way the Heavens are protected from the prying ears and eyes of Shaytan. See Surah 37: verses 6 - 10

WEAR WHITE ON FRIDAY

Q: Is it an authentic Sunnah to wear white on a Friday?

A: It is Hadith mentioned in Tirmidhi. Hence, it is a Sunnah to wear white and also to bury one's dead in white shrouds.

SURAH AL-ASR WHEN PARTING COMPANY

Q: Is the recitation of Surah Al-Asr authentic when parting company?

A: The recitation of Surah Al-Asr was a common practice among the companions of Nabi (صلی اللہ علیہ و سلم) when they parted company and as such is regarded as Mustahab (desirable). Furthermore, this practice should be not be limited to meetings, but rather whenever Muslims part company, this Surah should be recited. For reference see: Tafsir Ibn Kathir, volume 4, page 585

IS ASAA SUNNAH?

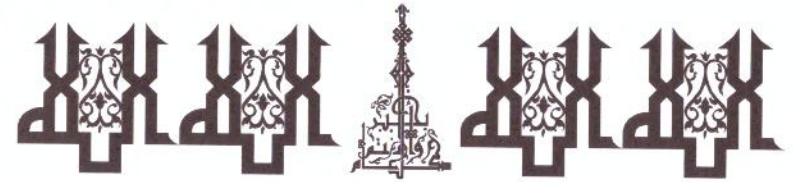
Q: What is the ruling concerning the Asaa. A lot of Ulema use it because they say it is a Sunnah. Some Ulema do not use it at all.

A: The use of the Asaa is a Sunnah and as such is preferable (Abu Dawud). However, to omit the use occasionally so as to show that it is a Sunnah and not a Fardh is acceptable.

SAJDA TILAWAT IN SURAH SWAD

Q: Where should one perform the Sajda Tilawat in Surah Swad?

A: It is permissible to perform the Sajda at the end of verse 24 or verse 25. Hazrat Mufti Shafi Saheb (ra) mentioned verse 24 in Ma'ariful Quran and other scholars mentioned verse 25. The Noble Qur'an printed in Madina Munawwara mentions verse 24.



AQAAED, BELIEFS & HISTORY



SHIAS IN MASJID

Q: A proclaimed Shia lives in our town. Can he attend Salat at our masjid? Can we perform Janaza Salat for a Shia? Can we bury a Shia in our cemetery?

A: The various sects of the Shias have differing beliefs, for example, the Zaidis believe that Hazrat Ali (RA) was the greatest of all companions and since this does not constitute Kufr we accept such Shias in our Masjids, graveyards and read Salatul Janaza for them. However, if a Shia subscribes to such blasphemous beliefs like the Qur'an has been corrupted or majority of the Sahabas had become apostates (Allah Forbid) or make slanderous comments against Hazrat Ayesha (RA), then such Shias must not be accepted in our Masjids nor buried in our graveyards nor should Salatul Janaza be performed for them.

EMERGENCE OF IMAM MAHDI

Q: In recent times some Ulema have predicted the emergence of Mahdi (RA) to take place somewhere in the year 2004. According to them their predictions are based on "Hadith" wherein it is stated that the next two total eclipses in the month of Ramadhan will foretell the emergence of Mahdi (RA). In working closely with observatories, their findings are that this phenomenon will occur in the year 2004 and therefore their predictions. This leaves us in a state of confusion as this "Hadith" contradicts verses of Qur'an and other authentic Ahadith wherein is stated explicitly that the appointed Hour is known only by the Almighty Allah. With knowledge of the period of the emergence of Mahdi (RA) the advent of Qiyamah can be calculated. It would be greatly appreciated if you could comment on these predictions and furthermore the origin and authenticity of this "Hadith".

A: In examining the point of whether it is a "Hadith" we seek reference of Sunan Daraqutni, volume 1, page 95 part 2: *"For our Mahdi there shall be two signs which have never happened for anyone*

else since the creation of the heavens and the earth. At this advent there shall occur an eclipse of the moon in the beginning of Ramadan and an eclipse of the sun during the middle of Ramadan"

This is not saying of Nabi (صلى الله عليه وسلم) but rather a narration by Muhammad bin Ali who was also referred to as Imam Baqir who was born in 57A.H. and passed away in 114 AH. He was the great grandson of Hazrat Ali (RA). Furthermore, an examination of the chain of narrators reveals that two of the narrators, namely, Amr bin Shamr and Jabir are both regarded as very weak transmitters. Hence they cannot be cited in evidence thus rendering this entire tradition as invalid.

As Muslims the basis of every principle or belief must be enshrined in the Noble Qur'an and authentic Ahadith. Hence the invalidity of the reporters renders this saying of Muhammad bin Ali to be merely an opinion.

The Qadianis also tried to utilize this "Hadith" for their ulterior motives. The advent of Mirza Gulam Ahmad coincided with the eclipse of the moon on March 21, 1894 and April 6, 1894 of the sun. On the basis of these celestial occurrences he claimed to be the Mahdi. Please note that the advent of Hazrat Mahdi (RA) is a reality. However, specific dates and use of unsubstantiated sources are unacceptable and rejected by the Ahlul Sunnah wal Jamah.

INCIDENT OF QARAMITAH

Q: Kindly explain what the the incident of the Qaramitah is ?

A: In the year 317 A.H., the infamous incident of the Qaramitah took place in Masjidul Haram. The word Qaramitah is associated with a person from Kufa by the name of Qirmit. He invited the masses towards atheism and disbelief. The Qaramitah were from the Batiniyya sect of the Shias. Qirmit was killed by Muktafi

Billah Abbasi in the year 293 A.H.

A king of Bahrain from amongst the Qaramitah by the name of Abu Tahir al-Qirmiti harboured enmity towards the sacred house of Allah. In the year 317A.H, on a Monday, 8 Zil Hijja, Abu Tahir and 900 of his men suddenly appeared and entered the sacred house and ruthlessly killed 30 000 people in and around the Haram Sharif. Abu Tahir thereafter approached the Hajr Aswad and broke it. On Monday, 14 Zil Hijja after the Asr Salat he removed the Black Stone and fled with it to Bahrain. The place of the Black Stone on the Ka'ba remained bare and empty. The people continued to place their hands on the empty spot for blessings until the Black Stone was returned to its place on 10 Zil Hijja 339 A.H. by Sanbar bin Hassan Qirmiti. Abu Tahir died in the year 332 A.H. The Black Stone had remained with the Qaramitah for 22 years.

For reference see: Fadlu Al-Hajr al-Aswad by Saa'id Bakdaash, pages 25-26

RASULULLAH (ﷺ) IS OMNI-PRESENT

Q: Some people say that Rasulullah (ﷺ) is Omni-present. What is the correct view?

A: The quality of omnipresence is a distinct and unique quality of Allah Ta'ala. The proof for the above is the last verse of Surah 112, "And none is equal to Him." It is evident that to equate anyone with Allah Ta'ala in regards to His attributes is totally unacceptable. Therefore, it would be wrong to associate Nabi (ﷺ) with the quality of omnipresence. Also, to counter the argument in favour of referring to Nabi (ﷺ) as being omnipresent, we should question, why then was it necessary for Nabi (ﷺ) to migrate from Makka Mukkarrama to Madina Munawwara, or to ascend the heavens on the occasion of Meraj.

SUNNIS & AHLE` SUNNAH WAL JAMAAT

Q: What is the difference between the Sunnis and the Ahle` Sunnah Wal Jamaat?

A: The Ahle` Sunnah Wal Jamaah refers to the general Muslim population as opposed to the Shia school of thought. Unfortunately, some Muslims have deviated from the pristine truth and beauty of Islam. Such deviations are directly in conflict with the basic doctrines of Islam. We will highlight a few of the conflicting beliefs of the "Sunnis":

- a) They believe in the omnipresence of Nabi (ﷺ) as opposed to the Ahle` Sunnah Wal Jamaah.
- b) They believe that Nabi (ﷺ) was omniscient; that is, all knowing of the past, present and future. However, we believe that Nabi (ﷺ) only knows that which has been revealed to him by Allah Ta'ala. For reference see: Surah 11: verse 49; Surah 7 : verse 188.
- c) The Ahle` Sunnah Wal Jamaah do not indulge in Urs, 40 or 3 day Fateha, Qawali, Niaz, placing Chadars on the graves or prostrating at the graves, etc.

EGARWI SHAREEF CELEBRATIONS

Q: What is the Egarwi Shareef and what is its' origin?

A: Egarwi Shareef is derived from the Urdu word for eleven. The significance of this 11 comes from the fact that in the 11th Juz (Surah 10: verse 62) of the Glorious Qur'an, the Awliyas are mentioned and this particular verse has 11 words. Hence, certain people celebrate a festival (Urs) to commemorate and send salutations upon the Awliya. We refute this, by stating that Esale` Sawab is permissible at all times. Also, this deduction is incorrect, hence celebration on the 11th is an innovation and a sin, and must be discarded.

SALAFI

Q: What is a so called "Salafi" and what is the practice of Salafies?

A: The Salaf Saliheen (the pious predecessors of former times) are the Sahabahs, the Tabieen and the Aimmah Mujtahideen. Those who reject the authority of the successors of the Sahabah can never be on the Path of Rectitude. It should be quite simple to understand that those who follow the expositions of the students of the Sahabah are on the Haqq while those who have appointed their desire and opinion as their Imam are manifestly plodding the path of falsehood. One of the deviant sects in our times is called the 'Salafi sect which cunningly conveys the idea of following the Sunnah, while in reality, it has strayed from the Sunnah. The salient feature of the members of this sect is their hatred for Taqleed of the four schools of jurisprudence.

KIDHR (AS) - A MESSENGER OR A PROPHET

Q: Is Kidhr (AS), a Messenger or a Prophet?

A: Hazrat Khidr (AS) is a Prophet according to the majority of the Ulama and Scholars. For reference see: Maariful Qur'an by Mufti Shafi Saheb (ra), volume 5, page 600

ALLAH IS PLEASED WITH SAHABA

Q: Allah Ta'ala says about the Sahaba that, "*He is pleased with them and they with Him.*" Were there good and bad Sahaba?

A: In Surah 98, verse 8 Almighty Allah says: Allah Ta'ala is pleased with all the Sahabas. However, the distinction of certain Sahabas was as a result of their greater deeds which elevated them amongst their companions. Surah 57, verse 10

KABA CLOTH DURING NABI (ﷺ)'s TIME

Q: Was the Ka'ba the same in the time of the Prophet (ﷺ) i.e. the colour of the cloth, etc?

A: Whenever the Arab chieftains came for pilgrimage, they brought as a gift material to place over the Ka'ba. Hence, we find that the Ka'ba at any one time was covered by several pieces of material. Therefore, there was no single or uniform colour. During the various Caliphates, the Caliphs chose different colours to drape the Ka'ba completely, e.g. Caliph Mamun Rashid chose a white cover. Finally Caliph Nassir Abassi of Egypt (died 622 AH) sent a black silk cover which has since become the colour used to shroud the Ka'ba. For reference see: Fathul Bari by Hafiz Ibn Hajr (ra), volume 3, page 458-460

BID'AT

Q: List and explain the types of Bid'at?

A: Bid'ah refers to innovation or additions in Deen. Nabi (ﷺ) said that every Bid'ah leads one to go astray. (Sunan Nasai) Technically there is no good Bid'ah. However, the Ulama and Scholars have classified certain innovations as good literally, for example, printing of books, Madressahs, Darul Uloom. In the Shariah Bid'ah is regarded as any omission or addition of deeds practiced by Nabi (ﷺ) or the Sahabah or Tabieen. Practices such as 10/40 day Fateha, setting special days for Zikr are Bid'ah.

AUTHENTIC KITABS

Q: Please mention the names of authentic Kitabs.

A: The most authentic book is the Glorious Qur'an, the most authentic commentary on it is Tafsir Ibn Katheer. Thereafter, books of reference collated from the life and actions of Nabi (ﷺ) are Bukhari, Muslim, Abu Dawud, Nasai, Ibn Majah, Tirmidhi, Muatta Imam Malik and Musnad Ahmad.

Q: I find myself being very skeptical when reading Islamic literature, especially Hadiths because I am not sure of its authenticity. I am very scared of doing something which is fabricated. Please help me to overcome this problem.

A: Your Islamic knowledge should be derived from a competent teacher and the authentic sources as listed above.

TABLIGH

Q: In your opinion, are the Tabligh Jamat doing a good job and should everyone, including our Ulama be required to assist and take part in this high and noble work so that others may follow by their example?

A: Tabligh is one of the functions of an Alim and as such is not restricted to the Tabligh Jamat which is but one of the noble means of Tabligh. Lecturing, teaching, writing of books, etc., may also be seen as forms of Tabligh. However, for the masses and Ulama the work of Tabligh Jamat is highly meritorious.

TOLERANCE OF GROUPS IN MASJID

Q: We have a mixed community i.e. different Mathabs as well as people of different beliefs i.e. Salaami, Tabligh, etc. Should only people of one school of thought be permitted to have access to the Masjid or should all be accommodated with an open mind so as to unite the community?

A: The Masjid is the house of Almighty Allah and as such all permissible acts should be allowed and no group/s may prevent anyone from doing so, unless they are out of the fold of Islam, eg. Qadianis.

VERIFYING PROPHET (ﷺ)'S HAIR

Q: People who possess "The Prophet (ﷺ)'s Hair" want to know, how to prove that they possess the authentic hair.

What must they do to be certain?

A: As a precautionary measure such proclamations can be neither denied nor accepted. Hence, if a person does not wish to keep the hair, rather give it to someone else. Furthermore, if a person wishes to keep the blessed hair, then it should not become an object of worship or display.

MEHRAB DURING NABI (ﷺ)'S TIME

Q: Was there a Mehrab (niche in front of the Masjid) during Nabi (ﷺ) time?

A: The Mehrab was prevalent during Nabi (ﷺ) time. Hazrat Waeel bin Hujr (RA) reports that Nabi (ﷺ) entered the Mehrab then raised his hands to commence Salat (Baihaqi in Sunan Al-Kubra, vol. 2, page 30). Umar bin Abdul Aziz (ra) widened the Mehrab of the various Masajid when he was the governor of Madina Munawwara (Fatawa Darul Uloom Zakariyya, vol. 1, pages 595-598).

NABI ISA (AS) RECEIVE REVELATION

Q: Will Nabi Isa (AS) receive revelation after his second coming?

A: Nabi Isa (AS) will descend in Damascus and kill Dajjal at Lod (between Tel Aviv and Jerusalem). Nabi Isa (AS) will not receive wahy regarding Shar'ee matters but will receive revelation when to attack the enemy etc. (Fatawa Darul Uloom Zakariyya, vol. 1, pages 70-71)

WHAT DOES MASJID AQSA REFER TO?

Q: What does Masjid Aqsa refer to?

A: Masjid Aqsa was built by Nabi Dawud (AS) and reconstructed by Nabi Sulaiman (AS). It was in a form of a Masjid even during the time of Nabi (ﷺ). Imam Baghawi (ra) reports that

the polytheist of Makka questioned Nabi (ﷺ) regarding the structure of Masjid Aqsa after the incident of Miraj took place. This highlights Masjid Aqsa was not merely a vacant plot but there was a Masjid built over it. The Masjid was destroyed when Sayyidina Umar (RA) conquered Palestine. Sayyidina Umar (RA) re-built it and it was renovated by Abdul Malik bin Marwan. Therefore, Masjid Aqsa alludes to the land and the building and is surrounded by a huge wall.

STEPS OF MIMBAR OF NABI (ﷺ)

Q: How many steps did the Mimbar of Nabi (ﷺ) contain?

A: The Mubarak Mimbar (pulpit) of Nabi (ﷺ) comprised three steps. It is permissible to have more or less steps but three is preferred (Ahsanul Fatawa, vol. 4, page 120).

DIFFERENCE IN UMMAH

Q: Is the Hadith "the difference in my Ummah is a mercy" authentic?

A: It is mentioned on the authority of Ibn Umar (RA) that Nabi (ﷺ) said that the differences in my Ummah are a blessing. This Hadith is reported by Baihaqi and Maqdisi. However, they have not based it on any chain of narrators. Therefore, the scholars state that this is not an authentic Hadith. Hazrat Abdullah bin Abbas (RA) states that Nabi (ﷺ) said, the difference between my companions is a blessing. This is mentioned by Daylami in his book Firdous and by Baihaqi in his work entitled Madkhal. Here also the chain of transmission is very weak. Hence, these are not authentic Ahadith. However the meaning is acceptable when there is a genuine need arising out of changing circumstances in the society. It does not refer to the various sectarian groupings in the Ummah.

OATH ON KA'BA

Q: Is it permissible to take an oath on the Ka'ba and Baitullah?

A: In Islam an oath can only be taken on the Blessed Name of Almighty Allah or His Attributes. To take an oath on anything else is not permissible in Islam. Nabi (ﷺ) said: *Whosoever from you takes an oath, should take an oath on Almighty Allah* (Mishkat Shareef). Therefore, it is not permissible to take an oath on the Baitullah or Nabi (ﷺ). (Fatawa Darul Uloom Zakariyya, vol. 4, page 463)

NABI (ﷺ) SWORD

Q: What was the name of Nabi (ﷺ) sword?

A: Nabi (ﷺ) sword's name was Zulfiqaar.

BEGINNING OF MINARETS

Q: Why and when were Minarets introduced in the Masajid?

A: The purpose of Minarets was that the Muazzin will render the Azaan from the top so that the voice will reach further. Imam Abu Dawud (ra) states in his Sunan, the chapter of Azaan on the Minaret, vol. 1, page 77. Ibn Hajr (ra) has mentioned that Maslama (RA), a companion of Nabi (ﷺ) was the first person to establish Minarets in Egypt (Al-Isaba, vol. 6, page 92). Therefore, it is permissible to have Minarets as a symbol for the Masajid.

ALLAH ON THRONE ABOVE THE HEAVENS

Q: Some people ask where is Almighty Allah, then they say Almighty Allah is on the Throne above the heavens, is this correct?

A: Some misguided people and some Salafis say that Almighty Allah is on the Throne above the heavens. Almighty Allah proclaims the following in the Noble Qur'an:

"East and West belongs to Allah, whichever way you turn, there is the Countenance of Allah" (surah 2 verse 115).

"He is the Ilah (Deity) in the heaven and He is the Ilah in the earth" (surah 43 verse 84).

"He is Allah in the heavens and in the earth" (Surah 6 verse 3).

"He is with you wherever you are" (Surah 57 verse 4).

This is the belief of the Ahlus Sunnah Wal Jama'ah, Allah is in all places as He explicitly mentions in the Noble Qur'an: We do not ascribe any manner nor any concept, nor any form, nor any dimension, nor any direction, nor any space to Almighty Allahs Omnipresence. We say that He is Present as He has mentioned in the Noble Qur'an. As far as the meaning of Istiwa (Surah 20, verse 5) is concerned, the belief of the Ahlus Sunnah has been succinctly mentioned by Imam Malik (ra): A person came to Imam Malik (ra) and asked him to define Istiwa Alal Arsh. Imam Malik (ra) stated that Istiwa is known, i.e. we know about Istiwa from the Noble Qur'an, but its Kayfiyya (manner) is unknown. To believe in it is compulsory and to probe it is Bid'ah (innovation).

Commenting on this verse Hazrat Mufti Shafi Saheb (ra) states in his Ma'ariful Qur'an, vol. 6, page 61. The correct and simple meaning of Istiwa Alal Arsh is what has been narrated from the majority of the pious predecessors that no one knows its reality. It is among the Mutashabihaat and we have to believe that Istiwa is the truth, its manner is in accord with the Grandeur of Almighty Allah. No one on earth can even perceive of its meanings. In conclusion to say that Almighty Allah sits on the Throne is blasphemous.

LIFE ON OTHER PLANETS

Q: What does Islam say about life on other planets?

A: The Noble Qur'an informs us that Almighty Allah did not create the heavens, earth and all that is in between in idle sport. There is a variety of forms of life in all places and planets.

SEEK ASSISTANCE DIRECTLY FROM AULIYA

Q: Is it permissible to say *Ya-Ali* or *Ya- Abdul Qadir* and seek assistance directly from the Auliya (ra)?

A: It is Shirk as direct supplication and request from the deceased are Haram.

DUROOD SHARIEF AS CHARITY

Q: I do not have means to give charity, what should I read so that it could be considered as charity?

A: Nabi (صلی اللہ علیہ وسلم) said, any Muslim who does not have charity to give, should recite the following: *Allahumma sallie ala abdika wa rasulika wa sallie alal mu'mineena wal mu'minaat wal muslimineena wal muslimaat.* (reported by Imam Bukhari (ra) in Adabul Mufrad & Ibn Majah). Hence, this Durood Sharief serves as charity for all those who cannot afford it. It would be meritorious for those who can afford giving charity to also recite this Durood Sharief.



TAHARAH & CLEANLINESS



IMPURITIES

Q: When does a boy become Napaak (impure) with regards to:

- a) semen
- b) blood
- c) pus
- d) urine
- e) stool

One becomes impure (Napaak):

- (a) At the point of ejaculation of semen, Ghusl becomes compulsory;
- (b) & (c) when blood and pus flow from the surface of the wound or any part of the body, then Wudhu becomes compulsory;
- (d) & (e) when urine and stool emerges from the private parts, then Wudhu becomes compulsory.

Q: How can one clean the clothes and body if any of the above Najasat (impurities) is on them?

A: For all the above impurities, the portion of the clothes should be washed at least three times where the traces of the impurity appears.

ELECTROLYSIS

Q: Is electrolysis permissible on the pubic regions?

A: It is permissible.

STAND AND BRUSH ONE'S HAIR

Q: It is true that one should not stand and brush one's hair as your memory will be weakened?

A: No, it is a baseless and non-Islamic belief.

HAIR DOWN DRAIN

Q: When removing pubic hair, is it permissible to let it go down the drain?

A: It is not permissible. However, it is better to bury it.

SPERM - PAAK OR NAPAAK?

Q: According to Imam Shafi (ra), the sperm of a man is Paak. According to Imam Hanafi (ra), it is Najis and clothes with sperm on, cannot be used to make Salat. Why is it that the scholars differ and how did they obtain their proofs?

A: These great scholars of Islam reached their particular conclusions based on laws and circumstances available to them from the Qur'an and Sunnah. Therefore, despite the seeming disparity, one should not regard it as a conflict or contradiction. Hence, we are instructed to follow a particular Mazhab on all matters and not to change from Mazhab to Mazhab, seeking that which suits us. In this instance, Imam Shafi (ra) says that sperm is Paak because the Prophets (AS) were created from it. Furthermore, he states that it is inconceivable that such illustrious personalities be created from an impure substance. For reference see: Kitabul Um by Imam Shafi (ra). Imam Abu Hanifa (ra) considers sperm to be impure because Allah Ta'ala proclaims: *"Have We not created you from a fluid despicable."* (Surah 77: verse 20)

WUDHU BREAKS WHEN ONE TOUCHES WIFE

Q: According to Imam Shafi (ra), when a man touches his wife, his Wudhu breaks and vice versa. Is there any proof to substantiate this?

A: This matter has been discussed in the following verse of the Qur'an (Surah 5 : verse 6), here the word *"Lamastum"* has been interpreted in the following manner; Imam Abu Hanifa (ra)

interpreted it as intercourse whilst Imam Shafi (ra) interpreted it as touching the opposite gender, skin to skin.

WUDHU WHEN TOUCHES NON-MAHRAM

Q: Can the followers of the Shafi Mathab touch Ghair Mahrams during Tawaf. What is the ruling regarding the breaking of Wudhu when touching non-Mahrams?

A: According to the Hanafi jurists, Wudhu is not invalidated if one touches a female. However, the Shafi view on the issue is, that Wudhu is broken if one touches a Ghair Mahram. Due to the constraints placed on people during Haj and Umra, the Shafi's follow the Hanafi ruling due to necessity. Cognizance must be taken of the fact, that to touch strange men or women is Haram.

KHILAAL OF FINGERS DURING WUDHU

Q: When should Khilaal of the fingers be made during Wudhu?

A: Khilaal of the fingers should be performed after the washing of ones hands. (see: Fatawa Darul Uloom Zakariyya volume 1, pages 473 -474)

COVER HEAD WHEN GOING TO TOILET

Q: Should one cover the head when going to the toilet?

A: Hazrat Ayesha (RA) reports that Nabi (صلی اللہ علیہ وسلم) used to cover his Mubarak head before entering the toilet. For reference see:

- a) Baihaqi in Sunan Al-Kubra, vol. 1, page 96
- b) Abu Nuaim in Hilya, vol. 7, page 158
- c) Nawawi in Majmu, vol. 2, page 113

Therefore, it is a Sunnah to cover the head before entering the toilet.

MASAH OF THE NAPE

Q: Is it permissible to make Masah of the nape?

A: It is permissible as the Hadith is mentioned in Musnad Ahmad on the authority of Layth (ra): Therefore, it is Mustahab to make Masah of the nape according to the Hanafi scholars, whilst the Malikis say it is Bid'ah. (Fatawa Darul Uloom Zakariyya, vol. 1, pages 493-496)

WUDHU BREAKS WHEN CHANGES NAPPY

Q: When a person changes a babys nappy, does ones Wudhu break?

A: The persons Wudhu does not break. However, one must wash ones hands thoroughly.

WUDHU TO READ QUR'AN ON IPAD

Q: We have iphones and ipads which contains the Noble Qur'an etc, does one need Wudhu to read it and can one enter the toilet with it?

A: It is desirable to have Wudhu when reading the Noble Qur'an from an iphone/ipad etc. However, Wudhu is not a pre-requisite as one is not touching the Noble Qur'an but the screen. Similarly, one can enter the toilet with the iphone etc. as it is normally switched off when one enters the toilet.

GROWING MOUSTACHES

Q: Should the moustache be clipped short only or should it be clean shaven?

A: It is compulsory to trim the hair of the moustache that grows over the upper lip. As for the moustache itself, it is preferable to clip it instead of shaving.



SALAT



BUSINESS OPEN DURING JUMUAH

Q: Is it permissible to leave one's shop or business open during the time of Jumuah.

A: We seek guidance from the following verse of the Noble Qur'an: "*O you who believe, when the Azan is given for prayer on Friday, hasten to the remembrance of Allah and leave business.*" (Surah 62 Verse 9). From this verse it becomes evident that when the Azan for Jumma Salat is given then those upon whom Jumma Salat is compulsory must hasten to prayer. Thus, it is not permissible for you to leave your shop open.

SAJDA DIFFERENT TO MEN

Q: A concerned group of Muslim ladies would like to know the reasons behind the fact that, why should women prostrate (go down in Sajda) differently to men, according to the Mazhab of Hanafi, whereas Nabi (ﷺ) said: "Perform Salat, the way I perform Salat". Please inform us of the proof (Qur'an or Hadith) of Imam Abu Hanifa (ra), concerning this matter.

A: The Hanafis standpoint is based on the following Hadith mentioned in the Marasil of Imam Abu Dawud.

Nabi (ﷺ) passed by two females whilst they were performing Salat. Nabi (ﷺ) said: "*When you prostrate, join a portion of the body to the ground, as a woman is not like a male in sajdah.*"

The synopsis of this Hadith basically directs women to perform sajdah in such a manner that their modesty is not compromised. We find that this view is upheld by majority of scholars, for example, Imam Malik (ra), Imam Shafi (ra) and Imam Ahmad (ra). Hence, the veracity of the Hanafi viewpoint is strengthened. For reference see: Al-Fiqh alal-Mazahib al-Arba, Volume 1, page 262. Furthermore, we should look at the counter argument based on

the following: Um Darda (RA) use to sit in her Salat like the men. (See reference: Bukhari Sharif, volume 1, page 284)

In the above instance the narrator speaks of her own action and not the action or dictate of Nabi (ﷺ).

EARLIEST TIME FOR ESHA SALAT

Q: I would like to know what is the earliest possible time for Esha Salat, especially during Ramadhan?

A: The jurists of Islam, like Imams Malik (ra), Shafi'e (ra), Ahmad bin Hanbal (ra), Abu Yusuf (ra) and Muhammad (ra) are unanimous with regards to the commencement time for Esha Salat. They are of the view that Esha Salat time commences once the redness on the horizon disappears after the time of sunset, this time has been calculated to be approximately 80 minutes. Therefore, the Azan for Esha Salat could be called 80 minutes after sunset. For reference see: Ahsanul Fatawa by Mufti Rashid Ahmad Saheb (ra), Volume 2, pages 129-130

EARLIEST TIMES FOR SALAT

Q: Kindly assist me in determining the Awwal Waqt for Salat by providing me with a formula for Hanafi and Shafi Mazhabs that can be used with the sunrise and sunsets times as reference points.

A: The jurists from both schools of thought (Hanafi and Shafi) concur on the calculation of time for the Fajr Salat. Hence, the time may be calculated as being approximately 80 minutes before sunrise, that is, when a horizontal brightness appears on the eastern horizon. The time for Fajr Salat expires at sunrise.

The time for Zohr Salat commences immediately after Zawwal, that is, immediately after the sun passes its zenith, on this issue both groups of jurists also concur. Majority of the scholars agree that when the shadow cast by an object placed vertically in the

ground equals its length, then the time for Zohr Salat expired and Asr time commences. However, Imam Abu Hanifa (ra) is of the opinion that the Zohr Salat time is valid upto the time that the length of the shadow is twice the length of the object, and thereafter Asr time commences.

Asr time expires at sunset. When the disc of the sun disappears from the horizon then the time for Maghrib Salat commences. The time for Maghrib Salat is valid for plus-minus 80 minutes. Thereafter, Esha time commences. Majority of the scholars upholds the view that Maghrib time expires when the redness on the horizon disappears.

According to the majority of scholars Esha times expires approximately 1 ½ hours before sunrise, however to read Esha Salat after midnight is Makrooh (undesirable).

GO TO RUKU BEFORE IMAM

Q: Is it permissible for the Muqtadi to go into Ruku and Sajda before the Imam and does the Salat break?

A: We draw guidance from the following Hadith: Nabi (ﷺ) said: *"Does he who raises his head before the Imam not fear that Allah Ta'ala may change his head into a donkey."* (Reported by Bukhari and Muslim in Mishkat Sharif page 102)

Hence, it becomes obvious that if one indulges in this practice then it is sinful and reprehensible (Makruh Tahrimi) but the Salat is not invalidated. Furthermore, the reference made to the person turning into a donkey relates to the change in the individuals mindset and thinking and not the physical transformation of his body etc. The Muqtadi must ensure that he performs all the postures after the Imam.

SALAT TIMES WHERE SUN DOES NOT SET

Q: Would you please give some information regarding Salat and fasting times arranged at places in the Northern Hemisphere (North of Sweden) where at times the sun never sets ?

A: It is an acceptable procedure to adopt the times of Salat and fasting of the neighbouring countries. However, since most of the Scandinavian countries are in a similar predicament, it is necessary to look towards other countries that have normal Salat and fasting times. For reference see: Fiqhus Sunnah by Sayyid Sabiq, volume 1, page 472

TWO RAKATS NAFL AFTER WITR

Q: It is permissible to read two Rakats Nafl after Witr? On how many occasions did Nabi (ﷺ) pray Nafl Salat after Witr and did he stand or sit whilst performing the Nafl? How much Sawab will one obtain if one reads the Nafl sitting?

A: It is advisable to delay the Witr Salat enabling one to perform all the Nafl Salat before it. However, it is permissible to read two Rakats Salat after Witr. For reference see: Muslim Shareef, volume 1, page 257

The Prophet (ﷺ) performed two Rakats Nafl sitting after Witr on two occasions indicating its permissibility.

For reference see: Allama Nawawi's (ra) commentary on Muslim Shareef, volume 1, page 254

It is more virtuous to perform Nafl Salat standing, since the reward for performing it whilst sitting is half.

For reference see: Muslim Shareef, volume 1, page 253

WOMEN PERFORM SALAT IN MASJID

Q: Can women read Salat and Taraweh behind an Imam in a Masjid with separate room for the ladies?

A: It is not permissible for women to read Salat and Taraweh Salat behind the Imam in the Masajid as the following conditions are not normally fulfilled:

1. The women must not wear any perfume.
2. The females must be Islamically dressed.
3. The women must be in a separate room or section.
4. There must be a separate entrance for the females.

However, it is desirable and worthy of more reward for the females to perform all their Salat at home individually. Nabi (ﷺ) said in an authentic Hadith, "And for the females their homes are better for them (for Salat)." (Abu Dawud)

CLOSE BUSINESS DURING ASAR SALAT

Q: Should the shops close for Asr Salat and is the money earned after the Azan Haram?

A: You have confused the ruling regarding that of Jumma Salat with that of Asr Salat. Although money earned after the Jumma Azan is reprehensible, this ruling cannot be applied to any other Salat. It is totally permissible to earn income after the Azan of any Salat excluding Jumma. At the same time, it would not be permissible for an employer to prevent his employee from performing his Salat in the Masjid at the appointed times.

2ND JAMAH FOR EID SALAT

Q: A group of people missed Eid Salat, can they perform Eid Salat at the same venue? Some people say that this mentioned in Bukhari Shareef.

A: The Hadith referred to, follows hereunder:

"Whoever missed the Eid prayer should pray two Rak'ats, as is

confirmed by the statement of Nabi (ﷺ): "O, Muslims, this is our Eid." At Zawiya Hazrat Anas bin Malik (RA) ordered his slave Ibn Abi Ghaniya to collect his (Anas (RA)'s) family and offspring. Hazrat Anas (RA) led a prayer similar to that offered by the people of the town and recited Takbir similar to theirs. Ikrama (RA) said, "The villagers should gather on the day of Eid and offer two Rak'at as the Imam does". Ata' said, "Whoever misses the Eid Prayer should pray two Rak'at." For reference see: Bukhari Sharief, vol 1, page 335

Hence, the second Jamat held at the Eid Gah is valid and permissible. However, it is preferable for the second Jamat to be held at another venue. For reference see: Ahsanul Fatawa by Mufti Rashid Ahmad Saheb (ra) vol 4, page 125

PERFORM SALAT WITH EYES CLOSED

Q: Can Salat be performed with the eyes closed?

A: The Sunnah manner of performing Salat demands one to read Salat with the eyes open. However, if a person finds it difficult to concentrate in Salat, then one may read Salat with one's eyes closed.

JUMUA AT EIDGAH GROUNDS ON EID DAY

Q: We have a Jumma Masjid in town. The Eid Salat is performed on the Madressah field. If Eid falls on Friday, can we perform Eid Salat and Jumma Salat on the Madressah grounds (for convenience sake)?

A: It is permissible to perform the Eid and Jumma Salats on the field, since a Masjid is not a pre-requisite for Jumma Salat according to majority of the scholars. However, Imam Malik (ra) states that the Jumma Salat must be performed in the Masjid.

TWO RAKATS SUNNAH BEFORE MAGHRIB

Q: Reviving a Sunnah is excellent. Will it be advisable for us to start reading two Rakats of Salat before Maghrib Salat (after Athan) in our Masjid?

A: This Sunnah would be advisable especially in communities which are predominantly followers of the Shafi and Hanbali Mazhab.

ORDER OF SURAHS IN SALAT

Q: Is the Salat valid if the order of the Surahs are not correct?

A: The practice of reciting Surahs against the sequence is regarded a Makruh. However, the Salat is valid and therefore, there is no need for Sajdah-Sahw.

HAFIZ OR ALIM LEAD SALAT

Q: Can a person make Imamah if he is neither an Alim nor a Hafiz? Between a Hafiz and an Alim who should be given preference?

A: Any person leading the prayer must be familiar with the rules associated with Salat and also be able to recite the Qur'an Shareef properly. A Hafiz will take precedence over such a person and likewise an Alim will take preference over a Hafiz.

TIME FOR ISTIKHARA

Q: Can Istikhara be made any time of the day? Which time is preferable and what is the best manner to do it?

A: Istikhara can be done at any time but not at Makruh times. The preferable manner is to recite 2 Rakats Nafl Salat and then read the following Dua: "*Allahumma Khirli wakhthari*" O Allah select the best for me and choose for me. (Tirmidhi)

SHAKING HANDS AFTER SALAT

Q: What is the ruling on shaking hands and kissing after Salat?

A: The practice of shaking hands and kissing is permissible where such occasion arises due to meeting after a long period or when a person departs. However, in the normal course of events where people meet daily for all Salat, this practice is not permissible.

OMISSION OF SUNNAT & NAFL SALAT

Q: People are not particular about the Sunnah and Nawafil Salat. What is the ruling in this regard?

A: The Sunnat Salat falls into two categories, namely; Muakkadah and Ghair Muakkadah, and as such the omission of Sunnat Muakkadah is regarded as a sin. Furthermore, the reading of Sunnat Ghair Muakkadah and Nafl should be encouraged. The omission of Sunnat Ghair Muakkadah and Nafl is not a sin.

BROADCAST AZAAN VIA SATELLITE

Q: Is it permissible to have one Azaan in the city and broadcast it via satellite, hence the other Masjid will not have Azaan?

A: It is Sunnah Muakkadah to render the Azaan in every Masjid and it is considered sinful to omit it (Fatawa Hindiya, vol. 1, page 54).

PROOF FOR WEARING A TOPI

Q: Is there proof for wearing a Topi (hat) in Salat?

A: Hasan Basri (ra) states that the people (Sahaba) used to perform Sajda with their turbans and hats (Bukhari Shareef, vol. 1, page 56). Nabi (صلی اللہ علیہ وسلم) used to wear a white hat (Majmauz Zawaid, vol. 5, page 121). Therefore it is sinful to read Salat without any headgear except when a person is in Ihram.

HOW SHOULD ONE END ONES SALAT?

Q: How should one end ones Salat?

A: According to the Hanbalis, Shafi'ies and Hanafis one should say *Assalaamu alaikum wa rahmatullah* both sides. However, according to Imam Malik (ra) one should say *Assalaamu alaikum* only when completing ones Salat. (Hashiya Ad-Dasuqi, vol. 1, page 379 and Al-Mudawwana Al-Kubra, vol. 1, page 226)

COMBINE JUMMA AND EID SALAT

Q: Is it permissible to combine Jumma and Eid Salat?

A: According to majority of the scholars, viz, Hanafis, Malikis, and Shafi'ies it is compulsory to read Eid and Jumma Salat separately. When Eid was on a Friday, then Nabi (ﷺ) read 2 separate Salats (Sahih Muslim & Sunan Nasai). However, Imam Ahmad bin Hanbal (ra) says one can combine the two Salats in the morning. The proof cited by the Hanbalis is a weak Hadith mentioned in Ibn Maja.

SALAM TO JAMAT BEFORE KHUTBA

Q: Should the Khateeb (person rendering the Khutba) make Salam to the congregation before the Khutba?

A: There are authentic Ahadith which state that Nabi (ﷺ) made Salam before the Khutba (Ibn Majah & Tabarani). Therefore, it is a Sunnah according to the Shafi'ies, Malikis and Hanbalis. The Hanafi Ulama say it is better not to make Salam before the Khutba.

REPLY TO SECOND AZAAN ON FRIDAY

Q: Should one reply to the second Azaan on a Friday?

A: It is permissible to reply to the second Azaan according to majority scholars. (Ma'arifus Sunan by Allama Binnowri (ra), vol. 4, pages 341 & 383; Fatawa Lakhnawi, page 350)

RAISE HANDS IN QUNUT NAZILA

Q: Is it permissible to raise ones hands in Qunut Nazila during Fajr Salat?

A: One has a choice to either raise the hands (as in Dua) or leave it on the sides. The Hanafi scholars prefer leaving the hand on the side. (Fatawa Darul Uloom Zakariyya, vol. 2, pages 376-377)

RAKATS IN ISHRAQ SALAT

Q: How many Rakats in Ishraq Salat?

A: One can read 2 or 4 Rakats for Ishraq Salat as mentioned in the following Hadith: It is reported on the authority of Abu Umama (RA) that Nabi (ﷺ) said that, whosoever read Fajr Salat, then made Zikr till sunrise. Thereafter, performed 2 or 4 Rakats, the fire will not touch his skin (Baihaqi). Hence, one should read Ishraq Salat 15 minutes after sunrise and one could read 2 or 4 Rakats.

DUA BETWEEN TWO SAJDAS

Q: What Dua should one read between the two Sajdas?

A: Nabi (ﷺ) used to read the following Dua between the two Sajdas, *Allahummagh firli war hamni, waj burni, wah dini, war zuqni* (Tirmidhi Shareef). Hence, it is Sunnah to read the above mentioned Dua. The meaning of the Dua is, O Allah, forgive me, have mercy on me, compensate for me, guide me and sustain me.

TIMES IMAM TO READ TASBIH IN RUKU

Q: How many times should the Imam read the Tasbih in Ruku and Sajda?

A: It is best for the Imam to read the Tasbih 5 times in Ruku and Sajda. (Tirmidhi Shareef)

QADHA SALAT AFTER ASR SALAT**Q:** Is it permissible to perform Qadha Salat after Asr Salat?**A:** Yes, it is permissible to perform Qadha Salat after Fajr and Asr Salat. However, when it is about 15 minutes before sunset, then it is not permissible to perform Qadha Salat at that time.**SAJDA TILAWAT AFTER ASR SALAT****Q:** Is it permissible to make Sajda Tilawat after Asr Salat?**A:** If one read the verse of Tilawat after Fajr or after Asr, then it is permissible to perform the Sajda at that time. However, if the verse was read at other times, then it is not permissible for one to perform the Sajda Tilawat after Fajr or Asr Salat.**MENSES STARTED WHILST IN FARDH SALAT****Q:** A lady commenced her Fardh Salat and her menses started, what is the ruling in this case?**A:** She must terminate the Salat and there is no Qadha for that Salat. However, if the menses begins during Sunnah or Nafil Salat, Qadha of it has to be performed after attaining purification according to the Hanafi jurist.

ZAKAT & CHARITY



RECEIVER OF ZAKAT DIED

Q: What happens if the receiver of Zakat died and he was in a position to pay it back?

A: If the intention was Zakat then the question of repayment does not arise. However, if it was for *Qard Hasan* (loan without interest), then the money must be paid by the heirs to the creditors.

ZAKAT CONFISCATED

Q: A person was given a sum of Zakat monies, to deliver to a certain Madrassah overseas. The custom authorities confiscated the money, which was being carried illegally. Those who gave the Zakat, do they have to pay again?

A: The Zakat of those persons who gave their monies to be taken overseas is not discharged. It is incumbent upon them to repay their Zakat. For reference see: Ahsanul Fatawa, Volume 4, page 289 by Mufti Rashid Ahmed Saheb (ra)

ZAKAT FOR TRANSPORTATION

Q: Our organization has Zakat money. It is used for transporting students from the location to the city. Can Zakat money be used to buy a Kombi for this purpose?

A: There is consensus that it is not permissible for the organization to purchase a Kombi with Zakat money since the Zakat funds would not be transferred to the rightful recipients. We suggest that the Zakat money be given to the recipients and that they arrange their own transportation. However, other funds such as Lillah can be used if you wish to purchase a Kombi.

ZAKAT WHEN RE-TRENCHED FROM JOB

Q: We have a family member who is 63 years old. His wife is disabled and so is his daughter who was born disabled. The

man has been retrenched from his job and he had a bond on his house. The outstanding amount on his house is about R80 000. We would like to know if we can pay Zakat money to free his house. Please kindly let us know, if it is correct to give Zakat and is our Zakat fulfilled according to Shariah?

A: In fulfilling ones obligation of Zakat, we find that Almighty Allah states in the Noble Qur'an that there are eight categories of people that are the rightful recipients of Zakat. For reference see: Surah 9: verse 60.

One of the categories mentioned, is people in debt, provided that the debt is of a Halal nature. In this instance before helping the debtor one should determine whether his "Zakatable" assets are sufficient to honour the debt. If this is not so then verily helping him with Zakat to pay his debts will Insha-Allah earn you a double reward, since apart from helping and strengthening family ties, you have also complied with the obligation of paying Zakat.

ZAKAT FOR PUPIL'S FEES

Q:

1. We have students and members of our organization who are poor and not able to pay Madressa fees. Is it permissible to pay their Madressa fees with Zakat funds?
2. Our students and members also receive Tapes, Braille Books, etc., from us which are very expensive. Can Zakat funds be utilized for the payment of these materials on behalf of these students?

A:

1. The payment of Madressah fees from Zakat funds is permissible provided that the following conditions are fulfilled:
 - a. The recipients are Muslims.
 - b. They must be poor, that is they do not possess the minimum amount that makes them liable for Zakat.

2. If such purchases are made from Zakat funds, then the recipients must be given the items without any pre-conditions, that is, they must not be compelled to return the books etc., to the institute when they graduate or leave.

WAGES FROM ZAKAT

Q: If a person has a large amount of Zakat and he employs someone to distribute it, can he pay the persons wages from Zakat i.e. will this person fall under Amileen?

A: If the person is employed by an individual to dispense of his Zakat, then such an employee cannot be categorized amongst the Amileen, since he is not employed by an Islamic State or a constituted organization that is responsible for the collection of Zakat. For reference see: Mariful Qur'an by Mufti Shafi Saheb (ra), volume 4, page 399

LAVISH LIFESTYLE LIABLE FOR ZAKAT

Q: If a person lives a lavish lifestyle and his house is about to be repossessed and he has no means of saving it, will he be liable to receive Zakat?

A: The individual who is in debt, one will need to firstly establish the nature of the debt, that is, are the debts legitimate and of a Halal nature. Secondly, does the individual have sufficient assets that could be sold to offset the debts, that is, such assets that are not basic requirements, for example, TV, videos, second cars, policies etc. Hence, the person in question must fulfill the aforementioned conditions to receive Zakat. For reference see: Mariful Qur'an by Mufti Shafi Saheb (ra), volume 4, page 406

SADAQA ACCUMULATED GIVEN AS LOAN

Q: A businessman sets aside a portion of his takings as Sadaqa for later distribution and the amount accumulates over a period. He intends the distribution to be effected next Ramadhan.

Pending the arrival of Ramadhan, would it be permissible for him to lend any portion of such accumulated amount to anybody? (to give a loan from it, repayable before Ramadhan next)?

A: Charity is divided into two categories, namely, the charity of a compulsory nature, for example, Zakat and Fitra and Nafl charity such as Sadaqa. Therefore, considering the former which is the compulsory charity, it must be dispensed with immediately, whilst Nafl charity may be given as loans to individuals.

TAKING COMMISSION FROM COLLECTIONS

Q: Some people do collections for Masajds and for Madressahs while they are on leave and take 10% or 15% for themselves. Is this permissible?

A: In our present day the appointment of such a person would have to be done by a bona fide organization that represents the Muslims of that country or province. However, the person in your question is not permitted to receive a percentage from the Zakat monies collected as he is self appointed.

LOANS FROM ZAKAT FUNDS

Q: Can we give a loan from the Zakat money so it is repaid back?

A: It is not permissible to grant loans from Zakat funds.

INVESTING ZAKAT MONEY

Q: If excess Zakat money is given to a businessman so that he puts it in his business. Profits will be shared by the Baitul Maal and the businessman. Is this permissible?

A: It is not permissible to invest Zakat money in any business ventures even if there are guarantors. All endeavors should be made to distribute the Zakat money expediently locally or abroad.

ASSESSING CASES OF ZAKAT

Q: How do we assess who qualifies to receive Zakat?

A: The Qur'an has highlighted the 8 categories of people that qualify for Zakat (Sur 9: verse 60). However, an individual when disposing of his / her Zakat should ascertain whether the recipient is outwardly in such a condition that he / she deserves Zakat. Subsequent to discharging the Zakat, one then finds that the recipient was not truly deserving of it, the obligation of Zakat has been fulfilled provided that the recipient is a Muslim.

ZAKAT TO SPOUSE

Q: Can the wife give Zakat to her husband?

A: It is not permissible for the wife to give her husband Zakat or vice versa.

MINIMUM NISAB IN GOLD & SILVER

Q: What is the minimum Nisab in gold and silver?

A: The minimum amount of gold and silver for Zakat is 87.48 grams and is 612.36 grams respectively.

WIFE TO PAY HER OWN ZAKAT

Q: Does the wife have to pay her own Zakat?

A: It is not the responsibility of the husband to pay his wives Zakat. It is an act of Ibadat which is incumbent on the wife. However, if the husband wishes to pay her Zakat, then it is permissible provided that he informs her.



NIKAH, MARRIAGE & WALIMAH



SURNAME OF WIFE

Q: When one marries, does one's wife have a choice as to the surname that she must assume e.g. her husband's surname or her surname. What is the Islamic ruling?

A: When a woman marries it is preferable for her to retain her maiden surname. However, taking on the surname of one's spouse is permissible for administration purposes.

MATRIMONY WITHOUT CONSENT

Q: What does Shariah say about the Nikah of a Muslim girl (19 years old), hailing from a good Muslim family who elopes with a Hindu boy, adopted by a Muslim family when he was 3 months old and brought up a Muslim, but unfortunately indulges in drinking liquor, taking drugs, etc. marries this boy without her parents consent? Please enlighten us on this matter in the light of the Shariah.

A: According to the Islamic law, if a Muslim girl who is sane and mature enters into matrimony with a boy who is incompatible without the consent of her parents/guardian, then her Nikah will be considered null and void according to all four schools. (see reference: Imdadul Muftiyeen by Hazrat Mufti Shafi Saheb (ra) page 551), Tirmidhi Shareef Hadith no. 1101 & 1102.

PARENTS REFUSE WEDDING PROPOSALS

Q: Can the parents of a girl (17 years), refuse wedding proposals for her, without telling her about them?

A: Once a girl has reached puberty, her parents are morally and ethically bound to inform her of any such proposals. However, they should advise her on the suitability of accepting or rejecting such proposals.

BOY AND GIRL TO SEE EACH OTHER

Q: Is it permissible for a boy and girl to see each other in secret with the intention of marriage?

A: Courting, dating and going out together before marriage is totally forbidden in Islam. Nabi (صلی اللہ علیہ وسلم) said, that when a strange man and woman are alone, then the third one between them is Shaitan. (Tirmidhi, Hadith no. 1181). Cognizance should be taken of the fact that secret Nikahs are not permissible according to majority of scholars. Secret Nikahs refer to, when the female gets married without the consent of her father, paternal grandfather, brother etc.

CALCULATE MAHR FATIMI

Q: How does one calculate Mahr Fatimi?

A: Mahr Fatimi is 480 dirhams equivalent to 1469.664 grams of silver. The Mahr of majority of the wives of Nabi (صلی اللہ علیہ وسلم) was 500 dirhams, which is equivalent to 1530.9 grams of silver. Thus it is desirable to calculate the Mahr at 500 dirhams nowadays. (Fatawa Darul Uloom Zakariyya, vol. 3, page 628)

DUA WHEN MEETING NEWLY WEDS

Q: What is the Sunnah Dua when meeting the newly wedded couple?

A: It is Sunnah to say: *BarakAllahu lak wa BarakAllahu alayk wa jama'a baynakuma fi khair* (Abu Dawud). It means that Almighty Allah bless you with ease and Almighty Allah give you Barakah (make it easy) at the time of difficulty and combine the two of you with goodness.

WALIMA IN A RESTAURANT

Q: Is it permissible to have a Walima in a restaurant?

A: Walima is a Sunnah act. It is an Ibadat which has to be performed in a simple way encapsulating the spirit of the Sunnah. It is not permissible to have the Walima at the restaurant due to the following factors:

- a) Violation of Purdah occurs
- b) The restaurant is a venue for all types of people - Muslim, non-Muslim etc.
- c) The restaurants normally also deal with meat that are doubtful or haram.

In conclusion the proper setting for a Walima is the home and not a public restaurant.

MAHR NOT MENTIONED DURING NIKAH

Q: The Mahr was not arranged nor mentioned during the Nikah, is the Nikah valid?

A: The Nikah is valid and the Mahr maybe fixed by mutual agreement between the husband and wife.

MISYAR NIKAH

Q: Is a Misyar Nikah permissible in Islam?

A: Misyar is when the two parties agree to marry and the husband will not fulfill the rights of the wife, except for the conjugal rights. This is similar to the Mu'ta of the Shias, which is another name for prostitution. All these Misyar alliances are clandestine affairs, the family and the people are not supposed to know of this Zina alliance. Thus, this effectively assigns it into the confines of prostitution and therefore it is Haram.



PREGNANCY, & BIRTH



MORE THAN ONE TAHNEEK

Q: In the case of a new-born baby is it permissible to make more than one Tahneek?

A: Tahneek refers to inserting dates in the newborns' mouth. It is a Sunnah of the Prophet (صلی اللہ علیہ وسلم) to make Tahneek once. However, it is permissible to do it more than once.

SAFFRON APPLIED TO HEAD AFTER BIRTH

Q: I have heard that after shaving off the hair of a new-born, in the past a paste of saffron or a similar solution used to be applied to the head. Is this practice Sunnat? If so, what does the paste actually contains?

A: To apply saffron solution is Sunnah. It is a mixture of saffron and water. For reference see: Mishkat, page 363

MAKE PREPARATIONS BEFORE BIRTH

Q: Is it permissible to make preparations e.g. buying clothing etc., before the arrival of the baby?

A: It is permissible to buy clothing etc., before the arrival of the baby. However, one should not be extravagant in this regard.

RUH ENTER THE FOETUS

Q: When does the Ruh enter the foetus?

A: There is a divergence of Ahadith with regard to the time of ensoulment. The most accepted Ahadith are after 4 months. For reference see: Muslim, Hadith no. 2643.

RECITATION OF SURAHS MARYAM & YUSUF

Q: Is there any authentic proof that the recitation of Surah Maryam and Surah Yusuf abundantly during pregnancy enhances the possibility of

a) A good natured baby (Surah Maryam)

b) A beautiful baby (Surah Yusuf)

A: There is no mention of this in the Qur'an or in the authentic Ahadith but it is permissible to read it.

MARYAM (AS)'s CONCEIVING & DELIVERY

Q: Did Hazrat Maryam (AS) go through the 9 month period before giving birth? Was there a period of carrying, between her conceiving and her delivery?

A: Hazrat Jibraeel (AS) blew the spirit with the command of Allah Ta'ala into Hazrat Maryam (AS) and she departed from her hometown to the east where she gave birth. Hence, there was a short carrying period as it was a miraculous birth. For reference see: Surah 19: verses 16-26.

BLACK BANGLES FOR NAZR FOR CHILDREN

Q: Many people believe that black bangles (worn by babies) etc., ward off the effect of Nazr. Is there authentic proof of this?

A: It is a baseless practice in Islam and is not permissible.

WUDHU FOR SALAT AFTER WATERS BREAK

Q: When a woman's "waters" break at the onset of labour, does she have to make Ghusl or Wudhu in order to perform Salat?

A: Once the water breaks and there is a delay in the onset of labour/contractions, Wudhu will suffice for every Fardh Salat.

PREGNANT WOMAN DURING ECLIPSE

Q: Some pregnant women believe during solar / lunar eclipse can result in a child with a defect e.g. cleft lip. Is this true?

A: This is a Haram Hindu custom which is for Muslims to believe.

PROPERTY OF EX-WIFE AFTER DIVORCE

Q: What happens to the property of an ex-wife after a divorce?

A: In the case of a Talaq (divorce) the property of the ex-wife should be returned to her. If items were purchased by her then she is entitled to claim them. She is not entitled to items that were purchased by her husband.

We suggest that those items which have already been taken and are not her property, should not be reclaimed as a gesture of magnanimity. Almighty Allah proclaims: *"And provide for them (wives), the wealthy according to his means and the strained according to his means, a provision according to usage (this is) a duty on the doers of good."* (Surah 2 - verse 236)

INTENTION OF TALAQ

Q: I state that my husband and I are separated for more than 3 years now after 8 months of marriage. When this separation occurred, I was 3 months pregnant. After my baby was born and during my pregnancy he did not support me at all. Only since December this year has he begun to pay maintenance (Dec 1991).

During our period of separation there has not been any form of intimacy between us at all. Once when he has been to visit, he stated, "when you want your Talaq I will give it you." Is this Talaq valid?

A: According to the circumstances described by you in your letter we conclude according to the Shariah that no Talaq has occurred. The words which are attributed to your husband merely imply an intention of Talaq. For reference see Imdadul Muftiyyin, page 615 by Mufti Muhammad Shafi Saheb (ra).

UTTERING 3 TALAQS & ITS IMPLICATION

Q: Is three Talaqs valid and what are its implications?

A: The question of uttering 3 Talaqs and its implication have been categorically discussed in Dars Tirmidhi, volume 3, page 468-480 by Justice Taqi Usmani. It is the general consensus of Imams Malik (ra), Ahmad bin Hanbal (ra), Shafi (ra) and Abu Hanifa (ra) as well as Hazrat Umar (RA), Abdullah bin Abbas (RA), Abdullah bin Masud (RA), Abdullah bin Umar (RA) and the majority of companions, that the 3 Talaqs are valid.

The Ahadith presented can be refuted as follows:

The Hadith relating to Rukana (RA) which is also mentioned in Ibn Majah, Abu Dawud and Tirmidhi. After analyzing the incident in the various compilations of Hadith it is found that Rukana (RA) did not express "Divorce" explicitly but rather ambiguously. Nabi (ﷺ) had enquired of the intention of Rukana (RA) and it was established that Rukana's intention was the giving of one Talaq only. For reference see: Sunan Abu Dawud, Hadith no. 2196

The Muhadditheen have classified this particular Hadith as being weak, due to the fact that certain reporters in the chain of transmission like Muhammad bin Ishaq and his teacher Dawud bin Hussain are considered weak. For reference see: Luzum Talaq Al-Thalath Dafah, page 16, by Shaikh Muhammad Khudari Shinkiti, Mufti of Madina.

Both the Hadith are reported on the authority of Ibn Abbas (RA). Hence, we conclude that the utterance of three Talaqs in a single sitting must be considered as three Talaqs. Since Ibn Abbas (RA) was of this opinion as well. For reference see: Sunan Abu Dawud, Hadith no. 2198.

Furthermore, attention needs to be drawn to the opinions of

Ahmad bin Hanbal (ra) and Abu Dawud (ra) on the reliability of the Hadith relating to Rukana (RA). Firstly, because there is a conflict arising due to the use of the names Rukana and Abu Rukana. Imam Ahmad (ra) mentions the name Rukana and Abu Dawud states the name Abu Rukana. For reference see: Abu Dawud, Hadith no. 2196

The Hadith reported by Bin Labeed proves that the utterance of 3 Talaqs in a single sitting was considered abominable by Nabi (ﷺ) hence the Sahabah wished to kill the perpetrator. From this it is clear that the 3 Talaqs were considered as 3 and not one.

The above incident is similar to the one reported by Ubadah bin Samit (RA), who reported that his father had given 1000 Talaqs to his mother, Nabi (ﷺ) responded that the 3 Talaqs had sufficed. However, the 997 Talaqs were considered a tyranny and an injustice upon his wife and he is answerable for this misdemeanor to Allah Taala. For reference see: Luzum Talaq Al-Thalath Dafah, page 49, by Shaikh Muhammad Khudari (ra)

In conclusion, we consider 3 Talaqs in one sitting to be 3 divorces. There is consensus on this issue amongst both the Arab and Indo-Pak Ulama. For further details see: Ahsanul Fatawa, volume 5, pages 223-372 by Mufti Rashid Ahmad Saheb (ra)

TALAQ WHILE THERE WERE NO WITNESSES

Q: We are aware of the 2nd verse in Surah Talaq (regarding having witnesses), what happens if the husband gave his wife Talaq while there were no witnesses present? If the husband sent a properly addressed letter to his wife informing her of her Talaq (while no witnesses sign the letter). Is the Talaq valid?

A: Talaq be it uttered or written out, is binding irrespective of whether this act has been witnessed or not. However, it is advisable that when issuing Talaq witnesses are present.

ONE TALAQ PRONOUNCED

Q: A man pronounced the first Talaq to his wife and she leaves the town, and after one year the husband wants to reconcile with his wife, what should he do?

A: This means that one revocable divorce has been pronounced and therefore, he can take back his wife after performing a new nikah, since the Iddat period has expired.

DIVORCE & IDDAT

Q:

1. If a woman is divorced with one Talaq, will she go into Iddat immediately?
2. Will one keep a 2nd and 3rd Iddat after the respective divorces are issued?
3. Can she drive for her father – drive her father to the hospital +- 300km away. Her father does have a driver at his disposal (father has lethal cancer).

A:

1. If the marriage has been consummated or they went into privacy, then she must go into Iddat immediately until the duration of three menstrual cycles are complete. However, should she be pregnant, then the period of Iddat extends till the time she delivers. For reference see: Surah 2 : verse 228.
2. For each utterance of Talaq, a period of iddat is required provided that these Talaqs were issued on separate occasions. However, should the Talaqs be issued simultaneously, then the Iddat for the first Talaq will suffice.
3. It is essential for her father to seek the aid of the driver at his disposal. She is not permitted to leave her house for such reasons.

REVOCABLE AND IRREVOCABLE DIVORCE

Q: Please explain briefly the difference in the revocable and irrevocable Talaqs given once or twice.

A:

- a) **Revocable divorce (Rajee):** It refers to a Talaq where explicit words were uttered or written by the husband. In the event of Talaq been uttered by the husband, he may take her back within the Iddat period and a new Nikah is not required. However, should the Iddat have expired and the couple wish to reconcile, a new Nikah is required.
- b) **Irrevocable divorce (Baain):** It refers to implicit words used by the husband. In such an event through the husbands' actions or implication, it is understood that his intention was to divorce his wife. If they wish to reconcile, a new Nikah has to be performed irrespective of whether the Iddat has expired or not.

TALAQ-E-MUGHALIZA & ZIHAR

Q: Please explain the ruling of Talaq-e-Mughaliza & Zihar in detail.

A:

Talaq Mughallaiza refers to 3 Talaqs being uttered by the husband, resulting in the wife going into Iddat, and this husband cannot marry her until she has been married to another man and divorced or widowed. Hence, this is an irrevocable divorce. After the marriage with the second husband, the consummation of such a marriage is compulsory, and then if she is divorced or widowed she can marry the first husband. The second marriage could not be concluded with the condition of divorcing so that the first husband remarries, since this is not acceptable and Nabi (ﷺ) has cursed such contracts. (Tirmidhi; For ref. see: Surah 2 : verse 230)

Zihar refers to the husband via his utterance stating that his wife

is likened to the back of his mother, thus making her haraam for himself. This utterance is not a divorce. However, to resume marital relationships with her, the husband has to pay Kaffara (penalty). The Kaffara is the emancipation of a slave before resumption of marital relationship. However if there are no slaves that can be liberated as in the present day, then the husband must fast for 2 consecutive months before resumption of marital relationships. In the event of ill health or old age, the alternative is the feeding of 60 poor Muslims two meals each before resumption of marital relationship. For reference see: Surah 58: verses 2-4.

HUSBAND GIVES ONE TALAQ & LEAVES

Q: What should a woman do whose husband gives her one Talaq, then leaves and doesn't take her back within three months?

A: The period that should elapse after the Talaq should be three menstrual cycles according to the Hanafis and Hanbalis or 3 clean periods between each menstruation according to the Shafis and Malikis. Thereafter, the marriage has been dissolved and she is at liberty to remarry anyone including her ex-husband.

HUSBAND LEAVES

Q: What should a woman do whose husband just leaves (never to be seen gain) without mentioning Talaq?

A: From the time of her husband's departure if 4 years have elapsed without any kind of contact between them, then the wife can apply to a panel of jurists for the annulment of the marriage.

DIVORCE WIFE VIA SMS

Q: Is it permissible for the man to divorce his wife via sms?

A: If the husband divorced his wife via sms then the Talaq/s is valid according to all four schools of jurisprudence.

DIVORCED WIFE WHILST INTOXICATED

Q: If the husband was intoxicated and divorced his wife, is the Talaq valid?

A: If the person was intoxicated due to medication etc. then the Talaq will not be valid. However, if the husband was intoxicated due to alcohol and drugs and then issued a Talaq/s, the divorce will be valid. (Fatawa Darul Uloom Zakariyya, vol. 4, pages 210-213).

HUSBAND AIDS - WIFE DEMANDS FASKH

Q: Is it permissible for a wife to demand a Faskh (annulment of marriage) when the husband has contracted AIDS?

A: It is permissible for the lady in question to go to the Qadhi or Muslim Tribunal and request a Faskh when it is proven that her husband contracted AIDS due to his promiscuity. (Fatawa Darul Uloom Zakariyya, vol. 4, pages 247-250)

HUSBAND SAYS: GO TO MOTHERS HOUSE

Q: A man in anger said to his wife: "If you go to your mothers house, then you are divorced with three Talaqs". The husband regrets his statement, how can he solve this problem?

A: The husband should give her one Talaq Baain (irrevocable divorce). Subsequently, after the expiry of the Iddat, she should go to her mothers house. Thereafter, he can marry her again and the conditional three Talaqs will thus fall away.



FAMILY & MARITAL ISSUES



MOTHER OF ADOPTED CHILDREN DIES

Q: A married couple, unable to have children, adopt a 2 day old baby girl. The woman breast-feeds her for the full period. After 5 years, they adopt another baby girl of 1 day old. Here again the woman breast-feeds her. When the girls are 8 years and 3 years old respectively, the woman dies.

Can and up to what age, is the husband allowed to keep the custody of the children. The biological parents and any other relatives of the children are absolutely unknown.

A: Due to the fact that the children were breast-fed by the wife, the husband is considered as the foster father, therefore, he cannot marry them. The foster father is charged with the responsibility of locating the biological parents or any other member of the children's family, as they have preference over the foster father. However, if locating any of the above is not possible, then the children may remain with him even after they have reached puberty, although it is not a desirable solution. A solution to the problem is that the husband should re-marry as soon as possible.

HUSBAND PRESENT DURING BIRTH

Q: Is it permissible for the husband to be present by his wife at the time she is delivering a child ?

A: It is permissible for the husband to be present by his wife whilst she is giving birth.

HOLDING WIFE'S HAND IN PUBLIC

Q: Will it be permissible for the husband to hold his wife's hand and vice versa whilst walking in public places ?

A: For the husband to hold his wife's hand in public places will be considered permissible if it is done for security reasons, however, if the same occurs due to romantic inclinations, then it is not permissible.

MARRIED MAN HAS ILLICIT RELATIONSHIP

Q: There is a married man with one child. He had an affair with a non-Muslim girl. He regretted and afterwards heard that the woman was pregnant. He decided to get married to the woman because he did not want the child to grow up as a Christian. He had this strong concern to make them Muslim. He approached the woman and asked her for the child and she refused. So he decided to make her a Muslim, because she is willing to become a Muslim to get married to him.

He approached his wife and asked for consent. His wife does not want to give him consent to get married to another woman.

A: Since the woman is prepared to embrace Islam and in the present circumstances is pregnant with his child, it would be proper for him to make Nikah to her. The following points must be taken note of:

1. He must be able to fulfill the rights of both wives.
2. Permission from the first wife is not compulsory.
3. The wife should be explained that either she condones the illicit and clandestine relationship of adultery or tolerate the rectification of the relationship by Nikah.

Lastly, he and the lady in question have indulged in a major sin and should continue their supplications to Allah Ta'ala for forgiveness, for Allah is Most Merciful and Most Forgiving.

WIFE MASTURBATING HER HUSBAND

Q: What is the ruling on a wife masturbating her husband as this person is married recently. His wife bleeds for nine days each month. Please also comment on the coitus interruptus and coitus interfemora methods.

A:

1. It is permissible for the wife to masturbate the husband during her menses.
2. **Coitus interruptus** can be used as a method of contraception in specific instances provided the wife gives consent (Naylul Awtar, volume 5, page 195), for example, (a) all the previous births were through the Cesarean section, (b) were the wife's health is threatened. With regard to **coitus interfemora** (ie. masturbation of the penis between the lubricated upper thighs of a partner), it is permissible provided the wife remains dressed from the navel to the knees during menstruation.

EQUITY BETWEEN TWO WIVES

Q: A man has two wives. The 1st wife has a big beautiful house which he sees to and which he pays for. She has a car, a maid and he sees that she gets her groceries on time every month. He also sees that his children from this wife lacks of nothing. As for the 2nd wife, she is a boarder in her family's house for R200 per month. She has no maid, no car and she gets her groceries when he feels like it. And also he doesn't want to support her children (which is not his) but he does not want the fathers of these children to support their children. Can the second wife ask for a divorce from her husband?

A: In the case of a man having two wives, it is incumbent on him to treat them equally and with justice. Hence, in this instance the plaintiff has the following course of action if they do not reconcile or arrive at an amicable solution:

- a) She could ask her husband for a divorce;
- b) If this fails, then she should gain her freedom through Khula, that is, compensating the husband on a mutually agreed sum.
- c) If the above two options fail, she should consult a Qazi or a panel of Ulama to annul the marriage.

HUSBAND DRINKS BREAST MILK

Q: Does a husband become Haram for a woman, when he drinks her breast milk?

A: It is not permissible for the husband to drink the milk of his wife. However, if it should happen, the marriage it not affected.

OBJECTS DURING INTERCOURSE

Q: During foreplay / lovemaking how is it to introduce objects into the vagina as a form of stimulation for both partners?

A: To use sexual aids and vibrators etc., is contrary to the natural functioning of the human body and human relationships. It is a reprehensible act and satanically induced, thus it is not permissible.

ADOPTION

Q: Is Adoption permissible in Islam?

A: Adoption per se is not permissible in Islam, since the child's surname changes and he/she is considered as an heir to his/her adoptive parents. In Islam fostering and rearing is allowed but the child will never be considered as an heir, and will not assume the surname of his/her adoptive parents. Hence, Hijab will be compulsory once the child reaches the age of puberty. (Surah 33 verse 5)

BEATING WIFE

Q: If a man beats his wife so much so, it leaves marks on her body, can she ask for a divorce?

A: The beating of the wife in the manner mentioned in your correspondence is totally Haram. Hence, follow the steps mentioned below:

a) She could ask her husband for a divorce;

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- b) If this fails, then she should gain her freedom through Khula, that is, compensating the husband on a mutually agreed sum.
- c) If the above two options fail, she should consult a Qazi or a panel of Ulama to annul the marriage.

GIRL BREASTFED BY A WOMAN

Q: A girl was breastfed by a woman (not her mother). Is this girl regarded as the foster sister of all this woman's children ?

A: They will all be considered as foster brothers and sisters.

IS FATHER-IN-LAW MAHRAM?

Q: Does one's father-in-law qualify as a Mahram? Please give proof.

A: The father-in-law is regarded as a Mahram. This is based on the following Qur'anic verse (Surah 4: verse 23). This verse draws attention to the mother-in-law and son-in-law. However, one should note that, the opposite is also applicable, that is, the relationship between father-in-law and daughter-in-law. However, in circumstances where there is potential for Fitna, it is essential to practice caution.

ILLEGITIMATE CHILDREN

Q: Is it true that a child is no longer regarded as illegitimate if the parents are married before the child is born?

A: The Hanafi ruling is that, should a child be born after six months from the date of marriage then the child would be considered legitimate. However, should the child be born within six months from the date of marriage then such a child would be considered illegitimate. Furthermore, the three jurists, namely, Shafi, Malik, Hanbali (ra) state that the child will be illegitimate in all cases irrespective of the months passed.

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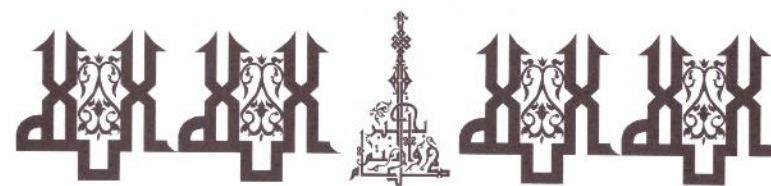
Q: I know that the father of an illegitimate child has no right or say over her, but in the case where her physical and mental health is at stake, can the father (according to Shariah) take his daughter away from the mother?

A: The father has no rights over the child. Hence the maternal grandparents must oversee the proper care of the child. In the event of the mother being incompetent in this regard, then it is the responsibility of the maternal grandmother to see to the proper upbringing of the child.

CHORES OF HOME

Q: I know that cooking and cleaning is a favour we do for our husbands out of our love for them. What is the ruling with regards to doing these chores?

A: Undoubtedly the Shariah enjoins certain rights as well as certain duties upon the husband and wife. Notwithstanding this, the couple should strive to build a happy marriage with understanding, love and care for each other. In order to achieve this happy state, both parties may sometimes have to make certain compromises (i.e. "give and take"). For example, if a husband cannot afford to employ a cook for the family, then it will be an act of kindness on the wife's part to do so.



WOMENS ISSUES



WOMEN CUTTING HAIR

Q: Please forward to me your opinion with regards to women cutting their hair. Kindly include proofs.

A: It is not permissible for women to shave off the hair on their heads, based on the following Hadith. Nabi (ﷺ) prohibited the females from shaving their heads (Nasai). With regard to the cutting or trimming of the hair we find that Nabi (ﷺ) cursed those women who cut their hair to imitate men. (Tirmidhi)

Furthermore, the cutting or trimming of hair to imitate the non-Muslim women or fashion is not permissible in Islam as is evident from the following Hadith. Nabi (ﷺ) said, "Whosoever imitates a people is from them." (Abu Dawud)

For further reference see: Imdadul Fatawa by Hazrat Moulana Thanwi (ra), vol. 4, pages 227-228; As'ila Muhimma by Shaikh Muhammad bin Saleh Uthaymin (ra), page 25.

WOMEN AS CABIN CREW ON AIRLINES

Q: An airline has called a sister for an interview for the position of cabin crew. Is this job acceptable from an Islamic viewpoint?

A: This sisters' career will entail travelling and as such she would be travelling without a Mahram, therefore it would not be permissible for her to engage in this career. Firstly, her career will entail constant intermingling with the opposite gender, secondly, she would have to serve alcohol and thirdly, the dress code does not fulfill the requirements of the Shariah.

The following references draw attention the Shariahs perspective on this issue. Allah Ta'ala proclaims, "and they (the believing women) should not display their adornment, except to their husbands, fathers, fathers-in-laws, sons ..." (Surah 24 : Verse 31). "And stay (women) in your houses and display not your beauty like that of the

former times of ignorance." (Surah 33: Verse 33). Therefore, it is not permissible to take this job.

BALIGH GIRLS RENDERING NAZMS

Q: We are receiving complaints regarding the voice of a Baligh girl delivering a Nazm, individually or in a group and a girl delivering a speech during our Jalsas. Please advise and inform us of the Sharia implications.

A: We find that in order to recite a Nazm, the pupil needs to utter the words in a melodious tune which is alluring to the gathering. Therefore, it is not permissible for Baligh girls to be involved in the reciting of Nazms at the Jalsas, as individuals or as groups. We draw guidance from the following verse of the Noble Qur'an: Almighty Allah states: "Be not soft in speech, lest he in whose heart is a disease yearn; and speak a word of goodness." (Surah 33 Verse 32)

WOMEN & TRAVELLING

Q: I've come across the Hadith where it states that a woman isn't allowed to travel a distance of a day and night without a Mahram. In connection with the above-mentioned Hadith, I have the following questions:

- Why then is it so that women are studying at Islamic institutions?
- Is it allowed for a woman to leave her home in search of Deeni knowledge and to live away from home?
- What proof do these Ulema have that it is permissible for this to occur?

A:

- The Prophet (ﷺ) said, "A woman must not travel a distance of a day and night except that she be accompanied by a Mahram" (Tirmidhi page 139). It is explicitly stated by the Prophet (ﷺ) that it is not permissible for a woman to undertake a journey (48 miles / 78km or more) without

being accompanied by a Mahram. This prohibition is restricted to travelling, and the only exception made by Imam Shafi (ra) and Imam Malik (ra) is with regard to a Haj journey which is compulsory, provided that she accompanies a group of women. (Tirmidhi page 139)

2. It is permissible for females to study Deeni knowledge away from home, provided she is not living with Non-Mahrams and she undertakes the journey to and from the institute accompanied by a Mahram.
3. The prohibition in the Hadith is explicit with regard to travelling. This prohibition cannot through analogy be transferred to the period of residence at the institute of study, provided the Islamic laws of Hijab are fulfilled.

WOMAN TO COVER FACE AND HANDS

Q: Is it compulsory for a woman to cover her face and hands?

A: The jurists use the terms Awrah and Hijab. Awrah refers to the compulsory covering during Salat of the body excluding the face, hands from the wrist and feet. Hijab alludes to the complete covering including the face and hands till the wrists when a lady emerges from a house at the time of moral decadence. For reference see: Mariful Qur'an by Mufti Shafi Saheb (ra) volume 7, pages 213-218 (Surah 33: verses 53-59)

IMITATION JEWELLERY FOR FEMALES

Q: Is it permissible for a woman to wear imitation jewellery made from metals other than gold or silver?

A: The wearing of imitation jewellery for females is permissible. However, imitation rings are not permissible according to the Hanafi scholars.

DRESS COVERING ANKLES WITHOUT PANTS

Q: It is permissible for a woman to wear a dress covering her ankles without wearing an Izaar (pants), and read Salat?

A: It is permissible for women to read Salat without an Izaar (pants) provided the following conditions are fulfilled:

- a. The garment should be of such material that it is not "see through".
- b. The female should guard against the garment moving up or exposing the ankles in Ruku or Sajdah. Thus it would be compulsory to wear socks according to the Shafis, Malikis and Hanbalis. According to the Hanafi scholars it would be preferable.
- c. The garment must extend till below the ankle when the lady is in an upright position.

The proof for the above is the following Hadith: Hazrat Umme Salamah (RA) asked the Prophet (ﷺ), "Can a woman pray Salat in a dress and head cover without an Izaar. Nabi (ﷺ) replied, "If the dress is long and touches the surface of her feet (implying that the ankles must be covered, then it will be permissible) (Abu Dawud, Hadith no. 640). However, it is advisable for females to read Salat with an Izaar.

WIFE IN SHOP WHEN HUSBAND IN JAMAT

Q: Some brothers go out in the Tabligh Jamat, leaving their wives to run their shops, is this permissible. Most of the time, the managers are "Ghair Mahrams". Is it permissible?

A: The nobleness of Tabligh has its own merits and value. However, certain conditions need to be fulfilled when going out in the path of Allah Ta'ala and the circumstances described in your correspondence are not permissible.

WEAR A SCARF WHILST SLEEPING

Q: Is it necessary for women to wear a scarf whilst sleeping?

A: No, to cover the hair and maintain Hijab is only necessary in the presence of strangers and Ghair Mahrams (those men whom she can marry).

MENSTRUATION

Q:

1. Are the following things of a menstruating women Paak?
 - a) The hairbrush she uses; and
 - b) A jersey or any other outer clothing she wears for a short while, e.g. whilst fitting clothing.
2. Is it true that a menstruating woman should avoid making foodstuff which many people would be eating?
3. Can a menstruating woman enter the room in which the Mayyit has been placed, after Ghusal has been given to it?

A:

1. Nabi (صلى الله عليه وسلم) stated that a Muslim does not become impure (Abu Dawud Hadith no 230). This basically means that the outer garments, hairbrush etc., that such a person (menstruating women) touches or uses, does not become Napaak unless some impurity falls on them, for example, blood etc.
2. No, it is a baseless and non-Islamic belief.
3. For a menstruating women to enter a room in which a Mayyit that has been given Ghusal is placed, is totally permissible. However, she should engage herself in Tasbih and not recite the Noble Qur'an.

SON-IN-LAW A MAHRAM

Q: Can a son-in-law be a Mahram on journey? Please give the ruling according to the Shaafi and Hanafi Mathab.

A: We seek guidance from the Noble Qur'an: "*Prohibited to you (for marriage) areYour wives mothers (mother-in-law)*" (Surah 4: verse 23). "*The women should not display their beauty except to their husbands, their fathers, their husbands' fathers.*" (Surah 24: verse 31).

Hence, from the above verses it becomes clear that a son-in-law is a Mahram for his mother-in-law. Similarly, a father-in-law is a Mahram for his daughter-in-law and this state is perpetual irrespective of divorce or death. The jurists of all schools of thought concur on this issue, hence, the verdict is unanimous. However, where there is potential of Fitnah and suspicion, such journeys should be avoided.

GYMS & HYDROTHERAPY FOR WOMEN

Q:

1. Are Muslim women allowed to work in the shops as managers, sales ladies, cleaners, accountants?
2. Men and women go to gyms, where they exercise. In the process, bodies are displayed, intermingling of sexes takes place and music is played. Is it permissible for ladies to go to these gyms?
3. These days a group of ladies go for 'hydro-therapy'. Ladies enter the pool and are instructed how to exercise in water. One lady drives around to pick up other ladies. Then they go to this pool. Some times music is played. Is it permissible for ladies to go ?

A: The social context with which Muslims are presently confronted with demands a great deal of caution considering the elements of malicious slander, Zina of the eyes, ears and legs, infidelity and basic practices such as dress, music, Ghair Mahrams etc., which are all contrary to the Shariah. In view of this our womenfolk must be exhorted and encouraged to maintain a healthy body but in the privacy of their homes. Hence, it is not permissible to indulge in the various activities mentioned in the above queries.

PURDAH MUSTAHAB, WAJIB OR FARDH

Q: Is Purdah Mustahab, Wajib or Fardh? Is it permissible to leave Purdah because one is involved in a lot of sin?

A: The nature of Purdah differs according to the type of interaction, viz. between husband and wife, there is no Purdah. Between a lady and her Mahram, is the covering from above her breast to her knees. Between a lady and a Ghair Mahram, is covering of her entire body, face except hands and feet. The desire to exclude the use of Purdah is a whispering by Shaitan and should be shunned, and thus prevent further sin from being committed.

WOMEN STUDY SUFISM

Q: Can Sufism be studied by women?

A: Women can adopt the correct method of study, since a shining example was Hazrat Rabia Basri (ra). The purpose of Sufism should be to improve and purify oneself spiritually.

WOMEN FOLLOW IMAM OVER A SPEAKER

Q: Are women allowed to follow the Imam over a speaker which is in a different building?

A: If the building in question is attached to the building where the Imam is leading the Salat, then it is permissible. Furthermore, if the Safs extend and are therefore continuous with the Saf in the building where the women are reading, then this too is permissible. However, if both buildings are totally separated and the only link is the speaker, then it is not permissible.

ENTER MASJID IN HAIDH

Q: Is it permissible to enter the Masjid in a state of Haidh?

A: It is not permissible to enter the Masjid in the state of Haidh.

HIJAB, NIQAB AND JILBAAB

Q: Kindly explain the terms Hijab, Niqab and Jilbaab?

A: The Hijab refers to wearing of garments in such a manner that the following requirements are met:

- Looseness of fit:** the garment must be loose enough so as not to describe the shape of a woman's body.
- Thickness of material:** the garment should be thick enough and not transparent.
Nabi (ﷺ) received a garment as a gift and gave it to Usama bin Zaid (RA) who in turn gave it to his wife. When asked by Nabi (ﷺ) why he did not wear it, he said that he gave it to his wife. Nabi (ﷺ) then said to Usama (RA): "Instruct her to use a Ghilala under the garment for I fear it may describe the size of her bones". The word Ghilala in Arabic means a thick fabric worn under the dress to prevent it from describing the shape of her body. For reference see: Musnad Ahmad bin Hanbal, Hadith no. 21847
- Modesty:** The garment must not be such as to entice and attract the attention of men. The Noble Qur'an addresses the women: "And display not your beauty like the displaying of the ignorance of yore." Surah 33 : verse 33
- The garment should not be similar to that of the males.** Nabi (ﷺ) cursed the men who act like women and the women who act like men. (Abu Dawud, Hadith no. 4097)

Niqab refers to the facial covering or veil. The covering should be such that the woman's entire face is covered. However, she must be able to see through it.

Jilaab refers to a wide cloak or shroud (Chador) which is worn over the garments and covers the head, face and body.



EATING & DRINKING



SPIT BRAAIS

Q: Are we permitted to partake in a spit braai. The full animal (carcass) being braaied over an open fire. Please note that the source of the meat is Halal and the use of sauces etc., will also be Halal and acceptable. Also provide us with data relating to preparation of meals in the above manner, during the time of Nabi (ﷺ).

A: The partaking of meat from a spit braai is totally permissible. We have drawn guidance on the point of permissibility from the following:

- a) It is Mustahab or desirable that on certain occasions the slaughtered animal should be cooked in the above manner, for example, Aqeeqah. It is viewed as a good omen to cook or braai the animal unportioned with the hope that the Aqeeqah will augur well for the offspring in whose honour the Aqeeqah was made. For reference see: Anwarul Masalik by Shaikh Ghamrawi page 151.
- b) It is an Arab / Muslim culture still in practice even in modern times.

CONSUME SHRIMPS ETC.

Q: With regard to lobsters, oysters, crab, shrimps. It is permissible for us Muslims to consume it?

A: According to Imam Abu Hanifa (ra) to consume fish is permissible; whilst crabs, oysters, lobsters and shrimps are Makrooh Tahrimi (meaning it is reprehensible). According to the Shafis, all the above are permissible.

MEAT OF A JEW

Q: Is it permissible to eat meat which a Jew has slaughtered ?

A: We seek guidance from the Noble Qur'an: "And the food of those who have given the book is lawful for you." (Surah 5: verse 5)

The people of the Book are: a Christian is one who accepts and believes in Nabi Isa (AS) and the Injeel, whilst a Jew is one who accepts and believes in Nabi Musa (AS) and the Taurah. Allah Ta'ala in His wisdom has allowed it despite discrepancies in their books. The slaughtering of a Jew or Christian will not be acceptable as the following conditions are not fulfilled:

- a) The Jew or Christian must slaughter in the method prescribed by Islam i.e. the two jugular veins, gullet and wind pipe must be severed.
- b) They must take the name of One Allah.

See: Ahsanul Fatawa by Mufti Rashid Ahmad Saheb (ra), volume 7, pages 413-416. Nowadays, the slaughtering of the Jews or Christians is not permissible for Muslim consumption.

BEEF BLOOD

Q: One of our customers wants to recover beef blood for human consumption. To collect the blood it will be necessary to implement methods which are acceptable by the State Veterinarian and yourselves.

The method widely accepted in Europe is:

- i) **Stunning as normal**
- ii) **A small incision is made in the hide at the neck**
- iii) **A cannula (stick knife) is inserted into the artery and blood is collected through a closed vacuum system.**
- iv) **The normal cross cut of the throat is performed after collection has taken place.**

A: According to the Islamic Shariah all blood that gushes out from the slaughtered animal is impure, and therefore, totally prohibited for human consumption. This applies whether the blood is extracted before the animal is slaughtered or after.

For reference see: (Surah 6: Verse 146)

Almighty Allah proclaims: *"Say, I find not in that which is revealed to me forbidden for an eater to eat thereof, except that it be what dies of itself, or blood poured forth, or flesh of swine"*. (Noble Quran)

Thus, the method you have outlined are in-consequential in this matter.

NON-MUSLIM FISH & CHIPS OUTLET

Q: A non-Muslim operates a fish & chips business and claims to fry the chips in separate oil and utensils for the benefit of his Muslim clients. Can reliance be placed on such an arrangement, and would it be permissible to purchase such chips from a non-Muslim shop?

A: It is not permissible for Muslims to consume food sold at such outlets, despite the traders claim.

ANIMALS SLAUGHTERED BY MACHINES

Q: Is it permissible to eat or slaughter chickens or animals by machines with a built-in-rotating saw or blade?

A: Chickens or animals slaughtered by machines with a built-in-rotating saw or blade and motivated by electric current or any other motive-power are forbidden and unlawful in Islam because of the under-mentioned reasons:

1. Slaughtering is of two kinds: Voluntary and Compulsory. **Voluntary slaughtering** is done between the throat and collar bone of birds and animals domesticated and under one's control.

Compulsory slaughtering is wounding any part of the body of the game when hunting, or wounding a domesticated animal which has gone stray and wild and cannot be subdued.

2. The conditions for both the above-mentioned types of slaughtering are:

- a) That the slaughterer must be a Muslim.
- b) That the slaughterer recite: *Bismillaah Allahu Akbar* on the animal or bird in the case of the voluntary slaughtering;
- c) That the hunter recite: *Bismillah Allahu Akbar* on the arrow or any other weapon aimed at a game or a domesticated animal which has gone stray and wild.

Thus, if the reciter of the above formula is other than the slaughterer or hunter himself, and although he had heard the slaughtering formula being recited in his presence but he remained silent his slaughtered animal will be rendered forbidden and unlawful.

Likewise, if he recited the formula on the animal which he had laid down for slaughtering but slaughtered another animal instead without renewing the formula the slaughtered animal will be rendered forbidden and unlawful in this case also.

- d) That the slaughterer be a sane person who is fully conscious of his action, and has a thorough knowledge of the conditions, and methods of the Islamic way of slaughtering.

DEDUCTIONS

In view of the above laws of Islamic Jurisprudence relating to the slaughtering of animals and birds, slaughtering of animals or birds by motor-driven saws, knives or blades are unlawful and their consumption forbidden for Muslims, because:

- a) The slaughterer in this case is neither a sane Muslim nor one who slaughters the animal or bird voluntarily and consciously while himself reciting the formula of slaughtering;
- b) The machine is an in-animate object unconscious of the bird or animal that it is slaughtering and incapable of reciting the slaughtering formula;

- c) The Muslim who ushers the bird or animal into the slaughtering machine is a mere assistant and not the slaughterer: the slaughterer is the power-driven machine. According to the principles of Islamic jurisprudence the Muslim assistant and the electricity or power that drives the saw, knife or blade are intermediary causes and the principal cause which is responsible for the effect of the action is the power-driven machine which of course, as mentioned is an in-animate object unconscious of its own action nor capable of uttering the slaughtering formula;
- d) And according to another law of Islamic jurisprudence when, in a case, both the intermediary and the principal cause combine together the "effect" will be attributed to the principal cause which in the case under discussion is the power-driven machine;
- e) The Muslim usher who recites the slaughtering formula does not fulfill the condition of the recital of the formula for he is, as already proved not the slaughterer whose personal recital is a condition in the Islamic slaughtering and furthermore the machine is unaware of this recital and even it were aware too it would not fulfill the condition as already explained.

CONCLUSION

Thus, in the light of the principals of Islamic Jurisprudence, it is conclusively, decisively and convincingly proved that birds and animals slaughtered by power-driven machines are forbidden and unlawful for Muslims.

SLAUGHTER WITH BISMILLAH RECORDING

Q: If a machine is slaughtering chickens and next to it there is a tape recorder which *Bismillah* is recorded on it, will those chickens be Halal?

A: The Qur'an instructs us to recite the name of Allah when slaughtering. Thus, using a machine or tape-recorder will not be permissible. For reference see: Surah 6 : verse 122

PRAWNS ACCORDING TO HANAFI'S

Q: Is prawns permissible to eat according to the Hanafis?

A: It is permissible according to Imam Abu Hanifa (ra). He deduced this verdict from the following Hadith. Nabi (ﷺ) said, *"Two carrions have been made Halal for us, fish and locust."* (Mishkat) For reference see: Jawarihul Fatawa volume 2, pages 581-626. Some Hanafi Ulama say that prawns are not permissible as it is not a fish. However, according to Shafis, Malikis and Hanbalis, it is permissible.

EAT DOUBTFUL FOOD

Q: Is it permissible to eat doubtful food?

A: If it is clearly Haram, then it is not permissible. However, if there is doubt, then it is better for one to abstain. Nabi (ﷺ) said, *"Leave that which puts you into doubt and opt for that in which there is no doubt."* (Tirmidhi)

ARE KANGAROOS HALAL?

Q: Are kangaroos Halal?

A: Kangaroos are Halal provided that they are slaughtered in the prescribed manner. Nabi (ﷺ) prohibited us from those animals which have sharp canine teeth. (Mishkat Shareef)

GELATINE FROM NON-HALAL ANIMALS

Q: Is gelatine from non-Halal animals permissible?

A: All forms of gelatine are permissible in Islam, the only exception would be the gelatine derived from swine. On the 20

June 2004 the Islamic Fiqh Academy of India met at Hydrebad, India, to discuss the issue of gelatine. The over-whelming Ulama and Muftis ruled that gelatine of Halal and non-Halal animals is permissible. However, to derive gelatine from Halal sources is preferable. The rationale for this verdict is that a complete metamorphosis has taken place of the original substance.

ALCOHOL SERVED AT FUNCTIONS

Q: Is it permissible to attend to functions where alcohol is served?

A: Nabi (ﷺ) said: *Whosoever believes in Almighty Allah and the last day should not frequent a place where alcohol is served* (Tirmidhi). Hence, it is not permissible to attend functions or go to restaurants etc. where alcohol is served. A Muslim should have a natural aversion for such Haram products which is the mother of all evil and vices according to the Hadith. (Sunan Nasai)

GELATINE COMPONENT IN CAPSULES

Q: Most of the capsules that are manufactured have a gelatine component. Is it permissible to use these types if capsules of any alternative Halal products are not available?

A: The use of such capsules are permissible if no Halal product is available. One should draw attention to the golden rule of Islamic Jurisprudence which is: Necessity dictates permissibility.

FOOD HALAL IN ARAB COUNTRIES

Q: We are going for a holiday to an Arab country for a week, is the food Halal there?

A: One should always abstain if one has doubt. Nabi (ﷺ) addressed his grandson Sayyidina Hasan (RA) and said: *Leave that which puts you into doubt and opt for that in which there is no doubt* (Tirmidhi). Furthermore, an article which appeared in the Arab News is an eye-opener regarding imported meat to the Arab

countries. Therefore, our advice is that people should abstain from all imported meat.

Below is an article from Arab News written by Sarah Abdullah:

JEDDAH: Exhibitors at the recent Halal Expo 2008 reportedly closed more than SR41.2 million (\$11 million) worth of deals over the course of the three-day event and successfully ushered in a number of international players into the region's Halal market, which is already worth an estimated SR7.8 trillion.

Products being negotiated for potential import into the Kingdom and the GCC region include snacks, vegetable oils, dairy products, health foods, fruit juices and meat products stamped with the halal signature.

However, many international companies - in accordance with plans for global expansion and to stay financially afloat in the current financial crisis - are using the Halal industry to get an edge on their competitors without using or even being correctly educated on methods of Islamic slaughter.

"Ninety-five percent of American food items found in supermarket shelves in the UAE and other GCC countries are not halal even though they may be certified as such," said Jalel Aossef, director of Midamar, a US-based international food supplier and one of the first Muslim-owned business groups to offer halal food and food-service equipment to North America since 1974.

Aossef, who was speaking at the Halal World Expo, said there is a significant flow of non-halal food items entering the local region especially from meat-supplying countries. He added that Gulf countries need tougher regulations to stop the flow.

Corrupt certifiers, he said, are also to blame for the problem as they get a taste for the money generated producing halal certificates for companies without actually performing any work. He added that he advises countries such as the UAE and Saudi Arabia to send inspectors to food producing countries to ensure proper halal standards are being upheld.

"This is nothing when you consider the huge dollar volume of food products exported to Gulf countries," he said.

In November 2000, Mohammed Mazhar Hussein, co-founder and former executive director of Islamic Food and Nutrition Council of America (IFANCA), a major Halal certifying body in North America that is widely accepted as providing quality certification by many Muslim countries including Saudi Arabia, officially put in his resignation to the organization that he helped create nearly 30 years ago.

"They (IFANCA) are interested in charging fees and certifying products (as Halal) and getting commission," he said in an interview with Sound Vision, an Islamic information website.

Hussein noted that in earlier years the organization was more education-oriented and community based in offering workshops and organizing seminars on Halal food issues, something that no longer takes place. Offering more insight into the practices creating problems in the Halal food industry, a book published in 2003 by Mian Riaz and Muhammad Chaudry, entitled "Halal Food Production," agrees that a number of the products that international companies are marketing as Halal are not as permissible as one might think.

"To speed up production time, some halal slaughterhouses have begun using an integrated approach to traditional, Islamically-recognized handslaughtering," the authors of the book said.

One method mentioned is the mechanical or machine slaughtering approach, which was first initiated by

slaughterhouses in Western countries and which has gained momentum as being acceptable in other Muslim countries such as Malaysia, Indonesia, and Singapore.

The method consists of a Muslim pronouncing the name of Allah as he switches on a machine that inserts a cut into an animal's neck. The problem, however, according to the authors, is that up to 30 percent of the initial incisions made to the animal by the machine does not accurately go all the way through in killing the animal the first time. There is, therefore, a second Muslim butcher standing by to re-cut the neck to conclude the procedure, causing undo suffering to the animal. The book also stated that some non-Muslim companies who are diversifying their product lines to include Halal products have got round certain Islamic procedures to gain certification. "Some companies have been found to use a recording of a Muslim pronouncing the name of Allah before the butcher proceeds with slaughter," it said.

Not only are corrupt certification methods going on in Western countries but also in the Middle Eastern and African regions, said a local businessman who asked to be anonymous. He said he once imported sheep from South Africa and although the certifying body knew that the animals were not slaughtered according to proper Islamic procedure issued a Halal certification and sold the animals to him.

"I brought close to 150 sheep and wanted them slaughtered and shipped here to Jeddah for sale," he said. "In order to speed the process of certification I offered him a bonus on top of the regular fees and was automatically issued Halal documents for export that moment," he said.

"I do not completely rely on the certification saying that meats from abroad are halal since I recently received a package of pork meat with the halal certification documents included in the box

which I thought was beef which I had ordered from Brazil," said a meat importer based in the UAE.

"Since that time, I have decided to hire my own team of butchers and create my own production line instead of relying on imported meats for resale," he said, adding that avoiding international brands and having the slaughtering done on premises is the best advice for consumers who want to strictly guarantee that their meats are truly Halal.

STUNNING ANIMALS

Q: Most animals are stunned in South Africa, is this practice Halal?

A: It is a brutal way of killing the animal. Prior to slaughter, the animals brains are smashed by shooting a metal bolt into its skull. Hence, stunning is Haram in Islam. Nabi (صلى الله عليه وسلم) said: *Verily Almighty Allah has ordained Ihsan (goodness) on everything, thus when you slaughter, treat the animal with kindness* (Abu Dawud). The non-Muslim way of stunning is repugnant in Islam and it is compulsory for Muslims to abstain from it.

KNOCKED DOWN ANIMAL SLAUGHTERED

Q: If an animal is knocked down whilst driving, is it permissible to slaughter the animal and consume it?

A: The animal should be slaughtered provided that it is alive as slaughtering it renders such an animal Halal. However, the meat should be given away to the poor if the animals owner is unknown. If the owner is known and he grants consent, then it is permissible to consume it.



DUAS



DUA TO STRENGTHEN IMAN

Q: What can one recite to strengthen one's Iman and keep Shaytan at bay?

A: To strengthen one's Iman one should read the Kalimah *Lailaha Illallah* in abundance. To keep the Shaytan at bay one should recite Ayatul Kursi and *Azubillah* excessively.

DUA FOR A BETTER BODY

Q: Can a person ask Almighty for a handsomer face than someone else, a fairer body than someone else, bigger and better built than someone else, better voice than someone else?

A: One is allowed to ask for a better body, voice etc., than someone else, provided that one does not bear any enmity towards that person.

DUA TO IMPROVE EYESIGHT & STRENGTH

Q: Is there any food or Dua to improve:

- a) ones eyesight
- b) ones strength

A: Certain pious saints have mentioned several prescriptive amals, for example, one should read the Noble Qur'an, Surah 50 - verse 22 abundantly for ones eye sight, likewise for strength one should read *Ya Qawiyu*.

DUA TO HAVE A RELATIONSHIP

Q: Can one make Dua to have a relationship with a girl in school or for the girl to like the person for the sole intention of getting use to her and getting to know her to marry her later ?

A: In Islam it is not permissible to make Dua for getting used to the person, however one should make Dua for a pious spouse and children as is mentioned in the Noble Qur'an, surah 25 - verse 74.

BEST ZIKR

Q: Which Zikr has the most reward and benefit?

A: The Prophet (ﷺ) said, "The best of Zikr is *La ilaha illallah*." (Mishkat)

DUA TO OVERPOWER OR DEFEAT ENEMY

Q: Is there any specific Dua to overpower or defeat your enemy?

A: Read "*Al-Qadiru*" abundantly.

DUA VIA WASEELAH

Q: Is it permissible to make Dua via Waseelah of the Prophets and the Auliya?

A: We seek guidance in this matter from the following Ahadith. Nabi (ﷺ) instructed a semi-blind Sahabi to read the following Dua which translated means, O Allah! I beg of You and I turn my attention towards You through your Nabi Muhammad (ﷺ) who is a Prophet of mercy (Reported by Tirmidhi, Hadith no. 3578). In Bukhari Shareef the incident of Hazrat Umar (RA) is well documented wherein he used to say, "*O Allah! We used to ask our Nabi (ﷺ) to invoke You for rain, and You would bless us with rain, and now we ask through his uncle (Abbas) to invoke You for rain.*" For reference see: Bukhari Shareef, Hadith no. 964. Hence, this action is permissible.

DUROOD IN DUA

Q: After the Fardh Salat when the Imam reads in his Dua: "*Innallah wa Mala-ikatu-hu yu-salloona alan nabi*"; Will it be permissible for the rest of the Jamat to read the Durood? A detailed explanation will be appreciated.

A: It is a verse of the Glorious Qur'an and includes an injunction from Allah Ta'ala to recite Durood Shareef. Thus, Durood Shareef has to be recited.

- a) To read Ayat "*INNALLAHA WA MALAAIKATAHU..*" with the intention that the audience should recite Durood Shareef is permissible. In this Ayat, it is mentioned that Allah and His Angels send Durood on Nabi (ﷺ) and the believers are instructed to read Durood and Salutations on Nabi (ﷺ). Also, we know that Dua is accepted by reciting Durood Shareef. So if an Imam recites this verse to encourage the people to recite Durood, then it is permissible. However, to consider the reciting of this Ayat as essential or to criticize a person who does not read it, will be totally wrong.
- b) To recite Durood loudly or softly are both permissible, just like Zikr. However, reciting softly will be preferable. Also reciting it individually is preferable.
- c) After listening to the Ayat of Durood, it is imperative to recite Durood Shareef.

IMAM MAKE DUA LOUD OR SOFT

Q: After Fardh Salat, is it better for an Imam to make the Dua loud or soft? Is it proven to make Dua after Fardh Salat? Is there any authentic Hadith to prove this? Please explain in detail.

A: We should draw guidance from the following verse, "*Call on your Sustainer, humbly and silently.*" (Surah 7 : verse 55) It is preferable that one should recite the Dua softly. However, the practice of the Imams to recite it in a loud voice, is for the purpose of educating and exposing the Musallees to the different Duas. The original way of making Dua is to make Dua softly as understood from the above verse in Surah A'raaf. In Surah Mariam verse 3: "*Behold, he (Zakariyya (AS)) cried to His Sustainer in secret.*" This is because Dua is a personal matter. Hadhrat Hasan Basri (ra) has mentioned differences of seventy stages of Thawab between loud and soft Dua. (Ma'ariful Qur'an,

volume 3, page 585). But to make Dua loudly in a controlled tone for educational purposes is permissible. Mufti Kifayatullah (ra) in "An nafaa'is Al Marghubah" on page 5 has mentioned: "Ulama are unanimous that Zikr and Dua are virtuous after Salat, but they differ in whether it should be recited loudly or softly. Ibn Hazm has opted for reciting the Dua loudly whilst the majority of the Ulama have preferred the Dua to be recited softly.

To make Dua after Fardh Salat is proven through many traditions of Nabi (ﷺ). Please refer to pages 6 and 9 of An Nafaa'is. On these pages many Duas of Nabi (ﷺ) have been reported being recited after Fardh Salat. It is understood that Sahaba (RA) must have heard Nabi (ﷺ) reciting these Duas and reported them to us. (Tuhfatul Ahwazi by Sheikh Muhammad Abdur Rahman Mubarak Puri, volume 2, pages 170 - 172)

However, one point must be borne in mind that the Imam while making Dua aloud should not raise his voice too loud to exceed the limits and shout on top of his voice as mentioned by Ibn Katheer in the Tafseer of the above Ayat on the authority of Bukhari and Muslim, that Nabi (ﷺ) commented on loud Dua by saying, "You are not calling on a deaf or an absent." There is also a danger of Riya (show-off) and interference in the Salat of Masboos (late comers) by reading Dua too loudly.

In Summary:

- Making loud Dua is a proven fact in Shariah, though not preferable.
- Soft Dua is the normal and preferable way of making Dua.
- The Ahadith which were quoted earlier are indicative of the fact that Nabi (ﷺ) recited Dua after Fardh Salat.

It is not necessary to make Dua with Jamat after every Fardh Salat; but once it is proven that Nabi (ﷺ) and his

companions recited the Dua after Fardh Salat, it is understood that it is acceptable according to the Shariah.

HANDS WHEN MAKING DUA AFTER AZAAN

Q: Should one raise hands when making Dua after Azaan?

A: After Azaan, eating, drinking it is Sunnah not to raise the hands. (Fatawa Darul Uloom Zakariyya, vol. 2, page 92)

SALAT & DUA NOT ACCEPTED FOR 40 DAYS

Q: What is the meaning that Salat and Dua are not accepted for 40 days if one consumes alcohol?

A: If one consumes alcohol or drugs, neither Dua nor Salat is accepted for 40 days. This means that the reward and benefit of the Ibadat are eliminated. It does not mean that the person should abstain from Salat and Dua for 40 days. Furthermore, if the person repents sincerely, then it is quite probable that Almighty Allah will forgive him and his Duas etc. will be accepted even before the expiry of 40 days.

INCREASE LOVE IN MARRIAGE

Q: What should I read to enhance love and understanding in my marriage?

A: Read *Ya-Wadudu* abundantly.

BUSINESS DIFFICULTIES

Q: My business is undergoing financial difficulties, What should I read ?

A: Read *Ya-Ba-situ* abundantly.



ISLAMIC MONTHS



ZUL HIJJAH Q & A

Q: What are the virtues of the ten days of Zil Hijja?

A: Ibn Abbas (RA) narrates that Nabi (صلی اللہ علیہ وسلم) said: "No other days Ibadat is more loved by Almighty Allah than the first ten days of Zil Hijja." The companions asked O Messenger of Allah, not even Jihad in the part of Allah, Nabi (صلی اللہ علیہ وسلم) said: "Yes, not even Jihad in the path of Allah except the person who goes out himself with his wealth in Allahs path and does not return with anything." (Mishkat Shareef)

Q: What should one read during the first ten days of Zil Hijja?

A: Nabi (صلی اللہ علیہ وسلم) said: "Increase the reading of Tasbeh, Tahleel, Tahmeed and Takbir during these ten days." (Tabarani) Tasbeh refers to Subhanallah; Tahleel alludes to La ilaha illallah; Takbir refers to Allahu Akbar and Tahmeed alludes to Alhamdulillah.

Q: What is the reward of fasting during the first ten days of Zil Hijja?

A: Nabi (صلی اللہ علیہ وسلم) said: "One days' fasting during these days is equivalent to one years' fast and one nights worship is equal to worshipping on the Night of Power (Laylatul Qadr)." (Tirmidhi Shareef)

Q: Is it permissible for one to clip ones hair and nails during the first ten days of Zil Hijja?

A: Nabi (صلی اللہ علیہ وسلم) said: "When the month of Zil Hijja commences, then whosoever intends slaughtering (Qurbani) should not cut nails or hair." (Muslim Shareef). According to the Hanafis, Malikis and Shafi'es, this is Sunnah. However, according to Imam Ahmad bin Hanbal (ra) it is Wajib and compulsory to abstain from cutting ones' nails or hair.

Q: What are the virtues of fasting on the ninth of Zil Hijja?

A: It is Sunnah to fast on the Day of Arafah - (9 Zil Hijja) for non-pilgrims. Nabi (ﷺ) said: *"I hope that Almighty Allah will erase the previous year and the following year's sins."* (Muslim Shareef). Cognisance must be taken of the fact, that to keep one fast is permissible and the sins referred to are minor sins.

Q: What are the virtues of the nights of Eid?

A: Nabi (ﷺ) said: The person who stays awake on the two nights of Eid (Eidul Fitr & Eidul Adha) with the expectation of reward, then his heart will not die on the day when peoples' hearts will die. (Ibn Majah)

Q: What is Takbir Tashreeq?

A: Takbir Tashreeq alludes to *Allahu Akbar, Allahu Akbar, la ilaha illallahu wallahu akbar Allahu Akbar Walil lahil hamd.*

Q: When should Takbir Tashreeq be read?

A: It should be read from the 9th of Zil Hijja after Fajr Salat until the 13 Zil Hijja after Asr Salat. The total number of Salat after which Takbir Tashreeq is recited is 23 Salats.

Q: We are told to read the Takbirs on Eid days silently. We see on television that in most countries, Takbir is read loudly. What is the correct thing to do?

A: It is preferable to recite the Takbir aloud on both Eids according to the majority of jurists, viz. Imams Malik (ra), Shafi (ra) and Ahmad (ra). However, Imam Abu Hanifa (ra) says that for Eidul Fitr it is preferable to recite the Takbir softly.

Q: What is the meaning of the verse "By the day-break and ten nights"?

A: This refers to the beginning of Surah 89 verses 1-2. Whenever Almighty Allah took an oath on something, it is to elevate its rank and status. In this instance Almighty Allah is taking an oath of true dawn (Fajr time) and the ten nights. The ten nights allude to the first ten nights of Zil Hijja, this is the commentary and Tafseer by Abdullah bin Abbas (RA) and Abdullah bin Zubair (RA). This verse highlights the significance of the first ten nights of Zil Hijja.

Q: Can one read Takbir during the first ten days of Zil Hijja at work or at home?

A: Nabi (ﷺ) said: *Increase the Tahleel (La ilaha illallah), Takbir (Allahu Akbar) and Tahmeed (Alhamdulillah) during the first ten days of Zil Hijja* (Tabarani). Furthermore, Abu Huraira (RA) and Abdullah bin Umar (RA) used to frequent the market and say Takbir loudly and the people used to repeat the Takbir (Bukhari Shareef). Therefore, it is advisable to read the Takbir in ones shop or home especially during these first ten days.

Q: Is it permissible to fast on the days after Eid?

A: Nabi (ﷺ) said: *"The days of Tashriq (11-13 Zil Hijja) are the days of eating, drinking and remembering Almighty Allah."* (Muslim Shareef). Cognisance must be taken of the fact that it is Haram to fast on the following five days: 1 Shawwal (Eidul Fitr), 10 Zil Hijja (Eidul Adha), 11th, 12th, 13th of Zil Hijja (Ayyaam Tashriq) which alludes to the days of tanning the hides of the Qurbani animals.



PERMISSIBLE & PROHIBITED



ISLAMIC PROGRAMMES ON TV

Q: Could you please enlighten me as to whether Islamic programmes and sport are permissible on videos? I do not watch any undesirable programmes on TV and video, but I do like to watch Islamic programmes and sport. So for this purpose could I buy a TV and video machine?

A: Islamic laws are moulded around communities and societies and not individuals. Therefore, regarding TV we should remember despite all the good we can get out of it, the bad and the wrong is greater and more destructive. Though we may say that the TV is but a tool in the hands of the user and the intention of the use will determine whether it will be of benefit or loss. Hence, if we take the example of watching sports on television despite our good intention we still commit wrongs stemming from the nature of the sport e.g. players in soccer, tennis, rugby, etc., do not cover their full Aurah. The camera also zooms onto the spectators and here we find males and females dressed contrary to Shariah. Lastly, the use of music in such programmes and advertising of things that are totally Haram, taint the initial good intention. Therefore, our ruling on this issue will be, that it is not permissible.

WATER FROM MASJID WATER COOLER

Q: Is it permissible to take water from the water-cooler which is in the Masjid to ones shop or house?

A: It is not permissible to take water from the water-cooler which is in the Masjid to ones shop or house. Every single item in the Masjid, be it the water-cooler, Qur'ans, or Tasbihs are all Waqf (trust) and as such are forever the property of the Masjid and have to be used specifically for that purpose for which it was donated. The water-cooler has been installed to provide water for the Musallees. Thus taking water from the Masjid constitutes a violation of the trust.

MUSICAL INSTRUMENTS

Q: What is the Islamic viewpoint on musical instruments and music ?

A: Our ultimate source of guidance and our supreme custodian the Noble Quran, clearly states in the following verses: *"And of men is he who purchases frivolous discourse to lead astray from Allah's path without knowledge, and to make it a mockery. For such is a disgraceful punishment."* (Surah 31: verse 6)

Abdullah bin Abbas (RA) said that frivolous discourse refers to music. For reference see: Imam Bukhari's Al-Abdabul Mufrad, Hadith no. 786

And Almighty Allah addresses Shaitan: *"And incite whom you can of them with your voice."* (Surah 17: verse 64)

Likewise the Ahadith of Nabi (ﷺ) further elucidates these points as follows:

1. Nabi (ﷺ) said from among my followers there will be some people who will consider illegal sexual relationships, wearing of silk, drinking of alcoholic drinks and use of musical instruments as lawful Allah will destroy them during the night and will let the mountain fall on them and He will change the rest of them into monkeys and swines till the day of resurrection.
For reference see: Imam Bukhari's Sahih, The chapter of Drinks
2. Nabi (ﷺ) said: *"Do not sell singing girls and do not purchase them and do not teach them and there is no good in their trade, and their price is haraam. The ayat (Surah 31: verse 6 was revealed in this connection (music))."* (Tirmidhi)

3. Nabi (ﷺ) said: *"With regard to the signs of the hour, singing girls and musical instruments will become plentiful."* (Tirmidhi)

The only musical instrument that was permitted by Nabi (ﷺ) was the Daf, which was a one-sided tambourine like instrument. However, the use of this instrument was restricted to herald happy occasions, for example, Walima. Secondly, the Daf was played accompanied by poetic recitations during war to arouse the strength of the warrior. Please note that it was also common practice for the warriors to duly recite poetry in chorus without playing the Daf.

Hence we base our verdict on the aforementioned Qura'nic verses and on the teachings of Nabi (ﷺ) which states that any act associated with music, be it the singing of girls, playing of various instruments etc., are totally Haram.

WEARING A TIE

Q: Is it permissible to wear a tie?

A: Cognizance must be taken of the fact that the tie is often viewed as a symbol of the crucifix, and in order to avoid the practices of non-Muslims it is desirable to abstain from such practices. Thus to wear a tie is not permissible.

CURSE ANOTHER PERSON

Q: A person cursed another in public. What are the Islamic injunctions pertaining to cursing one another ?

A: It is not permissible for anyone to curse any creation of Almighty Allah. Thus, it is of utmost importance that a person should take care not to curse any person, neither in private nor in public. Furthermore, he / she should seek forgiveness from those who have been harmed by his / her statements. A few Ahadith

are cited to highlight the seriousness of cursing.

1. Nabi (ﷺ) said: *"The one who curses would neither be an intercessor nor witness on the day of Judgement."* (Reported by Muslim, Hadith no. 6281)
2. It was said to Nabi (ﷺ) invoke curse upon the Mushriks, whereupon he said: *"I have not been sent to invoke curses, but I have been sent as mercy."* (Reported by Muslim, Hadith no. 6284)

FIREWORKS

Q: We have been approached for consent to apply for a dealer in fireworks license in respect of the premises occupied. Kindly advise whether such consent may be granted.

A: The use and sale of firecrackers is regarded as unlawful. This verdict is derived from the following verses of the Noble Qur'an:

1. *"Surely the squanderers are the devils brethren. And the devil is ever ungrateful to his Lord."* (Surah 17: verse 27)
2. *"And help one another in righteousness and piety, and help not one another in sin and aggression."* (Surah 5: verse 2)
3. *"Eat and drink but waste not by excess, for Allah love not the wasters."* (Surah 7: verse 31)

From the aforementioned, it is clear that indulging in the sale of firecrackers is harmful to the community at large. Furthermore, it causes harm and destruction to humans, animals and property. Therefore, it is advisable for the lessor to deny the lessee the right to sell such wares.

Q: Are fireworks permissible or could we sell it to non-Muslims?

A: Fireworks are not permissible in Islam. Fireworks and the festivals associated with them are acts of Satanism, emulating the

non-Muslims and wasting money. Almighty Allah states: *Those who squander their wealth are the brothers of Shaytan* (Surah 17, verse 27). It is not permissible to sell these items of Satanism to Muslims or non-Muslims. There are many harms of fireworks especially to the animals and environment. Similarly, zinc leads to vomiting and lead affects the nervous system, sodium reacts violently with moisture attacking the skin.

PLAYING CARD GAMES

Q: Is the playing of card games permitted in Islam?

A: In order to determine whether the playing of cards can be lawful or not, one needs to consider the following points:

- a) Playing of cards involving betting etc., will be totally unlawful since it is regarded as gambling which is prohibited by Divine Text. (Surah 5 : verse 90-91)
- b) The use of cards for children in educational games i.e. teaching them to add, number recognition, shape recognition will be considered permissible provided that there are no animate objects.
- c) Playing of cards merely to pass time will be considered sinful. For reference see: Imdadul Muftiyyin by Mufti Shafi Saheb (ra), pages 1001-1002

TYPES OF JEALOUSY

Q: I've heard that there are 2 types of jealousy. Is this true? Which kinds of jealousy are allowed ?

A: The Prophet (ﷺ) said, *"Jealousy is not permitted except in respect of two persons - one whom Allah Ta'ala blesses with the recitation of the Noble Qur'an and he remains engaged in it day and night; the other who is given abundant wealth by Allah T'aala and he spends it day and night."* (Bukhari). The scholars of Hadith have stated that jealousy is a desire that one possessing a blessing should be deprived of it, whether the person who feels jealous

acquires it or not. Emulation (Ghibtah) signifies a desire to possess a thing, whether the actual owner is deprived of it or not. Thus, the above Hadith refers to emulation (Ghibtah) and not jealousy, which is not permissible in Islam.

WOMAN TAKE LIFE FOR FEAR OF RAPE

Q: Can a woman take her own life for fear of being raped?

A: This is the only instance wherein it is permissible for a female to take her own life, and she will be considered martyr. It should be remembered that this is only applicable when there is no other alternative. For reference see: Aap Ke Msail Awr Unka Hal, volume 3, page 125 by Moulana Yusuf Ludhyanwi (ra)

WHITE LIES

Q: Is it okay to speak white lies?

A: To speak lies is Haram and Allah Ta'ala curses the one who indulges in it. It is permissible to speak lies in the following instances:

- When one's life is in danger at the time of Jihad
- Reconciliation between two persons or parties
- Reconciliation between husband and wife

SELL, OWN AND BREED RACE-HORSES

Q: Is it permissible in Islam to sell, own and breed race-horses?

A: It is permissible to sell, own and breed racehorses, based on the following Ahadith;

- Nabi (صلی اللہ علیہ وسلم) said, "The horses have good tied in their forelocks till the day of resurrection." (Muslim)
- Nabi (صلی اللہ علیہ وسلم) said, "If anyone reserves a horse in Allah's path with faith in Allah and belief in His promise, its food, drink, dung and urine will be his scale on the day of resurrection." (Bukhari)

c) Nabi (صلی اللہ علیہ وسلم) said, "Betting (from one side) is only allowed for shooting arrows, or racing camels or horses." (Tirmidhi)

For further reference: see Mishkat Shareef, pages 336-337.

Lastly, one should be aware that horses are not necessarily bred for racing and those that are bred for racing may not be used in the gambling context. It must be borne in mind, that to breed race horses particularly to sell them to race-horse owners for the purpose of gambling will be Haram.

INSULTING AND DEGRADING

Q: If there is a Muslim brother who keeps on provoking, belittling, insulting and degrading and using force on you for no reason, and if you warn him sufficiently (thrice), then is it permissible to fight with him with the intention of stopping him from carrying on his behavior in the future?

A: It is permissible to retaliate bearing in mind that the equality of retribution has to be adhered to. (See Surah 16, verse 126)

QASEDAH GROUP - MUSICAL INSTRUMENTS

Q: Is playing of Qasedah's with certain musical instruments allowed in Islam? Can such a Qasedah group perform at a Masjid fundraising event?

A: These practices are not permissible and the only instrument permissible is the Daf on joyous occasions. For reference see: Tahrim Aalaat At-Tarb by Sheik Naasiruddin Albani, page 10.

KUFFAR LAWS TO SOLVE PROBLEMS

Q: Can a Mufti approach Kuffar laws to solve problem of the community while we have Muslim bodies like Jamiats, Darul-Ulooms.etc.

A: Most definitely the Muslim Ummah is being brought into disrepute. Hence, it would have been preferable to call upon an arbitrator (Alim or Jamiat) that both parties agree upon.

SOLAR HEATING SYSTEMS

Q: Is it permissible to use solar heating systems?

A: It is permissible to have such a system installed. The water is heated by means of an "absorbent" which in turn obtains its heat from the sun. It is therefore not related to the type of water that the Hadith describes "as a cause for Leprosy."

According to Imam Abu Hanifa (ra), Imam Malik (ra) and Imam Ahmed (ra) the use of such water is permissible, and according to Imam Shafi (ra), it is Makruh (undesirable) to use this water when it is heated by direct sunlight.

HUNTING

Q: Is hunting permissible as a sport? If so, is Zabah of the animal necessary after shooting it? If not, can an animal shot by a non-Muslim be fit for our consumption?

A:

1. Hunting solely for the purpose of sport is not permissible. However, should one hunt to derive ones' sustenance, then it is permissible.
2. The wound created by the bullet of a hunting rifle is similar to the wound inflicted by an arrow and therefore, Zabah is not necessary if the animal expires before you reach it. However, if it is wounded and not dead when you reach it, then Zabah is compulsory. But if an animal is shot by a non-Muslim, it is not permissible for consumption. For reference see:
 - a) Imdadul Muftiyin by the late Mufti Muhammad Shafi Saheb (ra), page 943.

- b) Al-Salsabeel by the late Shaikh Saleh bin Ibrahim (ra), volume 3, pages 978-979.

SEHRI PERMISSIBLE UNTIL FAJAR AZAN

Q: Is Sehri permissible until the Fajar Azan?

A: One needs to establish at what time the Fajar Azan was given, that is, if it is given at the time of commencement of Subah-Sadiq (true dawn), then one is permitted to eat till the Azan. However, in most instances the Fajar Azan is delayed beyond Subah-Sadiq, therefore, it is not permissible to continue eating till the Azan is called.

EMBRACING AFTER EID SALAT

Q: Where did the tradition of embracing after Eid Salat originate?

A: The custom of embracing after Eid Salat originated from the Shias and is considered as Makruh-Tanzihi i.e. undesirable and better to abstain from it. However, to meet those who have come from afar by embracing or shaking hands with them is permissible. On the occasion of Eid, the Sahabas (RA) recited the following Dua, "May Allah Ta'ala accept from us and from you."

For reference see: Kifayatul Mufti, volume 3, page 238. Fatawa Mahmudiya by Mufti Mahmud (ra), volume 1, pages 230-231.

COPYRIGHT

Q:

1. Certain countries have copyright laws about sale of computer software/program. Would it be illegal to act against these laws in Islam?
2. Is copying of finished and copyrighted programs or violating copyright laws about computer programs can be termed as piracy, stealing or theft in the light of Shariah?

3. If the answer is affirmative then should illegal copying known as piracy, be dealt with same laws as for theft / stealing / taking away as there are laws and punishment about stealing material / goods in Islam?
4. Is there any weight of intellectual property in Islam, for example, ideas, art work, writing, developed software consultancy services? Can you give an example of early Muslim judicial decision about intellectual property (except computer software, of course, which emerged in this century).

A:

1. It will not be permissible to act against such a law, since such laws are binding upon Muslims provided that they are not contrary to the Shariah.
2. According to the strict conditions that determine theft in the Shariah, we find that this will not constitute theft but rather breach of trust as contained in the copyright agreement.
3. No, Islamic law pertaining to theft will not apply.
4. There is value attached to an individual's ideas, writings etc. hence, if the person copying such information causes harm or financial loss to the artist / programmer / author of the idea, then it would not be permissible. The question of intellectual property did not arise in the early days since the authors and scholars were keen on spreading the ideas and thoughts rather than gaining financial benefit.

CONTACTS WHICH COLOUR EYES

Q: Is it permissible for a person to wear contacts which changes the colour of one's eyes?

A: It is not permissible as it deceives people.

ORAL SEX

Q: Is oral sex permissible?

A: This practice is not permissible in Islam since the pre-seminal fluid (Mazi) discharged prior to ejaculation is impure. Furthermore, it is against the teachings of the Noble Qur'an Surah 2 verses 222-223.

SPECIFIC NIGHT FOR ZIKR

Q: Is it permissible to set a specific night for Zikr for the convenience of the people and is it permissible to read collectively with the intention of teaching others?

A: It is permissible to set a specific night for Zikr for the convenience of the people and it is also acceptable to read collectively with the intention of teaching others. However, it must not be considered a Sunnah or a compulsory practice to set a specific night for Zikr.

SURAH YASEEN COLLECTIVELY

Q: Is it permissible to read Surah Yaseen, Mulk and Sajdah aloud collectively after Maghrib?

A: The recitation of these Surahs in a chorus manner is not permissible. However, if each individual is reading independently then it is permissible. Cognisance should also be taken of the needs of other Musallees who are engaged in Salat or Dua.

1000 DUROOD ON A FRIDAY

Q: Is it authentic that if one reads 1000 Durood on a Friday, then the reader will not leave this world until he sees his abode in Jannah? The Durood under discussion is: "Allah hummah salli ala sayidina muhammadeww wa ala aalihi alfa alfa marah."

A: Allama Suyuti has mentioned this in Sharhus Sudur with a weak chain.

80 DUROOD AFTER ASR ON FRIDAY

Q: Is it authentic that if the following Durood is read 80 times on a Friday after Asr, before getting up, then 80 years of the readers sins will be forgiven: *"Allah hummma salli ala sayidina Muhammadanin nabiyl ummihi wa-ala aalihi wa sallim tasleema."*

A: This is not an authentic Hadith but a weak Hadith mentioned in Dare Qutni and Jamius Saghir. It is permissible to read it.

SIT PARTLY IN THE SHADE

Q: Is it permissible to sit partly in the shade and partly in the sun?

A: This Hadith is mentioned in Abu Dawud and this practice is considered Makrooh (undesirable).

USE OF CHARTS WITH ANIMATE OBJECTS

Q: What does Shariah command us concerning the usage of charts and books with drawings, sketches and photographs of animate objects for educational purposes?

- a) Is there a difference between sketches and photographs?
- b) Is there a difference if these pictures are displayed on charts and closed in book form?

A: Hazrat Ayesha (RA) reports: "Nabi (صلی اللہ علیہ وسلم) returned from a journey when I had placed a curtain having pictures over (the door of) a chamber of mine". When Nabi (صلی اللہ علیہ وسلم) saw it, he tore it and said: *"The people who will receive the severest punishment on the day of Judgement will be those who try to imitate that which Allah has created."* Hazrat Ayesha (RA) says, "So we made it into two cushions and Nabi (صلی اللہ علیہ وسلم) utilized them." (Bukhari & Muslim)

According to the aforementioned Hadith, we deduce that the prohibition of pictures and photos is dependent on two factors:

- a) Honouring it - it is hanged up, revered or displayed.
- b) It constitutes a resemblance of an animate form.

It is permissible to use books, since the illustrations contained in them are not hanged up or displayed. However, one should avoid hanging charts of illustrations or photographs of animate objects. Secondly, the majority of these text-books use illustrations which are part of the human body i.e. hands, feet, etc., in order to demonstrate effectively how certain acts of Ibadat should be performed. For reference see: Rawaeul Bayan by Sheikh Muhammad Ali Sabuni, volume 2, pages 413-414

Previously, The presiding Mufti of Darul Uloom Deoband, Hazrat Mufti Shafi Saheb (ra) ruled that, with regard to the usage of an Arabic dictionary "Al-Munjid" which had illustrations was permissible for educational purposes, since the major portion of the text contained explanations, whilst the illustrations constituted a minor part of the book. This was verified by Justice Mufti Taqi Saheb, son of Hazrat Mufti Saheb (ra), during our discourses with him on the said topic at Darul Uloom Newcastle in December 1992.

PUNISHMENT FOR HOMOSEXUALS

Q: What is the punishment for homosexuals?

A: Punishment for homosexuals is death. (Surah 51 : verses 31-37) For further reference see: Ahsanul Fatawa, volume 5, pages 509 - 512

Q: Opposing homosexuals / gay rights means we are denying a person his / her human rights. It also means that we are discriminating on the basis of sexual preference, and any form of discrimination is evil. What is the Shariah point of view ?

A: From the Shariah point of view all forms of discrimination are not evil. For example, if ones sexual preference be incest or

bestiality, one will definitely be discriminated against. Thus any unnatural form of intercourse will be unacceptable and Haram.

IMPOSE FINE FOR A TRANSGRESSION

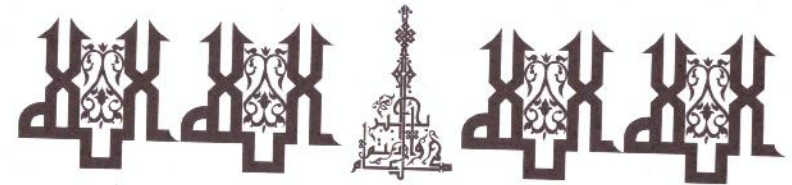
Q: Is it permissible for a government or organization to impose a fine on a person for a transgression?

A: According to Imam Abu Hanifa (ra) and Imam Muhammad (ra) it is not permissible. However, according to Imam Abu Yusuf (ra) it is permissible provided that the money is kept in a safe place. When that person repents from that sin and transgression the money must be returned to him/her. Therefore, according to majority of the scholars it is not permissible to impose a fine and only Imam Ahmad bin Hanbal (ra) states it is permissible. (Fatawa Darul Uloom Zakariyya, vol. 4, pages 574-577)

HOT-CROSS BUNS AND EASTER EGGS

Q: Are hot-cross buns and easter eggs permissible and what about other non-Muslim festivals?

A: Almighty Allah states: *O you who believe! Do not take the Jews and Christians as your friends. They are the allies of one another. Whosoever befriends them from you then he is from them* (Surah 5 verse 51). Nabi (صلی اللہ علیہ وسلم) said in an authentic Hadith, *Whosoever imitates a people is from them* (Abu Dawud & Musnad Ahmad). Sayyidina Umar (RA) issued the following decree: *Stay far away from the enemies of Almighty Allah during their festivals* (Bayhaqi). Therefore, it is not permissible for Muslims to celebrate non-Muslim festivals like, Christmas, Divali, Easter, Valentine etc. Similarly, it is Haram to partake of their food which they have dedicated to their deities. Furthermore, it is not permissible to consume hot-cross buns and easter eggs as these are symbols of Christianity. Regarding non-muslim festivals a very informative book written by Dr Abdullah Hakim Quick entitled "Holiday Myth" and in 1647 Britains Puritan Parliament banned Christmas ceremonies and considered it as a pagan practice.



CLOTHING



SHOES MADE FROM PIG SKIN

Q: Is it permissible for Muslims to wear shoes made from pig skin even after it has been thoroughly treated? Please reply in detail as per Qur'an and Hadith.

A: In response to your question on the issue of pig skin the Qur'an states: *"He (Allah) has forbidden for you what dies itself, blood and the flesh of swine."* (Surah 2: verse 173); *"Or flesh of swine for surely it is unclean"* (Surah 6: verse 146). Jabir bin Abdullah (RA) stated that I heard Nabi (ﷺ) saying: *"Allah Ta'ala and His Messenger (ﷺ) made illegal the trading of alcohol, dead animals, pigs and idols."* For reference see: Bukhari, Hadith no. 2121)

The Qur'an and the Hadith are explicit in stating that the use of pig flesh and skin are totally unlawful. Thus, we conclude that the use of its skin in whatever form, e.g. shoes, bags, brushes and belts etc., are not permissible. Cognisance must also be taken of the fact that to buy, sell or wear anything manufactured from the pig is strictly forbidden.

DISPOSING HARAM MONEY

Q: If I have Haram money (R 50), then can I use it on other things to get rid of it e.g. bioscope and arcade games, without getting sin because Haram money cannot be used for purchase of Halal things?

A: If one has Haram money it must be disposed by giving it in charity to the poor without the intention of reward. However, if one were to spend it in other Haram activities, then the sin would be multiplied.

SUNNAH WAY OF TYING A TURBAN

Q: What is the Sunnah way of tying a turban (with a V or not)? How should the tail of the turban hang? How many tails should there be?

A: Nabi (ﷺ) wore a black turban on his Mubarak head and its Shamlah (the end portion of the turban) was between his shoulders (Muslim). Based on the above Hadith, the most correct method is to leave the Shamlah between the shoulders on the back. The tying of the turban is acceptable provided that the persons aim was to fulfill the Sunnah whether it has a V or not.

GOLD FOR MEN

Q: Is gold permissible for men to wear?

A: Any form of jewellery that predominantly consists of gold would not be permissible. However, imitation gold eg. spectacles is permissible.

PRECIOUS STONE ON MALE'S SILVER RING

Q: Is it permissible for a man to have a precious stone on his silver ring?

A: It is permissible but not desirable for men to wear such rings.

APPLYING SURMAH

Q: Is it Sunnah to apply Surmah and what are its benefits?

A: To apply (Surmah, antimony, collyrium, Kuhl) in the eyes is Mustahab. It benefits the eye and one receives reward for following the Sunnah. Imam Tirmidhi (ra) mentions that Ibn Abbas (RA) reported that Rasulullah (ﷺ) said: *"Use Kuhl made of Ithmid on the eye; it brightens the eyesight, and strengthens and increases the growth of the eye lashes."* Rasulullah (ﷺ) had a small container for keeping Kuhl, from which he applied Kuhl in each eye three times every night." (Shamaail Tirmidhi)



DEATH IDDAT & BURIAL



PUNISHMENT IN THE GRAVE

Q: A few of my Muslim friends have expressed reluctance to accept that there is Azaab in the Qabr. In my humble opinion theirs is an erroneous perception. What is the correct Islamic view point?

A: The various compilations of the Hadith books are replete with mentioning of Azaab in the Qabr. Furthermore, verses of the Noble Qur'an also draw attention to this, for example, Surah 102: verses 1-2. Based on the above Sayyidina Ali (RA) commented that he doubted whether there was Azaab in the Qabr, but after this verse was revealed he became sure that there is Azaab in the Qabr. For reference see: Imam Tirmidhi's Jami, Hadith no 3355

The fire, they (the people of Firoun) are brought before it morning and evening and on the day when the Hour comes, make Firoun's people enter the severest chastisement (Jahannam) (Surah 40: verse 46). Based on this verse, we deduce that the fire before the Day of Judgement is the fire or the Azaab in the Qabr for the people of Firoun. Therefore, it is compulsory to believe in Azabe Qabr.

Q: A Muslim brother shot himself dead. Janaza Salat was performed and he was buried with the other people. Our people learned that when a person killed himself, then you do not perform Janaza nor do you bury him with the other people. He/she must be buried separately.

What does the Shariah says on the following:

1. When a person commits suicide ?
2. Can we perform Salat on a person who commits suicide?
3. Must they be buried separately or with the others ?

A: In Islam suicide is considered as a major sin. However, despite the severity of the sin such a person is not rendered to be outside the fold of Islam. It is preferable for the appointed Imam not to lead the Janaza Salat, so that his withdrawal indicates that this

action is considered as sinful and is worse than premeditated murder.

All four Imams, namely, Imam Abu Hanifa (ra), Imam Malik (ra), Imam Shafi (ra) and Imam Ahmad (ra) are unanimous on this issue that such a person must be given Ghusal, Kafan, Janaza salaah and a proper burial in the Muslim graveyard. The commission of this sinful act does not render the person a Kafir, therefore even dua on his behalf for his forgiveness is permissible.

For reference see: Ahsanul Fatawa by Mufti Rashid Ahmad Saheb (ra), volume 4, page 196. Al-Fiqhul Islami by Sheikh Wahbah Zuhaili, volume 2, page 1585

HUSBAND PASSED AWAY IN MADINAH

Q. A couple left South Africa with intention of performing Hajj. Presently, whilst in Madinah, the husband passed away. The woman is now left without a Mahram in Madinah. Her son who is in South Africa is going to join her in Madinah. Where must she observe her Iddat? Must she return to her matrimonial home immediately or perform Haj and then return?

In the case if she is in Makkah and this incident of death occurs, what is the ruling of the Shariah in this regard?

A:

1. According to Imam Abu Hanifa (ra) the woman who is in Iddah has an option, either she returns to her home country or proceeds to Makkah and performs her Haj rites provided it is a Farz Haj. If she exercises the latter option she must return home immediately after Haj and complete the remainder period of Iddah at her late husband's house.

For reference see: Muallimul Hujjaj, page 92

2. If the wife is in Makkah at the time of her husband's death, then

it would be preferable for her to perform her Fardh Haj. For reference see: Zubdatul Manasik, pages 23-24 by Moulana Sher Muhammad (ra).

POST-MORTEM ALLOWED IN ISLAM

Q: Are post-mortems allowed in Islam and is special consent from the family required?

A: In Islamic Shariah the human body is revered and considered as a trust from Allah Ta'ala. Therefore, it is incumbent upon every human being to fulfill the rights of one's body spiritually and physically. The spiritual aspects are fulfilled by obeying the commandments of the Almighty and using every limb for permissible actions and acts of worship. Almighty Allah states: "Certainly We created man in the best of moulds." Surah 95: verse 4. "And surely We have honoured the children of Adam, and We carry them in the land and in the sea, and We provide them with good things, and We have made them to excel highly over most of those whom We have created." Surah 17: verse 70. From the above verses, one can deduce the importance of the honour granted to mankind. Nabi (ﷺ) said: "Breaking the bone of the deceased is tantamount to breaking it of a living person." Reported by Abu Dawud, Hadith no. 3207; Mishkat, page 149

In principle, it is not permissible for anyone to dissect the human body. However, exceptions can arise in certain cases wherein the rights of another individual has to be established. For example, a pregnant woman dies and the baby is alive within her. In this case it is compulsory to cut open the body and remove the baby. However, if the baby is also dead, then it is not lawful to cut the dead body (Fatawa Alamghiri). In the event of extreme circumstances such as suspected murder the legal system will require a post-mortem. Such a post-mortem may be carried out after obtaining the permission of the family.

PLANTING TREES IN A GRAVEYARD

Q: Is there any significance in planting trees in a graveyard?

A: Hazrat Ibn Abbas (RA) narrated: Once the Prophet (ﷺ), whilst passing through one of the graveyards of Madina heard the voices of two persons who were being chastised in their graves. The Prophet (ﷺ) said, *"These two persons are being punished for a major sin."* The Prophet (ﷺ) then added, *"Yes! (they are being punished for a major sin). Indeed one of them never saved himself from being soiled with his urine while the other used to go about carrying tales. The Prophet (ﷺ) then asked for a green leaf of a date-palm tree, broke it into two pieces and placed one on each grave. On being asked why he had done so, he replied, "I hope that their punishment might be lessened, till these get dried."* (Bukhari)

From the above Hadith, we deduce that spiritual benefit may accrue to the deceased by planting plants on the grave. However, no special significance can be attached to trees in the vicinity of the graveyard. Furthermore, to place flowers on the grave is not permissible.

GRAVES

Q:

1. Is the proposal of forming an unbound girdle around the perimeter of the grave a sinful act and is it totally forbidden?
2. Is the writing of the name of the deceased on the grave site or any inscription or numbering permitted?

A:

1. We find that the jurists are of the opinion that any form of construction is not permissible, especially if it is for the purpose of beautification. However, in certain circumstances

such as, fear of wild animals and soft soil, it would be considered permissible.

2. To display the name and date of death at the grave is permissible. However, the addition of eulogies, poetry and Qur'anic verses would not be permissible. For reference see: Ahsanul Fatawa, volume 4, page 199

Q: Does the punishment of the grave take place in the grave or in Barzakh?

A: The punishment suffered by the deceased occurs in Aalame` Barzakh and commonly we refer to this as being the punishment in the grave. The term Azaabe` Qabar does not exclude those persons who drowned, or were burnt or eaten by an animal etc.

NOT AFRAID OF DEATH

Q: There has been a lot of questions that I keep asking myself and I cannot find any answers to it, as I am not handsome.

Firstly, I am not afraid of death, even though I commit the most evil of sins, speaking, reading and thinking of death gives me pleasure. But honestly I am not afraid, but I never wonder as to how I am going face Allah. When I want to think about it, my mind automatically goes blank. People get angry when I speak about death. Is there something wrong with me?

A: Thinking about death and even talking about it, is permissible and desirable. Hereunder, are a few Ahadith that substantiate this fact:

1. Nabi (ﷺ) said, *"Whosoever loves to meet Allah, Allah Ta'ala loves to meet him. Whosoever detests meeting Allah, Allah Ta'ala hates meeting him."* (Tirmidhi)
2. Nabi (ﷺ) said, *"Death is a gift for a believer."* (Mishkat Shareef)

3. Hazrat Umar (RA) had his ring engraved with the following statement, *"Death is a sufficient admonition."* (Tarikhul Khulafa)

However, your reason for discussing death is not acceptable. Allah Ta'ala has bestowed countless bounties of His upon you, for example, the mere fact that you have been chosen to be a Muslim. Furthermore, Allah Ta'ala has created you and you are a creation of Allah and Allah does not create something ugly. For reference see: Noble Qur'an, *"Our Lord! You have not created this in vain"* Surah 3 : verse 190. *"Certainly We created man in the best stature."* Surah 95 : verse 4.

In conclusion, be positive in your outlook and be thankful to Almighty Allah for His bounties. Nabi (ﷺ) said, *"Verily Allah does not look at your physical features and property, but He looks at your hearts and actions."* (Targheeb) For a pious partner constantly recite the following supplication, *"Our Sustainer! Grant us such spouses and offspring that are the coolness of our eyes."* Surah 25: verse 74

ATTEND A NON-MUSLIM BURIAL

Q: Is it permissible for a person to attend his relatives funeral if he or she is a Christian? Can he / she go to visit the grave?

A: It is permissible to go to the house of the deceased to console the bereaved family. However, to go to the graveyard or to pray for the deceased is not permissible. For reference see: Surah 9: verses 113-114; Surah 9: verse 84

JANAZA SALAT IN ABSTENTIA

Q: Is it permissible to read Janazah Salat when the deceased body is elsewhere?

A: It is permissible according to Imam Shafi (ra) and Imam Ahmad (ra). According to the Malikis and Hanafis it is not permissible.

DEFINITION OF MURDER

Q: If murder is committed by poisoning (foods, etc.) injecting a deadly serum, smothering, pushing over a cliff, drowning, driving over, etc., will it be categorized as Qatl?

A: Qatl Amd is technically defined as a pre-meditated murder wherein an instrument is used which is usually associated with murder, for example, revolver, etc. Qatl Shibhu Amd is technically defined as a murder in which the instrument used is not usually associated with killing, for example, baton etc.

However, cognizance must be taken of the fact that the intention is the pivotal factor. According to most of the Fuqaha, Imams Abu Yusuf, Muhammad, Malik Shafiee and Ahmad (ra), if the murder is committed with instruments that are usually associated with murder and the intention is to kill, it would be considered as Qatl Amd. Therefore, the answer to your query is "if the murder is committed intentionally" in the examples cited, it will be categorized as Qatl Amd. For reference see:

1. Takmila Fathil Mulhim by Justice Taqi Usmani, volume 2, pages 336-338;
2. Fiqhus Sunnah by Sheikh Sayid Sabiq, volume 2, pages 516-517.

GRAVES READY

Q:

- a) The soil at the Muslim cemetery is very hard. Is it permissible to have 1, 2 or 3 ready dug graves?
- b) Two graves have been incorrectly utilized i.e. the direction is incorrect. Must they be left as is or should they be re-directed?

A:

- a) It is permissible to have readily dug graves available, since it is not contrary to any Islamic injunction.
- b) Since such mistakes have already been made it is preferable to leave it so, since it is not compulsory to make the body face the Qiblah. However, we should guard against the recurrence of such mistakes in future. The facing of the body toward the Qiblah is a Sunnah. For reference see: Ahsanul Fatawa by Mufti Rashid Ahmad Saheb (ra), volume 4, page 225

DUA AFTER SALATUL JANAZA

Q: Is there a Dua immediately after Salatul Janaza?

A: There is no Dua immediately after Salatul Janaza according to the four schools. (Al-Fatawa Hindiya, vol 5, page 319)

RECITE NOBLE QUR'AN FOR DECEASED

Q: Can one recite the Noble Qur'an for the deceased?

A: It is permissible according to all 4 schools of jurisprudence to recite the Noble Qur'an for the deceased. (Kitabur Ruh by Ibn Qayyim, page 17; Fatawa Darul Uloom Zakariyya, vol 3, pages 74-75)

GIVE GHUSAL TO A MAYYIT IN MENSES

Q: Is it permissible for a woman in menses to give Ghusal to a Mayyit?

A: It is not permissible for her to assist in the Ghusal of the Mayyit. However, it is permissible for ladies in menses to sit by a female Mayyit or Mahram male Mayyit after the Ghusal and Kaffan (shrouding) are done. She cannot recite the Noble Qur'an, but should engage herself in Istighfar, Durood Sharief and Kalimas etc.



INHERITANCE & WASIYYAH



INHERIT FROM GRAND-PARENTS

Q: Can my daughter inherit from her grand-parents who are non-Muslims?

A: No Muslim inherits from non-Muslims & vice versa.

INHERITANCE Q & A's

Q: Zaid pays the deposit and continues paying his rental. After two years he passes away.

- Is Zaid the owner of this house?
- Will this deposit be considered as colateral in Sharee terms?
- Must this house be distributed amongst the heirs?

A:

- Zaid will be regarded as the owner of the house since he had paid the deposit and rental.
- The deposit will not be considered colateral as it is ir-refundable.
- The house must be distributed amongst the heirs. However, the person (next of kin) must apportion the assets to the heirs according to the Shariah. For reference see: Surah 4: Verses 13-14.

Q: Kindly stipulate shares for the following persons: Brother Yusuf dies and leaves behind - No parents, wife, 3 daughters, no sons, no brothers, 2 sisters.

A: According to the circumstances described by you, Yusuf's estate will be divided into 144 shares and distributed as follows:

Wife - 18 shares

3 Daughters - 96 shares (32 shares each)

2 Sisters - 30 shares (15 shares each) - Total 144 shares.

Q: Sister Fatima dies and leaves behind - mother, no father, husband, 3 daughters, no sons, 3 brothers, 1 sister.

A: Fatima's estate will be divided into 39 shares and distributed as follows:

Husband - 9 shares.

Mother - 6 shares.

3 Daughters - 24 shares (8 shares each) - Total 39 shares.

In this instance the 3 brothers and sister will not inherit.

Q: The deceased was married in community of property and has four surviving sons and one daughter (married). The deceased had one brother and three sisters who survived him. The parents of the deceased are deceased and he has grandchildren. Please indicate whether the above information is sufficient for you to give us a Fatwa on the distribution of his assets in terms of an Islamic distribution.

A: According to the circumstances described by you we find that the deceased offspring (sons and daughter) automatically exclude his brother, sisters and grandchildren as heirs. Hence the estate will be divided into nine shares so that it will be distributed as follows:

2 share per son - 8 shares

1 share for daughter - 1 share

Total - 9 shares

However, these shares can only be distributed after attending to the burial expenses, debts and bequests. Please note that bequests may be made to non-heirs only, e.g. siblings and grandchildren in this case. Furthermore, the bequest must not exceed one third of the total estate.

Q: I would appreciate if your respected self could give me a Share' ruling with regard to the following query: A man passes away leaving behind a wife, one son and three daughters with assets worth R80 000. What amounts would each of the above

heirs inherit?

A: The shares of the heirs will be distributed as follows:

Wife	R10 000
Son	R28 000
3 daughters	R14 000 each = R42 000
TOTAL	R80 000

Q: Attached herewith please find the schedule of my assets, together with a list of my family members who may qualify as legitimate heirs.

1. Please kindly advise me as to the allocation of shares to each qualifying heir, after my death?
2. In addition to the contribution to the Musjid, what other percentage can be allocated as 'Thawabe-Jariyah'?
3. Are there any limitations or restrictions, should I wish to distribute the assets in my life time.
4. Whilst I am still alive, what percentage can be contributed as 'Thawabe-Jariyah'?

A:

1. The shares of the heirs are as follows:

Wife	-	$\frac{1}{4}$	One share
Brother		$\frac{1}{2}$	Two shares
Sister		$\frac{1}{4}$	One Share
Total 4 shares			

2. A person may bequeath a maximum of one third of his estate to non-heirs, for example, Masjid, Madressah etc. This must be calculated after all the debts of the deceased have been settled including burial expenses.
3. It is preferable that when distributing ones assets in ones life-time, one should distribute it equally between male and female. However, if one desires to give more to a particular person it is

permissible provided that it is not based on favouritism. The principle of apportioning ones assets according to double and single shares for the male and female heirs becomes effective only after death.

4. You are entitled to spend all your wealth as Thawab-e-Jariyah in your life-time. However, it is preferable to take into consideration the needs of your spouse and close family as well, so that they are not left destitute after your demise.

Q: My sister is in a process of drawing up a will and wants to know how should her estate be distributed. Her immediate family consists of the following persons: Mother, husband, three daughters, three brothers and one sister.

A: Your sister's estate will be divided amongst her heirs as follows:

Total estate - 39 shares:

Husband will receive	9 shares
Mother	6 shares
Each daughter	8 shares

The three brothers and sister do not inherit.

Q: After the death of the father, the step mother insists and goes away to her family's home (after completing the Iddat period).

1. At the time of the death, both the parents were totally dependent on the children. Is the step mother now entitled to any share from the assets of the children since the father died without leaving any assets at all?

2. Furthermore, are the children under any compulsion to provide for the upkeep of the step mother?
3. Are the following heirs entitled to any shares, and if so, what percentage:
 - a) Children - of blood brothers and sisters, i.e. nephews and nieces.
 - b) Half-related children - same father but different mothers.
 - c) Step-children - in cases where the second wife brings children born of her previous marriage.
 - d) Adopted children.
 - e) Children not born in wedlock.

A:

1. The step mother is entitled to one eighth of her husband's estate, irrespective of the size of the estate. For reference see: Surah 4 : verse 7.
2. According to the Shariah, the children are not duty bound to provide for their step mother. However, to make provision for her will be a meritorious act. For reference see: Al-Ikhtiyar, part 4, page 9.
3.
 - a) If the deceased is survived by his own father or son, then the nephews and nieces are not entitled to share. In the absence of the father, son and brother of the deceased; the brothers' son will inherit from his uncle's estate.
 - b) When the father dies all his children (from both wives) are heirs to his estate and the ratio being 2 : 1 in favour of the male heirs. However, when the mother dies then only her children will inherit from her estate, that is, the children of the other wife are excluded.
 - c) In the event of the wife's second husband dying (that is, step father of her children) then the children from her previous

- marriage will not inherit from his estate. However, when she dies her children will inherit from her estate.
- d) Adopted children are not entitled to a share in the estate. However, a maximum of one third of the estate may be bequeathed to the adopted children by the adoptive parents.
 - e) Illegitimate children do not inherit from the estate of their mother's husband. However, when their mother dies, they will inherit from her estate.

Q: There is a family consisting of a mother, son and two daughters. How do you divide the inheritance between the two daughters and the son if the mother dies?

A: The son will inherit 50% of the estate and the daughters qualify for 25% each.

Q: Can a husband during his lifetime make a Waseeya for his wealth and shop to be divided into two shares, half his and half his wife's, even if he has children and if he happens to die before his wife, how does one split the inheritance. And in the event of the wife dying first, then too how does one split the inheritance?

A: In principle this is not acceptable, however to bequeath to an heir requires three conditions namely:

- a) The other heirs consent without duress.
- b) All the heirs must be mature.
- c) All the heirs must be sane.

Q: There is a family consisting of a husband, wife, sons and daughters. In the event of the wife dying, how does one distribute her wealth?

A: The wife's estate will be divided as follows: A quarter to her husband and the remainder will be shared in the ratio 2 : 1 for the sons and daughters.



BUSINESS & MONEY MATTERS



BILLBOARD BUSINESS

Q: I am involved in the billboard business. We identify sites, construct the sign and lease the space. A client, SA Breweries would consider giving us business. We have declined their order.

- a) Can one permit the advertisements of liquor, pork or gambling in a newspaper or outdoor advertising sign?
- b) Assume that you are the owner of the newspaper or the outdoor advertising sign (billboard)?

A: These billboards are a means of advertising and producing an income. Adverts that propagate vices are un-Islamic and therefore not permissible. Furthermore, to enter into contracts of this nature would be equal to aiding the commission of such vices. Almighty Allah states: *"And help one another in righteousness and piety, and help not one another in sin and aggression."* Surah 5: Verse 2.

PERMISSIBLE INCOME

Q: What is the Shari ruling regarding the income of the following person i.e. Is it Halal or Haram ?

Zaid is employed as a cashier in the following business - A Coca-Cola depot. The depot also stocks cigarettes, sweet juices, plastics and packaging, oil, crisps, etc. i.e. wholesaling.

A: The income derived as a cashier at this depot is Halal, since the majority of the items sold are permissible, though certain items are considered sinful. e.g. cigarettes.

PERMISSIBLE INVESTMENT

Q: In your opinion, what is the best, safest and most permissible manner/way of investing one's money i.e. about R10 000 ?

A: One should seek an investment portfolio from Muslim brokers who are aware of companies that have a totally Halal income.

However, one should be aware of the share condition which demands that the returns on such investments cannot be predetermined i.e. the investment must enjoy both the potential of growth and loss.

OPPORTUNITIES FOR ULEMA

Q: What opportunities are open to the Ulama-e-Kiram in the morning - many teach in the afternoons. How could they serve the Deen during the morning period - keeping the Dunya ahead?

A: Our mothers and sisters may be able to derive great benefit in the form of Qur'an Tafseer, Deeniyat, Hifz and other classes of a Deeni nature provided that the laws of Shariah are maintained with regard to Hijab etc. Revenue may also be generated by charging a nominal fee since this would commit the student to attend regularly. Likewise, serving community organizations such as hospitals and prisons may also be a viable alternative.

TENANT SELLS COFFINS

Q: As a Muslim landlord, is it permissible to let the premises out to a non-Muslim who wants to sell coffins and wreaths (burial services).

A: It is not permissible for Muslims to let out their premises for such businesses as this will be aiding non-Muslim practices. (see Surah 5 verse 2)

TENANT SELLS ALCOHOL

Q: A Muslim intends to rent out a building to a non-Muslim who is going to use the premises selling foodstuff but about 25% of the turnover will constitute the selling of liquor. Is it permissible for me to rent the building to such a person?

A: The renting of premises to a non-Muslim for this purpose is not permissible.

VAT INCOMPLETELY PAID

Q: A businessman collects VAT of say R1000,00. He pays the Receiver of Revenue only R400,00 and keeps R600,00 for himself. Is his action Islamically permissible?

A: For a businessman to collect Vat of R1000 and pay the Receiver of Revenue only R400 will not be permissible according to the Shariah. The businessman is considered as a Wakeel (representative) of the Receiver, hence for him to commit breach of trust will be unlawful.

Q: Can I as an accountant assist a person to balance his books knowing that he has not paid the full VAT collected by him?

A: For an accountant to balance the books of his client /s who does not pay the VAT in full, will not be permissible, as the Noble Qur'an states: "Help you not one another in sin and rancor." (Surah 5: Verse 2)

PENSION FUND INVESTED

Q: I was employed with Grindred Seafreight for the 10 years. During this time I had been contributing towards a pension fund. On leaving the company I have been told that if I have to take my contributions from the fund I will be paid out a lump sum of R11 000,00 if however, I invest the money into a retirement annuity then the amount that I will receive would be about R44 000,00. Could you please advise me if this is in accordance with the Sharia or not?

A: According to the Sharia whether you take the lump sum of R11 000 or have the same invested and subsequently receive the projected profit of R44 000, both options are considered as lawful. For reference see: Fatawa Mahmudiya, Volume: 4, pages 219-220

MASJID DONATION USED FOR MUSALLAH

Q: Monies has been collected from donors for a Masjid extension. Can this money now be used without the consent of donors for construction of a Jamat Khana?

A: It is not permissible to use the said money for the construction of a Jamat Khana. For reference see: Fatawa Mahmudiya, Volume 10, pages 138-129. Another pertinent point to remember is that a Masjid is always considered as a Waqf property, whilst a Jamat Khana is not.

PRIVATE HOSPITAL

Q: We intend to establish a private hospital. The breakdown of the expenses are as follows:

1. Cost R24 million
2. Hundred shares at R24 000 each which amounts to R2,4 million
3. Surety is R4,8 million
4. The residue will be financed by a bank loan which is R21,6 million.

Is this investment permissible?

A: The proposed investment involves a transaction wherein the major proportion of the finances obtained is by an interest bearing loan. For Muslims to indulge in Riba (interest) transactions is explicitly forbidden in the Noble Qur'an Almighty Allah says: *"And Allah has allowed trading and forbidden interest and usury."* (Surah 2: verse 275)

Furthermore, the prohibition of interest includes both scenarios:

- a) The receiving of interest (Riba) by virtue of giving a loan.
- b) The paying of interest, by virtue of receiving a loan.

The proof for the above is the following Hadith: The Prophet (ﷺ) cursed the one who accepts interest and the one who pays it, and

the one who records it and the two witnesses. The Prophet (ﷺ) also said, they are all equal (in sin). (Muslim, volume 3, page 839)

Thus, to participate in this proposed venture is not permissible for Muslims.

HAJ PAYMENT BY CREDIT CARD

Q: Is it permissible to pay for ones Haj trip by means of a credit card?

A: It is permissible to purchase a Haj ticket with a credit card, provided that one pays before any interest accrues.

HAJ WITH SON-IN-LAW

Q: Can a woman go for Haj with her son-in-law?

A: It is totally permissible for a woman to go with her son-in-law on a journey or for Haj, because he is perpetually Haram for her (mother-in-law). Allah Ta'ala says in Noble Qur'an, *"Forbidden to you are your mothers, and your daughters, and your sisters, and your paternal aunts, and your maternal aunts, and brothers daughters and sisters daughters, and your mothers that have suckled you, and your foster-sisters and Mothers of your Wives."* (Surah 4: Verse 23)

HP DEBT BUT GOING FOR HAJ

Q: Many people buy cars and furniture on HP in order to save tax. This is in effect a debt. Now they decide to go Haj. Can a person go for Haj when he has such debt on his head?

A: If sufficient arrangement is made to discharge the debts timeously, it is permissible.

POSSESSIONS LEFT BEHIND IN SHOP

Q: Many people forget or leave behind their possessions in my shop and they never return to retrieve these goods. I sell them

in my shop and the cash is put into a special tin. Whenever any Kuffaar come to my shop for collection I donate therefrom. I never donate for any church organization, missionary service funds, etc. Is this correct?.

A:

It is permissible to distribute the monies retrieved from the sale of abandoned articles to the poor, both Muslim and non-Muslim. However, if the owner of any of the articles claims his property (after distribution) with proof thereof, then you are liable to compensate him. You will be rewarded for your meritorious deed.

SHARES ON STOCK EXCHANGE

Q: Is it permissible to buy shares on the stock exchange or to invest one's money by buying shares in retail outlets?

A: Mufti Taqi Usmani has mentioned the following: It is permissible to buy share provided that the following conditions are adhered to:

- a) The main business of the company must be Halal according to the Shariah. Thus a Muslim cannot invest in a company whose main business is Haram, like traditional banks and companies dealing in alcohol, etc.
- b) If the main business is Halal, but it is involved in borrowing money on interest or places its funds in interest bearing accounts, a Muslim shareholder should raise his voice against this practice in the annual general meeting of the company.
- c) When a shareholder receives a dividend he must ascertain what proportion of the company's profit have been earned from interest-bearing assets. Then a similar proportion from his own dividend must be given to a poor person.
- d) If all the assets of a company are in liquid form and the company has not yet acquired any fixed assets or any stock for trade, then the sale and purchase of shares must

be on their par value only. If any one of these four conditions is contravened, the investment in a company on the stock exchange is not permissible in the Shariah.

PURCHASE VEHICLE ON HIGHER PURCHASE

Q: I intend purchasing a motor vehicle for +/- R120 000. Can I purchase this car on hire-purchase?

A: Almighty Allah states: *"And Allah has allowed trade and prohibited interest."* (Surah 2: Verse 275)

"If you do not refrain (from interest), take notice of war from Allah and His Messenger". (Surah 2: Verse 279)

From the above two verses it becomes extremely clear that interest is Haram in Islam, therefore, to resort to transactions that have an interest factor within it is something that we as Muslims must avoid. Thus, the options available to Muslims are as follows:

1. Secure an interest free loan from family or friends.
2. Request your family or friends to purchase the vehicle and sell it to you at a profit, and you can pay them off monthly.

LABOUR CHARGES

Q: I purchase goods from Mr Naseem to the value of R92.. After +/- 2 months Mr Naseem sent Mr Moosa for his money, and I was not available. A few days later Mr Naseem sent Mr Moosa again for his money and demanded that I pay R104, claiming that the extra R12 is for labour charges. Do I have to pay the extra R12. Is it Riba?

A:

When a Muslim enters into a transaction with another Muslim and a price is agreed upon then no extra charges can be levied. Therefore, Mr N request for a further sum over and above the agreed amount is not permissible and constitutes Riba. Almighty

Allah states in the Noble Qur'an: *"And devour not your property among yourselves by false means."* (Surah 2: Verse 188)

LIFE COVER

Q: Is it permissible in my circumstances to take out a life cover? You must understand that about 15 years ago, I was involved in an accident and my car was a write-off for over a year. I had no vehicle which was a necessity in my life. No cousins came to my rescue. No insurance cover. Can I take out life cover for my 2 assistants?

A:

1. Life assurance is not permissible because the sum is pre-determined. Since the amount initially contributed and the returns differ, the excess will be construed as interest which is absolutely Haram.
2. As a Muslim that which is not permissible for yourself is also not permissible for others.

FURNITURE FOR DISCO

Q: I am a furniture manufacturer. I have been requested to manufacture furniture for a disco which is owned by non Muslim. Can I make the furniture?

A:

The majority of the jurists, namely, Imams Abu Yusuf (ra), Muhammad (ra), Malik (ra), Shafie (ra) and Ahmad (ra) concur that if one has prior knowledge of how the item is going to be used, and it would be used in a place where sinful acts are committed, then it is not permissible to enter into such a transaction. Their proof is the following verse in the Noble Qur'an: *"And help not one another in sin and aggression."* Surah 5: verse 2

SHAREHOLDERS IN BUSINESS

Q: Kindly give me an opinion in terms of Sharia with regards to the following scenario:

Father and 5 sons are shareholders in a business:

Father	-	50% of shares
Sons	-	10% each of the shares

Business is about to be dissolved.

Book value R3,5 million

Actual value R15 million

Questions:

- 1) What is the fathers share in monetary terms?
- 2) What is each sons share in monetary terms?
- 3) May there be any deviation of these shares?
- 4) May the father, as majority shareholder vary the sons share?

A: Since the book value has been assessed for tax purposes, then we should concentrate on the actual value – presuming that the figure of R15 million given is authentic and accurate.

Based on the above assumption, our response is as follows:

1. The fathers share will be R7,5 million.
2. Each son is entitled to R1,5 million.
3. Since the shares were agreed upon when the partners entered into business it means that there must be no deviation from the shares allocated in the business agreement, that is, the above shares must be adhered to.
4. The father may give out of his own share (7,5 million) to his son /s. However it is preferable that such donations are equal. Furthermore, the father may give more to a particular son for the services rendered in the running of the business etc. However, allocation of more money/assets should not be on the grounds of favouritism.

WAGES OF A FEMALE TEACHER

Q: A woman that has been employed as a full time teacher -

- 1) Does she get wages for acouchment leave ?
- 2) Does she get wages for her Iddat period ?

A:

1. In this matter the jurisprudic principle of Urf applies. Urf is the general prevalent norm. Usually acouchment leave is analogous to sick leave paid by the employer and is done on a pro-rata basis - a percentage is paid leave and a percentage unpaid leave.
2. If there exists a specific stipulation in the contract of employment with regard to the waiting-period (Iddat), then only is she entitled to a salary.

AUCTIONEERS DID NOT ISSUE INVOICE

Q: A company went bankrupt in 1989. Auctioneers were given the job of 'selling' the goods of the company. We bought goods to the value of R30 000. We requested that an invoice be given to us. The auctioneers said that an invoice would be posted to us. The invoice never arrived even after phoning them again. The following things come to my mind:

1. Could it be that the auctioneers did not show to the bank the purchase we made (the owners of the company now that is liquidated).
2. In that case is the goods Halal for me. (Note: we have sold lots of goods already).

A: According to the circumstances described by you the sale of the goods in your possession is totally permissible. All the Islamic requisites of a transaction were fulfilled at the time of purchasing, thus, it is Halal for you and your disposing thereof. The declaration / lack thereof of the sale by the auctioneers to the bank has no bearing on your transaction.

FINDS MONEY IN PUBLIC PLACE

Q: What is the ruling if one finds money or other lost articles in a public place? Can one take it?

A: It should be announced for three days at public places. If one is in dire need, then it is permissible for one to utilize it.

TAKING A LOAN

Q: If one takes a loan from a bank or he gives the bank an amount to keep (opens an account), then does this mean that one is dependent on somebody else besides Almighty?

A: If one adopts certain means which are available to one, it does not imply a deficiency in ones trust in Allah Ta'ala.

OWNING A CINEMA, VIDEO RENTING

Q: Is it Halal to make a living by game shops, owning a cinema, video renting, selling sex articles ?

A: The activities mentioned are Haram which lead to Haram acts. One cannot make a living by supporting such actions. Allah Ta'ala says, "Help not one another in sin and aggression." (Surah 5: verse 2)

PENSION FUNDS

Q: Please give a ruling on the following:

1. Are contributions to pension funds permissible?
2. Is it permissible to start such a scheme (if one is an employer)?
3. If all contributions to pension funds, retirement annuity schemes, etc., are made by the employer on behalf of the employee, will participation in the scheme be permissible?

A:

1. It is permissible, as the Shariah considers it as a portion of the salary of the employee. Hence, it is permissible to start such a scheme.
2. Same as above.
3. It is permissible for the employer to contribute on behalf of his employee in the said transactions, since these contributions are deemed as gifts to the employee. (For reference to 1, 2 and 3 see: Fatawa Mahmudiya, verse 4, page 220)

MEDICAL AID SCHEMES

Q: Management of certain firms are sometimes pressurized by senior workers to operate a medical aid scheme – here both the employer and employee contribute.

- a) It is OK for employees to join the scheme?
- b) Is it OK for employers to start such a scheme – we know some workers (Muslim and non-Muslim) may abuse the scheme).

A: For the employer and employee to initiate a medical scheme whereby both parties contribute will be permissible, provided it is agreed upon mutually. The contract will not be invalidated due to the possibility of one of the parties abusing their rights.

THEFT BY CARETAKER OF FLAT

Q: I was given a key to a flat and the other original key was the custody of the owners. This other key, the Caretaker got possession of and thereby entered my flat and removed money and valuables. This caretaker consequently thereafter suddenly left his employment without notice. The three questions are:

1. Are the owners of the flat liable / duty bound to investigate how the caretaker got possession of the key.
2. If after investigation will the owners be held liable for the lost, if there was negligence on their part.

3. If the owners refuse to investigate, will they be held liable irrespective of the transition of time ?
4. Was it the tenant's duty to secure, with other locks and keys, his flat being its first occupant and whilst the present keys and locks being brand new.

A:

1. The owners are duty-bound to investigate the theft and burglary as the rights of the tenant have been infringed.
2. If it is proved that there was negligence on the part of the owners, they will be liable for any losses.
3. Although the owner may be sinful for refusing to investigate the matter, he cannot be held liable. However, under such circumstances the tenant has the right to terminate his contract/lease with the owner.
4. It is not the duty of the tenant, especially one who is occupying a new flat to secure it with any additional locks, etc.

COLLECTING DEBTS

Q: What is the correct Islamic way of collecting debts?

A: The creditor has the right to demand for his due, be it in private or public. Nabi (صلی اللہ علیہ وسلم) said: "Verily the person who has the right is entitled to speak." (Mishkat)

Q: Is it permissible to send the Sheriff of the town to harass the debtor, while the debtor did not reject to pay the agreeable amount?

A: We get guidance on this issue from the Glorious Qur'an "And if the (debtor) is in straitness, let there be postponement till (he is in) ease. And that you remit it as charity, (it) is better for you, if you only knew." (Surah 2: verse 280). Hence, the two alternatives that the creditor has are:

- a) Give the debtor an extension of time

- b) To write off the debt and it is not permissible to send the sheriff.

PARTNER IN BUSINESS DOES NOT WORK

Q: What is the Shariat ruling regarding a person who claims a 20% share in a business in which he has neither invested any money nor does he do any work? Is he entitled to a share if the initial arrangement was that he will work for two to three hours per day?

A: Firstly, if this was an employer/employee agreement then the employer is entitled to withhold the remuneration if the employee did not fulfill the stipulated amount of work.

Secondly, if the initial agreement entitled him to a share for a stipulated amount of work, then he does not qualify for a share by virtue of the fact that he did not execute the work allocated to him.

TENANT LIABLE FOR BREAKAGES

Q: What is the ruling on a rented house with regards to breakages etc. e.g. Who replaces bulbs that are burnt out? Who fixes a faulty geyser or a drain that is blocked, the tenant or the landlord?

A: If a lease exists between the lessee and the lessor and these items are specified in the contract, then it is incumbent to adhere to the clauses of the contract. In the absence of a contract, the onus of replacement would be judged by what is termed as normal usage of the facilities. For example, the changing of bulbs and the cleaning of the drain will be the onus of the tenant. The cost of repairing the geyser will be borne by the landlord, if it was used in a normal way.

INTEREST MONEY FROM BANK

Q: What are the rulings regarding interest on banked money? What are the best ways to distribute it? What is to be done with profits on invested money e.g. Unit Trust?

A: Monies accrued, as a result of interest should be distributed amongst the poor (Muslims or non-Muslims) without the intention of obtaining a reward. Funds accrued from investments include portions derived from:

- a) Interest on capital and capital growth.
- b) Profits from investment in Islamically unacceptable ventures such as casinos, cinemas.
- c) Profits from investment in Halal ventures.

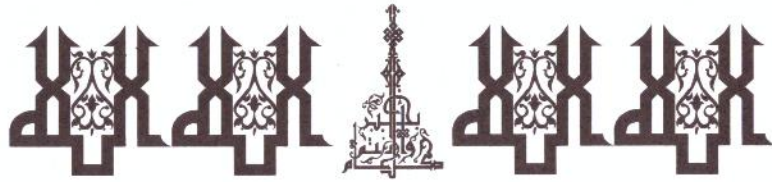
The funds from the first two must be distributed amongst the poor, whilst funds emanating from the third category are Halal and therefore, permissible for any of your Halal needs.

Q:

- a) Is it possible for us to transfer the money from the current account into a deposit/savings account from which interest is earned?
- b) Could this interest money be used to fund self reliant Muslim projects and what kind?
- c) The interest money so earned - is it preferable to distribute it to poor Muslims or non-Muslims or to both?

A:

- a) It is not permissible to transfer the funds to a savings account from which interest is earned.
- b) Interest money should be given to Muslims who are in dire need after all other funds, for example, Zakat, Lillah are exhausted.
- c) Poor Muslims should be given preference over non-Muslims and there should be no anticipation of reward for this act. However, to give it to non-Muslims is also permissible.



MEDICAL & HEALTH ISSUES



COSMETIC SURGERY

Q: Is cosmetic surgery of the breasts, abdomen or any other part of the body permissible?

A: Cosmetic surgery is not permissible according to the Shariah. The reasons for its prohibition are:

- a) Changing the natural state in which Allah has created a human being. Shaitan had taken an oath '*I will command them (his devotees) to change what Allah has created.*' Surah 4: verse 119.
- b) Prophet Muhammad (ﷺ) cursed the tattooer and the one who is tattooed, the shortener of teeth and the one whose teeth are shortened for the sake of beauty, changing what Allah has created. (Reported by Muslim)

From the above hadith concerning tattooing and cutting of teeth for beautification we derive that cosmetic surgery is also forbidden, since it falls in the same category.

Q: Can the husband compel the wife and insist on cosmetic surgery?

A: It is not permissible for a husband to compel his wife to undergo cosmetic surgery. The proof is derived from the following Hadith: There is no obedience to any creation which is in violation of the Creator. (Musnad Ahmad)

SMOKING

Q: Smoking cigarettes. Some people have said that smoking is Makrooh, and some lately in recent years have said that smoking is Haram and totally prohibited according to Shariah. What is your view?

A: According to the Shariah to smoke cigarettes and partake of other tobaccos is considered as Makrooh Tahrimi (meaning it is sinful). The Saudi Ulama state it is Haram.

HAEMOGLOBIN USED IN PRODUCTS

Q: Haemoglobin cannot be synthetically derived, and it is used in the production of Vita-thion which is made exclusively of lysed and dried red corpuscles extracted from live bovine source. After centrifusion has been performed the red cells are then decanted and freeze dried. In the light of the above, Can Vita-thion be used ?

A: After a perusal of your question we conclude that the usage of Vita-thion is not permissible. The Noble Qur'an states: *"He (Allah) has forbidden you only what dies of itself, and blood and the flesh of swine."* Surah 2 - verse 173

In certain instances, a substance which is impure and its usage prohibited, subsequently can be rendered lawful provided a substantial transformation has occurred wherein the substance does not resemble its original form. In this case we consider the centrifusion and decantation and freeze drying of the above, is a process that does not sufficiently fulfill the Sharie' requirements.

THE RIGHT TO ABORT

Q: The Bill of Rights allows the right to live and sanctioning the Right to Abort. What is the Islamic viewpoint?

A: The question of abortion, yes or no, appears to be an illogical one especially when we humans boast of a sophisticated social structure and civilization. Most definitely the response to the above question is an unequivocal NO.

We as representatives of the Muslim Community wish to strengthen our case further by citing the following points: Almighty Allah states in the Noble Qur'an: *"O people if you are in doubt about the Resurrection, then surely We created you from dust, then from a small life-germ, then from clot, then from a lump of flesh, complete in make and incomplete, that we may make clear to you. And We cause what We please to remain in the sobs till an appointed time, then We bring you forth as babies, then (foster you) that you may attain*

your maturity." (Surah 22: Verse 5). *"And certainly We create man of an extract of clay, Then We make him a small life-germ in a firm resting place, then We make the life-germ a clot then We make the clot a lump of flesh, then We make the lump of flesh bones, then We clothe the bones with flesh, then We cause it to grow into another creation. So blessed to Allah the best of Creators"* (Surah 23: Verses 12-14).

From the above it is clear that a Muslim must accept the foetus as a form of life and it enjoys certain rights. In Islam we honour the sanctity of life and as such Islamic "legislation" have been engineered to preserve and protect life and the right to live.

One is sure to find that in the event of abortion being legalized, indulging in fornication, adultery and premarital sex will easily free one of the burdens associated with unwanted pregnancies arising from such sinful associations. The social implications of legalizing abortion are vast and far reaching and an acceptance of it into our society will be the undoing of our social norms and values.

Furthermore, the Bill of Rights allows the right to live and sanctioning the right to abort is a total contradiction of this Bill, since a foetus is most definitely a human life. The logic of our legal system is put into question when we find that a person accused of heinous crimes is given the right to live yet an innocent foetus is put to death for no apparent fault of its own.

Q: Is it permissible for a Muslim doctor to perform an abortion?

A: It is not permissible for a Muslim doctor to perform an abortion as the Glorious Qur'an clearly denounces abortion except in certain circumstances, namely;

- a) Rape
- b) Continuation of the pregnancy constitutes a serious threat to the life of the mother

- c) Congenital diseases have been diagnosed in the foetus.

The above is applicable before the passage of the first four months of pregnancy, since ensoulment occurs on 120 days.

For reference see: Noble Qur'an, Surah 5, Verse 32: Surah 17, verses 31-33. Sahih Muslim, Kitabul Qadar, Hadith no. 2643

1. The Muslim doctor has a right to refuse participation in the establishment or running of an Abortion Centre as the current legislation is silent on this issue. He should direct his plight to the constitutional court in the event of his job being placed in jeopardy because of his refusal. The proof for the above is found in the Noble Qur'an. *"Say, in both of them is a great sin and some advantage for people, and their sin is greater than their benefits."* (Surah 2, verse 219)
2. In keeping with the law of abortion Gazette no 17602, paragraph 10c, a doctor will be guilty and thus liable for prosecution, hence it is advisable for the doctor to merely direct them to the hospital or clinic. In such an event he will not be considered a sinner.

BANDAGE AND WUDHU

Q: If a person has to use a bandage due to a sprain sustained on the foot, does this bandage have to be removed when he performs wudhu?

A: In the event of the injury sustained being of such a nature, that the removal of the bandage will either be harmful or delay recovery, then in such circumstances it will suffice for the person to make Masah over the bandage, but wash those areas exposed. Furthermore, if removal of the bandage is not going to cause discomfort or further damage, then it is necessary for the bandage to be removed and the area washed. For reference see: Imdadul Muftiyyin by Mufti Shafi Saheb (ra), page 272

STUDY OF PSYCHOLOGY

Q: Is it permissible to consult a psychologist or /and psychiatrist? May one read books on psychology or/and psychiatry if it is to use this to help you or create situations to suit yourself?

A: The study of such disciplines is permissible in the Shariah provided that the information gleaned from it is not utilized in an un-Islamic, dishonest and immoral manner.

DONATE CORNEAS

Q: Is it permissible to donate corneas for transplantation or to donate to an eye-bank?

A: It is permissible to donate corneas for transplantation;

- (a) Provided it is established conclusively that transplantation is the only form of treatment possible. The principle of jurisprudence applied in the above case is: Necessity dictates exceptions.
- (b) That the expected degree of success is high.

It is permissible to donate to an eye bank provided that no monetary recompensation takes place. Some Ulama say it is not permissible.

BLOOD TRANSFUSION

Q: What is the Islamic viewpoint on blood transfusion?

A: Blood transfusion is totally permissible in the Shariah. Mufti Shafi Saheb (ra), the then Grand Mufti of Pakistan, has issued a verdict on its permissibility provided the donor does not receive any payment for the same. For reference see: Insani Aadha ki Pewankari by Mufti Shafi Saheb (ra) pages 24-25

SEXUALLY TRANSMITTED DISEASES

Q: Sexually transmitted diseases are becoming a major problem internationally. These disorders are spreading rapidly and people are being infected including some Muslims. It is obvious that individuals who practice high risk behavior will most likely get infected.

Issues to be addressed – challenges facing doctors:

- 1) How to diagnose such infections correctly?
- 2) How to treat correctly – so that infections don't spread?
- 3) How to counsel / advise patients?
- 4) How to control the spread of such infections?
- 5) How to advise about protective intercourse?

A:

1. According to the sharia the physician is morally and ethically obliged to undertake such diagnosis whether the patient be Muslim or non-Muslim, since many sexually transmitted diseases can develop into life-threatening situations. However, the physician has to exercise all the necessary precautions so that he himself does not get infected. Furthermore, if the physician has reasonable grounds to belief that he will be infected, he has the prerogative to refuse to undertake a diagnosis.
2. It is absolutely prohibited for an infected patient to cohabit with his spouse if he endangers her by transmitting the disease.
3. 4, 5. With regards to both Muslim and non-Muslims, the virtues of leading a chaste life should be expanded, bearing in mind that the non-Muslim is not under obligation of Islamic Sharia.

AMPUTATION OF FINGERS

Q: A few months ago I was involved in an accident and sustained serious injuries. After several operations – the end result is that I am unable to use one of my fingers. It is proving to be cumbersome, in terms of which it is obstructing the free use of other fingers of the same hand. Although no pain is experience, it is uncomfortable. The doctor has suggested that I have it amputated.

- 1) Is it permissible to have it amputated despite no pain as it has no nerves?
- 2) If amputated, what is the procedure for its disposal?

A:

1. Amputating the finger is permissible provided that all medical efforts to save it have proven unsuccessful. However, it is preferable that the finger be amputated at the middle joint if this will relieve the discomfort, although removing the entire finger is permissible. Furthermore, we suggest that you try acupuncture. The jurisprudic principle applied in the above instance is: Necessity permits prohibited things.
2. The amputated digit should be disposed of by burying it, preferably in the graveyard. One should ensure that no part of the body is disposed of by incineration which is a general practice at hospitals.
The reason for the above is based on the following Hadith: The Prophet (صلى الله عليه و سلم) said: "Do not chastise with the punishment of Allah." (This refers to fire) (Abu Dawud Hadith no 4351)

LIFE SUPPORT MACHINE

Q: Who has the permission Islamically to put off the life support system of a patient, If put off he / she will die - the machine is keeping her / him alive ?

A: The responsibility of dis-continuing with the "life support" system is entrusted to the heirs who are the closest by blood relation. The life-span of an individual is fixed and the continuation / discontinuation is not the cause for life / death. For reference see: The Noble Quran, surah 63, verse 11

EUTHANASIA

Q: Euthanasia - Is it permissible and when?

A: There is consensus among the Jurists that euthanasia is not permissible for the following reasons:

1. Allah Ta'ala proclaims, "*And kill not yourselves.*" (Surah 4: verse 29)
2. The Prophet (ﷺ) said, "*None of you should desire for death because a calamity has afflicted him, if he has to do something let him say, O Allah grant me life as long as life is better for me and grant me death if death is better for me.*" (Bukhari, Muslim, Mishkat page 139)

ORGAN TRANSPLANTATION

Q: Is a Muslim permitted to donate organs?

A: Organ transplantation is permissible provided the following conditions are fulfilled:

- (a) That transplant is the only form of treatment possible;
- (b) The expected degree of success of the transplantation is high;
- (c) The consent of the owner of the organ or of his heirs be obtained;
- (d) Death must be fully established by competent doctors of upright character before such a venture is undertaken;

- (e) The recipient patient has been informed of the operation and its implication.
- (f) The organs should not be sold.

MEDICAL EXAMINATION ON A WOMAN

Q: Are there any specific guidelines to follow when conducting a medical examination on a woman who is dressed strictly according to the dictates of Shariah? If so, what are they?

A: The female patient has the following options: Firstly, to go to a Muslim female doctor. Secondly, a non-Muslim female doctor. Thirdly, a Muslim male doctor and lastly a non-Muslim male doctor. Hence, if the patient chooses a Muslim male doctor due to necessity, then one needs to keep in mind the following:

Examination can be done over the clothes and if certain examination procedures demand exposure of the patient's Aurah, then it should be executed in such a manner that only the part needing examination be exposed. One should bear in mind that the entire body except for the hands, feet and face constitute the Aurah of a female.

REMOVAL OF VENTILATOR FROM PATIENT

Q: What is the Fatwa regarding the removal of a ventilator from a patient who is certified brain dead?

A: This question addresses two issues, namely:

1. The removal of a ventilator from a patient for a certain reason is permissible, provided the consent of the family has been sought.
2. The declaring of a person dead due to no brain response is not the manner in which the Shariah views a person as being dead. According to the Shariah the patient will be considered dead when the rooh separates from the body.

VASECTOMY AND TUBAL LIGATION

Q: Is it permissible to perform surgical procedures such as Vasectomy or Tubal Ligation (both are forms of almost permanent contraception) on Muslim and non-Muslim patients?

A: When such processes are performed for the sole purpose of contraception, then it is not permissible.

DRUG ADDICTION

Q: Can medication be prescribed for a patient when he is a known addict of that drug? (This addiction may have been caused by the same medication prescribed earlier for an underlying disorder).

A: In order to break such an addiction it would be important to provide alternate medication and also counsel the person on joining a rehabilitation programme. Hence, one should not prescribe the drugs that the patient is known to be addicted to.

CLONING

Q: What is the Islamic viewpoint on cloning?

A: Cloning and any other form of interference by man in the normal reproductive process must be regarded as man's trespassing Allah Ta'ala's domain. When Shaitan was expelled from Jannah, he took an oath and said, *"And surely I will command them, so that they will alter Allah's creation."* (Surah 4: verse 119). Cloning should not be viewed as a benefit for childless couples, for Allah Ta'ala has laid down the principle by addressing Nabi (صلی اللہ علیہ وسلم), *"Say, in both (intoxicants and gambling) of them is a great sin and (some) advantage for men, and their sin is greater than the advantage."* (Surah 2: verse 219). Cognisance must be taken of the fact that through cloning a gay or lesbian couple could produce a child and it will introduce a human spare part industry.

Dr Richard Seed states, "Cloning is the first serious step in

becoming one with God". He also said, "Man will develop the technology and the science and the capability to have an indefinite lifespan". Ian Wilmut, the embryologist who produced Dolly made 277 attempts before he succeeded. For reference see: Time Magazine, January 19, 1998, page 43. From the above it is clear that cloning will cause greater devastation, pain and misery than all the glory it brings. Hence, such medical advancements despite their noble intentions enhance and promote moral degradation for but a small profit. Therefore, we rule that cloning is absolutely Haram.

ABORTION

Q: Is abortion permissible?

A: It is not permissible for a Muslim to have an abortion as the Qur'an clearly denounces it, except in certain circumstances, namely rape, incest, continuation of the pregnancy constitutes a serious threat to the life of the mother.

The above is applicable before the expiry of the first four months of pregnancy, as ensoulment occurs on the 120th day. For reference see: Noble Qur'an, Surah 5, verse 32; Surah 17, verses 31-33. Sahih Muslim, Kitabul Qadar, Hadith no 2643.

Q: On the issue of abortion :

- a) Exactly at what point is the foetus regarded as having life? If after a certain number of days (e.g. 40 days) then is termination of the foetus i.e. abortion justified if done prior to this period?
- b) Under what circumstances, if any, is abortion allowed in Islam?

(a & b): Abortion is permissible for valid reasons before the fourth month (120 days) of pregnancy elapses, because after the 120th day period, the Prophet (صلی اللہ علیہ وسلم) stated that ensoulment occurs

(Sahih Muslim, Kitabul Aqdr). Abortion may be sanctioned before the fourth month of pregnancy in the following instances. Firstly, in the event that the doctors fear that the mother's life is in danger as a result of the pregnancy. Secondly, in the event that the new pregnancy causes an upper limit on the lactation and the already existing infant be absolutely dependent on its mother's milk for survival. Thirdly, in the case of rape. For reference see: Tahdid al Nasl pages 96-99 by Muhammad Saeed Ramadan

STEM-CELL RESEARCH

Q: What is the Islamic standpoint on stem-cell research?

A: Firstly, the sources from which stem-cells are developed are umbilical cord, blood, placenta, bone marrow, aborted foetus, embryos, etc. All these substances are impure and it is Haram to prepare anything from impurities. Stem-cell research and its application are therefore not permissible. Nabi (ﷺ) said: *Almighty Allah did not place cure for my Ummah in substances which have been made Haram for them.* (Mishkat Shareef)

CONDOMS

Q: Is it permissible to use condoms as a means of contraception?

A: As a general rule, condoms are not permissible for Muslims. However, in certain cases or situations, it would be permissible, for example, if a woman has given birth to many children via caesarian section, and is not able to use any other reversible contraceptives.



MISCELLANEOUS



MOONSIGHTING

Q: Why do we only accept the sighting of Cape Town which is a thousand miles south west of Johannesburg? Why do we not take the trouble of accepting the sightings of places that are a thousand miles, north, East of West of Johannesburg? Does Shariah only take geographical boundaries into account or consideration? If this is the case then within a decade all countries south of the Zambesi are going to be united and will be called the United States of Southern Africa or Federation of Southern Africa. With one passport and currency what then is the situation going to be of the shariah's geographical boundaries. Are we then going to the sightings of Mozambique, Zimbabwe, etc.?

A: According to the vast majority of Ulama, it is permissible to accept reliable news of sightings from anywhere, whether east, west, north or south. However, the news must be conveyed by Tariq Mujib (in a manner which the Sharia considers reliable). In this matter, every centre is within its rights to decide its reliability and authenticity of the information of sightings which are reported. The responsibility of this decision lies on the Mufti of that particular area.

Q: Since when does the Shariah advocate that in one country we begin Ramadhan on the same day and celebrate Eid on the same day. For instance in the United States of America there are eight different time zones from the east coast to the west coast. Do people of New York (east coast) wait for the sighting of those living in California (west coast)?

A: If in one country there is consensus amongst the Muftis of various zones regarding the news of the sightings, then Eid will be celebrated on the same day.

FEE STRUCTURE OF ISLAMIC INSTITUTE

Q: Does an Educational Islamic Institute have to adhere to a certain criterion in determining their fee structure?

A: The fee structure in such institutions should meet the running costs and defray expenses incurred by the establishment. Therefore, the fee structures are arrived at by calculating the cost and dividing it by the number of pupils. Hence, such matters are purely economical, mathematical and arbitrary. However such organizations must ensure the following:

- a) Fees must not be exorbitant and should be realistic.
- b) Fees must not be established for purposes of profit making or self enrichment. The funds must be managed properly.

Q: Is it necessary that a parent can only be charged a fee that is proportionate to the amount of money that it is costing the school to educate one child?

A: As mentioned above proportional calculation of fees should be the practice. However, should a parent or person wish to pay more or sponsor another student it would be considered as meritorious deed.

SUNNAH I'TIKAF IN MUSALLAH

Q: I would be pleased to know in our town we have a Masjid and Jamat Khana. The Masjid has been demolished and at the present moment it is under construction. The Tarawih prayers are now held and all other prayers including Juma prayers are held in the Jamat Khana. Can one sit for the Sunnat Itikaf of the last 10 days of Ramadhan ?

A: Itikaaf performed in a Jamat-Khana where in five daily prayers, Juma prayers and Taraweeth are held is not valid. I'tika'f is valid only in a Masjid-e-Sharee which is made Waqf in the name of Allah Ta'ala.

It is narrated in Baihaqi on the authority of Hazrat Ibn Abbas (RA) that the most detested thing to Allah are the Bid'ats. And indeed from Bid'ats is to perform I'tikaf in those masjids which are houses (meaning Jamat Khanas).

TRUSTEES OF A MASJID

Q: A Muslim congregation is presently constituted on the basis of 9 trustees and they must come from the following sectional groups namely 3 Memons, 2 Surtees, 2 Kanamia and 2 Kokneys. There has been much dissatisfaction with this type of representation because it has been held to be Un-Islamic. Can you advise me whether this is Islamic or not?

A: Trusteeship of Masjid demands men of uprighteous character and men who have knowledge of the Waqf requirements pertaining to the Masajid. The Noble Qur'an states: *"Only they shall administrate the Masajid of Allah who believe in Allah and the Last Day, establish (regular) Salat, pay Zakat and fear none besides Allah."* (Surah Tawba Verse 18)

Almighty Allah states: *"Men whom neither merchandise nor selling diverts from the remembrance of Allah and the keeping up of prayer and the paying of the poor-due, they fear a day in which the hearts and the eyes will turn about."* (Surah Noor Verse 37)

The principles for Masjid-Trusteeship are laid down in the above-mentioned verses. Mutawallis have to be appointed by virtue of Islamic qualifications and not mundane considerations such as wealth, social rank or ethnic groups.

Q: How do you elect trustees for a Masjid according to Sharia. Can the people of the town elect the Imam as a trustee.

A:

1. The trustees of a Masjid should possess the under-mentioned qualities: A Mu'min, regular Musalli, payer of Zakat, Muttaqi

and his overt features should be according to the Sharia.

2. Yes, they can elect the Imam who possesses the above qualities. See: Surah 9 Verse 18, also Surah 2 Verses 2,3,4 also Surah 24 Verses 36,37,38

NUCLEAR WEAPONS

Q: Nuclear weapons being weapons of mass destruction destroy not only its intended target but also areas miles away from its impact including women and children as well as trees, plants, etc., what is the Islamic verdict on Muslims engaging in such warfare?

A: A Muslim State needs to keep abreast of all advancements in the area of State security and defence. Therefore, we should develop our skills and technical knowledge to counter fire with fire and nuclear weapons with nuclear weapons. However, one should be guarded, against the possibility of turning into an oppressor. Also the use of such weaponry against fellow Muslims is not permissible.

BOMBING OF PLANET HOLLYWOOD

Q: Can the bombing of Planet Hollywood where an innocent woman was killed and many injured, be justified from an Islamic point of view.

A: Any scourge in society needs to be eradicated and stringent measures need to be taken. However, the bombing of soft civilian targets is not permissible and since we live in a State where law enforcement organizations are functional, we should seek their support and bring the criminals to book and not to take the law into our own hands.

UMRAH & HAJJ OF PROPHET (ﷺ)

Q: The Prophet (ﷺ) performed only one Haj (Hajj-ul-Wida) and four Umras. Please may we know in which Islamic

months, were the Umras performed and in which years?

A: The details pertaining to the Prophet's (ﷺ) Umras are as follows:

- The first Umra was aborted in Zil-Qa'da 6 A.H. This was when the peace treaty of Hudaibiyya occurred.
- The second Umra was performed in Zil-Qa'da 7 H.A. This was the Umra al-Qada.
- The third Umra was performed in Zil-Qa'da 8 A.H. This was when the Prophet (ﷺ) fastened Ihram in Ji'irana after the Battle of Hunain.
- The fourth Umra was performed in Zil-Hijja 10 A.H. This occurred before the Hajjatul Wida.

For reference see: Hajjatul Wida Wa Umratun Nabi (ﷺ) by Sheikul Hadith Moulana Zakariyya (ra), page 225

THAWAB TO A LIVING PERSON

Q: Is it permissible for one to read something and make the intention that the Thawab be given to a living person?

A: It is totally permissible to make intention that the living received the Thawab of your recitations.

SUICIDE BOMBING

Q: Is Suicide bombing justifiable in Islam?

A: Suicide bombing is a term commonly used by the western media. However, this is a misnomer and is used to belittle the dignity and status of these martyrs. We find that in our Islamic history that many of our Pious Predecessors entered into war situations though the odds weighed heavily against them. This is a clear indication that one should try one's utmost in securing the supremacy of Islam. However, such acts should be directed towards the enemy and not towards soft civilian targets.