A Brief Of Islamic Law

Author

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TAQLI'D

Following a Mujtahid

-1. It is necessary for a Muslim to believe in the fundamentals of faith with his own insight and understanding, and he cannot follow anyone in this respect, i.e. he can not accept the word o f another who knows them, simply because he has said it. Ho were, one who has faith in the true tenets of Islam, and manifests it by his deeds, is a Muslim and Mu'min, even if he is not very profound, and the laws related to a Muslim will hold good for him. In matters of religious laws, apart from the ones clearly defined, or ones which are indisputable, a person must:

· Either be a Mujtahid (jurist) himself, capable of inferring and deducing from the religious sources and evidence;

· Or if he is not a Mujtahid himself, he should follow one, i.e. he should act according to the verdicts (Fatàwà) of a Mujtahid;

· Or if he is neither a Mujtahid nor a follower (Muqallid), he should act on such precaution which should assure him that he has fulfilled his religious obligation. For example, if some Mujtahids consider an act to be unlawful (Halal (allowed)), while others say that it is not, he should not perform that act.

Similarly, if some Mujtahid consider an act to be obligatory (Wàjib) while others consider it to be recommended (Mustaa*àb), he should perform it.

Therefore, it is obligatory upon those persons who are neither Mujtahids, nor able to act on

precautionary measures (Ihtiyat), to follow a Mujtahid.

2. Taqli'd in religious laws means acting according to the verdicts of a Mujtahid it isnecessary for the Mujtahid who is followed, to be male, shi ‘ah Ithna-`Ashariyyah, adult (Bàligh), sane, of legitimate birth, living and just (`Adil).

A person is said to be just when he performs all those acts which are obligatory upon him, and refrains from all those things which are forbidden to him.

And the sign of being just is that one is apparently of good character, so that if enquiries are made about him from the people of his locality, or from his neighbours, or from his nei ghbouers, or from those persons with whom he lives, they would confirm his good conduct. And it is necessary that the Mujtahid who is followed be A’lam (the most learned), who is more capable of understanding the divine laws than any of the contemporary Mujtahids.

3. There are three ways of identifying a Mujtahid, and the A’lam:

· When a person is certain that a particular person is a Mujtahid, or the most learned one. For this, he should be a learned person himself, and should possess the capacity to identify a Mujtahid or an A’lam;

· When two persons, who are learned and just and possess the capacity to identify a Mujtahid or the A’lam, confirm that a person is a Mujtahid or an A’lam, provided that two other learned and just persons do not contradict them. In fact, being a Mujtahid or an A’lam can also be established by a statement of only one trusted and reliable person;

· When a number of learned persons who possess the capacity to identitya Mujtahid or an A ‘lam, certify that a particular person is a Mujtahid or an A’lam, provided that one is satisfied by their statement.

4. There are four ways of obtaining the verdicts of a Mujtahid:

· When one hears from the Mujtahid himself.

· When the verdict of the Mujtahid is quoted by two just persons.

· When one hears the verdict from a person whose statement satisfies him.

· By reading the Mujtahid’s book of Masa’il (religious rules or matters), provided that, one is satisfied about the correctness of the book.

5. If an A'lam Mujtahid gives a Fatwa on some matter, his follower cannot act in that matter on the Fatwà of another Mujtahid. But if he does not give a Fatwà, and expresses a precaution (Ihtiyat) that a man should act in such and such a manner, for example if he says that as a precautionary measure, in the first and second Rak'ah (unit) of the prayer (Salat) he should read a complete Surah after the Surah of A*amd, the follower may either act on this precaution, which is called obligatory precaution (Ihtiyat-ul-Wàjib), or he may act on the Fatwa of another Mujtahid, while consideringthe srquence of learnedness hence, if he (the second Mujtahid) rules that only Surat-ul-A*amd is enough, he (the person offering prayers) may drop the second surah. The position will be the same if the A'lam Mujtahid expresses terms like Ta'ammul (contemplation) or Ishkal (objection).

6. If The A'lam Mujtahid observes precaution after or before having given a Fatwà, for example, if he says that if a Najis (impure) vessel is washed once with a kurr water (about 388 litres), it becomes Tahir (pure), although as precatonary measure, it should be washed three times, his followers can abandon acting according to this precaution. This precaution is called recommended precaution (Ihtiyat-ul-mustahab).

7. If a Mujtahid, who is followed by a person dies, his category will be the same as when he was alive. Based on this, if he is more learned than a living Mujtahid, the follower must continue to remain in his Taqlid. And if the living Mujtahid is more learned, then the follower must turn to him for Taqlid. And if their differencein learnedness is not lenouin or they are identical, he has the option to act on the verdicts of either of them, except in cases of pief knowledge about the duty or raising a pief argument on it, like the cases of diversity of the verdicts in full or shortened (Qa?r) prayer, in which, as an obligatory precaution, both verdicts should be observed. The term. 'Taqli'd' used here implies only an intention to follow a particular Mujtahid, and does not include having acted according to his Fatwa.

8. It is obligatory for a follower to learn the Masa'il (matters) which he considers probable that if they are not learned, he may commit sins (i.e. abandon an obligatory act or do an unlawful act).

9. If a person performs his acts for some time without Taqli'd of a Mujtahid, his former actions would be valid if they were according to the verdicts of the new Mujtahid, who can be his Marja', otherwise they would be valid only when he is considered as ignorant but not negligent, and the defecf of the actions was not in elementals (Rukns) and the like. The actions would be valid also when the person has been negligently ignorant and the defect of the action has been like reciting loudly instead of silently or vice versr, in which the action would be correct in case of ignorance. The previous actions are valid also when the person does not know their quality, except in some cases menticned in Minhaj-us-salihin.

TAHARAH (PURITY)

Unmixed and Mixed Water

10. Water is either unmixed or mixed. Mixed wared (Ma ul-Mudhaf) means the water which is obtained from something, like melon juice or rose water, or a water in which something else is mixed; for example, so much dust is mixed in it that it may on longer be called water.

Any water other than mixed water is called unmixed water (Ma'-ul-mutlaq), and they are of five types:

· Kurr Water.
· Under-Kurr Water (QALIL).
· Running Water (JARI).
· Rain Water.
· Water of a Well.

I. Kurr Water

11. Water, which fills a container whose volume is 36 cubic spans, is equal to a kurr and this is nearly equal to 384 liters.

12. If an essential impurity (Najàsah) like urine and blood, or anything which has become impure (Najis), like an impure cloth, falls in kurr water, it becomes Najis provided the water acquires the smell, colour, or taste of that Najasah; ather wise it does not become Najis.

13. If the smell, colour, or taste of kurr water changes owing to something else, which is not Najis, it does not become Najis.

14. If a Najis object is washed under a tap which is connected with kurr, the water which flows from that object will be Tahir provided it remains connected with kurr, and does not contain essential Najàsah or the smell, colour, or taste of the Najàsah.

II. Under-kurr Water

15. Under-kurr water means water which does not spring forth from the earth, and its quantity is less than a kurr.

16. If under-kurr water is poured on something which is Najis, or if a Najis thing contacts it, it becomes Najis.

17. Under - Kurr water which is poured over a Najis. Object to remove the essential Najàsah will be Najis, as it flows after the contact. Similarly, the under-Kurr water which is poured over a Najis thing to make it pure after the essential Najàsah has been removed, will be Najis, as an obligatory precaution.

18. The under-Kurr water with which the outlets of urine and stool are washed, does not make anything Najis, subject to the following five conditions:

· It does not have the smell, color or taste of Najàsah.
· Extra Najàsah has not reached it from outside.
· Any other Najàsah like blood, has not come out with urine or stool.
· Particles of stool do not appear in the water.
· Najàsah has not spread around the outlet more than usual.

III. Running Water

19. Running water is that water which springs forth from the earth and than flows, like the water of a spring or a subterranean canal (Qanat). The flowing or running water, even if it is less than Kurr, does not become Najis upon contact with any Najàsah, unless its smell, colour, or taste changes due to that Najàsah.

20. If water from the pipes fitted in bathrooms and buildings, pouring through taps and showers, is connected to a tank holding water equal to a Kurr, it will be treated as Kurr water.

IV. Rain Water

21. A Najis thing becomes Tahir if rain water falls on it once, provided that it does not contain an essential Najàsah, except in the cases of clothes and body which have become Najis because of urine, for they become Tahir after being washed twice, as per precaution. And in objects like carpets and dress, it is not necessary to wring or squeeze. By rain is meant a sufficient downpour, and not scanty shower or droplets.

22. The Najis earth or ground on which rain falls becomes Tahir, and if it begins flowing on the ground, and while it is still raining it reaches a Najis place under the roof, it makes that place Tahir as well.

23. If it rains on a pure carpet which is spread over a Najis ground, and the water seeps onto the Najis ground while rain continues, the carpet does not become Najis. In fact, the ground also will become Tahir.

V. Well Water

24. The Wather of a well which springs forth frome the earth, (although its quantity may be less than a Kurr) does not become Najis owing to something Najis falling in it, unless its colour, smell, or taste changes.

25. If a Najàsah falls into well water and changes its smell, colour, or taste, it well become Tahir as soon as the change in its smell etc. vanishes. But as an obligatory precaution, it will become Tahir only when it is mixed with fresh water springing from the earth.

VI. Rules Regarding Waters:

26. Mixed water, whose meaning has been explained in Article 15, does not make any Najis thing Tahir, and its use is not allowed for Ghusl or Ghosl.

27. Mixed water, however large its quantity may be, becomes Najis when even a small particle of Najàsah falls in it.

28. When Najis mixed water is mixed with Kurr or running water, in a manner that it can no longer be called mixed water, it becomes Tahir.

29. If a Najis objeet is made Tahir in Kurr or running water, the water which drops from the object after it has become Tahir, is Tahir.

30. Water, which has been originally Tahir, and it is not known whether it has become Najis, will be deemed Tahir; and water, which has been originally Najis, and it is not known whether it has become Tahir, is Najis.

VII. Rules of Lavatory:

31. it is obligatory to conceal one's private parts in the toilet and at all times from adult persons even if they are one's close relatives (Maharim) like mother, sister etc. Similarly, it is obligatory to conceal one's private parts from insane persons and children who can discern between good and evil. However, husband and wife are exempted from this obligation.

32. While using the toilet for urination or defecation, the front or the back part of one's body should not as an obligatory precaution, face the holy Ka`bah.

33. The urinary organ cannot be made Tahir without water. And washing it once will suffice.

34. The anus can be made Tahir with stone, clod or cloth provided they are dry and Tahir. if

there is slight moisture on it, which does not, wet the site there is no objection.

TAQLI'D

Istipà:

35. Istipà, is a recommended act for men after urinating. Its object is to ensure that no more urine is left in the urethra.

There are certain ways of performing Istipà, the best of which is that after the passing of urine, if the anus also has become Najis it is made Tahir first. Thereafter, from the anus up to the root of penis should be pressed thrice, with the middle finger of the left hand. Then the thumb is placed on the penis, and the forefinger below it pressing three times up to the point of circumcision, then the front part of the penis should be pressed three times.

36. The moisture which is discharged from penis during wooing and courtship, is called Madh. It is Tahir, and so is the liquid which is seen after ejeculation, which is called Wadh. Similarly, the liquid which at times comes out after urination, is called wadh and it is Tahir if urine has not reached it. If a person performs Istipà' after urinating, and then discharges some liquid doubting whether it is urine or one of the above mentioned three liquids, that liquid is Tahir.

37. When enough time has lapsed since urinating, and one becomes sure that no urine is left in urethra, and then he sees some liquid, doubting whether it is Tahir or not, he will consider it as Tahir, even if he had not done Istipà'. If he has Wudu, it will be valid.

38. Istipà' is not meant for women, and if she sees any liquid and she doubts whether it is urine, that liquid is Tahir, and it will not invalidate Ghosl and Ghusl.

Impure Things (Najàsàt)

39. The following ten things are essentially Najis:

· Urine
· Faeces
· Semen
· Dead body
· Blood

· Dog
· Pig
· Kàfir
· Wine

· The sweat of an animal who persistently eats Najàsah.

Urine and Faeces

40. Urine and faeces of the following living beings are Najis:

· Human beings
· Animals whose meat is Halal (allowed) to eat, and whose blood gushes out forcefully when its large vein (jugular) is slit.

The excretion of those animals who are Halal (allowed) to eat, but their blood does not gush forth forcefully when killed, like Halal (allowed) fish, is Tahir. Similarly, droppings of such small animals as mosquito and flies whose meat is scarce are Tahir. Of course, the uring of an animal whose meat is Halal (allowed) and its blood does not gush forth when killed, should be avoided as per obligatory precaution.

41. The urine and droppings of those birds which are Halal (allowed) to eat, is Tahir, but it is better to avoid them.

Semen

42. The semen of human beings, and of every animal whose blood gushes when its large vein (jugular) is cut and its meat is Halal (allowed), and as per obligatory precaution even those whose meat isHalal (allowed), is Najis.

Dead Body

43. The dead body of a human being is Najis. Similarly the de ad body of any animal whose blood gushes forth with force is Najis, irrespective of whether it dies a natural death or is killed in a manner other than that prescribed by Islam. As the blood of a fish does not gush forth, its dead body is Tahir, even if it dies in water.

44. Those parts of a dead body which do not contain life, like wool, hair, teeth, nails, bones and horns are Tahir.

45. If flesh, orany otherpart whieh contains life, is cut off from the body of aliving human being,

oralivinganimal whose blood gushes forth, it will be Najis.

46. Small pieces of skin which peel off easily from the lips, or other parts of the body, are Tahir, providing they do not contain life.

47. The liquid medicines, perfumes, ghee, soap and wax polish which are imported, are Tahir, if one is not sure of their being Najis.

48. Fat, meat or hide or an animal, about which there is a probability that it may have been slaughtered according to the Islamic law, are Tahir. However, if these things are obtained from a non-Muslim, or from a Muslim who himself obtained them from a non-Muslim, without investigating whether the animal was slaughtered according to Islamic law, it is Halal (allowed) to eat that meat and fat, but prayer in that hide will be permissible. But, if these things are obtained from Muslim market, or a Muslim, and it is not known that he got them from a non-Muslim, or if it is konwn that he got from a non-Muslim but there is a great probability that he has investigated about it being slaughtered according to Shariah, then eating such meat and fat is permissible, provided that the Muslim has done an act on it, which is done only when the meat isHalal (allowed), like when he is selling it for eating.

Blood

49. The blood of a human being, and of every animal whose blood gushes forth when its large (jugular) vein is cut, is Najis. The blood of an animal like a fish, or an insect like mosquito, is Tahir because it does not gush forth.

50. If an animal whose meat is lawful to eat, is slaughtered in accordance with the method prescribed by Shari`ah, and enough blood flows out, the blood which is still left in its body is Tahir. However, the blood which goes back into the body of the animal due to peath, or because of its head having been at a higher level at the time of its slaughtering, is Najis.
51. As a recommended precaution, one should refrain from eating an egg which has even the smallest amount of blood in it. However, if the blood is in the yolk (yellow portion), the albumen (white portion) will be Tahir, as long as the skin over the yolk is not torn.

52. If the blood which comes from the gums of the teeth, vanish as it gets mixed with the saliva, the saliva is Tahir.

53. If the blood which dries under the nail or skin, on account of being hurt, can no longer be called blood, it is Tahir. But if it is called blood and is presented on the surface, it will be Najis. Thus if a hole appears in the nail or the skin, and it is difficult to remove the blood and to make it Tahir for the purpose of Ghosl or Ghusl, one should perform Tayammum (ablution with soil).

54. If a person cannot discern whether it is dried blood under the skin, or that the flesh has turned that way because of being hit, it is Tahir.

55. When a wound is healing, and pus forms around it, that substance is Tahir if it is not known to have been mixed with blood.

Dogs and Pigs

56. Dogs and pigs are Najis, and even their hair, bones, paws and nails, and every liquid substance of their body, is Najis.

Kàfir

57. A person w ho does not believe in Allah or his oneness, is Najis. Similarly, ghulat who believe in any of the holy twelve Imàms as God, or that they are incarnations of God, and khawarij and nawasib who express enmity towards the holy Imàms, are also Najis. And similar is the case of those who deny Prophet hood, or any of the necessary laws of Islam, like prayer and fasting, if they result in denying the holy prophet (s). As regards the people of the Scripture (i.e.the Jews, the Christians and the Magian), they are considered Tahir

Wine

58. Wine is Najis and everything else which in toxicates a person is not Najis.

59. All kinds of industrial alcohol used for painting doors, windows, tables, chairs etc are Tahir.
60. If grape juice ferments by itself, or on being cooked, it is Tahir, but it is Halal (allowed) (unlawful) to drink it. Also, as an obligatorw precaution, boiled grope is Halal (allowed) to eat, but is not Najis.

61. If dates, currants, raisins, or their juice ferment, they are Tahir and it isHalal (allowed) (lawful) to eat them.

62. Beer,which lightly intoxicates, and is called Fuqa, is Halal (allowed), and as an obligatory precaution, is Najis. But barlew juice, which does not intoxicate at all, is Tahir andHalal (allowed).

Sweat of an Animal Who Persistently Eats Najasah

63. The perspiration of a camel which eats human Najasah is Najis and as an obligatory precaution, the perspiration of every animal which is habituated to eat human Najasah, is Najis.

64. The perspiration of a person who enters the state of Janàbah (major ritual impurity) by an

unlawful act is Tahir, and praying with it is in order.

Ways of Proving Najasah

65. There are three ways of proving the Najasah of anything:

· One is certain, or satisfied that something is Najis.

· If a reliable person who possesses, contro lsor ma nages a thing, says that it is Najis and he or she is not accused of lying.

· If two just men testify that a certain thing is Najis, provided that their testimony deals with the reason for Najaasah, for example they say the thing has met a blood or urine.

If one just man testifies this, the obligatory precaution is to avoid it.

How a Tahir thing Becomes Najis

66. If a Tahir thing touches a najis thing and either or both of them are so wet that the wetness of one reaches the other, the Tahir thing will become Najis. But it will not become Najis with numerous consecutive transmission. For example, if the right hand of a person becomes Najis with urine, and then,while still wet, it touches his left hand, the left hand will also become Najis. Now, if the left hand after having dried up, touches a wet clloth, that cloth will also become Najis, but, if that cloth touches another wet thing, it cannot be said to be Najis. In any case, if the wetness is so little, that it does not affect the other thing, then the Tahir thing will not become Najis, even if it had contacted a Najis-ul-Ayn.

67. When a syrup or oil is in a fluid state, in a manner that if some quantity of it is removed, it does not leave an empty trace, the entire quantity will become Najis immediately when even their slightest part becomes Najis. But if it has solidified, so that when some part of it is removed, a trace of emptiness is seen, only that part which has come in contact with Najasah will be Najis, even if the empty trace gets filled up later. So, if the droppings of a rat fall on it, only that part on which the droppings have fallen will become Najis, and the rest will remain Tahir.

Rules Regarding Najàsàt

68. To make the script and pages of holy Quran Najis, and violate its sanctity, is undoubtedly Halal (allowed), and if it becomes Najis, it should be made Tahir immediately with water. In fact, as an obligatory precaution, it is Halal (allowed) to make it najis even if no violation of sanctity is intended, and it is obligatory to make it Tahir by rinsing it.

69. It is Halal (allowed) to eat or drink or make others eat or drink something which has become Najis. However, one may give such a thing to a child, or an insane person. And if a child or an insane person eats or drinks Najis thing on his own accord, or makes food Najis with his Najis hands before consuming it, it is not necessary to stop him from doing so.

70. If a person sees someone eat drink something Najis, or pray with a Najis dress, it is not necessary to admonish him.

Mutahhirat (Purifying Agents)

71. There are twelve things which make Najis objects Tahir:

(i) Water
(ii) Earth
(iii) The Sun
(iv) Trancformation (Istihalah)
(v) Change (Inqilab)
(vi) Transfer (Intiqal)
(vii) Islam
(viii) Subjection (Tabaiyyah)
(ix) Removal of original Najasah
(x) Confining (Istipà) of animal which feeds on Najasah
(xi) Disappearance of a Muslim
(xii) Draining of the usual quantity of blood from the slaughtered body of an animal.

I.Water

72. The interior of a Najis vessel, or utensil, even if it has been made Najis with wine, must be washed three times if less than Kurr water is used, and as per obligatory percaution,the same will apply if Kurr or running water is used. If a dog drinks water or any other liquid from a utensil, the utensil should be first scrubbed with Tahir earth,and after washing off the dust, it should be washed twice with running, Kurr or under Kurr water. similarly, if the dog licks a utensil, it should be scrubbed with dust before washing. And if the saliva of a dog falls into the utensil, or somewhere of its body meets the utensil, as per obligatory precaution, it should be scrubbed with dust and then washed with water three times.

73. If a utensil is licked by a pig, or if it drinks any liquid from it, or in which a rat has died, it should be washed seven times with running water, or Kurr or lesser water. It will not be necessary to scour it with dust.

156. A Najis utensil can be made Tahir with under_Kurr water in two ways:

(i) The utensil is filled up with water and emptied three times.

(ii) some quantity of water and poured in it, and then the utensil is shaken, so that the water reaches all Najis parts. This should be done three times and then the water is spilled.

74. If a Najis thing is immersed once in Kurr or running water, is such a way that water reacher all its Najis parts, it becomes Tahir. And in the case of a carpet or dress, it is not necessary to squeeze or wring or press it. And when body or dress is Najis because of urine, it must be washed twice even in Kurr water.

75. When a thing which has become Najis with urine, is to be made Tahir with under_Kurr water, it should be poured once, and as water flows off eliminating all the traces of urine,the thing will become Tahir. But if dress or body has become Najis because of urine, it must be washed twice to be made Tahir. when a cloth or a carpet and similar things are made Tahir with water which is less than Kurr, it must be wrung, or squeezed, till the water remaining in it runs out.

76. If anything becomes Najis with the urine of a suckling child, who has not yet started taking solid food, the thing will be Tahir if water is poured over it once, reaching all parts which had been Najis.

163. If anything becomes Najis with Najasah other than urine, it becomes Tahir by first removing the Najasah and then pouring under-Kurr water once allowing it to flow off. But, if it is a dress etc, it should be squeezed so that the remaining water should flow off.

77. If the exterior of soap becomes Najis, it can be made Tahir, but if its interior becomes Najis, it cannot become Tahir, and if soap or not, its interior will be considered Tahir.

78. A Najis thing does not become Tahir unless the najis_ul_Ayn is removed from it,but there is not harm if the colour, or smell of the Najasah remains in it. So, if blood is removed from a cloth, and the cloth is rinsed with water, it will become Tahir even if the colour of blood remains on it.

79. Meat or fat which becomes Najis, can be made Tahir with water like all other things. same is the case if the body or dress or utensil has a little grease on it, which does not revent water from reaching it.

80. Tap water which is connected with Kurr water is considered to be Kurr.

81. If a person washed a thing with water, and becomes sure that it has become Tahir, but doubts later whether or not he had removed the Najis_ul_Ayn from it, he should wash it again, and ensure that the Najis_ul_Ayn has been removed.

82. If a ground which absorbs water (e.g. land on the surface of which there is fine sand) becomes Najis, it can be made Tahir even with under Kurr water.

83. If the floor which is made of stones, or picks or other hard ground, in which water is not absorbed, becomes Najis, it can be made Tahir with under Kurr water, but, it is necessary that so much water is poured on it that it begins to flow. And if that Water is not drained out, and it collects there, it should be drawn out by a vessel or soaked by a cloth.

II.Earth

84. The earth makes the sole of one's feet and shoes Tahir, provided that the following four conditions are fulfilled:

(i) The earth should be Tahir.
(ii) The earth should be dry, as a precaution.
(iii) As an obligatory precaution, the Najasah should have stuck from the earth.

(iv) If najis-ul- Any, like blood or urine, or something which has become Najis, like najis clay, is stuck on the sole of a foot, or a shoe, it will be Tahir only if it is cleared by walking on earth, or by rubbing the foot or the shoe against it. therefore, if the Najis-ul-Any vanishes by itself, and not by walking or rubbing on the ground, the foot or the sole will not be Tahir by earth, as an obligatory precaution. And the earth should be dust or sand, or consisting of stones or laid with picks ; which means walking on carpet, mats, green grass will not make the sole of feet or shoes Tahir.

85. It is a matter of Ishkal that walking over a tarred road. or a wooden floor will make the Najis sole of feet and shoes Tahir. (In other words, as an obligatory precaution, tarred road or wooden floor does not make Najis sole of feet or shoes Tahir.)

86. When the Najis sole of one's foot or shoe becomes Tahir by walking on earth, the parts adjacent to it, which are usually blotched with mud, become Tahir.

87. If a person moves on his hands and knees, and his hands or knees become Najis, it is a matter of Ishkal (it is improbable) that they become Tahir by such movement. Similarly, the end of a stick, the bottom of a prosthetic leg, the shoe of quadruped and the wheels of a car or a cart etc. would not become Tahir.

III.The Sun

88. The sun makes the earth, building,and the walls Tahir, provided the following five conditions are fulfilled:

(i) The Najis thing should be sufficiently wet, and if it is dry, it should be made wet so that the sun dries it up.

(ii) Any Najis-ul-Ayn should not be remained on it.

(iii) Nothing should intervene between the Najis thing and the sun. Therefore, if the rays fall on the Najis thing from behind a curtain, or a cloud etc, and makes it dry, the thing will not become Tahir. But, there is no harm if the cloud is so thin that it does not serve as an impediment between the Najis thing and the sun.

(iv) Only the sun should make the Najis thing dry. So, if a Najis thing is jointly dried by the wind and the sun, it will not become Tahir. However, it would not matter if the wind blows so lightly that it can be said that the thing has dried by the sun.
(v) The sun should dry up the whole Najis part of the building all at once. if the sun dries the surface of the Najis earth, or building, first, and later on dries the inner part, only the surface will become Tahir, and the inner portion will remain Najis.

89. If the sun shines on Najis earth, and one doubts later whether the earth was wet or not at that time, or whether the wetness dried up because of the sunshine or not, the earth will remain najis. Similarly, if one toubts whether Najis-ul- Ayn had been removed from the earth, or whether there was any impediment preventing direct sunshine, the earth will remain Najis.

IV. Transformation (Istia*àlah)

90. If a Najis thing undergoes such a change, that it assumes the category of a Tahir thing it becomes Tahir ; for example, if a Najis wood burns and is reduced to ashes,or a dog falls in a salt-marsh and transforms into salt, it becomes Tahir. But a thing does not become Tahir if its essence or category does not change ; like, if wheat is ground into flour, or is used for baking pead, it does not become Tahir

Change (Inqilab)

91. Any wine which becomes vinegar by itself, or by mixing it with vine gar or salt, becomes Tahir.

92. If the juice of grapes ferments by itself, or when heated, it becomes Halal (allowed). However, if it boils so much that only one third of it is left, it becomesHalal (allowed). It has already been mentioned in rule 60 that the juice of grapes does not become Najis on fermentation.

VI. Transfer (Intiqal)

93. If the blood of a human being, or of an animal whose blood gushes forth when its large vein is cut, is sucked by an insect, normally known to be bloodless, and it becomes part of its body, the blood becomes Tahir. This process is called intiqal.

VII. Islam

94. If an unbeliever testifies Oneness of Allah, and the Prophethood of prophet Muhammad(s), in whatever language, he becomes a Muslim. And just as he was Najis before, he becomes Tahir after becoming a Muslim, and his body, along with the saliva and the sweat, is Tahir.

95. If an unbeliever professes Islam, he will be Tahir even if another person is not sure whether he has empaced Islam sincerely, or not. And the same order applies even if it is known that he has not sincerely accepted Islam, but his words or deeds do not betray anything which may be contrary to the confirmation by him of the Oneness of Allah, and of prophet Muhammad(s) beingprophet of Allah.

VIII. subjection (TABA 'IYYAH)

96. Tabaiyyah means that a Najis thing becomes Tahir, in subjection of another thing becoming Tahir.

97. When wine is transformed into vinegar, its container, up to the level wine reached on account of fermentation, will become Tahir. And so will the cloth or other thing which is usually put on it, if it has became Najis due to the wine. But, if the back part of the container become Najis because of contact with wine, it should be avoided, as an obligatory precaution, even after wine has transformed into vinegar.

98. If an unbeliever empaces Islam, his child in subjection to him becomes Tahir. Similarly, if the mother, grandfather or grandmother of a child empaces Islam, the child will become Tahir, provided that it is in their custody and care and there is not a Kàfir relative closer than them with it, and if the child has attained the age of under standing and discerning, it does not show inclination to unbelief.

99. The plank or slab of stone on which a dead body is given Ghusl, and the cloth with which his private parts are covered, and the hands of the person who gives Ghusl and all things washed together with the dead body, become Tahir when Ghusl is over.

100.When a person washes something with water to make it Tahir, his hands washed along with

that thing, will be Tahir when the thing is Tahir.

101. If cloth etc. Is washed with under-Kurr water and is squeezed as usual, allowing water to flow off, the water which still remains in it is Tahir.

102. When a Najis utensil is washed with under-Kurr water, the small quantity of water left in it after spillig the water of final wash, is Tahir.

IX. Remoral of Najis-ul 'Ayn

103. If body of an animal is stained with a Najis-ul-Ayn like blood or with something which has become Najis, for example, Najis water, its body becomes Tahir when the Najasah disappears. Similarly, the inner parts of the human body, for example inner parts of mouth, or nose or inner ears which become Najis with an external Najasah,become Tahir, after the Najasah has disappeared. But the internal Najasah, like the blood from the gums of the teeth,does not make inner mouth Najis. Similarly, any external thing which is placed internally in the body,does not become Najis when it meets with the internal Najasah. So if the dentures come in contact with blood from the gums, it does not require rinsing. Of course, if it contacts a Najis food, it must be made Tahir with water.

104. If food remains between the teeth, and blood emerges within the mouth, the food will not be Najis if it comes in contact with that blood.

105. Those parts of the lips and the eyes which overlap when shut, will be considered as inner parts of the body, and they need not be washed when an external Najasah reaches them. But a part of which one is not sure whether it is intenal or external, must be washed with water if it meets with an external Najasah.

X. Istipa' of an animal which Eats Najasah

106. The dung and urine of an animal which is habituated to eating human excrement,is najis, and it could be made Tahir by subjecting it to "Istipà", that is, it should be prevented from eating Najasah, and Tahir food should be given to it,till such time that it may no more be considered an animal which eats Najasah.

XI. Disappeance of aMuslim

107. When body, dress, household utensil, carpet or any similar thing, which has been in the possession of an adult Muslim or an underage Muslim who is capable of distinguishing between purity and impurity, becomes Najis, and there after that Musl'm disappears, the things in question can be treated as Tahir, if one believes that he may have rinsed them.

108. A scrupulous person who can never be certain about a Najis becoming Tahir, he should follow the method used by the common people.

XII. Flowing out of a slau ghtered Animal's Blood in Normal Quantity

109. As stated in rule 98, if an animal is slaughtered in accordance with the rules prescribed by Islam, and blood flows out of its body in normal quantity, the blood which still remains in the body of the animal is Tahir.

Rule of Gold and Silver Utensils

110. It is Halal (allowed) to use gold and silver vessels for eating and drinking purposes, and as an obligatory precaution, their general use is also Halal (allowed). However, it is not Halal (allowed) to have them in possession as item of decoration. Similarly, it is not Halal (allowed) to manufacture gold and silver vessels, or to buy and sell them for possession or decoration.

Ghosl

111. In Ghosl, it is obligatory to wash the face and hands (including the forearms), and to wipe the front portion of th head and the upper part of two feet.

112. The length of the face should be washed from the upper part of the forehead, where hair grow, up to the farthest end of the chin, and its peadth should be washed to the part covered between the thumb and the middle finger. If even a small part of this area is left out, Ghosl will be void. thus, in order to ensure that the prescribed part has been fully washed, one should also wash a bit of the adjacent parts.

113. If a person suspects that there is dirt or something else in the eyepows, or corners of his eyes, or on his lips, which does not permit water to reach them and that suspicion is reasonable, he should examine it before performing Ghosl, and remove any such thing if it is there.

114. If the skin of the face is visible from under the hair growing on the face, like beard, liphair etc, he should make the water reach the skin, but if it is not visible, it is sufficient to wash the hair, and it is not necessary to make the water reach beneath it.

115.While performing Ghosl, it is not obligatory that one should wash the inner parts of the nose, nor of the lips and eyes which cannot be seen when they close. however, if one is not sure that all parts have been washed, in order to ensure, it is obligatory that some portion of these parts (i.e. inner parts of nose, lips and eyes) are also included. And if a person did not know how much of the face should be washed, and does not remember whether he has washed his face thoroughly in

Ghosl already performed, his prayers will be valid, and there will be no need to do fresh Ghosl for the ensuing prayers.

116. The hands and forearms, and as an obligatory precaution the face, shold be washed from above downwards, and if one washes the opposite way, his Ghosl will be void.

117. After washing the face, one should first wash the right forearm and hand and then the left forearm and hand, from the elbows to the tips of the fingers.

118. If one is not sure that the elbow has been washed thoroughly, in order to ensure, he should include some portion above the elbow in washing.

119. If before washing his face, a person has washed his hands up to the wrist, he should, while performing Ghosl, wash them again up to the tips of the fingers, and if he washes only the forearms up to the wrist, his Ghosl will be void.

120. 254. While performing Ghosl, it is obligatory to wash the face and the hands and forearms once, and it is recommended to wash them twice. Washing them three or more times is Halal (allowed). As regads to which washing should be treated as the first, it will depend upon pouring water on the face or hand so much that it cover them thoroughly, leaving no room for precaution, with the intention of Ghosl. So, if one pours water on his face ten times, in order to cover it thoroughly, with the intention of the first washing for Ghosl, there is no harm. The first washing realises only when one washes with the intention of Ghosl. Thus, he can wash his face or hands several times, and in the final wash, make the intention of washing for Ghosl. But if he follows this procedure, the face or the hands should not be washed more than once again, as an obligatory precaution, even if without the intention of washing for Ghosl.

121. After washing both the hands and forearms, one performing Ghosl should wipe front part of the head with the wetness of his hand: and the recommended precaution is that he should wipe it with the palm of his right hand, from the upper part of the hand, downwards.

256. The part on which wiping should be performed, is the one fourth of the head posterior to the forehead it is sufficient to wipe however mucha tany place in this part of the head.<

122. It is not necessary to wipe on the skin of the head. It is also in order if one wipes the hair on the front of his head. However, if the hair is so long that when combed it falls on his face, or on other parts of his head, he should wipe on the rootsof his hair If a person collects his long hair on the front side of his head, and wipes on it, or if he wipes the hair of other places which extend to the front part of the head, such a wiping would be void.

123. After wiping the head, one shold wipe with the moisture persent in one's hands, one's feet

from any toe of the foot up to the ankle joint. As a recommended precaution, the right foot should be wiped with the right hand,and the left foot with the left hand.

124. Wiping of the feet can have any peadth, but it is better that the peadth of the wiping be equal to three joined fingers, and it is still better that the wiping of the entire foot is done with the entire hand.

125. At the time of wiping the foot, it is not necessary to one's hand on the tip of the toes and then draw it to the ankle joint, but one can simply place the whole hand on the foot, and pull it a little.

126. While wiping one's head and feet, it is necessary to move one's hand on them, and if the feet or head are moved leaving the hand stationary, Ghosl would be void. However, there is no harm if the head or foot moves lightly, while the hand is being moved for wiping.

127. The parts being wiped should be dry, and if they are so wet that the wetness of the palm of the hand has no effect on them, the wiping will be void. However, there is no harm if the wetness on those part is so insignificant, that the moisture of the palm overcomes it.

128. If wetness disappears in the palm, it cannot be made wet with fresh water. In that situation, the person performing Ghosl should obtain miosture from his beard. Obtaining moisture from any part other than the beard and wiping with it is a matter of Ishkal.

129. If the upper part of one's feet is Najis, and it cannot be rinsed for wiping, one should perform Tayammum.

Ghosl by Immersion (Ghosl-ul-Irtimasi)

130. Ghosl by immersion means that one should dip one's face, forearms and hands into water, with the intention of performing Ghosl. And there can be no problem in performing wiping with the moisture thus acquired, though it is against precaution.

131. Even while performing Ghosl by immersion, one should wash one's face and hand downwards from above. Hence when a person dips his face and hands in water, with the intention of Ghosl, he should dip his face in water from the forehead and his hands from elbows.

Comditions for the Validity of Ghosl

The comditions for a correct Ghosl are as follows:

* The first condition is that the water should be

I`àhir, and as a precaution clean, not sullied with a dirt which man hates it, even if that dirt is Tahir, like the urine of animals whose meat isHalal (allowed) or pus.

* The second condition is that the water whould be unmixed.

132. Ghosl perfromed with Najis or mixed water is void, even if one may not be aware of its being Najis, or mixed, or may have forgotten about it. And if one has offered prayer with that Ghosl, one should repeat that prayer with a valid Ghosl.

* The third condition is that the water should be Mubah (permissible for use).

133. To perform Ghosl with usurped water, or withwater about which one does not know whether the owner would allow its use, is Halal (allowed), and Ghosl will be void.

134. If a person who does not wish to offer prayers in a particular mosque, is not aware whether its pool has been endowed to the general public, or specifically to those who offer prayers in that mosque, he cannot perform Ghosl with the water of the pool of that mosque. However, if people who do not pray in that mosque, usually perform Ghosl there, without any prohibition, he can perform Ghosl from that pool.

135. If a person forgets that the water has been usurped, and performs Ghosl with it his Ghosl is in order, but, if a person has usurped the water himself, and then forgets about it, his Ghosl being valid is a matter of Ishkal.

136. The fourth condition is that parts of the body on which Ghosl is performed, should be Tahir, at the time of washing and wiping.

137. If the place which has been already washed or wiped in Ghosl becomes Najis before the completion of the Ghosl, it will be deemed valid.

138. If any part of the body other than the parts of Ghosl is Najis, the Ghosl will be in order.

139. If a person has a cut or wound on his face, or hands, and the blood from it does not stop, and if water is not harmful for him, he should, after washing the healthy parts of that limb or face in proper

sequence, put the place of wound or cut in Kurr or running water, and press it a little so that the blood may stop. Then he should pass his finger on the wound or cut, within the water, from above downwards, so that water may flow on it and then wash the lower parts. This way his Ghosl will be in order.

* The fifth condition is that the person doing Ghosl should have sufficient time at his disposal for Ghosl and prayer.

140. If the time is so short that by doing Ghosl, the entir prayer or a part of it will have to be offered after its time, be should perform Tayammum. But if he feels that the time required for Tayammum and Ghosl is equal, then he should do Ghosl.

· The sixth condition is that one should perform Ghosl with the intention of winning God's favor, i.e. to obey the orders of Allah. If a person performs Ghosl, for the purpose of cooling himself or for some other purpose, the Ghosl would be void.

· The seventh condition is that Ghosl should be performed in the prescribed sequence, that is, he should first wash his face, then his right forearm and hand and then his left forearm and hand, and thereafter, he should wipe his head and then the feet. As a recommended precaution, he should not wipe both the feet together. He should wipe the right foot first and then the left.

· The eighth condition is that the acts of Ghosl should be done one after the other, without time gap in between.

141. If there is so much gap between the acts of Ghosl, that it can not be said that it is being preformed in normal succession, Ghosl will be void. But this rule does not apply when there is a justifiable excuse, like forgetting or water being exhausted. When one is going to wash or wipe some part,he should first ensure that all the preceding parts which he had washed or wiped have not dried up. If they have all dried up, his Ghosl will be void. But if only the previos one part has dried up, his Ghosl will be in order. For example, while going to wash his left forearm, he finds that his right forearm has dried up, but his face is still wet, his Ghosl will be valid.

142. There is no harm in walking while performing Ghosl. Hence, if after washing his face and hands, a person walks a few steps and then wipes his head and feet, his Ghosl is valid.

* The ninth condition is that a person doing Ghosl should wash his hands and face and wipe his head and feet himself. Hence, if another person makes him perform Ghosl, or helps him in pouring water over his face, or hands, or in wiping his head, or feet, his Ghosl is void.

143. If a person cannot perform Ghosl himself, he should appoint someone to assist him, even if it means washing and wiping jointly. And if that person demands any payment for that, he should be paid, provided one can afford, and one does not sustain any loss. but he should make intention of Ghosl himself, and should wipe using his own hands. If the person himself cannot participate in actually doing Ghosl, and if he must be assisted by another person then an obligatory precaution is that both should make the intertion of Ghosl. Then his assistant will hold his hand, and help him do the wiping. And if that is not possible, he will take some moisture from his hands, and with that

moisture wipe his head and feet.

144. one should not obtain assistance in performing those acts of Ghosl, which one can perform alone.

* The tenth condition is that there should be no harm for using water.

145. If a person fears that he will fall ill if he performs Ghosl, or, if water is used up for Ghosl, no water will be left for drinking, he does not have to do Ghosl. If he was unaware that water was harmful to him, and he performed Ghosl, and later on, it turned out to be harmful, his Ghosl will be void.

* The eleventh condition is that there should be no impediment in the way of water reaching the parts of Ghosl.

146. If a person finds that something has stuck to any part of Ghosl, but doubts whether it will prevent water from reaching there, he should remove that thing, or pour water under it.

147. Dirt under the fingernails would not affect Ghosl. However, when the nails are cut, and there remains dirt which prevents water from reaching the skin, then that dirt must be removed. Moreover, if the nails are unusually long, the dirt collected beneath the unusual part, ought to be cleansed.

148. If there is dirt on the part of Ghosl which will not prevent water reaching the body while washing or wiping, the Ghosl will be in order. Similarly, if some white lime splashed from the whitewash stays on the body, not obstructing water from reaching it, Ghosl will be valid.

And if one doubts whether it may obstruct, then one should remove the splashed particles.

149. If a person doubts after Ghosl whether any obstruction was there or not, his Ghosl will be valid.

Rules Rregarding Ghosl

150. If a person doubts too often about the acts of Ghosl and its condition, like, about water being Tahir, or its not being usurped, he should not pay heed to such about.

151. If a person doubts whether his Ghosl has become void, he should treat it as valid. But, if he did not perform Istipà (rule no. 35) after urinating, and performed Ghosl, and thereafter some fluid was discharged about which he was not sure whe ther it was urine or somethinglse, his Ghosl will be void.

152. If a person realises after offering prayer, that his Ghosl became void, but doubts whether it became void before prayer or after, the prayer offered by him will be deemed in order.

153. If a person suffers from an incontinence, due to which drops of urine come out continuously, or he is not in a position to control his defecation, he should act as follows:

* If he is sure that at some time during the prayer time, there will be a respite during which there will be a restraint, then he should perform Ghosl and prayer at such time.

* If during the restraint, he can control his urine or excretion only for performing Wajib (obligatory) acts of prayer, then he should perform only obligatory acts, and abandon the Mustahab acts (e.g. Adhan, Iqamah, Qunut etc.).

154. If the time of restraint is just enough to allow Ghosl and a part of prayer, and if he discharges urine or excretion once, or several times during prayer, then as an obligatory precaution, he should do Ghosl in those moments of respite and pray. It will not be necessary for him to renew the Ghosl during prayer because of discharging urine or excretion.

155. If there is a continued incontinence, allowing no period of restraint for Ghosl, or even a part of prayer, then one Ghosl will be enough for several prayers, except where one commits any extraneous act, invalidating the Ghosl.

156. A person who cannot control urine, should use a bag filled with cotten or some similar device, to protect oneself, and to prevent urine from reaching other places, and the obligatory precaution is that before every prayer, he should wash the outlet of urine which has become Najis. Moreover, a person who cannot control excretion should, if possible, prevent it from reaching other parts, at least during the time required for prayer. And the obligatory precaution is that if no hardship is involved, he should wash the anus for each prayer.

157. If a person who suffered incontinence, recovers from the ailment. Itisnot necessary for him to repeat those prayers which he offered according to his religious duty, during the period of his ailment. However, if he recovers during prayer's time, he should repeat that prayer, as an obligatory precaution.

158. If a person suffers from an inccontinence, which renders him unable to control passing the wind, he will act according to the rules applicable to the incontinent persons described in the foregoing rules.

Things for which Ghosl is Obligatory

159. It is obligatory to perform Ghosl for the follwoing six things:

· For all obligatory prayers, except funeral prayer (?alàt-ul-mayyit). As regards Mustah ab prayers, Ghosl is a condition for their validity.

· For the Sajdah and Tashahhud which a person forgot to perform during the prayers, provided that he invalidated his Ghosl after prayer, and before performing those forgotten acts. It is not obligatory to perform Ghosl for Sajdat-us-sahw.

· For the obligatory Tawaf of the holy Ka'bah, which is a part of Hajj or Umrah.

· If a person has made a Nadhr (vow),or a solemn pledge,

· Or taken an oath for Ghosl.

· If a person has made a Nadhr, for example, that he would kiss the holy Qur'an.

· For washing and making Tahir the holy Qur'an which has become Najis.

160. It is Halal (allowed) to touch the script of the holy Qur'an with any part of one's body, without performing Ghosl. However, there is no harm in touching the translation of the holy Qur'an, in any language, without Ghosl.

161. It is Halal (allowed),as an obligatory precaution, to touch the Name of Allah or His special Attributes without Ghosl,

In whichever language they may have been written. And it is also better not to touch, without Ghosl, the names of the holy Prophet of Islam, the holy Imàms and

Fatimat-uz-Zahra, (peace be upon them).

162. If a person performs Ghosl,a little or much before or after entering prayer's time, with the intention of Qurbah, his Ghosl will be valid, and it is not necessary to make the intention of obligatory or recommended Ghosl. Even if he makes the intention of obligatory Ghosl, and afterward realises that it was not obligatory the Ghosl will be valid.

Things which Invalidate Ghosl

163. Ghosl becomes void on account of the following seven things:

Passing of urine.

Excretion.

Passing wind from the rear.

A sleep, deep enough to restrict sight and hearing. However, if the eyes do not see anything, but the ears can hear, Ghosl does not become void.

Things on account of which a person loses his sensibility, like insanity, intoxication or unconsciousness.

Istihadhah which will be dealt with later.

Janàbah, and, as a recommended precaution, every state which requires Ghusl.

Jabi'rah (Splint) Ghosl

The splint with which a wound or a fractured bone is bandaged or helps tight and the medication used over a wound etc. is called Jabi'rah.

164. If there is a wound, or sore, or a fractured bone in the parts on which Ghosl is performed, and it is not bandaged, then one should perform Ghosl in the usual manner, providing the use of water is not harmful.

165. If there is an unbandaged wound, sore, or poken bone in one's face or hands, and if the use of water is harmful for it, one should wash the parts adjoining the wound from above downwards, in the usual manner of Ghosl.

166. If there is an unbandaged wound, or sore or fractured bone on the front part of the head, or on the feet, and one cannot wipe it, because the wound has covered the entire part of wiping, or if he cannot wipe even the healthy parts, then it is necessary for him to do Tayammum.

167. If the store, or wound, or fractured bone is handaged, and it is possible to undo it, and if water is not harmful for it, one should untie it and then do Ghosl, regardless of whether the wound etc. Is on his face or hands, or on the front part of his head or on his feet.

168. If the wound, or sore, or the fractured bone which has been tied with a splint or a bandage is on the face or the hands of a person, and if undoing it and pouring water on it is harmful, he should wash the adjacent parts which is possible to wash, and as an abligatory precaution wipe the Jabi'rah.

169. If it is not possible to untie the bandage of the wound, but the wound and the bandage on it are Tahir, and it is possible to make water reach the wound without any harm, water should be made to reach the wound by pouring from above downward. And if the wound or its bandage is Najis, but it is possible to wash it, and to make water reach the would, he should rinse it and should make water reach the wound at the time of Ghosl. And if water is not harmful for the wound, but it is not possible to make water reach it, or undoing the baudage results in harm or hardship, he should perform Tayammum.

170. If the Jabi'rah covers some of the parts of Ghosl then wudu prescri bed for Jabi'rah is enough. But ifall the parts of Ghosl are totally covered with Jabi'rah, then, as a precaution, one should do Tayammum, and also do Ghosl as per rules of Jabi'rah.

171. If a person has Jabi'rah on his palm and fingers, and he passes a wet hand on it while perfroming Ghosl, he can do the wiping of his head and feet with the same wetness.

172. If the Jabi'rah has covered the entire surface of the food, but a part of the fingers, and a part from the upper side of the foot adjacent to the ankle joint is open, one should do wiping on the foot at the open places, and also on the surface of the Jabi'rah.

173. If the Jabi'rah has covered unusually more space than the size of the wound, and it is difficult to remove it, then one should perform Tayammum, except when the Jabi'rah is ar the places of Tayammum. It se lf, in which case, it is necessary to perform both wudu And in both the cases, if it is possible to remove the Jabi'rah one should remove it. Then, if the wound is on the face or hands, he should wash its sides, and if they are on the head or the feet, he should wipe its corners. As for the wounds themselves, he will act according to the rules of Jabi'rah.

174. If there is no wound or fractured bone in the parts of Ghosl, but the use of water is harmful for some other reason, one should perform Tayammum.

175. If a person has got his vein opened on any one of the parts of Ghosl, and he cannot rinse it, he must perform Tayammum. But if water is harmful for it, then he should act as rules of Jabi'rah.

176. If something is stuck on the part of Ghosl or Ghusl, and it is not possible to remove it, or its removal involves unbearable pain, then one should perform Tayammum. But, if the thing is stuck on the parts of Tayammum, it is necessary to perform both Ghosl and Tayammum. And if the stuck thing is a medicine, then rules relating to Jabi'rah will apply to it.

177. In all kinds of Ghusls, except the Ghusl-ul-Mayyit (bath of the dead body), the Jabi'rah Ghusl is like Jabi'rah Ghosl. However, in such cases one should resort to Ghusl-ut-Tartibi (systematic Ghusl). If there is a wound, or a sore on the body, then a person has a choice between Ghusl and Tayammum. However, if there is fractured bone in the body, he should do Ghusl and should, as a

precautionary measure, also perform wiping on the Jabi'rah. And if it is not possible to wipe on the Jabi'rah, or if the fractured bone is not in splint, it is necessary for him to perform Tayammum.

178. If the obligation of a person is to do Tayammum, and at some of the places of Tayammum he has wound, sore, or fractured bone, he should perform Jabi'rah Tayammum according to the rules of Jabi'rah Ghosl.

179. If a person cannot decide whether he should perform Tayammum or Jabi'rah Ghosl, the obligatory precaution is that he should perform both.

180. The prayers offered with Jabi'rah Ghosl are valid, and that Ghosl can be valid for later prayers also.

Ghusl for Touching a Dead Body

284. If a person touches a human dead body which has become cold and has not yet been given Ghusl (i.e. pings any part of his own body in contact with it) he should do Ghusl.

285. If a person touches a dead body which has not become entirely cold, Ghusl will not be obligatory, even if the part touched has become cold.

286. If a person pings his hair in contact with the body of a dead person, or if his body touches the hair of the dead person or if his hair touches the hair of the dead person, Ghusl will not become obligatory.

287. It is not obligatory to do Ghusl for touching a separated bone which has not been given Ghusl, whether it has been separated from a dead body or a living person. The same rule applies to touching the teeth which have been separated from a dead body or a living person.

288. The method of doing Ghusl for touching the dead body is the same as of Ghusl for Janaban and it does not require any Ghosl.

Rules Related to a Dying Person

289. A Mu'min who is dying, whether man or woman, old or young, should, as a measure of precaution, be laid on his/her back if possible, in such a manner that the soles of his/her feet would face the Qiblah (direction towards the holy Ka'bah).

290. It is an obligatory precaution upon every Muslim, to lay a dying person facing the Qiblah. And if it is known that the dying person consents to it and he or she is not defective, there is no need to seek the permission for it from the guardian. Otherwise, the permission must be sought as a precaution.

291. It is recommended that the doctrinal testimory of Islam (Shahadatayn) and the acknowledgement of the twelve Imàms and other tenets of faith should be inculcated to a dying person in such a manner that he/she would understand. It is also recommended that these utterances are repeated till the time of his/her death.

The obligation of Ghusl, Kafn (Shrouding),Salat and Burial

292. Giving Ghusl, Kafn, Hunot, salat and burial to every dead Muslim, regardless of whether he/she is an Ithna-Ashari or not,is obligatory on the guardian must either discharge all these duties himself or appoint someone to do them.

The Method of Ghusl of Mayyit

293. It is obligatory to give three Ghusl to a dead body. The first bathing should be with water mixed with Sidr (powdered leaves of lote tree). The second bathing should be with water mixed with caphor and the third should be with unmixed water.

294. The quantity of Sidr and caphor should neither be so much that the water becomes mixed (Muèàf), nor so little that it may be said that Sidr and caphor have not been mixed in it at all.

295. Aperson who gives Ghusl to a dead body should be a Muslim and sane and as a precaution a Shi'ah Ithna-Ashariyyah, and ahould know the rules of Ghusl.

296. One who gives Ghuls to the dead body should perform the act with the intention of Qurbah, and it is enough to be with intention of complying with the God's will.

297. Ghusl to a Muslim dead child, even illegitimate, is obligatory.

298. If a foetus of 4 months or more is aborted it is obligatory to give it Ghuls, and even if it has not completed four months, but it has formed features of a human child, it must be given Ghusl as a precaution. In the event of both of these circumstances being absent, the foetus will be wrapped up in a cloth and buried without Ghusl.

299. It is unlawful for a man to give Ghusl to the dead body of a non-Mahram woman and for a woman to give Ghusl to the dead body of a non-Mahram man. Husband and wife can, however,

give Ghusl to the dead body of each other.

300. If there is an essential impurity on any part of the dead body, it is obligatory to remove it befor giving Ghusl.

301. Ghusl for a dead body is similar to Ghusl of Janàbah. And the obligatory precaution is that a corpse should not be given Ghusl by Irtimàsi',that is, immersion, as long as it is possible to give Ghusl by way of Tartibi. And even in the case of Tartibi Ghusl it is necessary that the body should be washed on the right side first. And then the left side.

302. There is no rule for Jabi'rah in Ghusl of mayyit, so if water is not available or there is some other valid excuse for abstaining from using water for the Ghusl, then the dead body should be given one Tayammum instead of Ghusl.

303. A perscon giving Tayammum to the dead body should strike his own palms on earth and then wipe them the face and back of the hands of the daed body. And the recommended precaution is that he should, if possible, use the hands of the dead for another Tayammum.

Rules Regarding Kafn (Shrouding)

304. The body of a dead Muslim should be given Kafn with three pieces of cloth:a loin cloth, a shirt or tunic, and a full cover.

305. As an obligatory precaution, the loin cloth should be long enough to cover the body from the navel up to the knees, better still if it covers the body from the chest up to the feet. As an obligatory precaution, the shirt should be long enough to cover the entire body from the top of the shoulders up to the middle of the forelegs, and better still if it reaches the feet. The sheet cover should be long enough to conceal the whole body, and as an obligatory precaution it should be so long that both its ends could be tied, and its peadth should be enough to allow one side to overlap the other.

306. As a precaution, it must be ensured that each of the three pieces used for Kafan is not so thin as to show the body of the deceased. However, if the body is fully consealed when all the three pieces are put together, then it will suffice.

307. It is not permissible to give a Kafan which is Najis, or which is made of pure silk, or as a precaution which is women with gold, except in the situation of helplessness, when no alternative is to be found.

308. If the Kafan becomes Najis owing to Najasah, of the deceased, or owing to some other Najasah, its Najis part should be washed or cut off in such a manner that the Kafan may not be lost,

even after the dead body has been placed in the grave. And if it is not possible to wash it, or to cut it off, but it is possible to change it, then it should be changed.

Rules of Hunot

309. After having given Ghusl to a dead body it is obligatory to give Hunot, which is to apply caphor on its forehead, both the palms, both the knees and both the big toes. It is not necessary to rub the caphor ; it must be seen on those parts. It is Mustahab to apply caphor to the nose tip also. Caphor must be powdered and freash and Tahir and Mubah, and if it is so stale that it has lost its fragrance, then it will not suffice.

310. It is better that Hunotis given before Kafn, although there is no harm in giving Hunotduring Kafn or even after.

311. Though it is Halal (allowed) for a Mutakif and a woman whose husband has died and she is in Iddah to perform him/herself, but if he or she dies, it is obligatory to give her Hunot.

312. It is Mustahab to mix a small quantity of Turbah (soil of the shrine of Imàm Husayn) with caphor, but it should not be applied to those parts of the body, where its use may imply any disrespect. It is also necessary that the quantity of Turban is not much, so that the identity of caphor does not change.

Rules ofSalat -ul-Mayyit

313. It is obligatory to offerSalat-ul-Mayyit for every dead Muslim, as well as for a Muslim child if it has completed 6 years of its age.

314. If a child had not completed 6 years of its age, but it was a discerning child who knew whatSalat was, then as an obligatory precautionSalat-ul-Mayyit for it should be offered. If it did not know ofSalat, the prayer msy be offered with the hope of pleasing Allah (Raja'an). However, to offerSalat-ul- mayyit for a still born child is not Mustahab.

315.Salat-ul-Mayyit should be offered after the dead body has been given Ghusl, Hunotand Kafan and if it is offered before or during the performance of these acts, it does not suffice, even if it is due to forgetfulness or on account of not knowing the rule.

316. It is not necessary for a person who offersSalat-ul-Mayyit to be in Ghosl or Ghusl or Tayammum nor is it necessary that his body and dress be Tahir. Rather there is no harm even if his dress is a usurped one.

317. One who offersSalat-ul-Mayyit should face the Qiblah, and it is also obligatory that at the time

ofSalat-ul-Mayyit, the dead body remains before him on its back, in a manner that its head is on his right and its feet on his left side.

318. The place where a man stands to offerSalat-ul-Mayyit should not be higher or lower than the place where the dead body is kept. However, its being a littie higher or iower is immaterial.

319. The person offeringSalat-ul-Mayyet should not be distant from the dead body. However, it he is praying in a congredation (Jamaah), then there is no harm in his being distant from the head body in the rows which are connected to each other.

320. InSalat-ul-Mayyit, one who offers prayer should stand in such a Way that the dead body is in front of him, except if theSalat is prayed in a congregation and the lines extend beyond on both sides, then praying away from the dead body will not be objectionable.

321. If a dead body is buried withoutSalat-ul- Mayyet, either intentionally or forgetfully, or on account of an excuse, or if it trancpires after its burial that the prayer offered for it was void, it will not be permissible to dig up the grave for prayingSalat-ul-Mayyit. There is no objection to praying, with the hope of pleasing Allah, by the graveside, if one feels that decay has not yet taken place.

Method ofSalat-ul-Mayyit

322. There are 5 Takbirs (saying Allahu Akbar) inSalat-ul-Mayyit and it is sufficient if a person recites those 5 Takbirs in the following order:

After making intention to offer the prayer and pronouncing the 1st Takbir he should say: Ashhadu an la ilaha illa-llah, wa anna muhammadan Rasulullah. (I bear witness that there is no god but Allah and that Muhammad is Allah's Messenger.)

After the 2nd Takbir he should say: Allahumma salli ala Muhammadin wa ali Muhammad. (O'Lord ! Bestow peace and blessing upon Muhammad and his progeny.)

After the 3rd Takbir he should say: Allahumma-ghfi rlil-mu'minina walmu'minat. (O'Lord ! Forgive all believers men as well as women.)

After the 4th Takbir he should say: Allahumma-ghfir li-hadhal-mayyit. (O'Lord Forgive this dead male person).If the dead person is a female, he would say:

Allahumma-ghfir li-hadhihil-mayyit.
Thereafter he should pronounce the 5th Takbir.

323. A person offering prayer for the dead body should recite Takbirs and supplications in a

sequence, so thatSalat-ul-Mayyit does not lose its from.

324. A person who joinsSalat-ul-Mayyit to follow an Imàm should recite all the Takbirs and supplisations.

Rules About Burial of the Dead Body

325. It is obligatory to bury a dead body in the ground, so deep thst its smell does not come out and the beasts of prey do not dig it out.

326. The dead body should be laid in the grave on its right side so that the face remains towards the Qiblah.

327. It is not permitted to bury a muslim in the graveyard of the con Muslims, nor to bury a non-Muslim in the graveyard of the Muslims.

328. It is not permissible to bury a dead body in a usurped place not in a place which is dedicated for purposes other then burial (e.g.in a Masjid), if it is harmful or obtrusive for the dedication. As an obligatory precaution this is not permitted, even if it is not harmful or obstructive for the dedication.

329. It is not permissible to dig up a grave for the purpose of burying another dead body in it, unless one is sure that the grave is very old and the former body has been totally disintegrated.

330. Anything which is separated from the dead body (even its hair, nail or tooth) should be buried along with it. And if any part of the body, including hair. nails or teeth are found after the body has been buried, they should be buried at a separate place, as per obligatory precaution. And it is Mustahab that nails and teeth cut off or extracted during lifetime are also buried.

Exhumation

331. It is Halal (allowed) to open the grave of a Muslim even if it belongs to a child or an insane person. However, there is no objection in doing so if the dead body has decayed and turned into dust.

332. Digging up or destroying the graves of the descendants of Imàms the martyrs, the Ulama (religious scholars) and all cases whose destroying amounts to desecration, is Halal (allowed) even if they are very old.

333. Digging up the grave is allowed in some cases, which are explained fully in defailed books.

Recommended Ghusls

334. In Islam, several Ghusls are Mustahab. Some of them are listed below:

* Ghusl-ul-jumu'ah (Friday Ghusl): Its prescribed time is from Fajr (dawn) to sunset, but it is better to perform it near noon. If, however, a person does not perform it till noon, he can perform it till dusk without an entention of either performing it on time or as Qaèà. And if a person does not perform his Ghusl on Friday it is Mustahab that he should perform the Qaèà of Ghusl on Saturday at any time between dawn and dusk.

* Taking baths on the 1st, 17th, 19th, 21st, 23rd and 24th nights of the holy month of Ramadan.

* Ghusl on id-ul-Fitr day and id-ul-Adha day. The time of this Ghusl is from Fajr up to sunset. it is, however, better to perform it before id prayer.

* Ghusl on the 8th and 9th of the month of Dhul-Hijjah. As regars the bathing on the 9th of Dhul-Hijjad it is better to perform it at noon-time.

* Some other Ghusls which are mentioned in detailed books.

335. After having taken a Ghusl wich its being recommended is established, like those listed in rule no. 651, one can perform acts (e.g. prayer) for which Ghosl is necessary. However, Ghusls which thier being Mustahab is not estoblished do not suffice for Ghosl (i.e.Ghosl has to be performed).

336. If a person wishes to perform a number of Mustahab Ghusls, one Ghusl with the intention of performing all the Ghusls will be sufficient.

Tayammum

Tayammum should be performed insdead of Ghosl or Ghusl in the following seven circumstances:

* First: when there is not any water.

337. If a person happens to be in an inhabited place he should make his best efforts to procure water for Ghosl or Ghusl till such time that he loses all hope.

338. If a person is sure that he cannot get water and does not, therefore, go in search of water and offers his prayer with Tayammum, but realises after prayere that if he had made an effort he would have fetched water, he should, as an obligatory precaution, do Ghosl and repeat the prayer.

339. If a person is already with wudw, as an obligatory precation he should not allow his Ghosl to

become void if he knows that he will not he able to find water or he will not be abli to do Ghosl again whether the time forSalat has se tin or not. However, a man can have an intercourse with his Wife even if he knows that he will not be able to do Ghusl.

340. If a person knew that he would not get water, and yet made his Ghosl void or spilled the water within reach, he committed a sin but his prayer with Tayammum will be in order. However, the recommended precaution is that he should offer the Qaèà' of the prayre.

* Second: Water is not within reach.

341. If aperson is unable to procure water on acount of old age or weakness, or fear of a thief or a beast, or because he does not possess means to draw water from a well, he should perform Taayammum.

* Third: Fearing from using water.

342. If using water results it death of a person or if he uses water he will suffer from some ailment or physical defect, or the illness from which he is already suffering will be prolonged, or become acute or some complications may arise in its treatment, he should perform Tayammum. However, if he can avoid the harm, for example by using warm water, he should prepare warm water and do Ghosl, or Ghusl when it is necessary.

343. It is not necessary to be absolutely certain that water is harmful to him. If he feels that there is a probability of harm, and if that probability is justified by popular opinion, then he should do Tayammum.

344. If a person performs Tayammum on account of certainty or fear about water being harmful to him but realises beforeSalat tha tit is not harmful, his Tayammum is void. And if he realises this after having prayed he should offer the prayer again with Ghosl or Ghusl, except when Ghosl or Ghusl in case of certainty or fear about being harmful results in such an anxiety which is difficult to tolerate.

345. If a person was sure that water was not harmful to him, and he did Ghusl or Ghosl, but later realised that water was harmful to him, his Ghosl and Ghusl will be void.

* Fourth: Hardship and difficulty.

346. It providing water or using it is so hard and difficult that it usually cannot be telerated, one can do Tayammum. But if he tolerates the hardship and performs Ghosl or Ghusl, his Ghosl or Ghusl willbe in order.

* Fifth: Nead to water for quenching one's thirst.

347. If one needs the water for quenching one's

thirst, he should perform Tayammum. Tayammum is permissible in the following two cases:

* If he fears that by using up the water for Ghusl or Ghosl he will suffer an acute thirst, which may result in his illness or death, or it may cause intolerable hardship.

* If he fears that others, who are his deapendents, may die or suffer some illness or become unbearably restless and distressed due to lack of water, even if they are not of poeple whose respect is obligatory, providing that their life is important for him, whether because of his attachment to them or because their death is harmful for him or respeeting them is commanly necessary like friends and neighbours.

* Sixth: When Ghosl or Ghusl interrupts another duty Which is more important or qual to it.

348. If the body or dress of a person is Najis and he possesses only as much water as is likely to be exhausted if he does Ghusl or Ghosl,and no water would be available for making his body or dress Tahir, he should make his body or dress Tahir and pray with Tayammum. But if he does not have anything upen which he would do Tayammum, then he should use the water for Ghusl or Ghosl, and pray with Najis body or dress.

* Seventh: Shortage of time.

349. When the time left forSalat is so little that if a person does Ghusl or Ghosl he would be obliged to offer the entire prayer or a part of it after the prescribed time, he should perform tayammum.

350. If a person intentionally delays offering the prayer till no time is left for Ghusl or Ghosl, he commits a sin, but the prayer pffered by him with Tayammum will be valid.

351. If a person doubts whether any time will be left for prayer if he does Ghusl or Ghosl, he should perform Tayammum.

352. If a person has only just enough time that he may perform Ghosl or Ghusl and offer prayer, without its Mustahab acts like Iqamah and Qunut, he should do Ghual or Ghosl, whichever is then necessary, and pary without those Mustahab parts. In face, if for that purpose, he has to avoid the next Surah after al-hamd, he should do so after doing Ghosl or Ghusl.

Things on which Tayammum is Allowed

353. Tayammum can be done on earth, sand, lump of clay or stone.

693. Tayammum can also be done on gypsum or limestone. Similarly, Tayammum is allowed on dust which gathers on the dress or the carpets etc, provided that its quantity is such that it can be termed as soft earth.

354. If a person cannot find earth, sand, lump of clay or stone, he should perform Tayammum on mud, and if even that is not available, then on dust particles which settle on the carpets or the dresses, though it may not be in a quantity, which could be considerd as soft earth. And if none of these is available he should, on the basic of recommended precaution, pray without Tayammum, but is will be obligatory for him to repeat the prayer later as Qaèà'.

355. The thing on which a person performs Tayammum should be Tahir and as as obligatory precaution be clean according to common, i.e. should not be treated with something disgusting, and if he has no Tahir and clean thing on which Tayammum would be correct, it is not obligatory for him to offer prayer. He should, however, give its Qaèà', except when one's duty is to do Tayammum on dusty carpet etc, in which case the obligatory precaution is to do Tayammum on it and pray, then give its Qaèà' too.

356. The thing on which a person is performing Tayammum should, if possible, on the basis of obligatory precaution, have particles which would stick to the hands, and after striking hands on it, one should not shake off all the particles from ones hands.

Method of performing Tayammum Instead of Ghusl or Ghosl

357. The following 3 things are obligatory in Tayammum performed instead of Ghusl or Ghosl:

· Striking or keeping both the palms on the object on which Tayammum is valid. As an obligatory precaution, this should be done by both the palms together.

· Wiping or stroking the entire forehead with the palms of both the hands, commencing from the spot where the hair of one’s head grow down to the eyepows and above the nose and as an obligatory precaution to the sides of forehead. And it is recommended that the palms pass over the eyepows as well.

· To pass the left palm over the whole back of the right hand and to pass the right palm over the whole back of the left hand. As an obligatory precaution the sequence of right and left hands should be observed. It is necessary for Tayammum to be with the intention of Qurbah, as mentioned in section of Ghosl.

Orders Regarding Tayammum

358. If a person leaves out even a small part of his forehead or the back of his hands in Tayammum, forgetfully or intentionally, or even due to ignorance, his Tayammum will be void. However, it is not necessary to be very particular; if it can be ordinarily assumed that the forehead and the backs of the hands have been wiped, it would be sufficient.

359. In order to be sure that the backs of the hands have been wiped, wiping should be done from slightly above the wrist, but wiping in between the fingers is not necessary.

360. As a precaution, the forehead and the backs of the hands should be wiped downwards from above, and their acts should be performed one after the other without undue interruption. If someone interrupts the sequence so much that it could not be said that he is doing Tayammum, then Tayammum will be void.

361. It is not necessary to determine while making intention that a particular Tayammum is instead of Ghosl or Ghusl. However, if he has to perform two Tayammums, then he must clearly specify which is instead of Ghosl and which for Ghusl. And even if he fails to determine correctly the purpose of one Tayammum which is obligatory upon him, due to some error, it will be deemed correct as long as he is aware that he is discharging his religious obligation.

362. The forehead, the palm of the hands and the backs of the hands of a person wishing to do Tayammum are not necessary to be Tahir, though it is better to be so.

363. While performing Tayammum one should remove the ring one is wearing and also remove any obstruction which may be on his forehead or on the palms or back of his hands (e.g. if anything is stuck on them).

364. If a person has a wound on his forehead or on the back of his hands and if it is tied with a bandage or something else, which cannot be removed, he should wipe with his hands over it. And if the palm of his hand is wounded and, bandaged in a way that it cannot be removed, he should strike his bandaged hands on a thing with which it is perrmissible to perform Tayammum and then wipe his forehead and the back of his hands. But if a part of itis open, striking and wiping with that part will be enough.

365. There is no harm if there is hair on the forehead or on the back of hands. However, if the hair of his head fall on his forehead then it should be pushed back.

366. If one feels that one has some obstruction on his forehead or on the palm or back of his hands, an obstruction commonly known to be so, then one should verify and ensure that the obstruction is removed.

367. If the obligation of a person is Tayammum but he cannot peform it himself he should solicit assistance. And the one who assists should help him to strike his own hands on a thing on which it is lawful to perform Tayammum and then wipe his forhead and hands with his own hands. If this is not possible the one who assists should make him perform Tayammum with his own hands. However, if this is not possible too the assistant should strike his hands on a thing on which it is lawful to perform Tayammum and then wipe it on the person's forehead and hands. In the first instance, the intention for Tayammum by the person himself will be sufficient, but in the other two cases, as an obligatory precaution, both he and his assistant should make the intention.

368. If a man doubts while performing Tayammum whether or not he has forgotten a certain part of it, after he has passed that stage, he should ignore his doubt, and if that stage has not yet passed, he should perform that part.

369. If, after wiping the left hand, a man doubts whether or not he has performed his Tayammum correctly his Tayammum is valid. But if his doubt is about wiping of the left hand and if it cannot be said that he has passed the Tayammum, like when he has entered an act which requires Taharah (purity) or when a gap has happened after it, he should wipe the left hand.

370. A person whose obligation is Tayammum if he does not hope to be relieved of his excuse during the entire time ofSalat or if considers probable that if delays if he can not do it in time, he can do Tayammum before the prayer's time. However, if he performs Tayammum for some other obligatory or Mustahab act and his excuse (on account of which his religious obligation is Tayammum) continues till the time for prayer sets in, he can offer his prayer with that Tayammum.

371. If a person whose obligation is Tayammum knows that his excuse will continue till the end of the time ofSalat, or has no hope for its removal, he can offer prayer with Tayammum even during the early part of the time.

But, if he knows that his excuse will cease to exist by the end of the time he should wait and offer prayer with Ghosl or Ghusl as the case may be. In fact. if he has a glimmer of hope that his excuse might be removed near the end ofSalat time, it will not be permissible for him to do Tayammum and pray, until he loses hope altogether, unless when he considers probable that if he does not pray earlier with Tayammum, he cannot pray till the end of the time, even with Tayammum.

372. It is permissible for a person who cannot do Ghusl or Ghosl, to offer with Tayammum the daily Mustah ab prayers for which the time is fixed.

However, if he has hope that his excuse may cease to exist before the time for prayers is over then, as an obligatory precaution, he should not offer the Mustahab prayers during the earlier eart of their time. Those Mustahab prayes which donot have any fixed time, absolutely can be done with Tayammum.

373. If a person does Ghusl in state of Jabi'rah, and perfoms Tayammum as a measure of precaution, and after having prayed he experiences a minor ritual impurity (an act which peaks Ghosl, like passing wind or urinating), he should do Ghosl for subsequent prayers. And if that ritual impurity had occurred before he had prayed, he should do Ghosl for that also.

374. If a person performs Tayammum on account of non-availability of water or because of some other excuse his Tayammum becomes void as soon as that excuse ceases to exist.

375. The things which invalidate Ghosl invalidate the Tayammum performed instead of Ghosl also. Similarly, the things which invalidate Ghusl invalidate the Tayammum performed instead of Ghusl also.

376. If one has upon him several obligatory Ghusls, but he cannot do them, it is permissible for him to perform one Tayammum instead of all those Ghusls.

377. If a person performs Tayammum instead of Ghusl it is not necessary for him to perform Ghosl for prayers, whether the Ghusl is Janàbah or one of other Ghusls.

378. If a person performs Tayammum instead of Ghusl and later he commits acts which makes Ghosl void and if he still cannot do Ghusl for later prayers, he should do Ghosl.

379. If a person whose obligation is Tayammum performs Tayammum for an act, he can perform all those acts which should be done with Ghosl or Ghusl, as long as his Tayammum and the excuse remain. However, if his excuse was shortage ofSalat time, then his Tayammum is valid for its intention and purpose only.

Rules of Salat

380.Salat is the best among all acts of worship. If it is accepted by the Almighty Allah, other acts of worship are also accepet ed. And, if prayers are not accepted, other acts are also not accepted.

Offering of prayers five times during day and night purifies us of sins in the same manner as bathing five times during day and night makes our body clean of all filth and one dirt.

It is befitting that one should offer prayers punctually. A person who considers prayers to be something ordinary and unimportant is just like one who does not offer prayers at all.

The holy prophet has said that a person who does not attach any importance to prayers and considers it to be something insignificant deserves chastisement in the hereafter.

Once, while the holy prophet was present in the Mosque (i.e. Masjid-un-Nabi, a man entered and began offering prayer but did not perform the Ruku' and Sajdah properly. The holy prophet said: If this man dies and his prayers continue to be this way, he will not depart on my religion. Hence, one should not offer one's prayer hurriedly. While offering prayer one should remember Allah constantly and should offer the prayers humbly and with all solemity. One should keep in mind the Greatness of Almighty Allah with whom one communes while offering prayers and should consider oneself to be very humble and insignificant before His Grandeur and Glory. And if a person keeps himself absorbed in these thoughts while perfoeming prayer he becomes unmindful and oblivious to himself, just as when an arrow was pulled out of the foot of the commander of the faithful, Imàm Ali (peace be on him) while he was offering prayer, but he did not become aware of it.

Furthermore, one who performs prayer should be repentant and should refrain from all sins and especially those which are an impediment in the way of acceptance of one's prayer (e.g. jealousy, pride, backbiting, eating Halal (allowed) things, drinking intoxicating beverages, non-payment of khums and Zakat). In fact, he should refrain from all sins. Similarly, he should avoid acts which diminish the reward for prayers like praying when one is drowsy or restless because of an urge to urinate, and while offering prayer he should not look up towards the sky. On the other hand, one should perform such acts which increase the reward like wearing an 'Aqiq ring (a ring with a signet of agate), wearing clean clothes, combing the hair, pushing the teeth and using perfume.

Obligatory prayers

The following six prayers are opligatory:

· DailySalats.
· Salatt-ul-A yat (signs pryar).
· Salatt-ul-Mayyit (funeral prayer).
· Salatt for the obligatory I`awàf (circumambulation of the holy ka'bah).
· Salatt-ul-Qad a' of father which is, as a precaution, obligatory upon his eldest son.
· Salatt which becomes obligatory on account of hire, vow or oath.
· Salatt-ul-jumu'ah (Friday prayer) is included the DailySalat.

Obligatory DailySalats

381. It is obligatory to perform the following five prayers during day night:

· Dawn prayer (Fajr)- 2 Rak'ahs.

· Midday (Tuhr) and Afternoon (‘A?r) prayers-each one consisting of 4 Rak’ahs.
· Dusk prayer (Maghrib)- 3 Rak’ahs and Night prayer (‘Isha’)- 4 Rak’ahs.
382. While traveling, a traveller should reduce the prayers of 4 Rak’ahs to 2 Rak’ahs. The conditions under which the Rak’ahs are reduced will be mentioned later.

Time for Tuhr and ‘Aar prayers

383. The time for Tuhr and ‘A?r prayers is from when the sun starts declining (Ziwal)[1] at midday till sunset. But, if a person intentionally offers ‘Aar prayer earlier than Tuhr prayer, his prayer is void. However, if a person had not prayed Tuhr till the end of time, and the time left before the end allows only one Salat to be prayed, he will first offer ‘A?r prayer in time and then his Tuhr prayer will be Qaèà’. And if before that time a person offers complete ‘A?r prayer before Tuhr prayer by mistake, his prayer is valid and he or she should offer Tuhr prayer after it.

384. If a person begins offering ‘A?r prayer forgetfully before Tuhr prayer and during the prayer he realises that he has committed a mistake, he should revert his intention to Tuhr prayer, i.e. he should intend that those parts offered before and those offered from now onwards till the end of the prayer, would be Tuhr prayer After completing the prayer, he will offer ‘A?r prayer.

Friday prayer

385. Friday prayer consists of 2 Rak’ahs like Fajr prayer. The difference between these two prayers is that Friday prayer has two sermons before it.Salat-ul-jumu’ah is obligatory in choice (Wajib-ut-takhyiri), and we have an option to offer jumu’ah prayer, if its necessary conditions are fulfilled, or to offer Tuhr prayer. Hence, ifSalat-ul-jumu’ah is offered then it is not necessary to offer Tuhr prayer.

The following conditions must be fulfilled for jumu’ah prayer to become obligatory:

*The time for jumu ah prayer shoyer set in. And thet means that the middaytime should have begun to decline. The time for salat-ul-jumu ‘ah is the earliest part of zuhe. If it is very much delayed, then salat-ul-jumu ah time will beover, and Zuhr salat will hove to be prayed

· The number of persons joiningSalat-ul-jumu’ah should be at least five, including the Imàm. If there are less than five people,Salatul-jumu’ah would not become obligatory.

· The Imàm should fulfil the necessary conditions for leading the prayer.

These conditions include righteousness (‘Adalah) and other qualities which are required of an Imàm and which will be mentioned in connection with the congational prayer. In absence of an Imàm qualifying to lead,Salat-ul-ujmu’ah will not be obligatory.

The following conditions should be fulfilled for theSalat-ul-jumu'ah to be correct:

· The prayer should be offered in congregation. Hence, Friday prayer cannot be prayed alone. If a person joinsSalat-ul-jumu' ah before the Ruku of the second Rak'ah his prayer will be valid and he will have to add another Rak'ah to complete it. But, if he joins the Imàm in the Ruku of the second Rak'ah then as an obligatory precaution the prayer may not suffice, and Tuhr prayer should be prayed.

· Two sermons should be delivered before the prayer by Imàm.
· The distance between the two places whereSalat-ul-jumu'ah are offered should not be less than one Farsakh (3 miles).

A Few Rules concerning jumu'ah prayer are as follows:

· As mentioned before,Salat-ul-Jumu'ah is not absolutely obligatory during the time of Imàm's (A.S.) absence. Then it is permissible Tuhr prayer in the early part of its time.
· It is Makruh to talk while Imàm delivers the sermom. And if the noise created by talking prevents others from listening to the sermon. Then it is Halal (allowed) as a precaution.

· As an obligatory precaution, it is obligatory to listen to both the sermons.

However, listening to the sermons is not obligatory upon those, who do not underhand their meanings.

· It is not obligatory for a person wishing to join jumu'ah Sal at to be present while Imàm is delivering the sermon.

Time for Maghrib and 'Isha' prayers

386. If a person doubts about sunset, and considers it probable that the sun may be hidden behind mountains, buildings or trees, as long as the redness in the eastern sky appearing after sunset has not passed overhead, MaghribSalat should not be performed by him. However, as an obligatory precaution, one should wait till that time, even if he or she does not have any doubt about sunset.

387. In normal circumstances, the prescribed time for Maghrib and 'Isha' prayers is till midnight and night is from early sunset till rising of fajr. But if forgetfulness, oversleeping or being in Haydh and similar unusual situations prevent one from performing the prayers till midnight, then for them the time will continue till Fajr sets in. In all the cases, Maghrib must be prayed before 'Isha', and if one contradicts their sequence purposely or knowingly, theSalat will be void. However, if the time left over is just enough for 'Isha' prayer to be offered within time, then 'Isha' will precede Maghrib

prayer.

388. If a person begins ‘Isha’ prayer by mistake before Maghrib prayer and realises during the prayer that he has made an error, and if he has not yet gone into Ruku of the 4th Rak'ah he should turn his intention to Maghrib prayer and complete the prayer. Thereafter he will offer ‘Isha’ prayer. However, if he has entered Ruka of the 4th Rak ah he can continue to complete the ‘Isha’ prayer and thereafter pray Maghrib.

389. If a person in normal circmstances does not offer Maghrib or ‘Isha’ prayer till after midnight, he should, as an obligtoty precaution offer the prayer in question before the dawn Adhan, without making an intention of Ada’ (i.e in time) or Qaèà’ (i.e after the lapse of time).

Time for Subh (Fajr = Dawn) prayer

390. Just before dawn a column of whiteness rises upwards from the east. It is called the first dawn. When this whiteness spreads, it is called the second dawn, and the prime time for Subh prayer. The time for Subh prayer is till sunrise.

Rules RegardingSalat Times

391. A person can start offering prayer only when he becomes certain that the time has sat in or when two just (‘Adil) persons inform that the time has set in. In fact, one can rely upon the Adhan, or on advice of a person who knows the timings and is reliable.

392. If a person is satisfied on the basis of any one of the above methods that the time for prayer has set in and he begins offering prayer, but then realises during the prayer that the time has not yet set in, his prayer is void.

And the position is the same if he realises after the prayer that he has offered the entire prayer before time. However, if one learns as he prays that the time has just entered or if he learns after the prayer that the time entered while he was in the process of praying, hisSalat will be valid.

Mustahab Prayers

393. There are many Mustahab prayers which are generally called Nàfilah but more stress has been laid on the daily Mustahab prayers. The number of their Rak'ahs everyday excluding Friday, is 34. It is as follows:

* 8 Rak'ahs Nàfilah for Tuhr
* 8 Rak'ahs Nàfilah for A?r
* 4 Rak'ahs Nàfilah for Maghrib

* 2 Rak'ahs Nàfilah for Isha
* 11 Rak'ahs Nàfilah midnight (Nafilat-ul-layl, Shaf and Watr)
* 2 Rak'ahs Nàfilah for Fajr

As an obligatory precaution, the Nàfilah for Isha prayer should be offered while sitting, and therefore its 2 Rak'ahs are counted as one. But in Friday, 4 Rak'ahs are added to the 16 Rak'ahs of the Tuhr and the A?r Nàfilahs, and it is preferable that all these 20 Rak'ahs are offered before the Tuhr sets in, except for two Rak'ahs of it, which is better be offered in the time of Ziwal.

394. Out of the 11 Rak'ahs of the midnight Nàfilah, 8 Rak'ahs should be offered with the intention of the midnight Nàfilah, 2 Rak'ahs with the intention of Shaf, and 1 Rak'ah with the intention of Watr (odd). Complete instructions regarding Nafilat-ul-layl are given in the books of supplications.

395. All Nàfilah prayers can be offered while sitting, even by persons with option, and it is not necessary to count 2 Rak'ahs prayed while sitting as one Rak'ah while standing. But it is better to perform all Nàfilah prayers while standing, except for the Nàfilah for ‘Isha, while showld, as an obligatory precaution, be performed while sitting.

396. Tuhr Nàfilah and A?r Nàfilah should not be offered when one is on a journey, and one may offer Isha Nàfilah with the intention of Raja’.

The Timings of the Daily Nàfilah Prayers

397. The Tuhr Nàfilah is offered before Tuhr prayer. Its time is from the commencement of the time of Tuhr, up to the time when it is possible to offer it before Tuhr prayer.

398. The A?r Nàfilah is offered before A?r prayer, and its time is till the moment when it is possibe to offer it before A?r prayer.

399. The Maghrib Nàfilah should be offered after Maghrib prayer, and its time is till the moment when it is possible to offer it after Maghrib prayer in time.

400. The time for ‘Isha Nàfilah is from the completion of Isha prayer till midnight.

401. The Fajr Nàfilah is offered before the Fajr prayer, and its time commences when a time required for offering Nafilat-ul-layl has been passed from its time, till the time when it is possible to offer it before Fajr prayer.

402. The time forSalat-ul-layl is from the begining of night till Adhan for Fajr prayer, and it is better to offer it nearer to the time of fajr prayer.

403. If a person gets up at the time of rising of fajr, he or she can offerSalat-ul-layl without an intention of Ada or Qada.

Ghufaylah Prayer

404. Ghufaylah prayer is one of the Mustahab prayers which is offered between Maghrib and Isha prayers. In its first Rak'ah after Surat-ul-Hamd instead of the other Surah, the following verse should be recited: Wa dhannuni idh dhahaba mughad iban fa-zanna an lannaqdira alayhi Ahaadfa-nada fi-zulumati an la ilaha illa anta subhanaka innikuntu min-az-zalimin, fa-stajabna lahu wa najjaynahu min-al-ghammi wa kadhalika nunj-il-muminin. In the second Rakah after Surat-ul-Hamd, instead of other Surah, the following verse should be recited: Wa indahu mafatih-ul-ghaybi la ya'lamuha illa hu wa ya' lamu ma fil-barri wal-bahri wa ma tasqutumin waraqatin illa ya-lamuha wa la habbatin fi zulumat-il-wa laratbin yabisin illa fi kitabi mubin. And in Qunut this suppliceation be recited:Allahumma inni as'aluka bi-mafatih-il-ghybi-llati la ya'lamuha illa ant, an tusalliya'ala Muhammadin wa ali Muhammad, wa an taf, ala bi..... (here one should mention his wishes).

Thereafter, the following suppliceation should be read: x Allahumma anta waliyyu ni'mat wal-qadiru'ala talibati, ta'lamu hajati fa-as'aluk bihaqqi Muh mmadin wa ali Muhammad, alayhim-us-salam, lamma qad aytaha li.

Rules of Qiblah

405. Qur Qiblah is the site of the holy Ka'bah ' which is situated in Makkah, and one should offer one's prayers facing it. However, a person who is far, would stand in such a manner that people would say that he is praying facing the Qiblah, and that would suffice. This also applies to other acts which should be performed facing the Qiblah, like while slaughtering an animal etc.

406. A MustahabSalat can be offered while one is walking, or riding and if a person offers Mustahab prayer in this two conditions, it is not necessary to be facing the Qiblah.

407. A person who wishes to offer prayer, should make efforts to ascertain the direction of Qiblah, and for that, he has to either be absolutely sure, or acquire such information as may amount to certainty, like testimony of two reliable persons. If that is not possible, he should form an idea from the prayer niches (Mihrab) of the Masjid or form the graves of the Muslims, or by other ways, and act acordingly. In fact, if a non-Muslim who can determine Qiblah by scientific method, indicates Qiblah satisfactorily, he can be relied upon.

408. If a person, who has a mere surmise about Qiblah, and is in a position to have a better idea, he should not act on that guess work. For example, if a guest has an idea about the direction of Qiblah on the statement of the owner of the house, but feels that he can acquire a firmer knowledge about Qiblah by some means, he should not sct on his host's words.

409. If a person does not possess any means of determining the direction of Qiblah, or in spite of his efforts, he cannot from an idea about it, it will be sufficient for hom to offer his prayers facing any direction.

410. If a person is sure or guesses that Qiblah is on one of the two directions, he should offer pyayer facing both.

411. If a person who is not certain about the direction of Qiblah, wishes to perform acts other thanSalat, which suold be done facing the Qiblah like, slaughtering an animal, he should act according to his surmise about the direction of Qiblah, and if that does not seem possible, then performing the act facing any direction will be valid.

Covering the Body in Prayers

412. While offering prayer, a man should cover his private parts even if no one is looking at him and preference is that he should also cover his body from the navel to the knee.

413. A woman should cover her entire body while offering preayer, including her head and hair. As an obligatory precaution, she should cover herself even for her. Therefore, if she covers herself with a veil in such a manner that she may see her body, it will be with an Ishkal. It is not necessary for her to cover her face, or the hands up to the wrists, or the upper parts of feet up to the ankles. Nevertheless, in order to ensure that she has covered the obligatory parts of her body adequately, she should also cover a part of the sides of her face as well as lower part of her wrists and the ankles.

Conditions for Dress Worn during Prayer

The first condition:

The dress of a person who offers prayer should be Tahir. Therefore, if he prays with Najis body, or dress, in normal situations, his prayer would be void.

414. If a person did not care to know thatSalat offered with Najis body or dress is void or that semen is Najis, and he prayed in that state, his prayer, as an obligatory precaution, should be offered again, and if its time had lapsed, he should offer its Qada.

415. If a person who who does not know the rule prays with Najis body or dress, he does not have to offer it again or give its Qada, provided that he has not been negligent to learn the rule.

416. If a person was sure that his body or dress was not Najis, and came to know afterSalat that

either of then was Najis, the prayer is in order.

417. If a person forgets that his body or dress is Najis, and remembers duringSalat, as or after completing salat an obligatory precation, he should offer the prayer again, if his forgetting was due to carelessness. And if the time has lapsed, he should give its Qada'. If it was not due to carelessness, it is not necessary to pray again, except when he remembers duringSalat, in which circumstances, he will act as explained below.

418. If a person has ample time at his disposal while offering prayer, and he realises during the prayer that his clothes are Najis, and suspects that they may have become Najis after he started the prayer, he should wash it, or change it, or take it off, provided that in so doing, hisSalat does not become invalidated, and continue with theSalat to its completion. But if he has no other dress to cover his private parts, or washing the dress, or taking it off may invalidate hisSalat, he should, as an obligatory precaution, repeat hisSalat with Tahir clothes.

419. If a person doubts whether his body or dress is Tahir, and if he did not find anything Najis after investigation, and prayed, hisSalat will be valid even if he learns afterSalat that his body or dress was actually Najis. But if he did not care to investigate, then as an obligatory precaution, he will repeat the prayer, and if the time has lapsed, he will give its Qada.

420. If a person washes his dress, and becomes sure that it has become Tahir, and offers prayer with it, but learns after the prayer that it had not become Tahir, his prayer is in order.

421. A person who does not have any dress other than a Najis one, should offer prayer with that Najis dress, and his prayer will be in order.

422. The second condition:

The dress which a person uses for covering the private parts, while offering prayer should, as an obligatory precaution, be Mubah. Hence, if a person knows that it is Halal (allowed) to use a usurped dress, or does not know the rule on account of negligence, and intentionally offers prayer with the usurped dress, as a precaution, his prayer would be void. But if his dress includes sush usurped things which alone cannot cover the private parts, or even if they can cover the private parts, but he is not actually wearing them at that time (for example, a big handkerchif which is in his pocket) or if he is wearing the usuped things together with a Mubah covering, in all these cases, the fact that such extra things are usurped would not affect the validity of the prayer ; although, as a precautionary measure, their use should be avoided.

423. If a person purchases a dress with a sum of money whose Khums has not been paid by him, but the transaction on the whole is in debt, like most of transactions, the dress will beHalal (allowed) for him, but he owes the Khums of the money paid by him. However if he purchases a

dress with the particular sum of money whose Khums has not been paid by him then without the permission of a Mujtahib,Salat in that dress will amount to theSalat in a dress which has been usurped.

424. The third condition:

The dress of the person which alone can cover the private parts, and also, as an obligatory precaution, those which alone would not cover the private parts, should not be made of the parts of the dead body of an animal whose blood gushes when killed.

425. If the person, who offers prayer, carries with him parts from a Najis carcass, which are counted as living parts, like, its flesh and skin, the prayer will be in order.

426. If a person who offers prayer has with him parts from a carcass, whose meat is lawful to eat, and which is not counted as a living part, e.g. its hair and wool, or if he offers prayer with a dress which has been made from such things, his prayer is in order.

427. The fourth condition: The dress of one who is praying, apart from the small clothes like socks which would not ordinarily serve to cover the private parts, should not be made of any part of the body of a wild animal, nor, as an obligatory precaution, of any animal whose meat is Halal (allowed). Similarly, his dress should not be soiled with the urine, excretion, sweat, milk or hair of such animals. However, if there is one isolated hair on the dress, or if he carries with him say, a box in which any such things have been kept, there is no harm.

428. If the person offering prayer, doubts whether his dress is made of the parts of an animal whose meat isHalal (allowed), or with the parts of the animal whose meat is Halal (allowed), he is allowed to offer prayer with it, irrespective of whether it has been made in Islamic country or in non-Islamic country.

429. The fifth condition: The use of a dress empoidered with gold is Halal (allowed) for men, and to pray in such a dress will makeSalat void. But for women its use, whether in prayer or otherwise, is allowed.

430. It is Halal (allowed) for men to wear gold, like hanging a golden chain on one's chest, or wearing a gold ring, or to use a wrist watch made of gold, and the prayers offered while wearing these things will be void. But women are allowed to wear these things in prayers or otherwise.<br
431. If a person did not know, or forgot that his ring or dress was made of gold, or had a doubt abount it, his prayer will be valid if he prayed wearing them.

432. The sixth condition: InSalat, the dress of a man which alone may cover the private parts, should not be made of pure silk. And, for men it is Halal (allowed) to wear pure silk at any time, but

for women it is in order.

434. It is not Halal (allowed) for a man to wear the dress of a woman and for a woman to wear the dress of a man, and prayer with them is in order. However it is not allowed, as an obligatory precauyion, for men to make themselves similar to women, and vice versa.

Exceptional Cases

435. In the following three cases, the prayer offered by a person will be valid, even if his body ordress be Najis:

* If his body or dress is stained with the blood discharged from a wound or a sore on his body.

* If his body or dress is stained with blood, spread over a space lesser thana Dirham (which, as an obligatory precaution, is equal to the upper joint of the thumb).

* If he has no alternative but to offer prayer with Najis body or dress. Further, there is one situation in which, if the dress of one who prays is Najis, theSalat will be valid. And that is, when small clothes like socks, skull-caps are Najis.

436. If the body or the dress of a person wishing to pray is stained with blood from wound or sore etc, he can praySalat with that blood as long as the wound or the sore has not healed up. And the same applies to pus, which may flow out with blood, or any medicine which became Najis, when applied to the wound or the sore.

437. If blood on the dress or the body of a person who is praying, is equal to or more than a Dirham, and it originates from a small cut or wound which can be healed easily, and which can be washed clean, then hisSalat is void.

438. If any part of the body, or the dress, which is away from the wound, becomes Najis owing to the fluid which oozes out from the wound, it is not permissible to offer prayer with it. However, if a part of the body or dress around the wound becomes NAjis, owing to suppuration, there is not harm in offering prayer with it.

439. If the body or dress of a person is stained with blood from piles (whether internal or external), or from a wound which is within one's mouth, nose etc, he can offer prayer with that blood.

440. If the clothes or the body of a person praying, is stained with the blood of Haydh, however little, theSalat will be void. And as a precaution, the same rule applies to the blood of Nifas, Istihadah and the blood from sources which are essentially Najis, like a pig, a carcass, or an animal whose meat is Halal (allowed). As regards other bloods, like the blood from a human body, or from an animal whose meat is lawful to eat, there is no harm in offering prayer with them, even if they are found at several places on the dress or the body, provided that, when added together, their area is less than that of a Dirham.

441. If the area of the blood on one's body or dress is less than that of a Dirham, and some moisture reaches it and spreads over its sides, the prayer offered with that blood is void, even if the blood and the moisture which has spread there, is not equal to the area of a Dirham.

442. If there is no blood on the body or dress of a person, but it becomes Najis because of contact with some moisture mixed with blood, prayer cannot be offered with it even if the part which has become Najis is less than the area of a Dirham.

443. If small dresses belonging to a person offering prayer, like his socks or skull-cap, which would not ordinarily cover his private parts, become Najis, and if they are not made of the parts of a carcass or an animsl whose meat is Halal (allowed) to eat, the prayer offered with them will be in order. But if they are made of the parts of a carcass or a Najis animal, as an obligatory precaution, the prayer offered with them will be void. And there is no objection if one offers prayer with a Najis ring.

Place WhereSalat Can Be Prayed

There are seven conditions for the place where one can offer prayer on:

First: The place where the prayer is offered should, as an obligatory precaution, be Mubah.

444. If a person prays on a usurped property, then as an obligatory precaution, his prayer is void, even if he prays on a carpet, or a couch, or similar object.

445. Prayer offered in a property whose use and benefit belongs to someone elso, will be like the prayer offered on a usurped property, unless permission is taken from the entitled person. For example, if a house has been rented out, and the owner of the house, or anyone elso offers prayer in that house without permission of the tenant, then as a measure of precaution, his prayer is void.

446. If a person sitting in a mosque, is made to quit his place by someone who then occupies his place, the prayer offered there will be valid, though he will have committed a sin.

447. If a person purchases a property with the sum of money from which Khums has not been paid

by him but the transaction on the whole is in debt, like most of transactions, using that property will be lawful, but he owes the Khums of the money paid by him. However if he purchases a property with a particular sum of money whose Khums has nat been paid by him, then his use of that property, without the permission of a Mujtahhid, is Halal (allowed) and as an obligatory precaution the prayers which he offers in it are void.

448. Use of a property which belongs to a dead person, who has not paid Zakat (alms) or owes a debt, is allowed with the permission of the heirs, provided that such a use does not in any way prevent from obligations. So a person wishing to pray in such property can do so, with the permission of the heirs.

449. If some of the heirs of a dead person are either minor, or insane, or absent, then use of that property without permission of the guardian of those heirs, is Halal (allowed), and it is not permissible to offer prayers in it. But usual uses, which are made in order to perpare the dead body for burying, will be in order.

889. The second condition: The place for obligatory prayers should not have such a vigorous movement which would make normal standng, Ruku or Sajdah impossible. In fact, as an obligatory precaution, it should not prevent the body from begin at ease. But if one is forced to pray at such places, due to shortage of time, or any other reason, like in a car, on a ship or on train, the one should try to remain still, and to maintain the direction of Qiblah, as much as possible. And if the vehicles move away from the direction, he should return to Qiblah. If maintaining the exact direction of Qiblah is not possible, then one should try to keep the deviation in an angle less than go degrees, and if this again is impossible, he should keep the direction of Qiblah only while offering Takbirat-ul-iharm. But if this is not impossible either, considering the direction of Qiblah will be not necessary.

450. There is no harm in offering prayers in a car or a boat, or on railway train or other vehicles, while they are motionless. And if they do not cause excessive swaying to the body when they are in motion, one can pray in them in motion.

The third condition: The ceiling of the place where one prays should not be so low, that one may not be able to stand erect, nor should the place be so small, that there may be no room for performing Ruku or Sajdah.

The fourth condition: If the place where one wishes to pray is Najis, it should not be so wet that its moisture would reach the body or the dress of the person praying, provided that the Najasah is of that kind which invalidates the prayer. But, if the place where one places one's forehead while performing Sajdah, is Najis, the prayer will be void, even if that place is dry.

The fifth condition: As an obligatory precaution, women should stand behind men while praying. At

least, her place of Sajdah should be in line with his knees, when he is in Sajdah.

451. If a woman stands in line with a man, or in front of him in prayer and both of them begin the prayer together, they should, as an obligatory precaution, repeat their prayers. And the same applies if one of them starts earlier than the other.

452. If a man and a woman are standing side by side inSalat, or woman is in front, but there is a wall, curtain, or something else separating them, so that they cannot see each other, the prayers of both of them are in order. Similarly, the prayers of both will be valid if the distance between them is more than ten cubits.

The sixth condition: The place where a person places his forehead while in Sajdah, should not be a span of four fingers or more higher or lower than the place of knees or toes. The details of this rule will be given in the rules relating to Sajdah.

453. For a Non-Mahram man and woman to be inprivate at a place, where there is a possibility of falling into sin is Halal (allowed). And as a recommended precaution, one must avoid praying at such places.

Rules Regarding a Mosque

454. It is Halal (allowed) to make the floor, roof, ceiling and inner walls of a Masjid Najis, and when a person comes to know that any of these parts has become Najis, he should immediately make it Tahir. And the recommended precaution is that the outer part of the wall of a mosque, to

o should not be made Najis. And if it becomes Najis, it is not obligatory to remove the Najasah. But if someone makes it Najis to violate its sanctity, that act is Halal (allowed), and the Najasah should be removed.

455. It is Halal (allowed) to make the precincts (Halal (allowed)) of the Holy Shrines of Imam Najis, and if anyone of these precincts becomes Najis, and if its remaining in that state affects its sanctity, then it is obligatory to make it Tahir. And the recommended precaution is that it should be made Tahir, even if no desecration is involved.

456. If the mat or carpet of a masjid becomes Najis, it should be made Tahir.

457. It is Halal (allowed) to carry any Najis -ul-Ayn or a thing which has become Najis, into a mousque, if so desecrates the mosque.

458. If a mosque is draped with black cloth or covered with a marquee in preparation of Majlis (recication of the sufferings of holy martyrs), and tea is prepared, there will be no objection to all

that, if thay do not have any harmful effect on the mosque, and if it does not obstruct those who come to pray.

Adhan and Iqamah

459. It is Mustahab for man and woman to say Adhan and then Iqameh before offering daily obligatory prayers, but for other Mustahab or obligatory prayers, they are not prescribed.

460. It is recommended that Adhan be pronounced in the right ear of the child, and Iqamah in its left ear, on the day it is born or before the umbilical cord is cast off.

461. Adhan consists of the following 18 sentences:

¨ Allahu Akbar (four times).
¨ (Allah is greater than any description.)
¨ Ashhadu an la ilaha illa-llah (twice).
¨ (I testify that no one deserves to be worshipped but Allah.)
¨ Ashhadu anna Muhammadan Rasul-u-llah (twice).
¨ (I testify that Muhammad is Allah's Messenger.)
¨ Hayya alas-Salah (twice)
¨ (Hasten to prayer.)
¨ Hayya alal-Falah (twice).
¨ (Hasten to deliverance.)
¨ Hayya ala Khayr-il-Amal (twice).
¨ (Hasten to the best act.)
¨ Allahu Akbar (twice).
¨ (Allah is greater than any description.)
¨ La ilaha illa-llah (twice).
(No one deserves to be worshipped.)

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

462. Ashhadu anna Amir-al-Mu'minina Aliyyan Waliyyu-llah (I testify that the Commander of the faithful, Imam Ali (A.S.) is the vicegerent of Allah for all people) is not a part of either Adhan or Iqamah. But it is preferable that it is pronounced after Ashhadu anna Muhammadan Rasul-u-llah with the intention of Qurban.

463. There should not be an unusual interval between the sentences of Adhan or Iqamah, and if an unusual gap is allowed between them, the Adhan or Iqamah will have to be repeated.

464. Whenever a person offers two prayers with one common time together, one after the other, Adhan is not necessary for the second prayer, if he has said it for the first one.

465. If Adhan and Iqamah have been pronounced for congregational prayer, a person joining that congregation should not pronounce Adhan and Iqamah, for his own prayer.

466. Adhan and Iqamah should be pronounced in correct Arabic. Hence, if they are pronounced in incorrect Arabic, or one lettrer is uttered for another, or if, for example, its translation is pronounced, it will not be valid.

467. Adhan and Iqamah for a prayer should be pronounced when the time for that prayer has set in. If a person pronounces them before time, whether it be intentionally or due to forgetfulness, his action is void, except when if the time ofSalat sets in during the prayer being offered, then that will be valid, as explained in (rule 752.)

Obligatory Acts Relating toSalat

There are eleven obligatory acts for prayers:

* Niyyah (intention)
* Qiyam (standing)
* Takbirat-ul-Ihram (saying Allahu Akbar while commencing the prayer)
* Ruku (bowing)
* Sajdatayn (two prostrations)
* Qira'ah (recitation of Surat-ul-Hamd and another surah)
* Dhikr (prescribed recitation in Ruku and Sajdah)
* Tashahhud (bearing witness after completing the Sajdah of the second and the last Rak'ah)
* Salam (Salutation)
* Tartib (sequence)
* Muwalat (to perform the different acts of prayer in regular succession).

468. Some of the opligatoy acts of prayers are elemental (Rukn). Hence, a person who does not offer them, whether intentionally or by mistake, his prayer becomes void. Some other obligatory acts of prayers are not essential. Therefore, if they are omitted by mistake, the prayer does not become void.

The elementals ofSalat are five:

* Intention (Niyyah)
* Takbirat-ul-Ihram

* Standing before the Ruku
* Ruku
* Two Sajdahs in every Rak'ahn

Any addition made to these elemental (Rukn) acts, intentionally, will render the prayer void. If the addition is done by mistake, the prayer does not become void except when a Ruku is added, or more than two Sajdahs are offered in one Rak'ah, in which cases as an obligatory precaution the prayer is void.

Intention

469. A person should offer prayer with the intention of Qurban, that is, paying homage to the Almighty Allah. It is not, however, necessary to make the intention pass through his mind, or, for example, utter: I am offering four Rak'ahs of Tuhr prayer Qurbatan ila-llah.

470. If a person stands for Tuhr prayer or for A?r prayer, with intention to offer four Rak'ahs without specifying whether it is Tuhr or A?r prayer, his prayer is void ; but it is enough, while specifying the prayers, to consider Tuhr prayer as the first and A?r prayer as the second prayer. Similarly, if he wants to offer a Qada'Tuhr prayer at the time of Tuhr, he should specify whether he is offering the Tuhr prayer of the day, or the Qada.'

471. A person shuold be sonscious and aware of his intention, from the beginning of the prayer till its end. Hence, if during the prayer he becomes so lost that he is unable to say what he is doing, if asked, his prayer is void.

472. A person should offer prayer to pay homage to the Almighty Allah only. So, if a person prays to show off to the people, his prayer is void. It will be void even if he couples the intention of showing off, with the performance for the pleasure of allah.

Takbirat-In-Ihram

473. To say AllahuAkbar in the beginning of every prayer is obligatory, and one of its Rukns. And these two words should be pronounced in correct Arabic. If a person pronounces these words incorrectly, or utters their translation, it will not be volid.

474. It is necessary that when a person pronounces Takbirat-ul-Ihram for an obligatory prayer, his body is steady, and if he pronounces Takbir-ul-Ihram intentionally when his body is in motion, his

Takbir is void.

475. One should pronounce Takbir. Surat-ul-hamd, other Surah, Dhikr and Du'a (supplication) in such a manner that he should at least hear the whisper. And if he cannot hear it because of deafness or too much noise, he should pronounce them in such a manner that he would be able to hear, if there was no impediment.

476. If a person is dumb, or has some defect in his tongue rendering him unable to pronounce Allahu Akbar, he should pronounce it in whatever manner he can. And if he cannot proounce it at all, he should say it in his mind, and should make a suitable sign with his finger for Takbir, and should also move his tongue and lips if he can. But a person who is born dumb, should move his tongue and lips like someone who pronounees the takbir, and made signs with his fingers, too.

477. It is Mustahab for a person pronouncing the first Takbir of the prayer, and also the Takbir which occur during the prayer, to raise his hands parallel to his ears.

Qiyam (To Stand)

478. To stand erect while saying Takbirat-ul-Ihram, and to stand before the Ruku are Rukns of the prayers. but, standing while reciting Surat-ul-Hamd and the other Surah and standing after performing the Ruku, are not Rukn and if a person omits it inadvertently, his prayer is in order.

479. It is obligatory for a person to stand a while before and after pronouncing Takbir, so as to ensure that he has pronounced the Takbir while standing.

480. If a person forgets to perform Ruku, and sits down after reciting Surat-ul-Hamd and other Surah, and then remembers that he has not performed Ruku, he should first stand pu and then go into Ruku. If he does not stand up first, and perform Ruku while he is bowing, his prayer will be void because of not having performed standing before Ruku.

481. When a person stands for takbirat-ul-Ihram or Qira'ah (recitation), he should not walk, nor should he incline on one side, and as an obligatory precaution, he should not move his body nor lean on anything in normal condition. However, if he is helpless, and is obligatory to lean on something, there is no harm in it.

482. If while standing, a person forgetfully walks a little, or inclines on one side, or leans on something, there is no harm in it.

483. When a person is engaged in obligatory Dhikr in the prayer, his body should be still, and, as an obligatory precaution, it applies to Mustahab Dhikr also.And when he wishes to go a little backward or forward, or to move his body a little towards right or left, he should not recite any thing at that

time.

484. If he recites something Mustahab while in motion, for example, if he says Takbir while going into Ruku or Sajdah, his Dhikr will not be correct provided that he has said it with the intention of a Dhikr ordered to be said in prayers, but hisSalat will be valid. Bi-hawli-llahi wa quwwatihi aqumu wa aq'ud should be said in the state of rising.
485. If a person becomes unable to stand while offering prayer, he should sit down, and if he is unable to sit, he should lie down. However, until his body becomes steady, he should not utter any of the obligatory Dhikr.

486. As long as a person is able to offer pravers standing, he should not sit down. For example, if the body of a person shakes, or moves when he stands, or he is obliged to lean on somthing or to inclinc his body a bit, he should continue to offer prayer standing in whatever manner he can. But, if he cannot stand at all, he should sit upright, and offer prayer in that position.

487. If a person is offering prayerin a sitting position, and if after reciting Surat-ul-Hamd and other Surah, he is able to stand up and perform Ruku, he should first stand, and then perform Ruku. But, if he cannot do so, he should perform Ruku while sitting.

488. If a person who can stand, fears that owing to standing he will become ill or will be harmed, he can offer prayer in a sitting position and if he fears sitting, he can offer the prayer in a lying posture.

Qira'ah (Reciting the Surat-ul-Hamd and Other Surah of holy Qur'an)

489. In the daily obligatory prayers, one should recite Surat-ul-Hamd in the first and second Rak'ahs, and thereafter one should recite another Surah and on the basis of precaution it should be one complete Surah.

490. If the time left forSalat is little, or if person has to helplessly abandon the Surah because of fear that a thief, a beast, or anything else, may do him harm, or if he has an important work, he can ablandon the other Surah. In fact, there are situations when he should avoid it, like when the Salat time at his disposal is limited, or when in certain fears.

491. If a person realises before bowing for Ruku, that he has not recited al-Hamd and Surah, he should recite them, and if he realises that he has not recited the Surah, he should recite the Surah only. But, if he realises that he has not recited al-Hamd only, he should recite al-Hamd first and then recite the Surah again. Moreover, if he bends but before reaching the Ruku realises that he has not recited surah or only al-Hamd and Surah or only al-Hamd, he should stand up and act according to the foregoing rules.

492. It is not necessary to recite a Surah after al-Hamd in Mustahab prayer, even if that prayer may

have become obligatory due to Nadhr (vow). But, as for some Mustahab prayers like Wah shah prayer, in which a parti cular Surah is recommended, if a person wishes to act according to the rules, he should recite the prescribed Surah.

493. It is obligatory, as a precaution, for a man to recite al-Hamd and the other Surah loudly, while offering Fajr, Maghrib or Isha prayer, and it is obligatory also, as a precaution, for a man and a woman to recite al-Hamd and the other Surah silently while offering Tuhr and A?r prayers.

494. A woman can recite al-Hamd and other Surah in Fajr, Maghrib and Isha prayers loudly or silently. But, if a non-Mahram hears her voice, and if it is Halal (allowed) for her to be heard by a non-Mahram man, she should recite them silently, and if she recites them loudly, as a precaution, her prayer will be void.

495. If a person intentionally prays loudly where he should pray silently, and vice versa, as a precaution his prayer is void. But, if he does so owing to forgetfulness, or not knowing the rule, his prayer is in order. And if he realises that he is doing a mistake while reciting al-Hamd and the other Surah, it is not necessary to recite again what he has recited not following the rule.

496. A person should say his prayer correctly, and if one cannot by any means recite the whole of Surat-ul-Hamd, he should recite it as he can provided that the part pronounced correctly is considerable ; but if that is a very small part, then as an obligatory precaution, he should add to it some verses of Qur'an which he can recite correctly. And if he cannot do that, he should add some Tasbih to it. But if someone cannot recite al-Hamd correctly at all, then there is no necessary replacement for it.

497. If a person does not utter a certain word of al-Hamd or the other Surah intentionally or while he is negligently ignorant, or utters one letter for another, like Z for D, or changes the inflections, by adding a vowel kike A or I where not needed or changing their pronunciations in such a manner that the word is considered as incorrect, or does not render Tashdid (pronouncing the letter hard as if there is two letters) properly, his prayer is void.

498. If a person has learnt a word which he believes to be correct, and recites it that way in prayers, but comes to know later that he has been reciting it incorrectly, it is not necessary for him to offer the prayers again.

499. The recommended precaution is that while offering prayer, one should not recite the ending word of any phrase, with Waqf (i. e. not to utter the last vowel) if one wishes to join it to the next phrase. Nor should one utter the last vowel of a word (do Wasl) when one wishes to pause. For example, if you recite Ar-Rahman-ir-rahimi and then pause before starting the next word, it is not proper, but you should continue with no pause. Similarly, in the same vorse, that is, Ar-Rahman-ir-Rahim, if you utter the last consonant (M') without the vowel (I), you should do a pause and not

attach the verse to Maliki yawmid-din.

500. In the third and fourth Rak'ahs of prayer, one may either raed only al-Hamd or Tasbihat (i. e. Subhana-llahi wal-hamdu li-llahi wa la ilaha illa-llahu wa-llahu akbar) which may be said once, although it is better to say it three times. It is also permissible to recite al-Hamd in one Rak'ah, and Tasbihat in the other, but it is better to recite the latter in both.

501. It is obligatory, as a precaution, for men and women that in the third and fourth Rak'ahs, they should recite al-Hamd or Tasbihat silently.

502. If a person doubts whether he has pronounced a verse or a word correctly, like, whether he has uttered Qul Huwa-llahu Ahad correctly or not, he may ignore his doubt. However, if he repeats that verse or word correctly as a precautionary measure, there is no harm in it. And if he doubts several times he may repeat as many times. However, if it becomes an obsession, it is better no to reapeat.

Ruku (Bowing)

503. In every Rak'ah, a person offering prayer should, after reciting the Surahs (Qira'ah), bow to an extent that he is able to rest all his finger tips, including the thumb on his knees. This act is called Ruku.

504. There is no harm, if a person bows to the extent prescribed for Ruku, but he does not rest his fingertips on his knees.

505. Bending should be with the intention of Ruku. If a person bends for some other purpose (e. g. to Kill an insect), he cannot reckon it as Ruku. He will have to stand up and bend again for Ruku, and in so doing, he will not have added any Rukn, nor will his prayer be void.

506. A person who performs Ruku in the sitting position, should bow down till his face is parallel to his knees.

507. It is better that in normal situations one should say in Ruku Subhana-llah three times or Subhan a rabbiy-al-azimi wa bi-hamdih once. But actually, uttering any Dhikr is sufficient and as an obligatory precaution it should be to the extent of the above Dhikr. However, ifSalat time is short, or if one is under any pressure, it will be sufficient to say Subhana-llah once. A person who cannot utter Subhana rabbiy-al-azimi wa bi-hamdih" correctly, he should say another Dhikr like `Subhana-llah` three times.

508. The Dhikr of Ruku should be uttered in succession and in correct Arabic.

509. In Ruku, the body should be steady, and one should not purposely move or shake oneself resulting in not being steady, even if, as a precaution, he or she is not reciting the obligatory Dhikr. And if someone does not observe this steadiness, his prayer, as a precaution, will be void, even if he repeats the Dhikr in steady state.

510. If at the time of uttering the obligatory Dhikr of Ruku, he loses steadiness by mistake or involuntarily because of uncontrollable vigorous movement, it will be better that after his body resumes steadiness he repeats the Dhikr. However, if the movement is so negligible that steadiness is not lost, or if he just moves his fingers, there is no harm on it.

511. If a person intentionally recites the Dhikr of Ruku before he has proper ly bowed down, and before his body becomes still, his prayer will be void, unless he repeats the Dhikr in steady state. But if he has uttered it by mistake before steadiness, it is not necessary to repeat it again.

512. If a person intentionally raises his head from Ruku before completing obligatory Dhikr, his prayer is void. If he raises his head by mistake, repeating the Dhikr is not necessary.

513. If a person cannot bow down for Ruku properly, he should lean on something and perform Ruku. And if he cannot perform Ruku ‘even after he has leaned, he should bow down to the maximum extent he can, so that it could be customarily recognised as a Ruku. And if he cannot bent at all, he should make a sign for Ruku with his head.

514. If a person supposed to make a sign with his head for Ruku ‘is unable to do so, he should cloes his eyes with the intention of Ruku, and then recite Dhikr. And for rising from Ruku, he should open his eyes. And if he is unable to do even that, he should make an intention of Ruku in his mind, and then, as a precaution, make a sign of Ruku with his hands and recite Dhikr. In this case, the precaution is to add to this act, it possible, making a sign for Ruku ‘whli sitting.

515. If a person cannot perform Ruku while standing, but can bend for it while sitting, he should offer prayer standing and should make a signwith his head for Ruku.

516. After the completion of the Dhikr of Ruku, one should stand straight, and as a precaution proceed to Sajdah after the body has become steady. If one goes to Sajdah intentionally before standing, the prayer is void. also, as a precaution, the prayer will be void, if one goes to sajdah intentionally before the body is steady.

Prostration

517. A person offering prayer should perform two sajdhs after the Ruku, in each Rak'ahs of the obligatory as well as Mustahab prayer. Sajdah occurs when one places his forehead on earth in a special manner, with the intention of humility (before Allah)

While performing Sajdahs during prayer, it is obligatory that both the palms and the palms and both the big toes are placed on the ground. Forehead in this rule means, as a precaution, the middle of it, that is the rectangle bounded by the eyepows on below, and the limit of hair on above.

518. Two Sajdahs together are one Rukn (elemental), and if a person omits to perform two Sajdahs in one Rak'ah of an obligatory prayer, whether intentionally or owing to forgetfulness or ignorance, or as an obligatory precaution if he adds two more sajdahs in one Rak'ah due to forgetfulness or ignorance with no negligence, his prayer is void.

519. If a person omits or adds one Sajdah intentionally, his prayer becomes void. And if he omits or adds one Sajdah forgetfully, the prayer will not become void, and the rule when omitting one Sajdah, will be explained in the rules of Sajdat-us-Sahv.

520. If a person who can keep his forehead on the ground, does not do so whether intentionally or forgetfully, he has not performed Sajdah, even if other parts of his body may have touched the ground. But, if he places his forehead on the earth, but does not keep other parts of his body on the ground, or does not utter the Dhikr by mistake, his Sajdah is in order.

521. It is better in normal situation to say `Subhana-llah` three times, or `Subhana rabbiy-al-a'la wa bi-hamdih" once. And he should utter these words in succession and in correct Arabic. Actually any other Dhikr will suffice, but as an obligatory precaution, it should be to the extent of the above Dhikrs.

522. If a person intentionally utters the Dhikr of Sajdah before his forehead reaches the ground and his body becomes steady his prayer will be void, unless he repeats the Dhikr when the body becomes steady in Sajdah, and if he raises his head from Sajdah intentionally before the Dhikr is completed, his prayer is void.

523. If a person utters the Dhikr of Sajdah by mistake before his forehead reaches the ground and realises his mistake before he raises his head from Sajdah, he should utter the Dhikr again when his body is steady, but if when the forehead has reached the ground, and before the staidness of the body, he utters the Dhikr, it is not necessary to repeat it.

524. If after raising his head from Sajdah, a person realises that he has done so before the completion of the Dhikr of Sajdah, hid prayer is in order.

525. If at the time of uttering Dhikr of sajdah, a person intentionally lifts one of his seven parts of the body from the ground, hisSalat will be void, provided that it is inconsistent with the steadiness required for Sajdah.This rule applies also, as an obligatory precaution, when one is not uttering any Dhikr.

526. If a person raises his forehead from the ground by mistake, before the completion of the Dhikr of Sajdah, he should not place it on the ground again, and he should treat it as one Sajdah. However, if he raises other parts of the body from the ground by mistake, he should place them back on the ground and utter the Dhikr.

527. After the Dhikr of the first Sajdah is completed, one should sit till the body is steady, and then perform the second Sajdah.

528. It is necessary that there should be nothing between the forehead of the person offering prayer, and the thing on which Sajdah can be offered. Hence if the Turbah is so dirty that the forehead does not reach the Turbah itself, the Sajdah is void. But if only the colour of the Turban has changed, there is on harm.

529. In Sajdah a person offering prayer should place his two palms on the ground and as an obligatory precaution, he should place the surface of the palm if possible. In a state of helplessness, there will be no harm in placing the back of the hands on the ground, and if even this is not possible, he should, on the basis of precaution, place the wrists of hands on the ground. And if he cannot do even this, he should place any part of the forearm up to his elbow on the ground, and if even that is not possible it is sufficient to place the arms on the ground.

530. In Sajdah, a person should place his two big toes on the ground, but it is not necessary to place the tips of the toes. If he places the outer or the inner parts of the toes, it will be proper. But if he places instead of the big toes, any other smaller toes on the ground, or the outer part of his feet, or if his big toe does not rest on the ground due to very long nails, his prayer will be void. And if a person does not follow this rule due to ignorance or carelessness, he has to pray again.

531. The Turbah or other thing on which a person performs Sajdah, should be Tahir to a size required for correctness of Sajdah. If, he places the Turbah on a Najis carpet, or if one side of the Turbah is Najis, and he places his forehead on its Tahir part, there is no harm in it.

532. If a person can sit but cannot make his forehead reach the ground, he should bow as much as he can, provided that his bowing is customarily considered as Sajdah, and should place the Turban or any other allowable thing on something high, and place his forehead on it. But his palms, his knees and toes should, if possible be on the ground as usual.

533. If a person with the above situation cannot find something high on which he may place the Turbah, or any other allowable thing, and he cannot find any person who would raises the Turbah etc. For him, then he should raise it with his hand and do Sajdah on it.

534. If a person cannot perform Sajdah at all or can bow very little so that it cannot be customarily

considered as Sajdah, he should make a sign for it with his head, and if he cannot do even that, he should make a sign with his eyes. And if he cannot make a sign even with his eyes he should make an intention for Sajdah in his mind and, on the basis of obligatory precaution, make a sign for Sajdah with his hands etc. And recite the obligatory Dhikr.

535. If the forehead of a person is raised involuntarily from the place of Sajdah, he should not, if possible, allow it to reach the place of Sajdah again and this will be treated as one Sajdah even if he may not have uttered the Dhikr of Sajdah. And if he cannot control his head, and it reaches the place of Sajdah again involuntarily, both of them will be reckoned as one Sajdah, and if he has not uttered the Dhikr, as a recommended precaution, he will do so with the intention of Qurban, but not as a part of prayer.

536. At a place where a person has to observe Taqiyyah (concealing one's faith in dangerous situation) he can perform Sajdah on a carpet, or other similar things, and it is not necessary for him to go elsewhere, or delay the prayer so that he is able to pray freely at that place without Tagiyyah. But if he finds that he can perform Sajdah on a mat, or any other allowed objects, without any impediment, then he should not perform Sajdah on a carpet or things like it.

537. The obligatory precaution is that in the first Rak'ah ofSalat and in the third Rak'ah which does not contain Tashahhud (like the third Rak;ah in Tuhr, A?r and Isha prayers) one should sit for a while after the second Sajdah before rising.

Things on which Sajdah is Allowed

538. Sajdah should be performed on earth, and on those things not edible nor worn, which grow from earth (e.g. wood and leaves of trees). It is not permissible to perform Sajdah on things which are used as food or dress (e.g. wheat, barley and cotton etc.), or on things whinch are not considered to be partsof the earth (e.g.golol, silver, etc.). And in the situation of helplessness, pitch and tar will have preference over other nonallowable things.

539. Sajdah should not be performed on the vine leaves, when they are delicate and hence edible. Otherwise, there is no objection.

540. It is in order to perform Sajdah on things which grow from the earth and serve as fodder for animals (e.g. grass, hay etc.).

541. It is allowed to perform Sajdah on limestone and gypsum. In fact, there is no objection also in

performing Sajdah on baked gypsum, lime, pick and baked earthenware etc.

542. It is in order to perform Sajdah on paper, if it is manufactured from allowed sources like wood or grass, and also if it is made from cotton or flax. But it is made from silk etc, Sajdah on it will not be permissible. In case of tissue (disposable handkercheif), Sajdah on it is order only when one is sure that it is made from allowed sources.

543. Turbat-ul-Husayn is the best thing for performing Sajdah. After it, there are earth, stone and grass, in order of priority.

544. If the Turbah sticks to the forehead in the first Sajdah, it should be removed from the forhead for the second Sajdah.

545. If a thing on which a person performs Sajdah gets lost while he is offering prayer, and he does not possess any other thing on which Sajdah is allowed, he can perform Sajdah on any other thing.

The Mustahab and Makruh Things in Sajdah

546. It is Mustahab to say Takbir before going to Sajdah. A person who prays standing will do so after having stood up from Ruku, and a person who prays sitting will do so after having sat properly. It is also recommended to place the nose on a Turbah, or on any other thing on which Sajdah is allowed; and to say Takbir, after every Sajdah, when the person has sat down and his body is composed; and when his body is steady after the first Sajdah, to say: `Astaghfiru-llaha rabbi wa atubu ilayh`; and to say `Allahu Akbar` for going into second Sajdah, when his body is steady; and to recite Salawat while in prostrations.

Obligatory Prostrations in the Holy Qur'an

547. Upon reciting or hearing any of the following verses of the holy Qur'an, the performance of Sajdah becomes obligatory:

* Surat-us-Sajdah, 32:15
* Surah Fussilat, 41:38
* Surat-un-Najm, 53:62
* Surat-ul-Alaq, 96:19

Whenever a person recites the verse or hears it when recited by someone else, he should perform Sajdah immediately when the verse ends, and if he forgets to perform it, he should do it as and when he remember. If one hears the verse without any expectation, in an involuntary situation, the Sajdah is not obligatory, though it is better to perform it.

548. If a person hears the Sajdah verse, and recites it himself also, he should perform two Sajdahs.

549. If a person hears the verse of obligatory Sajdah from a person who is asleep, or one who is insane, or from a child who knows nothing of the Qur'an, it will be obligatory upon him to perform Sajdah. But if he hears from a gramophone or a tape recorder, Sajdah will not be obligatory.

Similarly, the Sajdah will not be obligatory if he listens to a taped recitation from radio (not to a live programme). But if there is a live programme and a person recites a verse of Sajdah from the station, it will be obligatory to perform Sajdah.

550. The obligotory precaution is that in the obligatory sajdah caused by the Quranic verse, aperson should place his forehad ona Turbah, or any other on which sajdah is allowed, and as a recommended precaution one should keeo other parts of one’s body on the ground as require in asajdah of prayer.

551. When a person peforms the obligatory Sajdah upon hearing the relevant verse, it will be sufficient even if he does not recite any Dhikr. However, it is Mustahab to recite Dhikr, preferably the following: La ilaha illa-llahu haqqan haqqa ; la ilaha illa-llahu imanan wa tasdiqa ; la ilaha illa-llahu ubudiyyatan wa riqqa ; sajadtu laka ya rabbi ta'abbudan wa riqqa, la mustankifan wa la mustakbira, bal ana abdun dhalilun daifun kha'ifun mustajir.

Tashahhud

552. In the second unit (Rak'ah) of all obligatory prayers, and in the third unit of Maghrib prayer and in the fourth unit of Tuhr, A?r and Isha prayers, one should sit after the second prostration with a tranquil body, and recite Tashahhud thus: Ashhadu an la ilaha illa-llahu wahdahu la sharika lah, wa ashhadu anna Muhammadan abduhu wa rasuluh; allahumma salli ala Muhammadin wa ali Muhammad.

553. The words of Tashahud should be recited in correct Arabic, and in usual succession.

554. If a person forgets Tashahhud, and rises and remembers before Ruku, he should sit down to recite it, and then stand up again. He will then continue with his prayer. But if he remembers this in Ruku or thereafter, he should complete the prayer and perform two Sajdah-us-Sahv for the forgotten Tashahhid.

555. It is Mustahab to say before Tashahhud: Al-hamdu li-llah ; Bismi-llahi wa bi-llah, wal-hamdu li-llah, wa Khayr-ul-asma'i li-llah. It is also Mustahab to place one's hands on noe's thights, with joined fingers, and to look at one's laps, and to say this after Tashahhud and Salawat: Wa taqabbal shafa atahu wa-rfa darajatah.

Salam in the Prayers

556. While a person is sitting, after reciting Tashahhud in the last unit (Rak'ah), and his body is tranquil, it is Mustahab to say: As-salamu alayka ayyuhan-nabiyyu wa rahmatu-llahi wa barakatuh. Then it is obligatory to say: As-salamu alaykum ; and as a recommended precaution add to it, Wa rahmatu-llahi wa barakatuh. Alternatively, he can say:

As-salamu alayna wa ala ibadi-llahis-salihin. But if he recites this Salam, then as per obligatory precaution, he must follow it up with saying: As-salamu alaykum.

Tartib (Sequence)

557. If a person forgets a Rukn (elemental part) of the prayer, an performs the next Rukn, like before performing Ruku if he performs the two Sajdahs, his prayer would become void, as as measure of precaution.

558. If a person forgets a Rukn, and performs an act after it which is not a Rukn, like if he

recites Tashahhud without performing the two Sajdahs, he should perform the Rukn and should recite again the part which he performed erroneously earlier than the Rukn.

559. If a person forgets a thing which is not a Rukn, and performs a Rukn which comes after it, like if he forgets al-Hamd and begins performing Ruku, his prayer is in order.

560. If a person forgets an act which is not a Rukn, and performs the next act which too, is not a Rukn, like if he forgets al-Hamd and recites the other Surah, he should perform what he has forgotten, and then recite again the thing which he mistakenly recited earlier.

Muwalat (Maintenance of Succession)

561. A person should maintain continuity during prayer, that is he should perform various acts of prayer, like Ruku, two Sajdahs and Tashahhud, in continuous succession, and he should recite the Dhikr etc. also in usual succession. If he allows an undue interval between different acts, till it becomes difficult to visualise that he is praying, his prayer will be void.

Qunut

562. It is Mustahab that Qunut be recited in all obligatory and Mustahab prayers before the Ruku of the second Rak'ah, and it is also Mustahab that Qunut be recited in the Witr prayer (inSalat-ul-layl) before Ruku, although that prayer is of one Rak'ah only.

In Friday prayer there is one Qunut in every Rak;ah. InSalat,there are five Qunut, and in Id Prayers there are several Qunut in two Rak'ahs which will be explained later. In the prayer of Shaf, which is a part ofSalat-ul-layl, Qunut is to be performed with the intention of Raja.

563. It is also Mustahab that while reciting Qunut, a person keeps his hands in front of his face, turning the palms facing the sky, and keeping both the hands and the fingers, except the thumbs, close together. It is Mustahab to look at the palms in Qunut. But as an obligatory precaution Qunut will not be in order without raising the hands, except in case of helplessness.000

Taqibat (Supplications after Prayers)

564. It is Mustahab that after offering the prayer, one should engage oneself in reciting suppliacations, and reading from the holy Qur'an. It is better that before he leaves his place, and before his Wudu, or Ghusl or Tayammum becomes void, he should recite supplications facing Qiblah. The Tasbih of Fatimat-uz-Zahra (peace be on her) is one of those acts which have been emphasised. This Tasbih should be recited in the following order:

* Allahu Akbar -34 times
* Al-hamdu li-llah-33 times
* Subhana-llah -33 times

Subhana-llah can be recited earlier than Al-hamdu li-llah, but it is better to maintain the said order.

565. It is Mustahab that after the prayer a person performs a Sajdah of thanksgiving, and it will be sufficient if one placed his forehead on the ground with that intention. However, it is better to say: Shukran li-llah or Shukran or Afwan, 100 times, or three times, or even once. It is also Mustahab that whenever a person is blessed with His bounties, or when the adversities are averted, he should go to Sajdah for Shukr, that is, thanksgiving.

Salawat on the Holy Prophet

566. It is Mustahab that whenever a person hears or utters the sacred name of the holy Prophet of Islam, like Muhammad or Ahmad, or his title, like Musatfa or his patronymic appellation like Ad-ul-Qasim, he should say, Allahumma salli ala Muhammaden wa ali Muhammad; even if that happens during theSalat.

Things which Invalidate Prayers

567. Twelve things make prayers void, and they are called Mubtilat-us-Salatt.

First: If any of the prerequisites of prayer ceases to exist while one is inSalat, like, if he comes to know that the dress with which he has covered himself is Najis.

Second: If a person, intentionally or by mistake, or uncontrollably, commits an act which makes his Wudu or Ghusl void, like, when urine comes out, even if, as a precaution, it is discharged forgetfully, or involuntarily, after the last Sajdah of the prayer. But if a person is incontinent, unable to control urine or excretion, his prayer will not be void if he acts according to the rules explained early in the Chapter of Wudu. Similarly, if a woman sees blood of Istihadah during prayer, herSalat is not invalidated if she has acted according to the rules of Istihadah.

Third: If a person folds his hands as a mark of humility and reverence, his prayer will be void, but this is based on precautionary rule. However, there is no doubt about it being Halal (allowed), if it is done believing that it is ordained by Shariah.

568. There is no harm if a person places one hand on another forgetfully, or due to help lessness or Taqiyyah, or for some other purposes, like, scratching.

Fourth: The fourth thing which invalidates prayer is to say Amin after al-Hamd. This rule, when applied to one praying invalidually, is based on precaution, but if someone utters it beliveing that it has been ordained by Shariah, it is Halal (allowed). There is no harm if someone utters it erroneously or under Taqiyyah.

Fifth: The fifth thing which invalidates prayer is to turn away from Qiblah without any excuse. But if there is an excuse, hisSalat will be valid, providing he has not deviated entirely to his right or left side. But it is necessary to return to the dire ction of Qiblah assoon as the excuse dis appears. And if he turned away towards right or left side or his back turned towards Qiblah, due to forgetting, or ignorance or mistaking in direction of Qiblah, he should pray again towards Qiblah as soon as he remembers, if there is time left even for one Rak'ah. But if there is no time for even one Rak'ah at his disposal, then he should continue with the sameSalat towards Qiblah, and he will not have to give any Qada for that. Similar rule applies to the one who has deviated because of the external force.

Sixth: The sixth thing which invalidates prayer is to talk internionally, even by uttering a single word consisting of one single letter which has a meaning or denotes something. For example, one letter “Q”i in Arabic means: protect. Or if someone asked a person who is praying, as to which is the second letter of Arabic alphabet, and he said simply Ba. But if the utterance is meaningless, then, if it constitutes two or more Arabic letters, his prayer will be void, based on precaution.

569. If a person forgetfully utters a word consisting of one or more letters, his prayer does not become void, even if that word may carry some meaning, but as a precaution, it is necessary that after the prayer, he should perform Sajdat-us-Sahv, as will be explained later.

570. If a person utters a word with the object of Dhikr, like, if he says Allahu Akbar, and raises his

voice to indicate something, there is no harm in it.

571. There is no harm in reciting the Qur'an or supplications in prayers.

572. If a person intentionally or as a matter of precaution repeats parts of al-Hamd and other Surah, and the Dhikr of prayer, there is no harm in it.

573. A person offering prayer should not greet anyone with Salam, and if another person says Salam to him, he should use the same words in reply without adding anything to it. For example, if someone says Salamun alaykum, he should also say “Salamun ‘alakum in reply, without adding “wa rahmatu-llahi wa barakatuh.

574. It is necessary that the reply to Salam is given at once, irrespective of whether one is praying or not. And if, whether intentionally or due to forgetfulness, he delays reply to the Salam, so much that if he gives a reply after the delay, it may not be reckoned to be a reply to that Salam, then he should not reply if he is inSalat. And if he is not inSalat it is not obligatory for him to reply.

575. If a woman or man or a discerning child, that is, one who can distinguish between good and evil, says Salam to a person inSalat, the person should respond. However, in reply to the Salam by a woman who says Salamun alayka, the person offering prayer can say Salamun alayki, giving Ka?rah to Kafat the end.

576. If a person inSalat does not respond to Salam his prayer is in order, though he will have committed a sin.

577. If a person says Salam to a group of poeple, it is obligatory for all of them to give a reply. However, if one of them relies, it is sufficient.

578. If two person simultaneusly say Salam to each other, each one of them should, on the basis of obligatory precaution, reply the Salam of the other.<br
Seventh: The seventh thing which makesSalat void is an intentional loud laugh. But if one laughs loudly unintentionally, or if he purposely laughs without emitting any voice, there is no harm.

579. If in order to control his laughter, the condition of the person inSalat changes, like, if the colour of his face turns red, he should, as an obligatory precaution, pray again.

Eighth: As an obligatory orecaution, if one intentionally weeps, silently or loudy, over some worldly matters, hisSalat will be void. But, if he weeps silently or loudly due to fear of Allah or strong desire to Him Also if someone peys homege to Allah for his worldly needs from Him, and weeps due to it, there is no obligatory in it, or for the Hereafter, there is no harm in it. In face, it is among the best acts.

Ninth: Any act which changes the form ofSalat like, clapping or jumping, invalidates theSalat, regardless of whether that act is done intentionally or forgetfully. However, there is no harm in actions which do not change the form ofSalat, like, making a pief sign with one's hand.

580. If a person remains silent duringSalat for so long, that it may not be said that he is offering prayer, hisSalat is invalidated.

Tenth: Eating or drinking. If a person offering prayer eats or drinks in such a manner that people would not say that he was inSalat, his prayer would be void, regaraless of whether he does it intentionally or forgetfully.

581. If a person inSalat swallows the food which has remained around his teeth, his prayer is not invalidated. Similarly, if things like grains of sugar remain in the mouth and they dissolve in the saliva slowly and go down the throat, there is on harm in it.

Eleventh: Any doubt concerning the number of Rak'ahs in those prayers which consist of two or three Rak'ahs, will render theSalat void if one continues to be in doubt. Also, if one doubts about the number of the first two Rak'ahs of those prayers having four Rak'ahs, (like, Tuhr, A?r and Isha), hisSalat will be void if he continues to be in doubt.

Twelfth: If a person omits the Rukn (elemental parts) of the prayer, either intentionally or forgetfully, hisSalat is void. Similarly, if he does an extra Rukn by mistake, like adding a Ruku or two Sajdah in one Rak'ah, hisSalat, as an obligatory precaution, will be void. And if one omits purposely acts which are not Rukn, or makes an addition,Salat will be void. But if one forgetfully adds one more Takbirat-ul-Ihram,Salat will not be void.

582. If a person doubts after the prayer, Whether or not he performed any such act which invalidated the prayer, hisSalat will be in order.

Doubts which Make Prayer Void

583. The following doubts make prayer void:

¨ Doubts about the number of Rak'ahs occurring in those obligatory prayers which consist of 2 Rak'ahs, like, Eajr prayer, or prayers offered by a trayeller.

¨ However, doubts about number of Rak'ahs in Mustahab prayers orSalat-ul-Ihtiyat does not make the prayers void.

¨ Doubts about the number of Rak'ahs occurring in prayers consisting of 3 Rak'ahs that is, Maghrib

prayer.

¨ Doubt occurring in prayers of 4 Rakahs as to whether one has performed one Rakah or more.

¨ Doubts in prayer of 4 Rak'ahs before going to the second Sajdah, as to whether he has performed 2 Rak'ahs or more.

¨ Doubts between 2 and 5 Rak'ahs or between 2 and more than 5 Rak'ahs.

¨ Doubts between 3 and 6 Rak'ahs or between 3 and more than 6 Rak'ahs

¨ Doubts between 4 and 6 Rak'ahs or between 4 and more than 6 Rak'ahs.

Doubts Which Should Be Ignored

584. The following doubts should be ingored:

· Doubts about an act whose time of performance has already passed, like, during Ruku a person doubts as to whether he did or not recite al-Hamd.

· Doubts occurring after the Salam of prayers.

· Doubts after the time of prayer has already passed.

· Doubts of a person, who doubts too much.

· Doubts by the Imam (one who leads the congregation prayer) about the number of Rak'ahs when the Ma'mum (follower) is aware of the number ; and similarly the doubts of the Ma'mum when the Imam knows the number of Rak'ahs.

· Doubts which occurs in Mustahab prayer andSalat-ul-Ihtiyat.

I. Doubts about an Act Whose Time of Performance has Passed

585. If a person doubts while offering prayer as to whether or not he has performed a particular obligatory act, like if he doubts whether or not he has recited al-Hamd, and if he has engaged himself in the next act, which he should not have performed according to Shariah after having eliminated intentionally the previous act (about which he has doubt), like doubting about al-Hamd while reciting the next Surah, he should ignore the about. But in a situation other than this, he should perform the act about which he has doubt.

586. If a person doubts after Ruku or Sajdah, whether or not he has performed its obligatory parts, like Dhikr and steadiness of the body, he should ignore his doubt.

587. If a person doubts while rising to stand, whether or not he has performed Sajdah or Tashahhud, he should ignore the doubt.

588. If a person doubts whether or not he has performed one of the Rukn of prayer, and if he has not yet engaged himself in the next act, he should perform it. For example, if he doubts before reciting Tashahhud, whether or not he has performed two Sajdahs, he should perform them. And if he remembers later that he had already performed that Rukn, as an obligatory precaution, his prayer will become void because of additional Rukn.

589. If a person doubts whether or not he has performed an act which is not a Rukn ofSalat, and if he has not egaged himself in the following act, he should perform it. For example, if he doubts before reciting the other Surah, whether or not he has recited al-Hamd, he should recite al-Hamd. And if he remembers after reciting al-Hamd that he had already recited it, his prayer will be in order, because a Rukn has not been added.

II. Doubts after the Salam

590. If a person becomes doubtful after the Salam of prayer, as to whether or not he has offered the prayer correctly, like, if he doubts whether or not he has performed the Ruku, or doubts after the Salam of a 4 Rak'ah prayer as to whether he has performed 4 or 5 Rak'ah, he should ignore his doubt. But if both sides of the doubt lead to invalidity of the prayer, like if he doubts in a 4 Rak'ahs prayer whether he has performed 3 or 5 Rak'ahs, his prayer would be void.

III. Doubt after the Time ofSalat has Passed

591. If a person doubts, after the time for prayer has already passed, as to whether he has offered the prayer or not, or if he suspects that he may not have offered it, it is not necessary for him to offer that prayer. If, however, he doubts before the expirly of the time for that prayer, as to whether or not he has offered it, he should offer it, even if he has a feeling that he might have done so.

592. If a person doubts after the time for prayer has passed, whether or not he has offered the prayer correctly, he should ignore his doubt.

IV. One Who Doubts Too Much

593. Kathir-ush-shak is a person who doubts quite often, meaning that he doubts more than a normal similar person does, due to an unsettled mind or whims.

594. If a person with such an obsession doubts about having performed any part of prayer, he should decide that he has performed it. For example, if he doubts whether he has performed Ruku, he should say that he has performed it. And if he doubts about having performed an act which invalidates prayers, like if he doubts whether in the Fajr prayer he has offered 2 or 3 Rak'ahs, he should consider that he has offered the prayer properly.

595. If a Kathir-ush-shak person doubts whether he has performed a Rukn or not, and ignores his doubt, but remembers later that he had actually not performed it, he should perform it and its following acts, if he has not gone into next Rukn. And if he has commenced the next Rukn, his prayer, as a precaulion is void. For example, if he doubts whether he has performed Ruku or not, and ignores his doubt, but remembers before the second Sajdah that he has not performed Ruku, he should return and perform Ruku, but if he remembers it in the second Sajdah, his prayer, as a precaution is void.

596. If a Kathir-ush-shak person doubts whether he has performed an act which is not a Rukn, and ignores his doubt and remeberes later that he has not performed it, and the stage of its performance has not passed, he should perform it and its following acts, and if he has passed its stage, his prayer is in order. For example, if he doubts whether he has recited al-Hamd or not and he ignores it, he should recite it and the other surah, if he remembers during Qunut that he has ont recited al-Hamd. But if he remembers after having gone to Ruku, hisSalat will be in order.

V. Imam's or Follower's Doubt

597. If an Imam who is leading a congregational prayer, doubts abaut the number of Rak'ahs, like, if h doubts whether he has performed three or four Rak'ahs, he will follow the indication given by the follower who is certain or has a feeling about the number. If he indicates that it is the fourth, Imam will accept it and complete the prayer, and salat-ul-Ihtiyat will not be necessary. Similarly if the Imam is sure or has a feeling about the number of Rak'ajs, and the follower has a about, he should ignore his doubt. This rule applies also when any of them doubts about some act of the prayer, like the number of Sajdah.

VI. Doubt in Mustahab Prayers

598. If a person doubts about the number of Rak'ahs in a Mustahab prayer and if the higher side makes the prayer void, he should decide on the lesser side of the doubt. For example, if he doubts whether he has performed 2 Rak'ahs or 3 in Nàfilah of Fajr prayer, he should decide that he has performed 2 Rak'ahs. But if the higher side does not invalidate the prayer, like if he doubts whether he has performed 2 Rak'ahs or 1, he is free to decide either way, and his prayer will be valid.

599. Omission of a Rukn invalidates Nàfilah (Mustahab prayer), but addition of a Rukn does not

invalidate it. Hence, if the person offering Nàfilah prayer forgets to perform any part, and remembered when he has entered into a Rukn, he should return to perform the forgotten part and then re-enter the Rukn.For example, if he remembers during Ruku that he has not recited al-Hamd, he should return to recite al-Hamd, and then go into Ruku again.

600. If a person doubts whether he has perform ed any Rukn or non-Rukn part of Nàfilah prayer, he should perform it if its stage has not passed, and if it has, then he should ignore the doubt.

661. If a person in Nàfilah prayer performs an act which, if he had performed in an obligatory prayer, it would have been necessary for him to do Sajdat-us-Sahv, or if he forgets one Sajdah, it will not be necessary to perform Sajdat-us-Sahv, or give Qada for the Sajdah, after the Nàfilah is over.

Doubts Which Are Valid

602. There are nine situations in which a person can have doubts about the number of Rak'ahs in the prayers consisting of four Rak'ahs. In those situations, one should pause to think, and if he arrives at any decision or probability, he should act accordingly. If doubt persists, he should follow these rules:

(i) After entering the second Sajdah, if a person doubts whether he has performed 2 Rak'ahs or 3, he should assume that he has performed 3 Rak'ahs, and finish the prayer after performing one more Rak'ah. And after finishing the prayer he should offer one Rak'ah of Salat-ul-Ihtiyat (precautionary prayer), standing. As an obligatory precaution, two Rak'ahs while sitting will not suffice.

(ii) If after entering the second Sajdah, a person doubts whether he has performed 2 or 4 Rak'ahs, he should decide that he has performed 4 Rak'ahs, and finish his prayer. He should then stand up to offer 2 Rak'ahs ofSalat-ul-Ihtiyat.

(iii) If a person doubts, after entering the second Sajdah, whether he has performed 2, 3 or 4 Rak'ahs, he should decide that he has performed 4 Rak'ahs. After Completing the prayer, he should perform 2 Rak'ahs ofSalat-ul-Ihtiyat standing, and 2 Rak'ahs in the sitting position.

(iv) If a person doubts after entering the second

Sajdah, as to whether he has performed 4 or 5 Rak'ahs, he should decide that he has performed 4

Rak'ahs and finish his prayer. After that he should perform two Sajdat-us-Sahv.

(v) If a person doubts at any stage during his prayer, whether he has performed 3 or 4 Rak'ahs, he should decide that he has performed 4 Rak'ahs and finish his prayer. Thereafter he should offerSalat-ul-Ihtiyat of one Rak'ah standing or of 2 Rak'ahs in the sitting position.

(vi) If a person doubts while standing, as to whether he has performed 4 Rak'ahs or 5, he should sit down and recite Tashahhud and the Salam of prayer. Then he should stand up to offerSalat-ul-Ihtiyat of 1 Rakah, or give 2 Rak'ahs while sitting.

(vii) If one doubts, while standing, whether he has performed three or five Rak'ahs, he should sit down and read Tashahhud and Salam to finish the prayer. After that, he should offer 2 Rak'ahs ofSalat-ul-Ihtiyat standing.

(viii) If a person doubts while standing, as to whether he has offered 3, 4 or 5 Rak'ahs, he should sit down and recite Tashahhud and the Salam of the prayer. Thereafter, he should offerSalat-ul-Ihtiyat of 2 Rak'ahs standing, and another 2 Rak'ahs in the sitting position.

(ix) If a person daubts, while standing whether he has performed 5 or 6 Rak'ahs, he should sit down and recite Tashahhud and Salam of the prayer. Thereafter, he should perform two Sajdat-us-Sahv.

603. When a person has any of the above valid doubts, he should not peak the prayer, if the time forSalat is very short. He should act according to the rules given above. But if there is ample time forSalat, he can peak the prayer and repeat it from the begining.

Method of OfferingSalat-ul-Ihtiyat

604. A person, for whom it is obligatory to offerSalat-ul-y'Ihtiyat, should make its intention immediately after the Salam of prayer, nad pronounce Takbir and recite al-Hamd and then perform Ruku and two Sajdah.

Now, if he has to perform only one Rak'ah ofSalat-ul-Ihtiyat, he should recite Tashahhud and Salam of the prayer after two Sajdah. If it is obligatory for him to perform 2 Rak'ahs ofSalat-ul-Ihtiyat, he should perform, after the 2 Sajdah, another Rak'ah like the first one, nad then complete with Tashahhud and Salam.

605.Salat-ul-Ihtiyat does not have other Surah and Qunut, and its intention should not be uttered and as an obligatory precaurtion, al-Hamd should be offered silently.

606. If a person realises before startingSalat-ul-Ihtiyat that the prayer which he had offered was correct, he need not offer it, and if he realises this duringSalat-ul-Ihtiyat, he need not complete it.

607. As far as Rak'ahs ofSalat are concerned, probability or strong feeling about it will be treated at the same level as certainty. For example, if a person does not know for certain whehter he has offered 1 Rak'ah 2, and has a strong feeling that he has offered 2 Rak'ahs, he should decide in its favour. And if in a prayer of 4 Rak'ahs, he strongly feels that he has offered 4 Rak'ahs, he should not offerSalat-ul-Ihtiyat. But in the matter of acts ofSalat, probability has the position of doubt. Hence, if he feels that probably he has performed Ruku, and if he has not yet entered Sajdah, he should perform the Ruku. And if he thinks that he has not recited al-Hamd, and has already stready started the other Surah he should ignore his doubt and his prayer is in order.

608. There is no difference between the rules of doubt, forgetting, and probability or strong feeling, regardless of it occurring in the daily obligatory prayers or other Wajib Salat. For example, if one doubts inSalat-ul-ayat, whether he has performed 1 Rak'ah or 2, hisSalat will be void, because it is a doubt which has occurred in aSalat consisting of 2 Rak'ahs. Similarly, if he has a strong feeling that is his first or his second Rak'ah, he will complete the prayer based on that feeling.

Sajdat-us-Sahv (Sajdah for Forgotten Acts)

609. Two Sajdat-us-Sahv become necessary in two cases, and they are performed after Salam. Their method will be explained later.

(i) Forgotting Tashahhud.

(ii) When there is a doubt in a 4 Rak'ah prayer, after entering second Sajdah, as to whether the number of Rak'ahs performed is 4 or 5, or 4 or 6 like the fourth case in valid doubts.

And in three cases, Sajdat-us-Sahv is, as an obligatory precaution, necessary:

(i) For talking forgetfully during prayer.

(ii) Reciting Salam at the wrong place, like, forgetfully reciting it in the first Rak'ah.

(iii) When after y'Salatt, one realises that he has either omitted or added something by misatke, but that omission or addition does not render tha prayer void.

610. If a person talks, by mistake or under the impression that his prayer has ended, he should perform 2 Sajdat-us-Sahv, as a precaution.

611. If at a time where the Salam of prayer is not to be said, a person forgetfully says As-salamu alayna wa ala ibadi-llah-is-salihin or says:

As-salamu alaykum, he should, as an obligatory precaution, perform 2 Sajdat-us-Sahv, even if he did not add “Wa rahmatu-llahi wa barakatuh”. But if he says: “As-salamu alayka ayyuhan-nabiyyu wa rahmatu-llahi wa barakatuh”, then Sajdat-us-Sahv will be a recommended precaution. If one utterstwo or more letters of Salam, he should, as an obligatory precaution, offer two Sajdat-us-Sahv.

612. If a person says, by misatke, all the 3 Salams at the time when Salam should not be recited, it is sufficient to perform 2 Sajdat-us-Sahv.

613. If a person remembers during Ruku or thereafter, that he has forgotten one Sajdah or Tashahhud of the preceding Rak'ah, he should perform the Qada of Sjadah after the Salam of prayer, nad for Tashahhud he should perform two Sajdat-us-Sahv.

614. If a person does not perform Sajdat-us-Sahv after the Salam of prayer intentionally, he commits a sin, and it is obligatory, as a precaution, upon him to perform it as early as possible. And if he forgets to perform it, he should perform it immediately when he remembers. It is, however, not necessary for

The Method of Offering Sajdat-us-Sahv

615. Immediately after the Salam of prayer, one should make an intention of performing Sajdat-us-Sahv, placing one's forehead, as an obligatory precaurion, on an object which is allowed. It is a recommended precaution that Dhikr be recited, and a better Dhikr is: “Bismi-llahi wa bi-llah, as-salamu ‘alayka ayyuhan-nabiyyu wa rahmatu-llahi wa barakatuh”. Then one should sit up and perform another Sajdah reciting the above mentioned Dhikr. After performing the second Sajdah one should sit up again and recite Tashahhud and then say: “As-salamu alaykum ; it is better to add to it: Wa rahmatu-llahi wa narakatuh.

Qada of the forgotten Sajdah

616. If a person forgets Sajdah, nad offers its Qada after prayer, he should fulfil all the conditions of prayer, like his body and dress being Tahir, and facing the Qiblah, and all various other conditions.

617. If a person forgets one Sajdah and Tashahhud, he should offer two Sajdat-us-Sahv for the forgotten Tashahhud, but it is not necessary for the forgotten Sajdah, though it is better to perform it for the latter too.

Addition and omission of the Acts and conditions of Prayers

618. Whenever a person intentionally adds something to the obligatory acts of prayers, or omits something from them, even if it be only a letter, his prayers become void.

619. If a person omits a Rukn (elemental part) of prayer due to ignorance, his prayer is void. But omitting a non-Rukn due to justifiable ignorance (like when a person relies on some authority or a reliable book of Islamic laws, and thereafter he realises that the authority or the book was wrong), Will not make the prayer void. and if someone, due to his ignorance about the rule even if with negligence, prays Fajr, Maghrib and 'Isha' prayers with silent Qira'ah, or Tuhr and 'A?r prayers with loud Qira'ah, or offers four Rak'ahs where he should have prayed two because of travelling, his prayer will be in order.

620. If a person realises during prayer or after it that his Wudu or Ghusl had been void, or that he had begun offering prayer without Wudu or Ghusl, he should repeat the same with Wudu or Ghusl, but peaking the prayer is not obligatory.And if the time for the prayer has lapsed, he should perform its Qada.

621. If a person realises after the Salam of prayer that he has not offered one Rak'ah or more from the end part of the prayer, and if he has done any such thing which would invalidate the prayer, were he to do so intentionally or forgetfully, like turning away from Qiblah, his prayer will be void. But if he has not performed any such act then, he should immediately proceed to perform that part of the prayer which he forgot, and should, as an obligatory precaution, offer two Sajdat-us-Sahv for additional Salam.

622. If a person after the Salam of prayer, does an act which would have invalidated the prayer, were then to do so intentionally or otherwise, like turning away from Qiblah, and then remembers that he had not performed two last Sajdahs, his prayer will be void. And if he remembers it before he performs any act which would invalidate the prayer, he should perform the two forgotten Sajdah, and should recite Tashahhud again, together with Salam of the prayer. Thereafter, he should perform, as an obligatory precaution, two Sajdat-us-Sahv for the Salam recited earlier.

623. If a person realises that he has offered the prayer before its time set in, he should offer that prayer again, nad if the prescribed time for it has lapsed, he should perform its Qada. If he realises that he has offered the prayer with his back to Qiblah or with a deviation of 90 or more degrees from Qiblah ignorance about to Qiblah ; or with a devition of 90 or more degrees from Qiblah he should pary again if the time of salat is still there; and if the time has laosed, there will be Qada’ if he had prayed direction because of other wise the Qada is not necessary. If he realises that the deviation has been less than 90 degrees, then if he had not any excuse for his deviation, like when he had not made enough efforts to determine the direction of Qiblah or to know its rule, he has to pray again as a precaution, whether the time has lapsed or not. But if he had some excuse, it is not necessary to repeat the prayer.

Prayer of a Traveller (Musafir)

A traveller should reduce the Rak'ahs in Tuhr, A?r and Isha prayers, that is, he should perform two Rak'ahs instead of four, subject to the following eight conditions:

* The first condition is that his journey is not less than 8 Farsakh (44 kilometers or 28 miles approximately).

624. If the total of outward journey and return journey is 8 Farsakh, even if the single journey either way does not equal 4 Farsakh, he should shoten his prayers. There fore, if his outward journey is 3 Farsakh, and his return is 5 Farsakh, or vice versa, he should offer shortened prayers, that is, of two Rak'ahs.

625. If the total of outward and return journey is just 8 Farsakh, the traveller should shorten his prayers, even if he does not return on the same day or night.

626. If a person believed that his journey equalled 8 Farsakh, and he shortened his prayers, and learnt later that it was not 8 Farsakh, he should offer four Rak'ahs of prayers, and if the time for the prayers has lapsed, he should perform their Qada.

627. The beginning of 8 Farsakh should be calculated from a point beyond which he will be deemed a traveller, and this point is represented by the last boundary of a city. In certain very big cities, it would be probably reckoned from the end of locality.

* The second condition is that the traveller should intend at the time of the commencement of the journey, to cover a distance of 8 Farsakh if he travels up to a point which is less than 8 Farsakh away, he should offer full prayers. This is so, because he did not intend travelling 8 Farsakh when he commenced his journey. But if he decides to travel further 8 Farsakh from there, or to go to a distance which beside the return will cover eight Farsakh, he should shorten his prayers.

628. A traveller should offer shortened prayers only when he is firmly determined to travel 8 Farsakh. Hence, if a perdon goes outside the city thinking that he would cover 8 Farsakh if he finds a companion, he will offer shortened prayers only if he is sure that he will find a companion. And if he is not sure to find one, he should pray full.

629. If a person who is under the control of another person while on a journey, like wife, child, servant or a prisoner, knows that his journey is 8 Farsakh, he should offer shortened prayers. But if he does not know, he should offer full prayers, and it is not necessary for him to inquire ; though inquiring is better.

630. If a person commences his journey to go to a place which is at a distance of 8 Farsakh, and after covering a part of the journey, decides to go elsewhere, and the distance between the place from where he started his journey, up to the new place, is 8 Farsakh, he should shorten his prayers.

* The fourth condition is that the traveller does not intend to pass through his home town and stay there, or to stay at some place for 10 days or more, before he reaches a distance of 8 Farsakh. Hence a person, who intends to pass through his home town and stay there, or to stay at a place for 10 days, before he reaches a distance of 8 Farsakh, he should offer full prayers. If he wishes to pass through his hometown without staying there, he should, as a precaution, pray both full and shortened prayers.

631. A person, who does not know whether or not he will pass through his home town, before reaching 8 Farsakh, or through a place where he will stay for 10 days, should offer full prayers.

632. A person who wishes to pass through his home town and stay there, before he reaches 8 Farsakh, or to stay at a place for 10 days, or if he is undecided about it, should offer complete prayers even if he later abandons the idea of passing through his home town, or staying ot aplace for 10 days. However, if hte remaining journey is of 8 Farsakh or adds upto 8 Farsakh on return, he should shorten his prayers.

* The fifth condition is that the purpose of travelling should not be Halal (allowed). Therefore, if a person travels to do something unlawful, like, to commit theft, he should offer full prayers. The same rule applies when travelling itself is Halal (allowed), like, when travelling involves a harm which results in death or defect in body, or when a wife travels without the permission of her husband for a journey which is not obligatory upon her. But if it is an obligatory journey, like that of obligatory Hajj, then shortened prayers should be offered.

633. A journey which is not obligatory, and is a cause of displeasure of one's parents, is Halal (allowed), and while going on such a journey, one should offer full prayers and should also fast.

634. If a person travels for receation and outing, his journey is not Halal (allowed), and he should shorten his prayers.

635. If a person goes out for hunting, with the object of sport and pleasure, his prayers during the outward journey will be full, though this hunting is not Halal (allowed), but on return it will be shortened if it does not involve hunting and the return journey covers a distance of at least 8 Farsakh. But if a person goes out for hunting, to earn his livelihood, he should offer shortened prayers. Similarly, if he goes for business and increase in his wealth, he will pray QA?r (shortened).

636. If a person has journeyed to commit a sin, he should, on his return, shorten his prayers, if the return journey alone covers 8 Farsakh

* The sixth condition is that the traveller should be a nomad, who roam about in the deserts, and temporarily stay at places where they find food for themselves, and fodder and water for their

animals, and again proceed to some other place after a few days halt. During these journeys the nomads should offer full prayers.

637. If a nomad travels to find out residence for himself, and pasture for his animals, and carries his bag and baggage with him so that it can be said that his home is with him, he should offer full prayers, otherwise if his journey is 8 Farsakh he should shorten his prayers.

638. If a nomad travels for Ziyarah, Hajj (pilgrimage), trade or any other similar purpose, he should shorten his prayers, provided that it cannot be said that his home is with him, but if this can be said, his prayer is full.

* The seventh condition is that he should not be Kathir-us-Safar (one with frequent travels). But one whose profession requires travelling, like drivers, herdsmen, sailors and postnen, or one who trvels fre quently, even if his job does not require travelling, like three times a week for recreation or touring etc, should offer full prayers.

639. If a person whose profession is in travels, travels for another purpose like, for Hajj, he should shorten his prayers except when he is a known frequent traveller like a person who frequently travels three times a week. If, for example, the driver of automobile hires out his vehicle for pilgrimage, and incidentally performs pilgrimage himself as well, he should offer full prayers.

640. For being a driver etc, one should decide to continiue his profession as a driver etc, and his staying should not be longer than usual. Then a person who travels one day a week as a driver, he is not called as driver. But one who travels at least three days a week or ten days a month, and decides to continue this travelling for at least two consecutive months, is called Kathir-us-Safar ; though he should, as a precaution, offer both full and shortened prayers during the first month. But a person who travels one day aweek is not called Kathir-us-Safar. One who travels two days a week should, as an obligatory precaution, offer both shortened and full prayers.

641. A person whose profession for a part of the year is travelling, like a driver who hires out his automobile during winter or summer, should offer full prayers during those journeys, and the recommended precaution is that he should offer QA?r prayers, as well as full prayers.

642. If a driver or a hawker, who goes round within an area of 2 or 3 Farsakh from the city, happens to travel on a journey consisting of 8 Farsakh, he should shorten his prayers.

643. If a person whose profession is travelling, stays in his home town for 10 days or more, with or without the original intention, he should offer full prayers during the first journey that he undertakes after ten days. The same rule will apply, when he travels after ten days from a place which is not his home town.

644. For a person whose profession is travelling, it is not necessary to travel three times, in order to offering the prayers fully. In fact, just as the person is known as driver etc, he can offer full prayers, even in the first travelling.

645. If a person whose profession is not travelling, has to travel quite often to transport a commodity he owns, he will pray QA?r, unless when he is known as Kathir-us-Safar, defined in the (rule no 1318.)

* The eighth condition is that the traveller reaches the limit of Tarakhkhus, if he travels from his hometown, that is, at a point beyond which travelling begins. But if a person is not in his hometown, the rule of Tarakhkhus will not apply to him, and just as he travels from his place of residence, his prayers will be QA?r.

646. The limit of Tarakhkhus is a place where people of the city, even those living in its outskirts, can not see the traveller, and its sign is, when he can not see them.

647. A traveller who is returning to his hometown will continue praying QA?r, till he enters the hometown. Similarly, a person who intends to stay for ten days at a place, will offer QA?r prayers, till he reaches that place.

648. If a person doubts whether or not he has reached the point of Tarakhkhus he should offer full prayers.

649. A traveller who is passing through his hometown, if he makes a stopover there, he will pray full, otherwise, as an obligatory precaution, he will combine both, full as well as QA?r prayers.

650. A place which a person adopts for his permanent living is his home, irrespective of whether he was born there, or whether it was the home of his parents, or whether he himself selected it as his residence.

651. A place which a person adopts for his residence is his hometown (Watan) even if he has not made a specific intention to live there for even. It is his home, if the people there do not consider him a traveller, inspite of his sojourn at other place where he may be putting up for ten or more days.

652. If a person lives at two places, for example, he lives in one city for six months, and in another for another six months, both of them are his home. And, if he adopts more than two places for his living, all of them are reckoned to be his home (Watan).

653. If a person reaches a place which was previously his home, but has since abandoned it, he

should not offer full prayers there, even if he may not have adopted a new home.

654. If a traveller intends to stay at a place continuously for ten days, or knows that he will be obliged to stay at a place for ten days, he should offer full prayers at that place.

655. If a traveller intends to stay at a place for ten days, it is not necessary that his intention should be to stay there during the night or the eleventh night. And as soon as he determines that he will stay there from sunrise on the first day up to sunset of the tenth day, he should offer full prayers. Same will apply if, for example, he intends staying there from noon of the first day up to noon of the eleventh day.

656. A person who intends to stay at a place for ten days, should offer full prayers if he wants to stay for ten days at that place only. If he intends to spend, for example, ten days in Najaf and Kufah, or in Tehran and Shemiran (two close towns), he should offer QA?r prayers.

657. If a traveller who wants to saty at a place for ten days, has determined at the very outset, that during the period of ten days, he will travel to surrounding places which are considered commonly as other places, and are less than four Farasakh away, and if the period of his going and returning is so pief, that it cannot be considered as infringement of his intention of staying there for 10 days, he should offer full prayers. Butifi it is considered as an infringement, then he should ray QA?r. For example, if he intends to be away from that place for a day and a night, then that prolonged period will be peaking the intention, and he will pray QA?r. But if he intends to be away for, say, half a day, even if returning after the evening sets in, it will not be considered as beaking the intention. Of course, if he travels frequently from that place, giving an impression that he is visiting two or more places, then he will pray QA?r.

658. If a traveller has decided to stay at a place for ten days, but at the same time considers it probable that he may have to leave earlier because of some hindrance, and if that suspicion is justifiable, he should offer shortened prayers.

659. If a traveller decides to stay at a place for ten days and abandons the idea before offering oneSalat consisting of four Rak'ahs, or becomes undecided, he should pray QA?r. But, if he abandons the idea of staying there after having offered one prayer consisting of four Rak'ahs, or wavers in his intention, he should offer full prayers as long as he is at that place.

660. If a traveller who has dcided to stay at a place for ten days, stays there for more than ten days, he should offer full prayers as long as he does not start travelling, and it is not necessary that he should make a fresh intention for staying for further ten days.

661. A traveller who decides to stay at a place for ten days, should keep the obligatory fast ; he may also keep Mustahab fast, and offer Nàfilah (recommended everyday prayers) of Tuhr, A?r and Isha

prayers.

662. If a traveller stays at a place unexpectedly for thirty days, like, if he remained undecided throughout those thirty days whether he should stay there or not, he should offer full prayers after thirty days, even it be for a short period.

663. An undecided traveller will offer full prayers after thirty days, if he stays for all thirty days at one place. If he stays for a part of that period at one place, and the rest at another place, he should offer QA?r prayers even after thirty days.

Miscellaneous Rules

664. A traveller can offer full prayers in the entire cities of Makkah, Madinah and Kufah. He can also offer full prayers in the Halal (allowed) of Imam Husayn (A.S.), upto the distance of nearly 11.5 metters from the sacred tomb.

665. If a person who knows that he is a traveller, and should offer QA?r prayers, intentionally offers full prayers at places other than the four mentioned above, his prayers are void. And the same rule applies, if he forgets that a traveller must offer QA?r prayers, and prays full. However, if he prays full forgetting that a traveller should offer shortened prayers, and remembers after the time has lapsed, it is not necessary for him to give the Qada.

666. If a person who knows that he is a traveller, and should offer shortened prayers, offers full prayers by mistake, and realises within the time for that prayer, he should pray again. And if he realises after the lapse of time, he should give Qada as a precaution.

667. If atraveller who does not know that he should shorten his paryers, offers full prayers, his paryes are in order.

668. If a traveller knew that he should offer shortened prayers, but did not know its details, like, if he did not know that shortened prayers should be offered when the distance of the jouney is of 8 Farsakh, and if he offers full prayers, he should, as an obligatory precaution repeat the pryers if he comes to know the rule within the time of prayer, and if he does not do that, he will give its Qada. But if he learns of the rule after the time has lapsed, there is no Qada.

669. If a person who should offer complete prayers, offers Qasr instead, his prayers are void in all circumstance ; and as an obligatory precaution, this will apply also when one ignorantly prays QA?r,

at a place where he decided to stay for 10 days.

670. If before the time of prayer lapses, a traveller who has not offered prayer reaches his hometown, or a place where he intends to stay for ten days, he should offer full prayer. And if a person who is not on a journey, does not offer prayer within the early time, and then proceeds on a journey, he should offer the prayer during his journey in shortened form.

671. If the Tuhr, A?r, or Isha prayers of a traveller, who should have offered QA?r prayers, becomes Qada, he should perform its Qada as QA?r, even if he gives Qada at his hometown or while he is not travelling. And if a non-traveller makes one of hte above three prayers Qada, he should perform its Qada as full, even if he may be travelling at the time he offers the Qada.

Qada Prayers

672. A person who does not offer his daily prayers within time, should offer Qada prayers even if he slept, or was unconscious during the entire time prescribed for the prayers. Similarly, Qada must be given for all other obligatory prayers, if they are not offered within time, and as an obligatory precaution this includes those prayers which one makes obligatory upon oneself by Nadhr (vow), to offer within a fixed period. But the prayers of Id-ul-Fitr and Id-ul-Adha have no Qada, and the ladies who have to leave out daily prayers, or any other obligatory prayers, due to Haydh or Nifas, do not have to give any Qada for them. And the rule of Qada forSalat-ul-ayat will be explained later.

673. If a person realises after the time for the prayer has lapsed, that the prayer which he offered in time was void, he should perform its Qada prayer.

674. A person having Qada prayers on him, should not be careless about offering them, although it is not obligatory for him to offer them immediately.

675. A person who has Qada prayer on him, can offer Mustahab prayers.

676. It is not necessary to maintain sequential order in the offering of Qada, except in the case of prayers for which order has been prescribed, like, Tuhr and A?r prayers or Maghrib and Isha prayers of the same day.

677. If a person knows that he has not offered a prayer consisting of four Rak'ahs, but does not know whether it is Tuhr or Isha, it will be sufficient to offer a four Rak'ah prayer with the intention of offering Qada prayer for the prayer not offered. And as far as reciting loudly or silently, he will have an option.<
678. If a person has a number of Fajr or Tuhr prayers Qada on him, and he does not know their exact number, or has forgotten, for example, he does not know whether they were three, four or five prayers, it will be sufficient if he offers the smaller numbar.

679. As long as a person is alive, no other person can offer his Qada on his behalf, even if he himself is unable to offer them.

Qada Prayers of a Father which Are Obligatory on the Eldest Son

680. If a person did not offer some of his obligatory prayers, and he has been able to offer their Qada, after his death it is upon his aldest son, as an obligatory precaurion, to perform those Qada prayers, provided that the father did not leave them as a deliberate act of transgression. Alternatively the son can hire someone to perform them. The Qada prayers of his mother is not obligatory upon him, though it is better if he performs them.

681. If the eldest son doubts whether or not his father had any Qada on him, he is under no obligatory.

682. If the eldest son knows that his father had a certain number of Qada prayers on him, but he is in doubt whether his father offered them or not, he should offer them, as an obligatory precaution.

Congregational Prayers

683. It is recommended that daily obligatory prayers are performed in congregation, and more emphasis has been laid on congregational prayers for Fajr, Maghrib and Isha, and also for those who live in the neighbourhood of a mosque, and are able to hear its Adhan. It is also recommended to perform other obligatory prayers in congregation, but validity of congregational prayer for Tawaf prayer andSalat-ul-ayat of other than eclipses is not established.

684. For the validity of congregation, it is a condition that there should be no obstruction between the Imam and the folliwer, nor between one follower and the other follower, who is between him and the Imam. An obstruction means something which separates them, regardless of whether it prevents seeing each other, like in the case of a curtain, or a wall, or does not prevent, like in the case of a glass wall. There fore, if there is an obstruction, at any time of the prayer, between Imam and the follower or between the followers themselves, thus peaking the link, congregation will be void. But women are exempted from this rule, as will be explained in due course.

685. If a person who is standing behind a piller is not linked with the Imam by another follower from either side, he cannot follow the Imam.

686. The place where Imam stands should not be higher than the place of the follower, unless the height is negligible. And, if the ground has a slope and the Imam is standing at the higher end, there will be no objection, providing the slope is small.

687. In the congregational prayer, there is no objection if the place where followers stand is higher than that of the Imam. But if it is so high, that it connot be considred that they have assembled together, then the congregation is not in order.

688. If a discerning child, one who is able to distinguish good from evil, stands between two persons in one line, thus causing a space gap, their prayer in congregation will be valid as long as they do not have knowledge about that child's salat having become void.

689. If after the Takbir of the Imam, the persons in the front row are ready for prayer and are about Takbir, a person standing in the back row.

690. If a person decides to separate himself during congregationalSalat into the intention of Furàdà without any excuse, the validity of his congregational prayer will be a matter of Ishkal, but hisSalat will be valid, except when he has not acted according to the rules related to Furàdà prayer, in which case, as an obligatory precaution, he should repeat the prayer, but if he has added or omitted something which does not invalidate the prayer when there is an excuse, it is not necessary to repeat it. For example, if he did not have the intention from the beginning to separate himself, and therefore did not recite Qira'ah, and decited in Rukê, his prayer will be valid when converted to Furàdà and it is not necessary to repeat it. This rule will apply also when one has added one Sajdah to follow the Imàm.

691. If a person joins the Imàm at the time of Rukê' and participates in Rukê of the Imàm, his prayer is in order, even if the Dhikr by the Imàm may have come to an end, and it will be treated as one Rak'ah. However, if he goes to Rukê and misses Imàm's Rukê, he can complete his prayer as Furàdà, or he can peak his prayer to reach the next Rak'ah.

692. If a person joins the Imàm when he is in Rukê' and as he bows, he doubts whether or not he reached the Rukê' of the Imàm, his congregational prayer will be valid if that doubt occurs after the Rukê' was over. Otherwise, he can complete his prayer as Furàdà, and he can peak his prayer to reach the next Rak'ah.

693. If a person joins the Imàm when he is in Rukê, but before he bows enough for Rukê, the Imàm raises his head from his Rukê, that person can peak his prayer to reach the next Rak'ah.

694. If a person joins the Imàm from the beginning of the prayer or during the time of al-A*amd and the other Sêrah, and if it so happens that, before he goes into Rukê, Imàm raises his head from Rukê, be in order.

695. The followers should not stand in front of the Imàm, and, as an obligatory precaution, when the followers are many, they should not stand in line with Imàm. But if there is only one male follower, he may stand in line with Imàm.

696. If the Imàm is a male and the follower is a female, and if there is a curtain or something similar between that woman and the Imàm, or between that woman and another male follower, while the woman is linked to the Imàm through that male, there is no harm in it.

697. As an obligatory precaution, the distance between the place where the follower performs Sajdah, and where the Imàm stands, should not be more than a long pace, and the same rule applies to a person who is linked with the Imàm through another follower standing in front.

698. If a follower is linked to the Imàm by means of a person, on his either side, and is not linked to the Imàm in front, the obligatory precaution is that he should not be at a distance of more than a long pace from his companions on either said.

699. If a person joins the Imàm in the second Rak'ah, it is not necessary for him to recite al-A*amd and Sêrah, but he may recite Qunêt and Tashahhud with the Imàm, and the precaution is that, at the time of reciting Tashahhud, he should keep the fingers of his hands and the anterior parts of the soles of his feet on the ground and raise his knees. And after the Tashahhud, he should stand up with the Imàm and should recite al-A*amd and Sêrah. And if he does not have time for the other Sêrah, he should complete al-A*amd and join the Iman in Ruku, and if he cannot join the Imam in Rukê, he can discontinue al-A*amd and join.

700. If a person joins the Imàm when he is in the second Rak'ah of theSalat having four Rak'ahs, he should sit after the two Sajdah in the second Rak'ah, which will be the third of the Imàm, and recite obligatory parts of Tashahhud, and should then stand up. And if he does not have time to recite the Tasbih at thrice, he should recite it once, and then join the Imàm in Rukê.

701. If Imàm is in the third or fourth Rak'ah, and one knows that if he joins him and recite al-A*amd he will not be able to reach him in Rukê, as an obligatory precaution, he should wait till Imàm goes to Rukê and then join.

702. If a person who knows that if he completes Sêrah or Qunêt, he will not be able to join the Imàm in his Rukê, yet he purposely recite Sêrah or Qunêt, and misses the Imàm in Rukê, his congregational prayer will be void, and should act accordingly to the rules of Furàdà prayers.

703. If a congregational prayer begins while a person is offering a Mustaa*ab prayer, and if he is not sure that if he completes his Mustaa*ab prayer, he will be able to join the congregational prayer, it is Mustaa*ab to abandon the Mustaa*ab prayer, and join the congregational praeyer, even for joining the first Rak'ah.

Qualification of an Imàm of Congregational Prayer

704. The Imàm of the congregational prayer should be:

* Adult (Bàligh)
* Sane
* Ithna Ashari Shiah
* Adil
* Of legtimate birth
* Able to offer the prayer correctly<br
* Furthermore, if the follower is a male, the Imàm also should be a male Adil is a person who performs the obligatory acts and abandons the A*aram acts, and the sign of Adalah is to be good outwardly provided that one does not know anything contrary to if.

705.If a person who once considered an Imàm to be Adil, doubts whether he continues to be Adil, he can follow him.
706. If Imàm, because of some justfied excuse, leads the prayer in a Najis dress, or with Tayammum, or Jabirah Wudu, it is permissible to follow him.

Rules of Congregational Prayers

707. When a follower makes his intention, it is necessary for him to specify the Imàm. But, it is not necessary for him to know his name. If he makes intention that he is following the Imàm of the present congregation, his prayer is in order.

708. It is necessary for the follower to recite all the things of the prayer himself, except al-A*amd and the other Sêrah. However, if his first or second Rak'ah coincides with third or fourth Rak'ah of the Imàm he should recite al-A*amd and the other Sêrah.

709. The follower should not say Takbirat-ul-Ihram before the Imàm. As a recommended precaution, he should not say the Takbir until the Takbir of the Imàm is completed.

710. The follower can say Salam of the prayer before the Imàm does it.

711. If a follower recites parts of prayer other than Takbirat-ul-Ihram, before the Imàm, there is no objection.

712. It is necessary for the follower that, other than those recited in the prayer, he should perform all acts like Rukê and Sajdah with the Imàm or a little after him, and if he performs them intentionally before the Imàm, or after a considerable delay so that it can not be said that he is following the Imàm, his congre gational prayer becomes void-H0wevere, if he converts to Furada, prayer will be in order.

713. If a follower stands up from Rukê' before the Imàm by mistake, and if the Imàm is still in Rukê, he (the follower) should, as a precaution, return to Rukê, and then stand up with the Imàm. In this case, the extra Rukê, which is a Rukn, will not invalidate the prayer, and if he does not return to Rukê intentionally, his congregational prayer will become, as a precaution, void, but his prayer will be in order, as explained in the rule no 696. However, if the follower returns to Rukê, but Imàm stands up before the follower reaches him, as a precaution, the prayer of the follower will be void, as explained in the rule no 690.

714. If a follower sits up from Sajdah by mistake, and sees that the Imàm is still in Sajdah, as a precaution, he should return to Sajdah, and if this happens in both the Sajdahs, the prayer will not be void, although a Rukn (two Sajdahs) has been added.

715. If a person sits up from Sajdah before the Imàm by mistake, and as he returns to Sajdah he realises that the Imàm has already sitten up, his prayer is in order. But if this happens in both the Sajdahs, as a precaution, his prayer is void.

716. If a follower stands up from Rukê or sits up from Sajdah before Imàm by mistake, and does not return to Rukê or Sajdah forgetfully, or thinking that he will not reach the Imàm, his congregational prayer is in order.

717. If a follower goes to Rukê before the Imàm by mistake, and realises that if he stands up, he may reach some part of the Qira'ah (Sêrah) of the Imàm, and if he does so then goes to Rukê again with the Imàm, his prayer is in order. And if he does not return intentionally, his congregational prayer is, as a precaution, void, but his prayer will be in order as explained in rule no 696.

718. If Imàm mistakenly recites Qunêt in a Rak'ah which does not have Qunêt, or recites Tashahhud in a Rak'ah which does not have Tashahhud, the follower should not recite Qunêt or Tashahhud. But, he cannot go to Rukê before the Imàm or rise before the Imàm raises. In face, he should wait till the Qunêt or Tashahhud of Imàm ends, and offer the remaining prayer with him.

Guidelines for Imam and the Follower

719. If there is only one male follower, it is Mustaa*ab that he stands at the right hand side of Imàm, and if there is only one female follower, she stands in the same direction, but slightly behind so that when she goes to Sajdah, her head is at least in line with Imàm's knees. If there is one male, and one or more females in the congregational, it is recommended that the male positions himself to the right of Imàm, and the females all stand behind Imàm. When there are several men and one or several women in the congregation, it is recommended that the men stand behind Imàm, and the women behind the male followers.

720. If Imàm and the followers are all women, the obligatory precaution is that all of them should

stand in a line, and the Imàm should not stand in front of others.

721. It is Mustaa*ab that the Imàm positions himself in front of the middle of the line, and the learned and pious persons occupy the first row.

722. It is Mustaha that the rows of the congregation are properly arranged, and that there be no gap between the persons standing in one row, and all stand shoulder to shoulder.

723. It is Mustaa*ab that after reciting `Qada qamatis-salah`, the followers should rise.

724. If there is vacant space in the rows of the congregation, it is Makruh for a person to stand alone.

725. It is Makruh for the followers to recite the Dhikr in the prayer in such a way that Imàm hears them.

726. Salat-ul-Ayat becomes obligatory due to the following three events:

Solar Eclipse

Lunar Eclipse

The prayer becomes Wajib even if the moon or the sun are partially eclipsed, and even if they do not engender any fear.

Earthquake, as an obligatory precaution, even if no one is frightened. This prayer will not become obligatory in cases other than the above three cases.

727. Offering ofSalat-ul-Aayat is obligatory for the residents of only that place in which the event takes place. It is not boligatory for the people of other places.<br
728. The time ofSalat-ul-Aayat sets in, as the eclipse starts, and remains till the eclipse is over.

729. If a perosn delays offering ofSalat-ul-Aayat till the sun or the moon starts coming out of eclipse, the intention of Ada' (i.e. praying within time) will be in order, but if he offers the prayer after the eclipse is over, he should make an intention of Qada.

730. When eathquake tokes place,Salat-ul-Ayat should be offered immediately, so that it would not be considered commonly as delayed prayer. If one delays the prayer, it will become unnecessary.

731. If a person did not know about the sun or the moon eclipse, and came to know after the eclipse was over, he should give its Qada’ if it was a total eclipse. And if he comes to know that the

eclipse was partial, Qada' will not be obligatory.

732. If a person is satisfied with the statement of persons who know the time of solar or lunar eclipse according to scientific calcuation, he should praySalat-ul-Ayat. Also, if they inform him that the sun or moon will be eclipsed at a particular time, and give him the that duration of the eclipse, he should accept their words and act accordingly, provided he is fully satisfied with them.

733. If solar or lunar eclipse or earthquake take place when a woman is in her menses or Nifas, it will not be obligatory for her to offerSalat-ul-Ayat, nor is there any Qada upon her.

Method of OfferingSalat-ul-Ayat

734. Salt-ul-Ayat consists of two Rak'ahs, and there are five Rukê in each. Its method is as follows: After making intention of offering the prayer, one should say Takbir (Allahu Akbar) and recite Surat-ul-Fatihah (al-A*amd) and the other Sêrah, and then perform the Rukê. Thereafter, he should stand and recite Surat-ul-A*amd and another Sêrah and then perform another Rukê. He should repeate this action five times, and when he stands after the fifth Rukê, he should perform two Sajdah, and then stand up to perform the second Rak'ah in the same manner as he has done in the first. Then he should recite Tashahhud and Salam.

735.Salat-ul-Ayat can also be offered in the following manner:

After making intention to offerSalat-ul-Ayat, a person is allowed to say Takbir and recite al-A*amd and then divide the verses of the other Sêrah into five parts, and at first recite one verse or more or less (if it is less than a verse, as a precaution, it must be a complete sentence and one should start from the beginning and does not content himself with uttering only Bismilah), and thereafter perform the Rukê. He should then stand up and recite another part of the Sêrah (without reciting al-A*amd) and then perform another Rukê. He should repeat this action, and finish that Sêrah before performing the fifth Rukê. For example, he may say: `Bismi-llah-ir-rahman-ir-rahim. Qul a'udhu bi-rabb-il-falaq. with the intention of reciting surat- ul-falaq, and perform the Rukê. He should then stand up and say, `Min sharri ma khalaq`, and perform another Rukê. He should then stand up and say,` Wa min sharri ghasiqin idha waqab`, and perform the third Rukê. Thereafter he should satnd up again and say, Wa min sharri-in-naffathati fil-uqad `, and perform the fourth Rukê. Then he should stand up again and say, Wa mi sharri hasidin idha hasad`, and then after standing up again perform two Sajdah and then rise for the second Rak'ah, and perform it in the same way as the first Rak'ah. At the end, he should recite Tashahhud and Salam after the two Sajdah. It is also permissible to divide a Sêrah into less than five parts. In that event, however, it is necessary that when the Sêrah is over, one should recite al-A*amd before the next Rukê.

736. The things which are obligatory or recommended in daily prayers are also obligatory or recommended inSalat-ul-Ayat. However, ifSalat-ul-Ayat is offerd in congregation, one may say, `As-

salah`, three times in place of Adhan and Iqamah. If the prayer is not being offered in congregation, it is not necessary to say anything. But it is not established that congregational prayer inSalat-ul-Ayat is valid, except for eclipse.

737. It is Mustaa*ab that the person offeringSalat-ul-Ayat should say Takbir before and after Rukê; and after the fifth and tenth Rukê it is not recommended to say Takbir, but it is recommended to say, `Samia-llahu li-man hamidah `.

738. It is Mustaa*ab that Qunêt be recited before the second, fourth, sixth, eighth and tenth Rukê, but it will be sufficient if Qunêt is recited only before the tenth Rukê.

739. Every Rukê ofSalat-ul-Ayat is a Rukn, and if any addition or deduction intentionally takes place in them, the prayer is vold. The same rule applies when an omissiqn takes place inadvertently, or, as a precaution, when an addition is made to it unintentionally.

Id-ul-Fitr and I'd-ul-Adhha Prayers

740. Id-ul-Fitr and I'd-ul-Adhha prayers are obligatory during the time of Imàm (A.S.), and it is necessary to offer them in congregation. However during the present times when the Holy Imàm is in Occultation, these prayers are Mustaa*ab, andmay and may be offered indiviadually as well as in congregation.

741. The time for Id prayer is from sunrise till Tuhr of the Id day.

742. It is Mustaa*ab that I'd-ul-Adhha prayer be offered after sunrise. As for Id-ul-Fitr, it is Mustaa*ab that one have a peakfast after sunrise, pay Zakat-ul-Fitrah and then offer Id prayer.

743. Id prayer has two Rak'ahs. In each Rak'ah, a person should recite al-A*amd and a Sêrah and then say three Takbirs and it is better to say five Takbirs in the first Rak'ah, and between each two Takbirs recite one Qunêt. After the fifth Takbir, he should say another Takbir and then perform Rukê and two Sajdah. He should then stand up and say four Takbirs in the second Rak'ah, and recite Qunêt between each two of these Takbirs. Thereafter, he should say another Takbir after the fourth Takbir, and then perform Rukê and two Sajdah. After the second Sajdah he should recite Tashahhud, and then complete the prayer with Salam.

744. Any recital or supplication will suffice in Qunêt of the Id Prayer. However, it is better that the following supplication is recited: `Allahumma ahl-al-Kipiya'i wal-azamah, waahl-al-judi wal-jabarut, waah-al-afwi war-rahamah, waahl-at-taqwa wal-ma ghfirah: as’alukabi-haqqi hadhal-yawm-il-aldhi laaltahul-il-musilmina ida, wali-muhammadin salla-llahu alayhi wa alihi dhukhran wa sharafan wa Karamatan wa mazida, an tus alliya ala Mua*ammadin wa ali Mua*ammad, wa an tudkhilani fi kulli khayrin adkhalta fihi Muhammadan wa ala Muhammad, wa an tukhrijani min kulli su in akhrajta

minhu Mua*ammadan wa ala Mua*ammad, salawatuka alayhi wa alayhim. Allahumma inni as'aluke khayra ma sa'alayka bihi ibadukas-salihun, wa a udhu bika mimma-staadha minhu ibadukal-mukhlasun.

745. It is Mustaa*ab that the following Takbirs be said on Id-ul-Fitr night (i.e., night preceding the Id day), after Maghrib and Isha prayers, and on Id day ofter Fajr prayer, as well as after 'id-ul-Fitr prayer: Allahu akbar. Allahu akabar, La ilaha illa-llahu wallahu akbar. Allahu akbaru wa li-llahil-A*amd. Allahu akbaru ala ma hadana.

745. In I'd-ul-Adhha, it is Mustaa*ab, that the above mentioned Takbirs be said after ten prayers, of which the first is the Tuhr prayer of Id day and the last is the Fajr of the 12th of Dhul-A*ijjah. It is also Mustaa*ab that after the above mentioned Takbirs, the following be recited: Allahu akbaru ala ma razaqana min bahimat-il-an am, wal-A*amdu li-llahi ala ma ablana.

If, a person happens to be in Mina on the day of I'd-ul-Adhha, it is mustahab that he should say these Ta kbirs after fifteen paryers, of which the first is Tuhr prayer of Id day, and the last is the Fajr prayer of the 13th of Dhul-A*ijjah.

746. Like in all other congregational prayers, the follower should recite everything in the Id prayer, except al-A*amd and the other Sêrah.

747. If a follower joins the prayer at a time when the Imàm has already said some Takbirs, he should, while the Imàm performs Rukê, say all the Takbirs and Qunêt which he has missed and then reach the Rukê of Imàm, and it will be suffucuent if in each Qunêt he says: 'Subhana-llah' or Al-A*amdu li-llah only once. And if he has not enough time, he should say Takbirs only, and if even this is not possible, it is enough to follow Imàm and go to Rukê.

748. If a person joins the Id prayer when the Imàm is in Rukê, he can make intention, say the first Takbir of the prayer, and then go into Rukê.<

Hiring a Person to Offer Prayer

749. After the death of a person, another person can be en gaged to offer, on payment of wages, those prayers and other acts of worship which the dead person did not offer during his lifetime. And it is also in order if a person offers the services without taking payment for it.

750. A person can acce engagement to offer some Mustaa*ab acts like Ziyarah, 'Umrah, A*ajj, on behalf of the living persons. Also he can perform some Mustaa*ab acts, and dedicate their reward to living or dead persons.

751. At the time for making intention, the hired person must specify the dead person, but it is not

necessary that he should know his/her name. Hence, it is enough if he intends: 'I am offering prayers for the person on whose behalf I am hired'.

752. The hired person should act with the intention that he is acting to discharge the obligation of the dead person. It will not be enough if he performs and dedicates its reward to the dead person.

753. If it transpires that the person hired for offering prayers for a dead person has not performed it, or has performed incorrectly, another person should be hired for the purpose.

754. Observing order is not obligatory for the Qada prayers of a dead person, except in the case of prayers whose performance is prescribed in an order, like, Tuhr and A?r prayers or Maghrib and Isha prayers of one day, as has been mentioned earlier. But if one is hired to perform acts accoerding to the verdicts of the Marja of the dead person or of his guardian, and that Marja deems the order of the prayers necessary, then he should observe the orders.

755. If it is not agreed with the hired person how many Mustaa*ab acts he should perform, he should perform as much as is usual.

[1]- Ziwal or I^uhr according to Shari'ah is the time half of the day is passed, for example if the day is twelve hours, Zuhur will be sin hours after the sun rise; and if it is thirteen hours, I^uhr will be six and a half hours after the sun rise; and if the day is eleven hours, then I^uhr will be five and a half hours after the sun rise.

Fasting

Fasting means that a person must, in order to do homage to Allah, from the time of Adhan for Fajr prayer up to Maghrib, avoid nine things which will be mentioned later.

Intention for Fasting

756. It is not necessary for a person to pass the intention for fasting through his mind or to say that he would be fasting on the following day. In face, it is sufficient for him to decide that in order to do homage to Allah he will not perform, from the time of Adhan for Fajr prayer up to Maghrib, any act which may invalidate the fast. And in order to ensure that he has been fasting throughout this time he should begin abstaining earlier than the Adhan for Fajr prayer, and continue to refrain for some time after Maghrib from acts which invalidate a fast.

757. A person can make intention every night of the holy month of Ramad an that he would be fasting on the following day.

758. The last time for making intention to abserve a fast of Ramad on for a conscious person, is the time of Adhan of Fajr prayer. This means he should, as an obligat ory precaution, be inten upon fasting at that time, even if in his uncon scious heart.

759. As for Mustahab fast one can make its intention at any time in the day, even moments before Maghrib -provided he has not committed any such act which invalidates the fast.

760. If a person sleeps before Adhan for Fajr prayer in Ramaèàn or any other day fixed for an obligatory fast without making an intention, and wakes up before Tuhr to make an intention of fast, his fast will be in order. But if he wakes up after Tuhr, as a precaution he should continue the abstinance with the intention of Qurban and then give its Qada also.

761. If a person intends to keep a fast as Qada or Kaffarah, he should specify that fast; for example, he should spicify it as the Qada fast or as Kaffarah. On the other hand, it is not necessary for a person to spicify, in his intention, that he is going to observe a fast of Ramadan. If a person is not aware or forgets that it is the month of Ramaèàn and makes an intention to observe some other fast it will be considered to be the fast of Ramaèàn. And in the fast of vow or the like, making intention of vow etc. is not necessary.

762. If a person did not know or forgot that it was the month of Ramaèàn, and takes notice of this before Tuhr and if he has performed some act which will invalidate a fast, his fast is void. But, he should not perform any act which invalidates a fast till Maghrib, and should also observe Qada of that fast after Ramaèàn. And if he learns after Tuhr that it is the month of Ramaèàn he should, as an obligatory precaution, make the intention of fast as Raja, and offer its Qada after Ramaèàn. But if he learns before Tuhr, and he has not done anything which would invalidate his fast, he should make the intention of fast, and his fast will be valid.

763. If a patient recovers from his illness in the middle of a day in the month of Ramaèàn, before Tuhr, and if he has not done anything to invalidate the fast, he should, as an obligatory precaution make intention and fast. But if he recivers after Tuhr, it will not be obligatory on him to fast on that day, and he should observe its Qada.

764. If one doubts whether it is the last day of Sha'ban or the first day of Ramaèàn then the fast on that day is not obligatory. If however, somebody wants to observe fast on that day he cannot do so with the intention of Ramaèàn then it is the Ramaèàn fast and if it is not Ramaèàn then it is Qada fast or some other fast like that, his fast will be valid. But it is better to observe the fast with the intention of Qada fast or some other fast, and if it is know nlater that it was Ramaèàn then it will automatically be considered as Ramaèàn fast. And even if he makes a usual intention of fast, and

later it becomes known that it is Ramaèàn, it will be sufficient (i.e. that fast will be counted as the Ramaèàn fast).

765. If, while observinga Mustoh ab fast or an obigatory fast the time of which is not fixed (e-g-a fast for kaffaarah) a persah intendsto peak the fast or wavers wheher or not he should do sa, and if he does not peak it, he should make afresh intention befor Zuhr in the case of an ob ligatory fast, and before Maghrib in the case of a Mustahob fast. That way his fast will be in order.

Things Which Make a Fast void

766. There are eight acts which invalidate fast:

(i) Eating and drinking.
(ii) Sexual intercourse.

(iii) Masturabtion (Istimna') which means doing some act with oneself or another person other than intercourse, resulting in ejaculation.

(iv) Ascribing false things to Almighty Allah, or the Holy Prophet or to the successors of the Holy Prophet, as an obligatory precaution.

(v) Allowing thick dust to reach the throat, as an obligatory precaution.
(vi) Remaining in Janaban or Haydh or Nifas till the Adhan for Fajr prayer.
(vii) Enema with liquids.
(viii) Vomiting intentionally.

Details of these acts will be explained in the following articles.

I. Eating and Drinking

767. If a person eats or drinks something intentionally, while being conscious of fasting, his fast becomes void, irrespective of whether the thing which he ate or drank is usually edible or drinkable (like pead or water) or not (like earth or the juice of a tree) and whether it is much or little; even if a person, who is fasting, takes the tooth push out of his mouth and then puts it back into his mouth, swallowing its liquid, his fast will be void, unless the moisture in the tooth push mixes up with the saliva in such a way that it may no longer be called an external wetness.

768. If a person who is fasting eats or drinks something forgetfully, his fast does not become invalid.

769. Injection of drugs or liquids does not invalidate the fast, even if they are strengthening drugs or food suppliments or dextrose or saline water. Also the inhalers do not invalidate the fast, provided that they allow the drug enter the lungs only. Using drugs in eyes or ears do not make the fast void too, even if their taste reach the throat, and using drugs in the nose does not invalidate the fast, if they do not reach the throat.

770. If a person observing fast intentionally swallows something which remained in between his teeth, his fast is invalidated.

771. Swallowing saliva does not invalidate a fast, although it may have collected in one's mouth owing to thoughts about sour things etc, and also there is no harm in swallowing one's phlegm or mucus from head and chest.

772. If a person observing fast becomes so thirsty that he fears that he may die of thirst or sustain some harm or rxtreme hardship which is in tolerable for him, he can drink as much water as would ensure that the fear is averted; this is even obligatory in the case of fear of death. However, his fast becomes invalid, and if it is the month of Ramaèàn, as an obligatory precaution, he should not drink more than that, and then for the rest of the day, refrain from all acts which would invalidate the fast.

773. A person cannot abandon fast on account of weakness. However, if his weakness is to such an extent that fasting becomes totally unbearable, there is no harm in peaking the fast.

II. Sexual Intercourse

774. Sexual intercourse invalidates the fast, even if the penetration is as little as the glans of the male organ, and even if there has been no ejaculation.

III. Istimna (Masturbation)

775. If a person, who is observing fast, performs masturbation (Istimna), his fast becomes void. (The meaning of Istimna has been given in rule no. 773/iii.)

776. If semen is discharged from the body of a person involuntraily, his fast does not become void.

777. Even if a person observing fast knows that if he sleeps during the day time he will become Muhtalim (i.e. semen will be discharged from his body during sleep) it is permissible for him to sleep. And if he becomes Muhtalim, his fast does not become void.

778. If a person who is observing fast, wakes up from sleep while ejacualtion is taking place, it is not obligatory on him to stop it.

IV. Ascribing lies to Allah and the Holy Prophet

779. If a person who is observing fast, intentionally ascribes something false to Allah or the Prophet (s.a.w.a.)or Imàms (a.s.), verbally or in writing or by making a sign, as an obligatory precaution his fast becomes void, even if he may at once retract and say that he has uttered a lie or may repent for it.

V. Letting Dust Reach One's Throat

780. On the basis of obligatory precaution, allowing black dust to reach one's throat makes one's fast void, whether the dust is of something which is lawful to eat, like flour, or of something which is unlawful to consume like dust of earth.

781. As an obligatory precaution, a person who is observing fast, should not allow the smoke of cigarettes, tobacco, and other similar things to reach his throat.

VI. Remaining in Janabah or Haydh or Nifas Till Fajr Time

782. If a person in Janabah does not take Ghusl intentionally till the time of Fajr prayer, or if his obligation is to do Tayammum, wilfully does not do it, he should complete the fast of that day and also fast in another day, and because it is not known that this is Qada or a fine, he should both fast that day of the month of Ramadan with the intention of what is his obligation, and fast another day instead of it, but not with the intention of Qada.

783. If a person who wants to fast as Qada of a fast of the month of Ramaèàn, remains in Janabah till the time of Fajr prayer, he can not fast that day, but if this is not intentionally, he can fast, though the precaution is to abandon it.

784. If a person in Janabah does not take Ghusl intentionally till the time of Fajr prayer, for obligatory fasts other than those of the month of Ramaèàn or their Qada, which have fixed days similar to those of Ramaèàn, his or her fast will be in order.

785. If a person enters the state of Janabah during a night in the month of Ramaèàn, and does not take Ghusl intentionally till the time left before Adhan is short, he/she should perform Tayammum and observe the fast.

786. If a person who does not have time for Ghusl or performing Tayammum, gets intentionally into state of Janabah in a night of Ramaèàn, his fast will be void and it will be obligatory upon him to give Qada of that fast, as well as Kaffarah.

787. If a person knows that he has not enough time for Ghusl and goes into state of Janabah and then performs Tayammum, or while he has enough time, delays intentionally the Ghusl till the time becomes short and then performs Tayammum, his fast is in order, though he has commited a sin.

788. If a person is in Janabah during a night in Ramad'an and knows that if he goes to sleep he will not wake up till Fajr, he should, as an obligatory precaution, not sleep before Ghusl and if he sleeps before Ghusl and does not wake up till Fajr, his fast is void, and Qad'aa and Kaffarah become obligatory on him.

789. If a person observing fast becomes Muh'talim during day time, it is not obligatory on him to do Ghusl at once.

790. When a person wakes up after Adhan for the Fajr prayer and finds that he has become Muhtalim his fast is in order, even if he knows that he become Muhtalim before the Fajr prayer's time.

791. If a woman becomes pure (Naqiyyah) from Haydh or Nifas before the time of Fajr prayer in the month of Ramaèàn and intentionally does not do Ghusl, or when her obligation is Tayammum she does not it, she should complete the fast of that day and fas tanother day as its Qada'. And if one intentionally abandons the Ghusl or Tayammum in a Qada fast of the month of Ramaèàn, as an obligatory precaution she cannot fast in that day.

792. If a woman becomes pure from Haydh or Nifas in a night of the month of Ramaèàn, and does not perform Ghusl till the time remained for it becomes short, she should perform Tayammum and the fast of that day will be in order.

793. If a woman becomes pure from Haydh or Nifas before the time of Fajr prayer in the month of Ramaèàn and she has no time to do Ghusl, she should perform Tayammum. But it is not necessary for her to remain awake till the time of Fajr prayer. The same rule applies to a person whose obligation is Tayammum after getting into the state os Janabah.

794. If a woman gets pure from Haydh or Nifas just near the time of Fajr prayer in the month of Ramaèàn, and has no time left for Ghusl or Taymmum, her fast is valid.

795. If a woman gets pure from Haydh or Nifas after the Fajr, or if Haydh or Nifas begins during the day though just near the Maghrib time, her fast is void.

796. If a woman forgets to do Ghusl for Haydh or Nifas and remembers it after a day or more, the fasts that she has observed will be valid.

797. If a woman is in a state of excessive Istihadah, her fast will be valid even if she does not carry

out the rules of Ghusls as explained in rule no 215 this is like the fast of a woman who is in the medium Istiadah, which will be in order even if she does not do the Ghuslsprescribed for her.

798. A person who has touched a dead body (i.e. has pought any part of his own body in contact with it) can observe fast without having done Ghusl for touching a dead body, and his fast does not become void even if he touches the dead body during the fast.

VII. Enema

799. If liquid enema is taken by a fasting person, his fast becomes void even if he is obliged to take it for the sake of treatment.

VIII. Vomiting

800. If a fasting person vomits intentionally, his fast becomes void, though he may have been obliged to do so on account of sickness. However, the fast does not become void, if one vomits forgetfully or involuntarily.

801. If a fasting person can stop vomiting which is happening by itself, it is not necessary to stop it.

802. If a fasting person belches and something comes out into his throat or mouth, he should throw it out, however if it is swallowed unintentionally, his fast is in order.

Rules Regarding Things which Invalidate a Fast

803. If a person intentionally and voluntarily commits an act which invalidates fast, his fast becomes void, but if he commits such an act unintentionally, there is no harm in it (i.e. his fast is valid). However, if a person in Janabah sleeps and does not do Ghusl till the time of Fajr prayer, in certain cases explained in detailed rules, his fast is void. And if a person due to ignorance of the rule that a certain act will invalidate the fast not neglecting in learning it, or due to reliance upon some authority which he thought was genuine, unhesitatingly commits an act which invalidates the fast, his fast will not be void, except in the cases of eating, drinking and sexual intercourse.

804. If a fasting person forgetfully commits an act which invalidates fast and thinking that his fast has become void, commits intentionally another act which invalidates fast, the rule will be like the previous rule.

Obligatory Qada Fast and Kaffarah

805. In the following situations, both Qada and Kaffarah become obligatory, provided these acts are committed intentionally, voluntarily and without any force or pressure, during the fasts of

Ramaèàn:

(i) Eating
(ii) Drinking
(iii) Sexual Intercourse
(iv) Masturbation
(v) Staying in the state of Janabah till the time of Fajr prayer

806. If a person commits any of the foregoing acts with an absolute certitude that it does not invalidate fast, Kaffarah will not be obligatory on him. The same rule applies when a person did not know that fasting was obligatory upon him, like persons in the beginning of Bulugh.

Kaffarah for Fast

807. The Kaffarah of leaving out a fast of Ramaèàn is to:

(a) free a slave, or (b) fast for two months or (c) feed sixty poor to their fill or give one Mudd (about ¾ kg) of food-stuff, like wheat or barley or pead etc. to each of them. And if it is not possible for him to fulfil any of these, he should give Sadaqah (charity) according to his means and if this too is not possible, he should seek Divine forgiveness, and the obligatory precaution is that he should give Kaffarah as and when he is capable to do so.

808. A person who intends fasting for two months as a Kaffarah for a fast of Ramaèàn, should fast continuously for one month and one day, and it would not matter if he did not maintain continuity for completion of the remaining fasts.

809. A person who intends fasting for two months as a Kaffarah for a fast of Ramaèàn, should not commence fasting at such time when he knows that within a month and one day, days will fall when it would be forbidden or obligatory to fast, like 'Id-ul-dha***.

810. If a person who must fast continuosly, fails to fast on any day in the period without any just excuse, he should commence fasting all over again.

811. If a person who must fast continuously, is unable to maintain the continuity due to an excuse beyond control, like Haydh or Nifas or a journey, which one is obliged to undertake, it will not be obligatory on him/her after the excuse is removed, to commence fasting again from the beginning. He/she should proceed to observe the remaining fasts.

812. If a person peaks his fast with something Halal (allowed), one Kaffarah will be sufficient.

813. If a person in a day of Ramaèàn repeats an act which invalidates fast like eating, drinking,

sexual intercourse or masturbation, one Kaffarah will be suuficient for all.

814. If a fasting person belches and then swallowes intentionally that which comes in his mouth, as an obligatory precaution his fast becomes void and he should give its Qada and Kaffarah also.

815. If a person takes a vow that he would fast on a particular day, and if he invalidates his fast intentionally on that day, he should give Kaffarah, the one for which one becomes liable upon peaking a vow. The details will come in the relevant Chapter.

816. When a person is required to feed sixty poor by way of Kaffarah for one fast, and if he has access to all of them, he cannot lessen their number and give them the total Kaffarah, for example give two Mudds of food to each of thirty persons, and content himself to it. However, he can give to a poor person one Mudd of food for each member of his family, even if they may be minors, and the poor person accepts it as an agent of his family or as a guardian of the minors. And if one cannot find sixty poor persons, but can find fewer, say thirty persons, he can give two Mudds to each of them, but as an obligatory presaution, he should give food to another thirty persons, one Mudd to each, whenever possible.

817. If a person offering Qada of a fast of Ramaèàn intentionally peaks his fast after Tuhr, he should give food to ten poor persons, one Mudd to each, and if he cannot do this, he should observe fast for three days.

Occasions on which it is obligatory to Observe the Qada Only

818. In cases like the following cases it is obligatory on a person to observe a Qada fast only and it is not olbigatory on him to give a Kaffarah:

(i) If he forgets to do Ghusl of Janabah during the month of Ramaèàn and fasts for one or more days in the state of Janabah.
(ii) If in the month of Ramaèàn, a man without investigating as to whether Fajr has set in or not, commits an act, which invalidates a fast, and it becomes known later that it was Fajr.
(iii) If a person peaks his fast relying on the statement of another person whose statement is proof, or the person thinks that his statement is proof, and it is known later that Maghrib had not set in.
(iv) When one rinses his mouth with water because it has dried due to thirst and the water uncontrollably goes down one's throat. But if he forgets that he has kept a fast, or if he does the mouthwash not because of thirst, and water is uncontrollably swallowed, there will be no Qada'.

819. If a fasting person puts something other than water in his mouth and it goes down the throat involuntarily, or puta water in his nose and it goes down involuntarily, it will not be obligatory on him to observe Qada' of the fast.

820. If in the month of Ramaèàn, a person does not become aware, after investigation, of being Fajr and commits an act which invalidates a fast, and it is later known that it was Fajr already, it will not be necessary for him to offer Qada' of that fast.

821. If a person doubts whether or not Maghrib has set in, he cannot peak his fast. But if he doubts whether or not it is Fajr he can commit, even before investigation, an act which invalidates a fast.

Rules Regarding the Qada' Fasts

822. If a person did not fast on certain days because of some excuse and later doubts about the exact date on which the excuse was over, it will not be obligatory on him to offer Qada' basing his calculation on the higher number and it is sufficient to offer Qada' only for such a number of days that he is sure he has not fasted.

823. If a person has to give Qada for Ramaèàn fasts of several years, he can begin with the Qada of Ramaèàn of any year as he like.

824. If a person has Qada fasts of the month of Ramaèàn for several years, and while making intention he does not spicify to whcih year the fasts belong, they will not be reckoned to the Qada of the last year, for which giving Kaffarah of delaying is not necessary.

825. A person who observe sa Qada for the fast of Ramaèàn can peak his fast before Tuhr.

826. If a person does not fast in the month of Ramaèàn due to illness and his illness continues till next Ramaèàn, it is not obligatory on him to observe Qada of the fasts which he had not observed, but for each fast he should give one Mudd (near 3/4 kilos) of food, like wheat, barley, pead etc. to the poor. And if he did not observe fast owing to some other excuse, like, if he did not fast because of travelling and his excuse continued till next Ramaèàn, he should observe its Qada fasts, and the obligatory precaution is that for each day he should give one Mudd of food to the poor.

827. If a person did not fast in Ramaèàn due to illness, and his illness ended after Ramaèàn, due there emerged another excuse due to which he could not observe the Qada fasts till next Ramaèàn, he should offer Qada for the fasts which he did not observe basis of obligatory precaution, he will give one Mudd of food to the poor for each day. Alao, if he had an excuse other than illness during Ramaèàn, but that excuse anded after Ramaèàn, due he then fell ill and could not give Qada' till next Ramadan becausr of that illness, he will of fer the Qada'for the fasts he did not obsreve.

828. If a person does not observe fasts in the month of Ramaèàn owing to some excuse and his excuse is removed after Ramaèàn, yet he does not observe the Qada fasts intentionally till next Ramaèàn, he has to give Qada of the fasts and should also give one Mudd of food to the poor for each fast.

829. A person who has to give one Mudd of food to the poor for each day, can give the foods of Kaffarah of a few days to one poor person.

830. If a person does not observe fasts of the month of Ramaèàn intentionally, he should give their Qada and for each day left out, he should observe fast for two months or feed sixty poor persons or set a slave free, and if he does not observe the Qada till next Ramaèàn, he should, as an obligatory precaution, also give one Mudd of food for each day as a Kaffarah.

831. After the death of a person his eldest son, as an obligatory precaution, should observe his Qada fasts of Ramaèàn as explained in connection with the prayers earlier, or he can give one Mudd of food to a poor for each day, even if from the properties of the dead person with the permission of the heirs.

Fasting by a Traveller

832. A traveller for whom it is obligatory to shorten the four Rak'ah prayers to two Rak'ahs, should not fast. However, a traveller who offers full prayers, like, a person who is a traveller by profession or who goes on a journey for an unlawful purpose, should fast while travelling.

833. If a person does not know that the fast of a traveller is invalid and observe fast while journeying, and learns about the rule during the day, his fast becomes void, but if he does not learn about the rule till Maghrib, his fast is valid.

834. If a fasting person travels after Tuhr, he should, as a precaution, complete his fast and in this case Qada is not necessary. If he travels before Tuhr, he cannot as a precaution, fast on that day especiall when he had the intention to travel from the previous night. In any case, he cannot peak the fast till he has reached the limit of Tarakhkhus. If he does, he will be liable to give Kaffarah.

835. If a traveller in the month of Ramaèàn, regardless of whether he was travelling before Fajr, or was fasting and then undertook the journey, reaches his hometown or a place where he intends to saty for ten days before Tuhr, and if he has not committed an act which invalidates a fast, he should, as a precaution, fast on that day and in this case Qada is not necessary. But if he has committed such an act, it is not obligatory on him to fast on that day and he should offer its Qada'.

836. If a traveller reaches his hometown or a place where he intends to stay for ten days after Tuhr, as a precaution his fast will be void, and he should offer its Qada'.

People on Whom Fasting is Not Obligatory

837. Fasting is not obligatory on a person who cannot fast because of old age, or for whom fasting

causes extreme hardship. But in the latter case, he should give one Mudd of food to the poor for every fast.

838. Fasting is not obligatory on a person who suffers from a disease which causes excessive thirst, making it unbearable, or full of hardship. But in the latter case, that is, of hardship, he should give one Mudd of food to the poor, for every fast. If he recovers later, enabling him to fast, it is not obligatory to give Qada' for the fast.

839. Fasting is not obligatory on a woman in the end stages of pregance, for whom or for the child she carries fasting is harmful. For every day, however, she should give one Mudd of food to the poor. In both the cases, she has to give Qada for the fasts which are left out.

840. If a woman is suckling a child, whether she is the mother or a nurse or someone who suckles it free, and the quantity of her milk is small, and if fasting is harmful to her or to the child, it will not be obligatory on her to fast. And she should give one Mudd of food per day to the poor. In both the cases, she will later give Qada for the fasts left out. But as an obligatory precaution, this rule is specifically applicable in a circumstance where this is the only way of feeding milk to the child. But if there is an alternative, like, when more than one woman offer to suckle the child or the child feeds with bottle two, then establishing this rule is a matter of Ishkal.

Method of Ascertaining the First Dayod a Month

841. The 1st day of a month is established in the following four ways:

(i) If a person himself sights the moon.

(ii) If a number of persons confirm to have sighted the moon and their words assure or satisfy a person. Similarly, every other thing which assures or reasonably satisfies him about moon having being sighted.

(iii) If two just (Adil) persons say that they have sighted the moon at night, with conditions explained in detailed books.

(iv) If 30 days pass from the first of Sha'ban, the 1st of Ramaèàn and if 30 days pass from the lst of Ramadan the lst of shawwal will be established.

842. The 1st day of any month will not be proved by the verdict of a Mujtahid except when his verdict or establishment of the 1st of the month for him makes the person shure of the first of the month.

843. The first day of a month will not be proved by the prediction made by the astronomers.

However, if a person derives full astisfaction and certitude from their findings, he should act accordingly.

844. If the moon is high up in the sky, or sets, late, it is not an indication that the previous night was the first night of the month. Similarly, if there is a halo round it, it is not a proof that the new moon appeared in the previous night.

845. If the first day of a month is proved in a city, it is also proved in other cities if they are united in their horizon. And the meaning of having a common horizon in this matter is that if new moon was sighted in a city, there would be a distinct possibility of sighting it in the other cities, if there were no impediments, like the clouds etc, and this occours when the city situated to the west of the first city is near it in latitude. And if the city is on the east of the first city, the first of the month is established when the unity of the horizons is known, even by this idea that the time of staying of the moon on the first city's horizon is more than the difference between the time of sunsel in both cities.

846. If a person does not know whether it is the last day of Ramaèàn or the first of Shawwal, he should observe fast on that day, and if he comes to know during the day that it is the first of Shawwal, he should peak the fast.

Halal (allowed) and Makruh and Mustaa*ab Fasts

847. It is Halal (allowed) to fast on the day of I'd-ul-Fii`r and I'd-ul-Adhha. It is also Halal (allowed) to fast with the intention of the first day of Ramaèàn on a day about which he is not sure whether it is the last day of Sha'ban or the first of Ramaèàn.

848. It is Halal (allowed) for a wife to keep a Mustaa*ab fast if it is inconsisten with the right of the husband's interests. This rule applies also in obligatory fasts which have not certain fixed days, like a vow without fixed day, in which, as an obligatory precaution, the fast is void and it does not suffice for the vow. And if the husband forbids her to fast a recommended or non fixed obligatory fast, her fast is Halal (allowed), even if it is not inconsistent with his right. The recommended precaution is that.she should not observe a Mustaa*ab fast without his permission.

849. It is Halal (allowed) for the childeren to observe a Mustaa*ab fast if it causes emotional suffering to their parents.

850. If a son or daughter observes a Mustaa*ab fast without the permission of this or her father or mother, and his or her father or mother prohibits him or her from it during the day time, the child should peak the fast if his or her disobedience would hurt the feeling of his or her mother or father.

851. If a person knows that fasting is not considerably harmful to him, he shuold fast even if his

doctor advises that it is harmful. And if a person is certain or has a feeling that fasting is considerably harmful to him, it is not obligat ory to fast even if the doctor advises for it.

852. If a person is sure or has a certitude that it is considerably harmful for him to fast or considers it probable, and owing to that feeling, fear is created in his mind, and if that feeling is acceptable to the wise, it is not obligato ryto observe fast, and if that harm results in death or a defect in body, fasting is Halal (allowed). In cases other than this, if one fasts with the intention of Raja, and it is known later that it had not considerable harm for him, his fast will be in order.

853. Fasting is Mustaa*ab on every day of a year except those on which it is Halal (allowed) or Makruh to observe a fast. Some of these have been strongly recommended, which are explained in detailed books.

Khums

854. Khums is obligatory on the several things, of which we explain here two more important items, i.e. profit or gain from earning and amalgamation ofHalal (allowed) wealth with Halal (allowed); and other things like minerals and treasuretrove are explained in detailed books.

855. If a person earns by means of trade, industry or any other ways of earning, like earning some money by offering prayers and fasting on behalf of a dead person or if someone gives him a gift, providing that it exceeds the annual expenses for maintaining himself and his family, he should pay Khums (i.e. one fifth) or the surplus, in accordance with the rules which will be explained later.

856. There is no Khums liability on ?idàq (marriage settlement) which a wife receives, nor on the property which a husband gets in exchange of divorcing his wife by way of Khul nor on Diyah (blood money) received by someone; and the same rule applies to the property which one inherits. If a Shi'ite, however, inherits inherits from a source which is not accepted in our Islamic laws, like inheriting from a distant relative despite his heirs being present (Tasib), it will be considered a gain, and Khums will have to be paid from it. Similarly, if a person inherits from an unexpected source, neither from his father nor from his son, then as an obligatory precaution, he will pay Khums from that inheritance if it exceeds his annual expenses.

857. If a person inherits some property and knows that the person from whom he has inherited did not pay Khums from it, he (the heir) should pay its Khums. And if that property is itself not liable for Khums, but the heir knows that the person from the deceased’s estate. But in both the cases, if the person from whom he inherits did not believe in Khums, or never paid, it, then it is not necessary

for the heir to pay off the Khums owed by the dead.

858. If a person purchases a commidity, and after the transaction, pays its price from the money from which Khums has not been paid by him, the tranaction will be in order, but he will be indebted to those who deserve to receive Khums, for the sum he has paid to the seller.

859. If a Shi'ite (Ithna Ashariyyah) person purchases something on which Khums has not been paid, the Khums will be the liability of the seller, and the buyer is not responsible for anything.

860. If a person gives a gift to a Shi'ite (Ithna Ashariyyah), from which Khums has not been paid, one fifth of it is the liability of the donor himself, and one who gets the gift is not required to pay anything.

861. If a person acquires wealth from an unbeliever, or a person who does not believe in paying khums or does not pay Khums at all, it will not be obligatory for him, that is, the person who receives it, to pay Khums.

862. It is olbigatory on the merchants, the earners, the artisans, the employees and others like them, to pay Khums from whatever is in excess of their yearly expenses, when a year passes since they started earning. This rule applies also to the preachers and the like, even if their earning is in certain parts of a year only, provided that it suffices for the most expenses of the year, and also to a person who has not pay job to earn money for his life and profits by profits government or people or makes an unexpected gain; in all these cases one should pay Khums after a year has passed since he gained, on the savings which exceeds his expenditure for that year. Then he can calculate a year for each earning separately.

863. A peraon can pay Khums as and when he earns a profit during a year, and it is also permissible to delay payment of Khums till the end of the year. But if he knows that he will have no need to it till the end of the year, he should, as an obligatory precaution, pay its Khums immediately and there is no obj ect a an if adopts the solar year for the poy ment of khu ms.
864. If one makes a profit, but dies during the same year, his expenses till his death should be deducted fiom the profit, and Khums should be paid on the balance immediately.

865. If the price of a commodity one purchases for the purpose of business shoots up, and he does not sell it, and its price falls during the same year, it is not obligatory on him to calculate Khums on the increased prices.

866. If the price of a commodity which a person purchases for the purpose of business shoots up, and he does not sell it till after the end of the year, expecting that the price will rise, and then the price falls, it is obligatory, as a precaution for him to calculate Khums based on the increase in the

price.

867. If a person possesses some goods other than merchandise, from which Khums has been paid by him, if its price shoots up, and he sells it, he will pay Khums on the excess gained providing it exceeds his expenditure for that year. Similarly if a tree bears fruit, or a sheep which is kept for its meat becomes fat he should pay Khums on their excess.

868. If a person establishes a garden with a money, on which Khums has been paid or is not entitled to Khums, with the intention of selling it after its price goes up, he should pay Khums on the fruit, the growth of the trees and the saplings grown or which are planted, and dry twigs which could be cut and used and the increase in the price of graden. But, if his intention is to sell thefrut the fruit of trees and benefit from its value, paying the Khums of the excesss of the price is not obligatory, but he should pay Khums on rest.

869. If a person plants willow, plane tree and other trees like them, he should pay Khums on their growth every year. And similarly, if the panches of the trees which are cut every year, makes his income exceed his expenditure for the year, he should pay his Khums.

870. If a person has a few kinds of trade, for example, he trades both sugar and rice, if they are all considered as one business in gains and expenditures, benefits and losses etc., he should pay Khums at the end of the year from what exceeds his expenses. And if he makes a profit in one source and sustains loss in another, he can offset his loss of one with the profit of the other. But if he has two different businesses, like, if he is engaged in trade as well as farming or has two businesses considered as one but their accounts of benefits and expenditures are apart, he cannot, as an obligatory precaution, offest the loss in one with the profit made from the other.

871. A person can deduct from his profit, the expenditure which he incurs in making profit, like, on pokerage and transportation or losses occured in his instruments or equipments, and it is not necessary to pay Khums on that amount.

872. No Khums is payable on what one spends his profit during the year on food, dress, furniture, purchase of house, marriage of son, dowry of daughter, Ziyarah etc., provided that it is not beyond his status.

873. Whatever a person spends on Nadhr (vow) and Kaffarah is a part of his annual expenditure. Similarly, what he gives away as a gift or a prize is included in his annual expenditure, provided it is not beyond his status.

874. If a person is usually expected to prepare all the dowry for his daughter over a few years, and if it is deemed unbecoming for him not to give away any dowry, Khums will not be liable on what he purchases as a part of dowry during the year, provided it is within his means and preparing that

part of dowry in one year is commonly considered as usual yearly expenditure. But if he exceeds his means, or spends the prafit of one year to buy the dowry in the following year, he will pay its Khums.

875. Whatever a person spends for his journey to A*ajj or other Ziyarah (pilgrimages) is reckoned to be part of his expenditure of the year in which he spends it, and if his journey extends till part of the next year, he should pay Khums on what he spends during the second year.

876. If a person who earns profit from his work and trade, has some other property on which Khums is not liable, he can calculate his expenditure for the year from the profit earned from his work or business.

877. If s person purchases provision for his use during the year, with the profit made by him, and at the end of the year a part of it remains unused, he should pay Khums on it. And if he wants to pay its value, which may have incresed since he pought the provision, he should calculate the price prevailing at the end of the year.

878. If a person purchases household accessories with the profit earned by him before paying Khums, it is not necessary for him to pay Khums on them if their need ends after the year ends. There will no liability of Khums if their needs cases to exist during the year, but they must be those articles which are kept for following years, like the winter and summer dresses. Other than these articles, Khums will be, as an obligatory precaution, liable as soom as their need is over during that year. Also, when a woman no more needs her ornaments for adornment, Khums will not be liable.

879. If a person does not make any profit in the beginning of the year, and spends his capital, and then makes some profit before the year ends, he is allowed to deduct the amount spent from his capital, from the profit.

880. If a part of the capital is lost in trade etc., a person can deduct the lost amount from the profit made in the same year.

881. If something else other than capital is lost from his wealth, and he needs that thing during that every year, he can procure it from the profit, and Khums is not liable on it.

882. If a person does not make any profit throughout a year, and borrows money to meet his expenses, he cannot deduct the borrowed amount from the profit made by him during the succeeding years not paying its Khums. But, if he borrows money during the year to meet his expenses, and makes profit before the year ends, he can deduct the borrowed amount from his profit. Similarly, in the first case mentioned above, he can deduct his debt from the profit made during the year, and that part of the profit will not be liable for Khums.

883. If a person becomes liable for Khums and he has not paid it although ayear has passed, he cannot have any discretion over that property, before paying its Khums.

884. If a person who owes Khums makes a compromise with the Mujtahid, and takes responsibility for it, he can appropraite the entire property, and the profit he earns from it after the compromise, belongs to him and he should pay his debt gradually so that he may not be considered as engligent.

885. If one partner pays Khums on the profit made by him, and the other partner does not pay it, and he (the other partner) offers in the next year, as share of his capital, the property on which Khums has not been paid by him, the first partner who has paid Khums can have the right of disposal over that property, if he is a Shi'ite Muslim (Ithna Ashariyyah).

886. If a minor child profits in some way, even if he is given a gift, Khums becomes liable and it is obligatory upon his guardain to pay the Khums provided that the profit is not expended for his necessities during the year. But if the guardain does not pay it, the minor child will have to pay it when he attains puberty.

887. If a person acquires wealth from another person, and doubts whether or not he has paid Khums on it, he has a discretion over it. In fact, even if he is certain that the other person has not paid Khums on it, he has the discretion over it if he is a Shi'ite (Ithnaa Ashariyyah), and the other person does not pay Khums at all.

888. If a person purchases with the profit earned by him, a thing which is not supposed to be part of his needs and annual expenses, it is obligatory on him to pay Khums on it at the end of the year. And if he does not pay Khums, and the value of the things increases, he should pay Khums on its current value.

889. IfHalal (allowed) property gets mixed up with Halal (allowed) property in such a way that it is not possible to identofy each, from the other, of and the owner the Halal (allowed) propertyand its quantity are not known, and if it is also not known whether the quantity of the Halal (allowed) property is more or less than one fifth, the person concerned may pay Khums on it to make the balanceHalal (allowed), and as an obligatory precaution the Khums should be paid to one entitled to receive Khums and such payments as Radd-ul-mazalim.

890. IfHalal (allowed) property gets mixed up with Halal (allowed) property, and the person concerned knows the quantity of Halal (allowed) property, (irrespective of it being more or less than one fifth), but does not know its owner, he should give away that quantity as Sadaqah on behalf of its owner, and the obligatory precaution is that he should also obtain permission from the Mujtahid.

891. IfHalal (allowed) property gets mixed up with Halal (allowed) property, and the person

concerned does not know the quantity of Halal (allowed) property, but knows its owner, they may come to some compromise, but if they do not come to an agreement with each other, the person concerned should pay the owner a sum which would ensure that the amount due has been paid up. In fact, if the person concerned knows that it was due to his own negligence that the mix up occurred, then he should, as a precaution, pay more than what he feels might belong to the owner.

892. If a person pays khums on a property which hasHalal (allowed) mixed with Halal (allowed) parts, and learns later that the quantity of Halal (allowed) property was more than Khums, he should give the excess as Sadaqah, on behalf of the owner of the property.

893. If a person pays Khums on a property which has been mixed up, or gives some proeprty as Sadaqah on behalf of an unknown person, and if the owner turns up later, as an obligatory precaution, he must reimburse him his part, if he does not agree to the action taken.

894. If aHalal (allowed) property mixes up with Halal (allowed) property, and the quantity of the Halal (allowed) property is known, and the person concerned knows that the owner is one of a group, but cannot identify him, he should inform all of them. If one of them claims while others do not, or confirm the first person, he should hand over to the one who claimed. And if two or more people claim, he should refer to the Mujtahid for his decision after all attmepts at compromise and understanding have failed. And if all of them in the group showed no interest, or did not present themselves for a compromise, then he will draw lots to determine the owner, and as a precaution, the lost will be drawn by the Mujtahid, or his agent (Wakil).

Disposal of Khums

895. Khums should be divided into two parts. One part is the share of Sayyids (descendants of the holy Prophet, s.a.w.a.), which should be given to a Sayyid who is poor, or orphan, or who has become stranded without money during his journey. The second part is the share of Imam (A.S.), and during the present time it should be given to a fully qualified Mujtahid, or be spent for such purposes as allowed by, that Mujtahid. Asanobligatory precaution, that Mujtahid must be A`lam, and well versed in public affairs.

896. Ifa person can be given to a sayyid who may not be Adil, but it should not be given to a sayyid who is not Ithna Ashariyyah.

897. If a person claims that he is Sayyid, Khums cannot be given to him unless two just (Adil) persons confirm that he is a Sayyid, or if one is sure and satisfied in some way about him being a Sayyid.

898. Khums can be given to a person who is known as Sayyid in his home city, if one is not certain or satisfied about anything to the contrary.

899. If it is obligatory on a person to meet the xpenses of a Sayyid or a Sayyidah, who is not his wife, he cannot, on the basis of obligatory precaution give him/her food, dress and other essential items of subsistence from Khums. However, there is no harm if he gives him/her a part of Khums to meet some expenses other than those obligatory on him.

900. The obligatory precaution is that a needy Sayyid should not be given Khums in excess of his yearly expenses.

901. If a person is the creditor of a person who is entitled to receive Khums, and wants to adjust his debt againts Khums payable by him, he should, as an obligatory precaution, either seek the permission of a Mujtahid to do so, or give Khums to the deserving person and thereafter, the deserring persn returns it to him towards the debt. He can also become pkoxy of the deserving person, receiving Khums on his behalf, and then deduct his debt from it.

ZAKA`T

902. It is obligatory to pay Zakàt on the following things:

(i) Wheat
(ii) Barley
(iii) Dates
(iv) Raisins
(v) Gold
(vi) Silver
(vii) Camel
(viii) Cow
(ix) Sheep (including goat)
(x) As an obligatory precaution, upon the wealth in business (merchandise).

And if a person is the owner of any of these ten things he should, in accordance with the conditions which will be mentioned later, put their fixed quantity to one of the uses as prescribed.

Conditions for Obligatory of Zakàt

903. Payment of Zakàt becomes obligatory only when the property reaches the prescribed taxable limit, and when the owner of the property is a free person, and the property is his own possession.

904. If a person remains the owner of cow, sheep, camel, gold or silver for 11 months, the payment of Zakàt becomes obligatory for him from the first of the 12th month; but he should calculate the beginning of the new year after the end of the 12th month.

905. The liability of Zakàt on gold, silver and merchandise is conditional to its owner being sane and Bàligh during the whole year. But in the case of wheat, barley, raisins, date, camel, cow and sheep, being sane Bàligh is not a prerequisite.

906. Payment of Zakàt on wheat and barley becomes liable when they are recognised as wheat and barley. And Zakàt on raisins becomes obligatory when they coll them grapes and Zakat on datest becomes liable when Arabs call it Tamr. However, the time for determining the taxable limit is the time of drying up, and the time of obligation of payment of Zakàt on wheat and barley is when they are threshed, and grains are separated from chaff; and the time for payment of Zakàt on raisins and dates is when they are plucked. If one delays since this time without any excuse and in case of presenece of entitled person, and then the property is lost, the owner will be responsible.

Zakàt of Wheat, Barley, Dates and Raisins

907. Zakàt on wheat, barley, dates and raisins becomes obligatory when their quantity reaches the taxable limit which is 300 Sa and it is said that it equals approximately kg.

908. If the owner of wheat, barley, dates or grapes dies after Zakàt on it has become obligatory, that quantity of Zakàt should be paid from his estate. However, if he dies before Zakàt becomes obligatory, each one of his heirs, whose share reaches the tax able limit, should pay Zakat from his own share.

908. If payment of Zakàt becomes obligatory on date tree and grapes or the crop of wheat and barley after one becomes its owner, one should pay Zakàt on them.

909. If a person sells the crop and trees after Zakàt on wheat, barley, palmdates and grapes becomes obligatory, the seller should pay the Zakàt on them, and if he pays, it will not be obligatory on the buyer to pay anything.

910. If a person purchases wheat or barley or dates or grapes, and knows that the seller has paid Zakàt on them, or doubts whether or not he has paid it, it is not obligatory on him (i.e. the buyar) to pay anything. But if he knows that he (the seller) has not paid Zakàt on them, he can pay the Zakàt himself and reclaim it later from the seller.

911. If a person has paid Zakàt once on wheat, barley, dates or raisins, on further Zakàt is payable on it, even if they remain with him for a few years.

912. If wheat, barley, dates and grapes are watered with rain or river, or if they benefit from the moisture of the land, like in the case of Egyptain crops, the Zakàt payable on them is 10% and if they are watered with buckets etc., the Zakàt payable on them is 5%.

913. A person cannot deduct the expenses incurred by him on the production of wheat, barley, dates and grapes from the income obtained from them, and then weigh the remaining. Hence if the weight of any one of them, before calculating the expenses, was about 847 kilogrammes, he should pay Zakàt on it.

914. A person who has used seeds for farming, whether he owned them or he bought them, cannot deduct their value from the total harvest and calculate the rem aining. Rath re, he should culculate the tacable limit taking into account the entire crop.

915. It is not obligatory to pay Zakàt on what goverment takes away from the goods or wealth itself. For example, if the harvest is 2000 kilogrammes, and goverment takes 50 kilogrammes from it as taxation, it is obligatory to pay Zakàt on 1950 kilogrammes only.

916. As an obligatory precaution, a person cannot deduct from the harvest the expenses incurred by him before or after Zakàt became due, paying Zakàt on the balance only.

917. If a date tree or vine bears fruit twise in a year, and when combined they reach the minimum taxable limit, it is obligatory as a precaution, to pay their Zakàt.

918. If a person dies with a debt, and has a property on which Zakàt has become due, it is necessary that, in the first instance, the entire Zakàt should be paid out from that property, and thereafter pay his debt. But if Zakàt is obligatory on him as a debt, it will be deemed as other debts.

919. Zakàt on gold and silver becomes obligatory only when they are made into coins, are in currency for transaction, and as these are not found nowadays, we abandon mentioning their rules here.

Zakàt Payable on Camel, Cow and Sheep (Including Goat)

920. For Zakàt on camels, cows and sheep (including goats) there is one additional condition, besides the other usual conditions:

The animal should have grazed in the jungle or open fields for one year. If, for a year or apart of it, it is fed with cut or plucked grass, or if it has grazed in the farm owned by its owner, or somebody else, there is no Zakàt on it, except when it was only a little time during which the animal fed itself with the grass from its master's farm, so that it can be said commonly that it grazed in open fields

for the whole year. It is not a condition for obligation of Zakàt that the camel, cow or small cattle should not have worked during the whole year. In fact, Zakàt on them will be obligatory, if they are used for irrigation and ploughing the land, or the like, provided that it is said commonly that they were idle or not busy. Even if they are not considered so, as an obligatory precaution Zakàt should be paid on them.

Minimum Taxable limit of Camels

921. Camel has 12 taxable limits:

(i) 5 Camels: and the Zakàt on them is one sheep. As long as the number of camels does not reach five, no Zakàt is payable on them.
(ii) 10 camels: and the Zakàt on them is 2 sheep.
(iii) 15 camels: and the Zakàt on them is 3 sheep.
(iv) 20 camels: and the Zakàt on them is 4 sheep.
(v) 25 camels: and the Zakàt on them is 5 sheep.
(vi) 26 camels: and the Zakàt on them is a camel which has entered the 2nd year of its life.
(vii) 36 camels: and the Zakàt on them is a camel which has entered the 3rd year of its life.
(viii) 46 camels: and the Zakàt on them is a camel which has entered the 4th year of its life.
(ix) 61 camels: and the Zakàt on them is a camel which has entered the 5th year of its life.
(x) 76 camels: and the Zakàt on them is 2 camels which have entered the 2rd year of their life.
(xi) 91 camels: and the Zakàt on them is 2 camels which have entered the 4th year of their life.

(xii) 121 camels and above: In this case, the person concerned should either calculate the camels on group of 40 each, and give for each set of forty camels a camel, which has entered the third year of its life; or calculate them on groups of 50 each and give as Zakàt, for every 50 camels, a camel which has entered the 4th year of its life, or he may calculate them in the groups of forty and fifty. In some cases one has the option to calculate in the groups of forty or fifty, like when the number is 200, but in every case he should calculate in such a way that there should be no balance, and even if there is a balance, it should not exceed nine. For example, if he has 140 camels he should give for 100 camels, two such camels as have entered the fourth year of their life, and for the remaining forty camels, he should pay one camel which has entered the third year of its life. And the camel to be given in Zakàt should be female. In the situation of the above sixth case, however, if one has not a two year old female camel, a three year old male camel will suffice, and if he has not even this, he has the option to buy either of them.

922. It is not obligatory to pay Zakàt on what is in between two taxable limits. Therefore, if the number of camels of a person exceeds the first taxable limit, which is 5 camels, but does not reach the second taxable limit which is 10 camels, he should pay Zak ot on ony 5 of them and the same way with the succeeding taxable limits.

The Minimum Taxable Limit of Cows

923. Cow has two taxable limits.

Its first taxable limit is 30. If the number of cows owned by a person reaches 30, and other conditions mentioned above are fulfilled, he should give by way of Zakàt a calf which has entered the 2nd year of its life; and the obligatory precaution is that the calf should be a male. And its second taxable limit is 40, and its Zakàt is a female calf which has entered the 3rd year of its life. And it is not obligatory to pay additional Zakàt when the number of the cows is between 30 and 40. For example, if a person possesses 39 cows, he should pay Zakàt on 30 cows only. Furthermore, if he possesses more than 40 cows but their number does not reach he should pay Zakat on 40 cows only. And when their number reaches 60, which is twice as much as the first taxable limit, he should give as Zakàt 2 calves, which have entered the 2nd year of their life. And similarly, as the number of the cows increases, he should calculate either in thirties or in forties or in both 30 and 40, and should pay Zakàt in accordance with the rule explained above. However, he should calculate in such a way, that there should be no remalnder, and in case there is a remainder, it should not exceed 9. For example, if he has 70 cows, he should calculate at the rate of both 30 and 40, and he should not calculate them as two groups of 30, because 10 cows will be left without Zakàt being paid on them. In some cases like when the cows are 120, one has the option to calculate their Zakàt in groups of 30 or 40.

Taxable limit of Sheep (Including Goats)

924. Sheep has 5 taxable limits:

* The 1st taxable limit is 40, and its Zakàt is one sheep. And as long as the number of sheep does not reach 40, no Zakàt is payable on them.

* The 2nd taxable limit is 121, and its Zakàt is 2 sheep.
* The 3rd taxable limit is 201, and its Zakàt is 3 Sheep.
* The 4th taxable limit is 301, and its Zakàt is 4 Sheep.

* The 5th taxable limit is 400 and above, and in this case one sheep should be given as Zakàt for each group of 100 sheep. And it is not necessary to give Zakàt from the same sheep. It will be sufficient if some other sheep are given or money equal to the price of the sheep is given as Zakàt.

925. It is not obligatory to pay additional Zakàt for the number of sheep between the two taxable limits. So, if the number of sheep exceeds the first taxable limit (which is 40), but does not reach the 2nd taxable limit (which is 121), the owner should pay Zakàt on 40 sheep only, and no Zakàt is due on the sheep exceeding that number, and the same rule applies to the succeeding taxable limits.

926. If a person gives a sheep as Zakàt, it is necessary, as anobligatory precaution, that it sholud have at least entered the 2nd year of its life, and if he gives a goat it should have, on the basis of precaution, entered the 3rd year of its life.

927. If some persons are partners, then the person whose share reaches the first taxable limit should pay Zakàt. It is not obligatory on the person whose share does not reach the first taxable limit to pay Zakàt.

Zakàt on Business Goods

928 Goods earned by commutative contracts, and set aside for investment in business or profit earning, is, as a precaution, liable for Zakàt if certain conditions are fulfilled. The rate of Zakàt is 1/40.

(i) The owner of the goods should he Bàligh and sane.
(ii) The goods should have reaches the price of 15 Mithqals of coined gold or 105 Mithqals of coined silver.
(iii) The goods should have remained for one year ever since the owner intended to invest it for profit.
(iv) The intention of investing it for profit should have remained unchanged throughout the year. If the intention changes, like, when he decides to spend it for maintenance, then paying Zakàt is not necessary.
(v) The owner should be actually capable of its disposal throughout the year.
(vi) Throughout the year the owner should have a buyer of the goods equal to the capital or more. If, during the year, he getsany buyer for the goods for equal to the capital out lay, it will not be obligatory upon him to pay its Zakàt.

Disposal of Zakàt

929. Zakàt can be spent for the following eight purposes:

(i) It may be given to a poor person, who does not possess actual or potential means to meet his own expenses, as well as that of his family for a period of one year. However, a person who has an art possesses property or capital to meet his expenses, is not classified as poor.
(ii) It may be paid to a Miskin (a destitute person) who leads a harder life than a poor (Faqir) person.
(iii) It can be given to a person who is an agent of holy Imam (A.S.) or of his representative for collecting Zakàt, to keep it in safe custody, to maintain its accounts and to deliver it to the Imam or his representative or to the poor.
(iv) It can be given to those non-Muslims who may, as a result, be inclined to Islam, or may assist

the Muslims for fighting against the enemies, or for other justified purposes. It can be given to those Muslims also whose faith in the Prophet or in the Wilayah of Amir-ul-Mu'minin is unstable and weak, provided that, as a result of giving Zakàt, their faith is enterenched.
(v) It can be spent to purchase the slaves to set them free, the details of which have been given in its relevent chapter.
(vi) It can be given to an indebted person who is unable to repay his debt.
(vii) It may be spent in the way of Allah for things which have common benefit to the Muslims; for example, to construct a mosque, or a school for religious education, or to keep the city clean, or to widen or to build tar roads etc.
(viii) It may be given to a stranded traveller.

These are the situations in which Zakàt can be spent. But in situations number 3 and 4, the owner cannot spend without the permission of Imam (A.S.) or his representative; and the same applies to the 7th situation, as per obligatory precaution. Rules relating to these are explained in the following articles:

930. A poor person who can do business and earn money for his and his family's maintenance, but does not do it lazily, is not permitted to receive Zakàt. Also a poor student, whose working or doing business stops him continuing the study, cannot take from the poor part of Zakàt in any way, except when study is absolutely obligatory on him. He can as an obligatory precaution, take from the part which can be spent in the way of Allah with the permission of Mujtahid, providing his study has a public benefit, and if it is not difficult for a person to learn an art, he should not, as an obligatory precaution, depend on Zakàt. However, he can receive Zakàt as long as he is learning the art.<

Qualifications of those Entitled to Receive Zakàt

931. It is necessary that the person to whom Zakàt is paid is a Shi'ite (Ithna `Ashariyyah). If, therefore, one pays Zakàt to a person under the impresson that he is a Shi'ite, and it transpires later that he is not a Shi'ite, one should pay Zakàt again, even, as an obligatory precaution, if he has investigated about it or has relied on an Islamic proof.

932. A person cannot pay from Zakàt the expenses of his dependents, like his childeren, whose maintenance is obligatory on him. But if he himsef fails to maintain them, others may give them from Zakàt. However, if he is not able to pay the obligatory maintenances of those whose maintenance is obligatory on him, he can pay their maintenances from Zakàt, when Zakàt becomes obligatory on him.

933. There is no harm if a person gives Zakàt to his deserving son for spending on his wife, servant and maid servant, or for repaying his debts, in presence of other conditions.

934. Father cannot pay for the religious or secular books required by his son for education, from Zakàt money, except when public welfare warrants it, and as a precaution, he has sought the permission of the Mujtahid.

935. A father can get his poor son married by spending Zakàt, and the son can similarly do so for his father.

936. A Sayyid cannot take Zakàt from a non-Sayyid, except when helplessness.

937. Zakàt can be given to a person about whom one is not sure whether he isa Sayyid or not, but if someone claims that he is Sayyid, and the owner pays Zakàt to him, he is not acquilted from obligation.

Intention of Zakàt

938. A person should give Zakàt with the intention of Qurban, that is, to do homage to Almighty Allah and if one gives it without the intention of Qurban, it will suffice, though he has committed a sin. And he should specify in his intention, whether he is giving the Zakàt on his wealth, or Zakàt-ul-Fii`rah. Also, if it is obligatory on him to give Zakàt on wheat or barley, and he wants to pay a sum of money equal to the value of Zakàt, he should specify whether he is paying in lieu of wheat or barley.

Miscellaneous Rules of Zakàt

939. It is not necessary that after separating Zakàt, a person should pay it at once to a deserving person, and if he delays it because of a reasonable excuse, there will be no objection.

940. If a person separates Zakàt from that wealth on which it had become due, he has the right of disposal over the remaining amount, and if he separates it from his other property, he has the discretion over the entire property.

941. When a person has separated Zakàt form his property, he cannot utilise it and replace it with other payment.

942. A person cannot purchase the Holy Qur'an or religious books or supplication books from the Zakàt property, and dedicate them as Waqf, except when it becomes for public welfare, and for that also, as an obligatory precaution he must seek permission from the Mujtahid.

Zakàt of Fii`rah

943. At the time of sunset on Id-ul-Fitr night (i.e. the night preceding Id day), whoever is adult and

sane and is neither unconscious, nor poor, nor the salve of another, should give, on his own behalf as well as on behalf of all those who are his dependents, about three kilos per head of current food in his town like wheat or barley or dates or raisins or rice or millet etc. to a deserving person. It is also sufficient if he pays the price of one of these items in cash. As per obligatory precaution, he should not give from that food which is not staple in his place, even if it be wheat, barley, dates or raisins.

944. If a person is not in a position to meet his own expenses, as well as those of his family, for a period of one year, and has also no one who can meet these expenses, then he is a poor person and it is not obligatory on him to pay Zakàt of Fii`rah.

945. One should pay Fii`rah on behalf of all those persons who are treated as his dependents at his house on the nightfall of Id-ul-Fitr, wether they be young or old, Muslims or non-Muslims; irrespective of whether or not it is obligatory on him to maintain them, and whether they are in his own town or in some other town.

946. It is obligatory to pay the Fii`rah of a guest who arrives at one's house before sunset on Id-ul-Fitr night and stays all night there, since he becomes his dependent, though as temporary.

947. If a guest arrives after sunset on Id-ul-Fitr night, payment of his Fii`rah, as a precaution, is obligatory upon the host, providing that he is considered to be dependent upon the host. Otherwise, it is not obligatory; And one who is invited for Iftar of Id-ul-Fitr night is not considered as one's dependent, and his Zakàt of Fii`rah is not obligatory upon the host.

948. If the Fii`rah of a person is obligatory on another person, it is not obligatory on him to give his Fii`rah himself, but if he does not pay it or is not able to pay it, its payment will be, as an obligatory precaution, obligatory on the latter, provided all the conditions mentioned in rule no 1999 are fulfilled.

949. If it is obligatory on a person tp pay the Fii`rah of another person, his obligatory will not end if the latter himself pay his own Fii`rah.

950. A person, who is not a Sayyid, cannot give Fii`rah to a Sayyid, and if a Sayyid is his dependent, he cannot give his Fii`rah to another Sayyid either.

Deserving Persons to whom Fii`rah May Be Paid

951. As an obligatory precaution Fii`rah should be paid to the poor only, and poor should be Shi'ite, who fulfil the conditions mentioned for those who deserve receiving Zakàt. But if there is no deserving Shi'ite in one's hometown it can be given to other deserving Muslims. But in no circumstances should Fii`rah be given to Nasibi the enemies of Ahl-ul-Bayt (A.S.).

952. It is not necessary that the poor to whom Fii`rah is given should be Adil (a just person). But, as an obligatory precaution, Fii`rah must not be given to a drunkard, or one who does not offer his daily prayers, or commits sins openly.

953. If a person claims to be poor, Fii`rah cannot be given to him unless one is satisfied with his claim; or, if one knows that the claimant has been poor previously.

Miscellaneous Matters Regarding Fit'rah

954. One should give Fii`rah with the intention of Qurban, that is, to pay homage to Almighty Allah, and when giving it, should intend to be giving Fii`rah.

955. It is not correct to give Fii`rah before the month of Ramadan, and it is better that it should not be given even during the month of Ramadan. However, if a person gives loan to a poor person before Ramadan, and adjusts the loan against Fii`rah, when payment of Fii`rah becomes obligatory, there is no harminit.

956. If a person offers Id-ul-Fitr prayer, he should, on the basis of obligatory precaution, give Fii`rah before Id prayer. But if he does not offer Id prayer, he can delay giving Fii`rah till Zuhr.

957. If a person sets aside Fii`rah from his main wealth, and does not give it to a person entitled to receive it till Zuhr of Id day, he should make intention of Fii`rah as and when he gives it. There is no objection to delay paying Fii`rah due to a reasonable excuse.

958. If a person does not give Fii`rah till Zuhr of Id day, and does not also set it aside, he should give Fii`rah later, on the basis of obligatory precaution, without making the intention of Ada' or Qada'.

959. If a person sets aside Fii`rah, he cannot take it for his own use and replace it with another sum or thing.

960. If a deserving person is available in the hometown of a person, the obligatory precaution is that he should not transfer the Fii`rah to some other place but if he did and gave it to a deserving person, it would suffice, and if he transfers it and it is lost, he should give its replacement.

Transactions

Halal (allowed) Transactions

961. There are many Halal (allowed) deals and businesses, some are mentioned below:

(i) To sell and purchase intoxicating bevereges, non-hunting dogs, pigs, and unsalughtered carcass (as a precaution). Basides, if a permissible use of Najis-Ayn is possible, like, excrement and faeces being converted to fertilisers, its transaction is permitted.

(ii) Sale and purchase of usurped property, when required using it, like delivering or taking over.

(iii) Transaction with creditless money or counterfeil money, if the other side of the transaction does not know it. If he knows, however, the transaction will be permissible.

(iv) Sale and purchase of those things which are usually used for Halal (allowed) acts only, like, gambling tools.

(v) A transaction which involves fraud or adulteration, like, when one commodity is mixed with another, and it is not possible to detect the adulteration, nor does the seller inform the buyer about it, like, to sell ghee mixed with suet. This act is called cheating or adulteration (Ghishsh). The holy Prophet of Islam (s.a.w.a.) said: If a person makes a deceitful transaction with the Muslims, or puts them to a loss, or cheats them, he is not one of my followers. And when a person chearts his fellow Muslim (i.e.sells him an adulterated commodity), Allah deprives him of Blessings in his livelihood, closes the means of his earnings, and beams him to himself. Ghishsh has several kinds like following:

1. Mixing a good commadity with another, or with a bad commidity, e.g. mixing milk with water. 2. Giving good appearance to a commodity, like pouring water on old vegetables to appear new. 3. Changing the outward of the thing to another thing, like putting rolled gold, not allowing the buyer to know. 4. Hiding the commodity's defect when the buyer relies on the seller, in that he will not hide any defect.

962. There is no harm in selling a Tahir thing which has become Najis, but can be made Tahir by washing it. And if it cannot be made Tahir with water, and its use does not require it to be Tahir, like some oils, its sale is permissible. In face, even if its use requires it to be Tahir, if it has subs tantialHalal (allowed) benefit, its sale is permitted.

963. If a person wants to sell a Najis thing, he should inform the buyer about it, providing by not telling him, he might do something contrary to the rule of Shari'ah. For example, if he sells him Najis water which the buyer may require Wudu or Ghusl, and to offer his obligatory prayers, or he sells him something which he uses as foor or drink-in all such cases, the seller should inform the buyer. Of course, if the seller knows that it is no use informing the buyer who is careless, and does

not care about Taharah or Najasah, that iti not necessary to inform.

964. There is no objection to selling or buying the oils which are imported from non-Islimic countries, if it is not known to be Najis. And as for the fat which is obtained from a dead animal, if there is a probability that it belongs to an animal which has been slaughtered according t o Islamic law, it will be deemed Tahir, and its sale and purchase will be permissible, even if it is acquired from a non-Muslim or is imported from non-Islamic countries. But it is Halal (allowed) to eat it, and it is necessary for the seller to inform the buyer about the situation, so that he dose not commit any thing contrary to his religious responsibility.

965. The purchase and sale of hide and skin which is imported from a non-Islamic country, or is bought from a non-Muslim, is permissible provided that one feels that the animal may probably be slaughtered according to Islamic lwa. And,Salat with it will be in order.

966. Transaction of intoxicating drinks is Halal (allowed) and void.

967. If a person has purchased a commodity on credit, and wishes to pay its price later from his Halal (allowed) earning or wealth, the transaction will be valid, but, he will have to pay the amount which he owes fromHalal (allowed) property, in order to be absolved of his responsibility.

968. If a thing which can be used forHalal (allowed) purposes is sold with the intention of putting it to Halal (allowed) use, for example, if grapes are sold so that wine may be prepared with them, the transaction is Halal (allowed) However, if the seller dose not sell it with that intention, but only knows that the buyer will prepare wine with the grapes, the transaction will be in order.

969. Making a human sculpture or that of an animal, as a precaution is Halal (allowed), but there is no harm in purchasing and selling it. However, painting human portraits or animals is permissible.

970. It is Halal (allowed) to purchase a thing which has been acquired by means of gambling, theft, or a void transaction Provided that it is associated with its use, and if a person buys such a thing from a seller, he should return it to its original owner.

971. If a seller sells a commodity which is sold by weight or measurement, at a higher rate against the same commodity, like, if he sells 3 Kilos of wheat for 5 Kilos of wheat, it is usury and, therefore, Halal (allowed). In fact, if one of the two kinds of same commodity is faultless, and the other is defective, or one is superior and the other is inferior, or if their prices differ, and the seller asks for more than the quantity he gives, even then it is usury and Halal (allowed). Hence, if a person gives unpoken copper or pass and takes more of poken copper and pass, or gives a good quality of rice, and asks for more of inferior kind of rice instead, or gives manufactured gold and takes a larger quantity of raw gold, it is usury and Halal (allowed).

072. If the thing, which he asks for in addition, is different from the commodity which he sells, like, if he sells 3 Kilos of wheat against 3 Kilos of wheat and one Dirham cash, even then it is usury and Halal (allowed). In fact, if he does not take anything in excess, but imposes the condition that the buyer would render some service to him, it is also usury and Halal (allowed).

973. If the person who is giving less quantity of a commodity, supplements it with some other thing, for example, if he sells 3 Kilos of wheat and one handkerchief for 5 Kilos of wheat, there is no harm in it, provided that the intention is that the transacton is not on cerdit. And if both the parties supplement the commidity with something, like 3 Kilos of wheat with a handkerchief is sold for 5 kilos of wheat and a hand kerchief, thereis no objection to it, provided the intention is that two kilos of wheat with the handkerchief on one side, was given for a handkerchief on the other.

974. From the point of usury, wheat and barley are commodities of one and the same category. Hence, if a person gives 3 Kilos of wheat and takes in exchange thereof, 3-5 kilos of barley, it is usury and Haram-and if, a person purchases 30 kilos of barley, on the condition that the would give in exchange 30 Kilos of barley, on the condition that he would give in exchange 30 Kilos of wheat at the time of its harvest, it is Halal (allowed), because he has taken barley on the spot and will give wheat some time later, and this amounts to taking something in excess, and therefore Halal (allowed).

975. Father and son, husband and wife can take interest from each other Similarly, a Muslim can take interest from a non-Muslim who is not under protection of Islam. But a transaction involving interest with a non-Muslim who is under protection of Islam, is Halal (allowed). But after the transaction is completed, and deal is closed, if payment of interest is permissible in the religion of that non-Muslim, a Muslim can receive interest from him.

976. It is not permissible as an obligatory precaution, to shave the beard or taking wage for doing it, except when there is helplessness, or not doing it will result in harm or difficulty which is unbearable, even if because of being mocked or disgraced.

977. Ghusl is Halal (allowed), and Ghusl means a vain word which is sung in such a manner that is fit for debauchery meeting. Also it is not permissible to recite Qur'an, supplications and the like, in this manner, and as an obligatory precaution, words other than these, should not be recited this way too. Listening to Ghina, and taking wages for it is Halal (allowed) either, and the wage taken in this way will not become one's possession. To learn and teach Ghina is not permissible. Music, i.e. playing with instruments of music will be Halal (allowed), when it is played in a manner which is fit for debauchery meetings, and otherwise it will not be Halal (allowed). Taking wages for playing unlawful musics is Halal (allowed) too, and it does not become the player's possession. To learn and teach unlawful musics is Halal (allowed) either.

Conditions of a Seller and a Buyer

978. There are six conditions for the sellers and buyers:

(i) They should be Bàligh.
(ii) They should be sane.
(iii) They should not be impudent, that is, they should not be squandering their wealth.
(iv) They should have a serious and genuine intention to sell and purchase a commidity. Hence, if a person says jokingly, that he has sold his property, that transaction is void.
(v) They have not been forced to sell and buy.
(vi) They should be the rightful owners of the commidity which they wish to sell, or give in exchange. Rules relating to these will be explained in the following.

979. To conduct business with a child who is not Bàligh, and who makes a deal independently, is void, except in things of small value, in which transactions are normally conducted with the children who can discern.

980. The father or paternal grandfather of a child and the executor of the father and executor of the paternal grandfather of a child, can sell the property of the child, and if these persons are not present and the circumstances demand, an Adil Mujtahid can also sell the property of an insane person, or an orphan, or one who has disappeared.

981. If a person usurps some property, and sells it and after the sale, the owner of the property allows the transaction, the transaction is valid, and the thing which the usurper sold to the buyer and the profits accrued to it, from the time of transaction, belongs to the buyer similarly, the thing given by the buyer, and the profits accrued to it from the time of the transaction, belong to the person whose property was usurped.

Conditions Regarding Commodity and what is Obtained in Exchange

982. The commodity which is sold, and the thing which is received in exchange, should fulfil five conditions:

(i) Its quantity should be known by means of weight or measure or counting etc.
(ii) It should be transferable, otherwise the deal will be void.
(iii) Those details of the commodity, and the thing accepted in exchange, which influence the minds of the people in deciding about the transaction, must be clearly described.
(iv) The ownership should be unconditional, in a manner that, once it is out of his ownership, on other one foresakes his rights over it.
(v) The seller should sell the commodity itself and not its profit. Details of these will come later.

983. If a commodity is sold in a city by weight or measurement, one should purchase that

commodity in that city by weight or measure. but if the same commidity is sold in another city at sight, one can purchase it in that city at sight.

984. If the transaction has become void because of the absence of any of the aforesaid conditions, except the fourth, but the buyer and the seller agree to have the right of discretion over their exchanged commodities, there is no objection if they do so.

985. The tranaction of a property which is Mawqufah (endowed) is void. However, if it is so much impaired, or is on the verge of being impaired, that it can not be possibly used for the purpose for which it was dedicated, like, if the mat of a mosque is so torn that it is not possible to offer prayer on it, it can be sold by the trustee or someone in his position. And if possible, as a precaution, its sale proceeds should be spent in the same mosque, for a purpose akin to the aim of the person who originally endowed it.

986. There is no harm in buying and selling a property which has been leased out to another person. However, the leaseholder will be entitled to utilise the property during the period of lease. And if the buyer does not know that the property has been leased out, or if he purchases it under the impression that the period of lease is short, he can cancel the transaction when he comes to know of the true situation.

Cash and Credit

987. If a commodity is sold for cash, the buyer and seller can, after concluding the transaction, demand the commodity and money from each other and take possession of it. The possession of immovable things, like, house, land, etc, and the movable things, like carpets, dress etc. means that the original owner renounces all his right over them, and hands it over to the opposite party with full right of discretion over it. In practice, the mode of delivery may vary according to the situation.

988. When something is sold on credit, the period should be fixed clearly. If a commodity is sold with a condition that the seller would receive the price at the time of harvest, the transaction is void, because the period of credit has not been specified clearly.

989. If a commodity is sold on credit, the seller cannot demand what he has to receive from the buyer before the stipulated period is over. However, if the buyer dies, and has some property of his own, the seller can claim the amount due to him from the heirs of the buyer, before the stipulated period is over.

990. If a person sells a commodity on credit, and stipulates a period for receiving its price, and for example, after the passage of half of the stipulated period, he reduces his claim and takes the balance in cash, there is no harm in it.

Conditions for Contract by Advance Payment

991. Purchase by advance payment means that a buyer pays the price of a commodity, and takes its possession later'Hence, the transaction will be in order, if, tor example, the buyer says: I am paying this amount so that I may take possession of such and such commodity after six months', and the seller says', I agree' ,or the seller acepts the mon ey and says:' I have sold such and such thing and will deliver it after six months.

992. There are seven conditions of advance payment contract:

(i) The characteristic, due to which the price of a commodity may vary, should be specified. However, it is not necessary to be very precise, and it will be sufficient if it can be said that its particulars are known.

(ii) Before the buyer and the seller separate from each other, the buyer should hand over full amount to the seller, or if the seller is indebted by way of cash to the buyer for an equivalent amount, the buyer can adjust it against the price of the commodity, if the seller agrees to it. And if the buyer pays certain percentage of the price of that commodity to the seller, the transaction will no doubt be valid equal to that percentage, but the seller can rescind the transaction.

(iii) The time-limit should be stipulated exactly. If the seller says that he would deliver the commodity when the crop is harvested, the transaction is void, because, in this case, the period has not been specified exactiy.

(iv) A time should be fixed for the delivery of the commodity when the seller is able to deliver it, regardless of whether the commodity is scarce or not.

(v) The place of delivery should, as a precaution, be specified. However, if that place becomes known from their coversation, it is not necessary to mention the name.

(vi) The weight or measure of the commodity should be specified. And there is no harm in selling through advance payment contract, a commodity which is usually bought and sold by sight. However, for such a deal, one must be careful that the difference in the quality of individual items of the commodity must be negligibly small, like in the cases of walnuts or eggs.

(vii) If the commodity sold belongs to the category which is sold by way of weight and measure, then it must not be exchanged for same commodity. In fact, as an obligatory precaution, it must not be exchanged for any other commodity which is sold by weight and measure. And if the commodity sold is the one which is sold by counting, then as a precaution, it is not permissible to exchange it for the same commodity in increased number.

993. If a person purchases a commodity by way of advance payment, he is not entitled, till the expiry of the stipulated period of delivery, to sell it to anyone except the seller, but there is no harm in selling it to any person after the expirty of the stipulated period, even if he may not have taken possession of it yet. However, it is not permissible to sell cereals like wheat and barley, and other commodities which are sold by weighing or measuring other than fruits, unless they are in possession, except that the buyer wishes to sell them at cost or lower price.

994. If the commodity which the seller delivers is of inferior quality to that which was agreed upon, the buyer can reject it.

995. If the seller delivers a commodity different from the one he had sold to the buyer, and the buyer agrees to accept it, there will be no objection to it.

996. If a commodity which was sold by advance payment becomes scarce at the time when it should be delivered, and the seller cannot supply it, the buyer may wait till the seller procures it, or even cancel the transaction, and take the refund, but as a precaution, he cannot sell it back to the seller at a profit.

997. If a person sells a commodity promising to deliver it after some time, and also agrees to take deferred payment for it, the transaction is void.

Circumstance in Which One Has a Right to Cancel a Transaction

998. The right to cancel a transaction is called Khiyar (option to cancel a transaction). The seller and the buyer can cancel a transaction in the following ten cases:

(i) If the parties to the transaction have not parted from each other, though they may have left the place of agreement. This is called Khiyar-ul-Majlis.
(ii) If the buyer or the seller has been cheated in a sale transaction, or in any other sort of deal either of the parties has been deceived, they have a right to call off the deal. This is called Khiyar-ul-Ghabn.
(iii) If while entering into a transaction, it is agreed that up to a stipulated time, one or both the parties will be entitled to cancel the transaction. This is called Khiyaru-sh-Shart.
(iv) If one of the parties presents his commodity as better than it actually is, and thereby attracts the buyer, or makes him more enthusiastic about it. This is called Khiyar-ut-Tadlis.
(v) If one of the parties to the transaction stipulates that the other would perform a certain jod, and that condition is not fulfilled. Or if it is stipulated that the commodity will be of particular quality, and the commodity supplied may be lacking in that quality. In these cases, the party which laid the condition can cancel the transaction. This is called Khiyaru Takhalluf-ish-Shart.
(vi) If the commodity supplied is defective. This is called Khiyar-ul-Ayb.
(vii) If it transpires that a quality of the commodity under transaction is the property of a third

person. In that case, if the owner of that part is not willing to sell it, the buyer can cancel the transaction, or can claim back from the seller the replacement of that part, if he has already paid for it. This is called Khiyar-ush-Shirkah.
(viii) If the owner describes certain qualities of his commodity which the buyer has not seen, and then the buyer realises that the commodity is not as it was described, the buyer can rescind the deal. Simlarly, if the buyer may have seen the commodity something back, and purchases it, thinking that the qualities it had then will be still existing, and if he finds that those qualities have disappeared, he has a right to cancel the deal. This is called Khiyar-ur-Ru'yan.
(ix) If the buyer does not pay for the commodity he has bought for three days, and the seller has not yet handed over to him the commodity, the seller can cancel the transaction. But this is in the circmstance when the seller had agreed to allow him time for deferred payment, without fixing the period. And if the seller had not at all agreed on deferred payment, he can cancel the transaction at once, without any delay. And if he had allowed him more than three days credit, then the seller cannot rescind, the deal before the termination of three days. if the commodity is perishable like fruits, which would perish or decay in less than three days, the respite is less. This is called Khiyar-ut-Ta'khir.
(x) A person who buys an animal, can cancel the transaction within three days. And if a person sold his commodity in exchange for an animal, he can also cancel the transaction withing three days. This is called Khiyar-ul-ayawan.

999. If a buyer not know the price of the commodity, or was unconcerned about it at the time of purchase, and buys the thing for higher than usual price, he can cancel the transaction if the difference of price is substantial, and if the difference is established at the time of apigation. Otherwise, the buyer cannot cancel the deal as a precaution. Similarly, if the seller does not know the price of the commodity, or was heedless about it at the time of selling, and sells the thing at a cheaper price, he can cancel the deal if the differen is substantial and if other conditions mentioned above obtain.

1000. In a transaction of conditional sale, for example, a house worth $2000 is sold for $1000, and it is agreed that if the seller returns the money within a stip ulated period, he can cancel the transaction, the transaction, the is in order, provided that the buyer and the seller had genuine intention of purchase and sale.
1001. In a transaction of conditional sale, if the seller is sure that even if he did not return the money within the stipulated time, the buyer will return the property to him, the transaction is in order. However, if he does not return the money within the stipulated time, he is not entitled to dement the return of the property from the buyer. And if the buyer dies, he (the seller) cannot dement the return of the property from his heirs.

1002. If a person mixes in demand the ferior tea with superior tea, and sells it as a superior tea .buyer can cancel the transaction.

1003. If a buyer finds out that the thing purchased by him is defective, like, if he purchases an animal and finds that (after purchasing it) it is blind of an eye, and this defect existed before the transaction was made, but he was not aware of it, he can cancel the transaction and return the animal to the seller.

And if it is not possible to return it, for example, if some change has taken place in it, or it has been used in such a manner that it cannot be returned, the difference between the value of the sound property and the defective property should be assessed, and the buyer should get refund in that prortion of the amount paid by him to the seller. For example, he has purchased something for $4 and finds out that it is defective. Now the price of the thing in perfect faultless state is $8 and that of deficient is $6, the difference between these two prices will be assessed at 25%. The buyer will be paid 25% of what he actually paid, and that will be one dollar.

1004. In the following two cases the buyer cannot cancel the transaction because of defect in the property purchases by him, nor can he claim the difference between the prices:

(i) If at the time of purchasing the property, he is aware of the defect in it.
(ii) If at the time of concluding the contract, the seller says, I sell this property with whatever defect it may have. But, if he specifies a defect and says, I am selling this property with this defect, and it transpires later that it has some other defect as well, which he did not mention, the buyer can return the property due to that defect, and if he cannot return it, he can take the difference between the prices.

Laws of Partnership

1005. If two persons make an agreement that they would trade with the goods jointly owned by them, and would divide the profit between themselves, the partnership will be valid.

1006. If some person enter into a partnership to share the wages from their labour, like, if a few barbers or labourers agree mutually that they would divide between themselves whatever wages they earn, that partnership is not in order. But if they enter into a mutual compromise that, say, half of what one earns will be given to the other, for a fixed period, in exchange of half of what the other earns, this transaction will be valid, and thus each will be a partner in the wages of the other.

1007. If two person enter into a partnership, on the terms that each of them would purchase a commodity on his own responsibility, and each would be responsible for the payment of its price, but would share the profit which they earn of them makes the other will be a partner in it, which

means that he and his partner are responsible for the debt, then they will be considered partners in that commodity.

1008. The persons who become partners under the rules of partnership, must be adult and sane, and should have intention and free volition for becoming partners. They should also be able to exercise discretion over their properties. Hence, if a feeble-minded person who spends his wealth impudently, enters into partnership, it is not order, because such a person has no right of disposal over his property.

1009. If a condition is laid down in an agreement of partnership, that the partner who manages, or does more work than the other partner, or does more important work than the other, will get larger share of the profit, it is necessary that he should be given his share as agreed upon.

1010. Partnership has two kinds: 1. Partnership with permission, which occurs when the capital is jointly shared by the partners before the deal of partnership is made. 2. Partnership with exchange which establishes when either of the parties presents his property for partnership, and then each of them exchanges half of his property with half of the other party's property. If it is not specified as to which of the partners will buy and sell with the capital, in the partnership of permission neither of them can conclude any transcations with that capital withuot the permission of the other. But in the partnership of exchange each of them can make transaction in such a manner that the partnership is not harmed.

1011. The partner who has been given the right of discretion over the capital, should act according to the agreement of partnership. For example, if it or will purchase the property form a particular place, he should act according to the agreement. However, if no such agreement is made with him, he should conclude transactions in the usual manner, and carry on in such a way that no loss is suffered in the partnership.

1012. If a partner who transacts business with the capital of the partnership, sells and purchases things contratly to the agreement made with him, or in the case of absence of any agreement concludes transactions in a manner which is not nor mal, the transaction made by him in both the cases will be correct and valid; but if such a transaction results in a loss, or a part of wealth is squandered, then the partner who has acted against the agreement or the usual norm, will be responsible for the loss.

1013. If in a permission partnership one of the partners dies, or becomes insane, or unconscious, other partners cannot continue to exercise right of discretion over investment held in the partnership. And the same rule applies when one of them becomes feeble-minded, that is, spends his property without any consideration of Sharian, as well as custon.

Orders Regarding Compromise (Sulh)

1014. Compromise means that a person agrees to give to another person his own property or a part of the profit gained from it, or waives or forgoes a debt, or some right, and that other person also gives him in return, some property or profit from it, or waives his debt or right in consideration of it; and even if a person gives or another person his property to profit from it, or waives his debt or right without claiming any consideration, the compromise will be in order.

1015. It is necessary that the person who gives his property to another person by way of compromise, should be adult and sane, and should have the intention of making compromise, and none should have compelled him to make the compromise, and he should not also be feeble-minded from whom his own wealth is made inaccessible, or a bankrupt who has no right to dispose of his property.

1016. If a person wants to make a compromise with another person in respect of the debt which he owes, or in respect of his right, the compromise will be valid only if the opposite person agrees to it. But, if he wants to faorgo the debt or right owed to him, the acceptance by the opposite person is not necessary.

1017. If a debtor knows the amount he owes, but the creditor does not know and makes compromise with the debtor for an amount less than what is owed to him, like, if the creditor has to receive $50 but he unknowingly makes a compromise for $10, the balance of $40 is notHalal (allowed) for the debtor, except that he himself tells the creditor what he actually owes him, and seeks his agreement. Alternatively, the debtor should be sure that even if the creditors had known the exact amount of the debt, he would have still settled for that lesser amount.

1018. As long as the buyer and the seller do not leave the place where a transaction was concluded, they can cancel the transaction. Also, if a buyer purchases an animal, he has the right to cancel the transaction within three days. And similarly, if the buyer does not pay within three days, for the commodity purchased by him, and dose not take delivery of the commodity, the seller can cancel the transaction, as stated in rule no. However, one who makes a compromise in respect of some property, does not possess the right to cancel the compromise in these three cases. However, if the other makes unusual delay in delivering the property over which the compromise was reached, or if it has been stipulated that the property will be delivered immediately, and the opposite party does not act according to this condition, the compromise can be cancelled. And similarly, compromise can also be cancelled in other cases which have been mentioned in connection with the rules relating to purchase and sale, except in the case when one of the two parties in compromise has been defrauded, in which the compromise can not be cancelled if the compromise is for ending the quarrel; and even in other conditions, the defrauded person cannot, as an obligatory precaution cancell the compromise.

1009. A compromise can be cancelled if the thing received by means of compromise is defective.

However, it is a matter of Ishkal, if the person concerned desires to take the difference of the price between the defective thing and the one without defect.

1020. If a person makes a compromise with another person with his property and imposes the condition that after his death the other person will, for example, make that property Mawqufah, and that person also accepts this condition, he should carry it out.

Rules Regarding Lease/Rent

1021. The person who gives something on lease, as well as the person who takes it on lease, should be adult and sane, and should be acting on their free will. It is also necessary that they should have the right of discretion over the property. Hence, a feeble-minded person who does not have the right of disposal or discretion over his property, his leasing out anything or taking anything on lease is not valid. The same applies to a bankrupt person, in the wealth over which he has no right of discretion. Of course, such a person can give himself for hire.

1022. If a person takes a house, shop or room on lease, and the owner of the property imposed the condition that only he (the lessee) can utilise it the lessee cannot sublet it to any other person for his use, except that the new lease is such that its advantage devolves on the lessee himself, like, if a woman takes a house or a room on lease, and later marries, and gives the room or house on lease For her own residence to her husband. And if the owner of the property does not impose any such condition, the lessee can lease it out to another person, but, as a precaution, he should seek the permission of the owner before giving it on lease. And if he wishes to lease it out for a higher amount in cash or kind, he can do so, if he has carried out some work on it, like, white washing or renovation, or if he has suffered some expenses in looking after the property.

1023. If a person who is hired on wages, lays down a condition that he will work for the hirer only, he (the hirer) cannot lease out his service to another person, except in the manner mentioned in the foregoing rule. And if the hired person does not lay down any such condition, the hirer can lease out his services to another, but he cannot charge more than the agreed wage for the hired person. Similarly, if he himself accepts employment and then hires someone to do the task, he cannot pay him less than what he will receive himself, unless he joins that hired person in completing some of his work.

1024. If a person takes or hires something other than a house, a shop, a room, a ship, or a hired person, say, he hires a land on lease, and its owner does not lay down the condition that only he himself can utilise it, and the lessee leases it out to another person on a higher rent, it will be a matter of Ishkal.

1025. If a person takes for example, a house or a shop on lease for one year, on a rent of one hundred Toomans, and uses half portion of it himself, he can lease out the remaining half for one hundred Toomans. However, if he wishes to lease out the half portion on a rent higher than that on

which he has taken the house, or shop on lease, like, if he wishes to lease it out for hundred and twenty Toomans, he can do it only if he has carried out repairs etc. in it.

Conditions Regarding the Property Given on lease

1026. The property which is given on lease, should fulfil certain conditions:

(i) It should be specific. Hence, if a person says to another, I have given you one of my houses on lease', it is not in order.
(ii) The person talking the property on lease should see it, or the lessor should give its particulars in a manner which gives full information necessary about it.
(iii) It should be possible to deliver it. Hence, leasing out a horse which has run away, and the hirer can not possess it, will be void. However, if the hirer can manage to get it, the lease will be valid.
(iv) Utilisation of the property should not be by way of its destruction or consumption. Hence, it is not correct to give pead, fruits and other edibles on lease for the purpose of eating.
(v) It should be possible to utilise the property for the purpose for which it is given on lease. Hence, it is not correct to give a piece of land on lease for farming, when it does not get sufficient rain water, and is also not irrigated by cancel water.
(vi) The thing which a person gives on lease should be his own property, and if he gives the property of another person on lease, it will be correct only it its owner agrees to it.

Conditions for the Utilisation of the Property Given on Lease

1027. The utilisation of the property given on lease causes four conditions:

(i) That it should beHalal (allowed). Than if a property is for Halal (allowed) uses only, or it is stipulated that it should be used for Halal (allowed) purposes, or before concluding the contract the parties agree to use it for Halal (allowed) purposes, and the contract is based on that, the contract will be void. Hence, leasing out a shop for the sale or storage of Alcoholic drinks, or providing transportation by leasing for it, is void.

(ii) That doing the act or giving that service free of charge should not be obligatory in the eyes of Shariah. Therefore, as a precaution it is not permissible to receive wages for teaching the rules ofHalal (allowed) and Halal (allowed), or for the last ritual services to the dead, like washing it, shrouding atc.. And as a precaution paying money in lieu of the services done should not be deemed futile in public.

(iii) If the thing which is being leased out can be put to several uses, then the use permissible to the lessee should be specified. For example, if an animal, which can be used for riding or for carrying a load is given on hire, it should be specified at the time of concluding the lease contract, whehther the lessee may use it for riding or for carrying a load, or may use it for all other purposes.

(iv) The nature and extent of utilisation should be specified. In the case of hiring a house or a shop, it can be done by fixing the period, and in the case of labour, like that of a tailor, it can specified that he will sew and stitch a particular dress in a particular fashion.

1028. If the period of lease is not specified, and the lessor says to the lessee, At any time you stay in the house you will have to pay rent at the rate of $10 per month, the lease contract is not in order.

1029. If the owner of a house says to the lessee, `I have leased out this house to you for f10 per month`, or says, ~I hereby lease out this house to you for one month on a rent of $10, and as long as you stay in it thereafter the rent will be $10 per month ~, if the time of the commencement of the period of lease was specified or it was known, the lease for the first month will be proper.

Miscellaneous Rules Relating to Lease/Rent

1030. If a person has leased out something, he cannot claim its rent until he has delivered it. And if a person is hired to perform an act, he cannot claim wages until he has performed that act, except in the cases where advance payment of wages is an accepted norm, like deputyship for A*ajj.

1031. If a lessor delivers the leased property, the lessee should pay the rent, even if he may not take the delivery, or may take the delivery but may not utilise it till the end of the period of lease.

1032. If a person is hired to perform a task on a particular day against wages, and gets ready on that day to perform the task, the person who hired him should pay him the wages, even if he may not assign that task to him. For example, if a tailor is hired to sew a dress on a particular day, and he gets ready to do the work, the hirer should pay him the wages even if he may not provide him with the cloth to sew, irrespective of whether the tailor remains without work on that day or alternatively does his own or somebody else's work.

1033. If it transpires after the expiry of the period of lease, that the lease contract was void, the lessee should give the usual rent of that thing to the owner of the property. For example, if a person takes a house on lease for one year on a rent of $100, and learns later that the lease contract was void, and if the normal current rent of the house is $50,he should pay $50. And if its normal current rent is $200, and the person who leased it out was its owner, or his agent, and was aware of the current rate of rental, it is not necessary for the lessee to give him more than $100. But if a person other than these gave it on lease, the lessee should pay $200. And the same order applies, if it is known during the period of lease, that the lease contract is void in relation to the outstanding rent for the past period.

1034. If a thing taken by a person on lease is lost, and if he has not been negligent in looking after it nor extravagant in its use, he is not responsible for the loss. Also, if, for example, a coth given to a

tailor is damaged or destroyed, when the tailor has not been extravegant, and has also not shown negligence in taking care of it, he need make any replacement.

1035. If an artisan or a tailor loses the thing taken by him, he is responsible for it.

1036 If a butcher cuts off the head of an animal, and makes it Halal (allowed), he must pay its price to its owner, regardless of whether he charged for slaughtering the animal or did it gratis.

1037. If a person circumcisesa child, and as a consequence of it the child dies, or is injured, the person who circumcises is responsible if he has been careless or made a mistake, like having cut the flesh more than usual. However, if he was not careless, or did not make any mistake, and the child dies due to circumcision, or sustains an injury, he will not be responsible, provided that, he had not been consulted earlier about the possible injury, nor was he aware that the child would be injured.

1038. If a doctor gives medicines to a patient with his own hands, or prescribes a medicine for him, and if the patient sustains harm or dies because of taking that medicine, the doctor is responsible, even if he had not been careless in treating the

1039. If a doctor tells a patient, ~If you sustain harm I am not responsible' ~, and then exercises due precaution and care in the treatment, but the patient sustains harm or dies, the doctor is not responsible.

1040. If the lessor or the lessee realises that he has been cheated, if he did not notice at the time of making the lease contract that he was being cheated, he can cancel the lease contract as explained in the rule no. However, if a condition is laid down in the contract of lease, that even if the parties are cheated, they will not be entitled to cancel the contract, they cannot cancel it.

1041. If a person takes something on lease, and during the period of lease it becomes so impaired that it is not fit for the required use, the remaining lease contract will be void, and the lessee can cancel the lease for the past period also. And for that period, he may pay usual rent.

1042. If an employer appoints a contractor to recruit labourers for him, and if the contractor pays the labourers less than what he receives for them from the employer, the excess he keeps is Halal (allowed) for him and he should return it to the employer. And if the contraetor is givena full contract aby complate a builiding, and is authorised to either construct it himself or give a sub-contract to another party, if he joins with the other party in doing some work, and then entrusting him to do the remaining work against lower payment than what he has collected from the employer, the surplus with him will beHalal (allowed) for him.

Rules Regarding Ju`alah (Payment of Reward)

1043. Ju`alah means that a person promises that if a particular work is completed for him, he will give a specified amount for it. For example, he declares that if anyone recovers his lost property, he will give him $10. One who makes such a declaration is called Ja`il, and the person who carries out that work is called ~Amil~. one of the differences between Ju`alah and hire is that, in the case of hire, the hired person is bound to do the job after the agreement, and the hirer becomes indebted to the hired person for his wages, whereas in the case of Ju`alah, the person who agrees to do the job is at liberty to abandon it if he so wishes; and before he compltes the job assigned, the person who declared the reward or payment does not become indebted to him.

1044. A person who declares the payment or reward should be adult and sane, and should have made it with his free will and intention, and should have the right of disposal and discretion over his property. Therefore, the declaration by a feeble-minded person who squanders his property indiscreetly is not in order. Similarly, a bankrupt cannot declare any reward or payment from that part of wealth over which he has not right of discretion.

1045. The task for which the declaration was made by the employer should not be Halal (allowed), futile, or one of those obligatory acts which should necessarily be performed free according to Shariah. Hence, if a person declares that he will give $10 to a person who drinks alcohol, or traverses a dark passage at night without any sensible purpose, or offers his obligatory prayers, the employment will not be in order.

1046. It is not necessary for the employer for Ju`alah to specify the reward he would give with all its particulars. If the employee, in this case, is certain that he would not be taken for a stupid or foolish person if he undertook the assignment, it is sufficient. For example, if the employer in Ju`alah tells a person that if he sells a particular stock or goods for more than, say, ten dollars, whatever is the excess will be his, this from of Ju`alah is valid. Similarly, if he says that whosoever finds his horse, that person will own half of it, or that person will be awarded ten kilos of wheat, Ju`alah will be in order.

1047. If a person does not at all mention the amount of reward which he would give for his work for example, if he says, ~I shall give money to the person who finds out my son ~, and does not specify the amount of money, and if some one performs the task, he should pay him according to what is customarily paid for such task.

1048. If the person wishes to cancel the Ju`alah agreement after the employee has started work, it is a matter of Ishkal, except when they come to an agreement.

1049. A person appointed to work in Ju`alah can leave the task incomplete. However, if his failure to complete the task causes harm to the person who appointed him, he must complete it. For example, if a person says, 'If someone operates upon my eye I shall give him so much money ', and a surgeon commences the operation, and if by not completing the operation, the eye will be

defective, he must complete it.

1050. If the person appointed to work in Ju`alah leaves the task incomplete, he cannot demand any reward, provided that the Ja`il declares the reward for completing the task, like when he declares that if anyone sews his dress, he will pay him $10. But if he meaned to pay some money for doing any part of the task, he should pay the money for the part done.

Persons who Have No Right of Disposal or Discretion Over Their Own Property

1051. A child who has not reached the age of puberty (Bulugh), has no right of discretion over the property he holds or owns, even if he is able to discren and is mature, and the previous permission of his/her guardian does not apply in this case and the subsequent permission is also a matter of Ishkal. However, in some cases a non-Bàligh is allowed to make, a transaction, like when buying or selling things of small worth as mentioned in rule. A girl becomes Bàlighah upon completion of her nine lunar years, and a boy is Bàligh when stiff pubic hair grows, or when he discharges semen, or as commonly held upon completion of fifteen lunar years.

1052. Growing of stiff hair on the face and above the lips may be considered as signs of Bulugh, but their growth on chest and under the armpits, and the voice becoming harsh etc. are not the signs of one's reaching the age of puberty.

1053. An insane person has no right of disposal over his property. Similarly, a bankrupt (i.e. a person who has been prohibited by the Mujtahid to dispose of or have discretion on his property because of the demands of his creditors) cannot dispose his property without the permission of the creditors. And a feeble-minded person (Safih) who squanders his property for useless purposes, has no right of disposal or discretion over his property, without the permission of his guardain.

1054. If a person is sane at one time and insane at another, the right of discretion exercised by him during his lunacy will not be considered valid.

1055. A dying man in his terminal illness can spend his own wealth on himself, on the members of his family, his guests and on other things as much as he likes, provided that, it is not considered to be extravagance on his part. Also, he can sell his property at its proper value, or hire it. But if he gives away his property as gift, or sells it at a lower price than usual, it will be valid only if the property gifted or sold cheap is equal to or less than 1/3 of his estate. And if it is more, it will be valid only if the heirs allow, and if they do not, then whatever he spent in excess of 1/3 of his estate will be considered void.

Rules Regarding Agency (Wikalah)

1056. Wikalah means that a person delegates somebody a task (like concluding a transaction), which he himself had a right to do, so that the other person may perform it on his behalf. For example, onemay appoint another person to act as one's agent. For the sale of a house, or for a marriage contract. Since a feeble-minded person does not have right of discretion over his property, he cannot appoint an agent (Wakil) to sell it.

1057. If a person appoints a person in another city as his agent, and sends him power of attorney, and he accepts it, the agency is in order, even order, even if the power of attorney reaches the agent after some time.<

1058. The Muwakkil (principal), that is, the person who appoints another person as his Wakil (agent), as well as the Wakil, should be sane, acting on their own volition and authority. And the principal should be Bàligh, except in cases where a discerning child can act.

1059. A person cannot become a Wakil for an act which he cannot perform, or which is Halal (allowed) for him to do. For example, a person who is wearing Ihram for A*ajj cannot recite the formule of marriage as an agent for another person.

1060. If a person removes his agent from office, he (the agent) cannot perform the task entrusted to him after the news of his dismissal has reached him. However, if he has already performed the task before the news of his dismissal reaches him, it will be in order.

1061. An agent can relinquish the agency even if the principal is absent.

1062. An agent cannot appoint another person as agent for the performance of the task entrusted to him, except when the principal has authorised him to engage an agent. In that case, he should strictly act according to the instructions. Hence, if the principal has said to him, 'Engage an agent for me', he should engage an agent for the principal and cannot appoint the agent on his own behalf.

1063. If the agent or the principal dies, the agency becomes invalid. Similarly, if the thing for the disposal of which one has appointed an agent perishes, for example, the sheep which the agent was entrusted to sell, dies, the agency becomes invalid.

1064. If a person appoints someone as agent to perform a task, and promises to give him something for his services, he must give him the promised thing after the completion of the task.

1065. If an agent is not careless in looking after the property entrusted to him, nor does he exercise

such discretion over it for which permission was not granted, and by chance the property is lost or destroyed, it is not necessary for him to compensate for it.

1066. If an agent has been careless about looking after the property entrusted to him, or treated it in a manner which was different from the one allowed by the principal, and consequently the property is lost or destroyed, he is responsible for it. For example, if he is given a dress to sell, and instead he wears it, and it is damaged, he should pay compensation for it.

Rules Regarding Debt or Loan

1067. If a period is fixed for the repayment of debt in the formal contract of debt by the debtor, or by mutual agreement, the creditor cannot claim repayment of the debt before the expiry of that period. But if it was stipulated by the creditor, or if no such period was fixed, the creditor can demand the repayment of his debt at any time.

1068. When the creditor demands his debt, and no time has been stipulated for its repayment or after the period is expired, and the debtor is in a position to pay it, he should pay it immediately, and if he delays its payment, he commits a sin.

1069. If the debtor does not possess anything other than the house he occupies, the household effects, and other things of essential needs, without which he would be facing hardship, the creditor cannot claim the repayment from him. He should wait till the debtor is in a position to repay the debt.

1070. If a person is indebted and he is unable to repay his debt, and employment for him is easy, or if it has been his vocation, it is obligatory upon him to do so in order to pay off the debt. Even in other case, if he can do a business fit for him, as an obligatory precaution, he should do it in order to repay his debt.

1071. If a person has no access to his creditor, and does not hope to find him or his heirs, he should pay the amount he owes, to the poor on behalf of the creditor. And as a precaution, he should obtain permission for it from the Mujtahid. But if he hopes to find his creditor or the heirs, he should wait and search for him/them. And if he does not succeed, he should make a will stating that after his death, if the creditor or the heirs appear, they should be paid from his eastate.

1072. If the estate of a dead person does not exceed the obligatory expenses of his Kafn, burial and the payment of his debt, his estate should be utilised for these purposes and his heir will not inherit anything.

1073. If the property taken on loan has not perished, and its owner demands it, it is not obligatory upon the debtor to return it, and if the debtor wants to return it, the creditor can avoid accepting

it.

1074. If a person who advances a loan, makes a condition that he will take back more than what he gives, for example, he gives 3 kilos of wheat and stipulates that he will take back 3-5 kilos of wheat, or gives ten eggs and says that he will take back eleven eggs, it will be usury and therefore Halal (allowed). Rather, if he stipulates that the debtor should, apart from the repayment, do some work for him, or repay the loan along with a quantity of another commodity (for example, if he lays down the condition that the debtor will return one rupee owed along with a match box) it will be usury and Halal (allowed). Also, if he stipulates that the debtor, will return the thing loaned to him in a particular shape, e.g. if he gives him a quantity of glod, and imposes the condition that he will take it back as golden or naments, that too, is usury and Halal (allowed). However, if no condition is made by the creditor, and the debtor himself decides to repay something more than what he borrowed, there is no harm in it. In face, it is Mustahab to do so.

1075. To pay interest is Halal (allowed), the same way as charging interest. However, if a person takes a loan against interest, he becomes its owner, but the creditor does not become the owner of the excess received by him, and discretion over it will be Halal (allowed), and if he purchases some thing with that money, he will not become its owner. And if it is known that thed ebtor would have allowed him the use of that money, even if they would not have agreed on interest, then the creditor can exercise his discretion over the money without any objection. Also if someone takes interest due to not knowing the rule, and after knowing it he repents, the interest taken at the time of ignorance will beHalal (allowed) for him.

Rules Regarding Hawalah (Transferring the Debts etc.)

1076. If a person gives a sum of money to a merchant, so that he may get from him something less in another city, there is no harm in it.

1077. If a person gives some money to another person with the condition that after a few days, he will take a larger amount from him in another city, or town, and if that currency is of gold or silver or wheat or barley, the transaction is usury which is Halal (allowed). However, if the person who is taking more amount gives some commodity against the excess amount or performs some task, there is no harm in this arrangement. As for the usual bank notes, which is classified as things to be counted, it is not permissible to take more in exchange. But if it is sold cash or credit, and the bank notes two apart units, like Tooman and Dinar, there is no harm if something more is taken in exchange. And if a person sells bank notes on credit basis, for more in return, and if they belong to the same classification of commodity, it is a matter of Ishkal.

1078. If a person is owed by someone, and the thing owed is not in the category of gold, silver or anything measured or weighed, he can sell it to the debtor or anybody else for a lesser amount and realise the sum in cash. On this basis, in the present times, a creditor can sell the bills of exchange

or the promissory notes received from debtor, to the bank, or any other person, at a price lower than the amount due to him (which is called discounting in common parlance) and can take the outstanding balance in cash, because dealings with regard to common bank notes is not by weight or measure.

1079. If a debtor directs his creditor to collerct his debt from the third person, and the creditor accepts the arrangement, the third perso will, on completion of all the conditions to be explained later, become the debtor. Thereafter, the cre ditor cannot demand his debt from the first debtor.

1080. Inall cases of tranfers, one to whom it is assigned should have accepted it, whe ther he is debtor or not.

1081. The creditor may decline to accept the transfer of debt, al though the person in whose name the assignment has been given may be rich, and may not fail to honour the Hawalah.

1082. If aperson accepting the Hawalah is not adebtor to the person giving the Hawalah, he can demand the amount of the Hawalah from the person who gave it, before honouring the Hawalah, unless it was previously agreed that the payment would be deferred for a fixed period and that period has not lapsed, in this case, the person accepting the Hawalah cannot demand payment even if he himse if may havehonoured the Hawalah-And if the creditor compromises for a lesser amount, the person honouring the Hawalah should demand only that sum which he paid.

1083. When the conditions of the transfer of debt have been fulfilled, the person effecting the Hawalah and the person receiving it cannot cancel the Hawalah, and if the person receiving the Hawalah was not poor at the time the Hawalah was issued, the creditor cannot cancel the Hawalah even if the recipient becomes poor afterwards. The same will apply if the recipient of the Hawalah was poor ot the time it was issued, and the creditor knew about it. But if the creditor did not know that the person to whom Hawalah has been issued is poor, and when he comes to know of it, the recipient is still poor, then the creditor cah apogate the Hawalah transaction, and demand his money from the debtor himself. But if the recipient of Hawalah has turned rich, then the right of cancelling the Hawalah is a matter of Ishkal.

Rules Regarding Mortgage (Rahn)

1084. Mortgage means that a person effects a conveyance of property to another person as security for money debt, or property held under responsibility, with a provise that if that debt is not paid, the creditor may pay himself out of the proceeds of that property.

(1). What is nowadays aommonly called ~Rahn~ in Iran, is not realy Rahn. It is customary to give some money as lean to the owner of the house in order to live in his house. But if this act is without any rent, it will be usury and Halal (allowed), and the person cannot live in it, and if it is with rent and leasing the house is a condition for giving the loan, then it will be Halal (allowed), and if giving the loan is a condition for leasing the house, as an obligatory precaution, it is not permissible.

1085. A person can mortgage that property over which he has a right of disposal or discretion, and it is also in order if he mortgages the property of another person with his permission.

1086. The benefit which accrues from the mortgaged property, belongs to the owner, whether the mortgagor or any other person.

1087. The mortgagee cannot present or sell the mortgaged property to another person without the permission of the owner, whether he is the mortgagor or any other person. However, if he presents or sells it to another person, and the owner consents to it later, there is no harm in it.

1088. If the creditor demands the repayment of debt when it is due, and the debtor does not repay it, the creditor can sell the mortgaged property and collect his dues, provided that he had been authorised to do so. And if he was not authorised to do so, it will be necessary to obtain permission from its owner. And if the owner is not available, he should, as an obligatory precaution obtain permission for the sale of the property from the Mujtahid. In either case, if the sale proceeds exceed the amount due to him, he should give the amount in excess of his debt to its owner.

1089. If the debtor does not possess anything other than his house he occupies, and the essential household effects, the creditor cannot demand the repayment of debt from him. But, if the thing mortgaged by him is his house or its household effects, the creditor can sell them and realise his dues.<

Rules Regarding Surety (Dhaman)

1090. If a person wishes to stand responsibility for the repayment of the debts of another person, his act in this behalf will be in order, only when he makes the creditor understand by his words in any language, or by conduct, that he undertakes the responsibility for the repayment of the debt, and the creditor also accepts the deal. It is not necessary that the debtor, too, should be agreeable. This act is established it two ways:

1) That the guarantor transfers the debt from the debtor's obligtaion to his own obligation. Then if he dies before paying the debt, like other debts it will have priority to inheritance. And this is the real –Daman- according to the jurisprudents.

2) That the guarantor under takes to pay the debt but he is not obliged to pay it, and if he does not mention it in his will, the debt cannot be paid from his estate.

1091. When a person gives a guarsntee with a condition, as when he says, if the debtor does not repay your debt, I shall pay it', it is a matter as valld, according to the first definition made in the previous rule. But it will be of no matter according to the second definition.

1092. A man giving guarantee should know that the person for whom he stands surety is actually a debtor. If someone is still considering to take a loan, one cannot stand as his guarantor till such time when the loan has been taken. However this condition is not necessary for the second definition of Daman.

1093. If a person guarantees the payment of the debt of a person, without obtaining his permission, he (the surety) cannot demand anything from the debtor.

1094. If a person guarantees the payment of debt with the permission of the debtor, he can demand that amount or quantity from the debtor even before having paid anything to the creditor. But if he paid, or delivered a commodity other than the one which was owed, he cannot ask the debtor to pay or deliver to him that commodity. For example, if the debtor owed 10 tons of wheat, and the guarantor settled the debt with 10 tons of rice, he can arrangement, in which case, there is no objection.

1095. If a person becomes a guarantor for the payment of someone's debt, he cannot withdraw from his responsibility as a guarantor.

1096. As a precaution, the guarantor and the creditor cannot stipulate an option for cancellation of the guarantor at any time they wish to do so.

Rules Regarding Personal Guarantee for Bail (Kafalah)

1097. Personal surety or security (kafalah) means that a person takes the responsibility for the appearance of a debtor, as and when the creditor asks for him. A person who accepts such a responsibility is called Kafil (guarantor).

1098. A personal surety will be valid only when the guarantor makes the creditor understand by words (in any language), or conduct, that he undertakes to produce the debtor in person as and when demanded by the creditor, and the creditor also accepts the arrangement. As a precaution, the debtor's consent is also necessary for the validity of such a guarantee; in fact, as a matter of precaution, both the debtor and the creditor must accept the Kafalah.

1099. Anyone of the following five things will terminate the personal surety (bail guarantee):

(i) When the guarantor hands over the debtor to the creditor, or if the debtor himself surrenders to the creditor.
(ii) When the debt of the creditor has been discharged.
(iii) When the creditor himself forgives the debt, or transfers it to semeone alse.
(iv) When the debtor or the guarantor dies.
(v) When the creditor absolves the guarantor from his personal surety.

Rules Regarding Deposit or Custody or Trust (Wadi`ah)

1100. When a person gives his property to another person, and tells him that,it is deposited in trust, and the latter accepts it, or, without uttering a word, by a simple conduct, the depositor and the receiver both understand and accept the intention, then they must follow the rules of Wadi`ah as will be explained later.

1101. If a person accepts a deposit from a child without the permission of its owner, he should return it to its owner. And if that deposit belongs to the child himself, it is necessary that it is delivered to his guardian; and if it gets lost or destroyed before the delivery, the person who accepted the deposit must compensate for it. But if he had secured it from the child with the intention of delivering it to the guardian, and if he had not been careless in its safekeeping nor he had exercised such discretion over it for which permission had not been granted, he will not be responsible for a loss or a damage. The same rule will apply in the case of an insane depositor.

1102. If a person makes the owner of the property understand that he is not prepared to look after his property, and does not accept it, yet the owner leaves it there and goes away, and then the property perishes, the person who has declined to accept the deposit will not be responsible for it.

1103. If a person renounces the custody of the property deposited with him and apogates the arrangement, he should deliver the property to its owner or to the agent or guardian of its owner, as quickly as possible, or inform them that he is not prepared to continue as a custodian. But if he does not, without any justifiable excuse, deliver the property to them and also does not inform them, and the property perishes, he should give its substitute.

1104. If a person who accepts a deposit does not have asuitable place for its safe keeping, he should acquire such a place, and should take care of the deposit in a manner that he would not be accused of negligence. And if he acts carelessly in this regard, and the property is lost or damaged, he will have to compensate for it.

1105. If a person who accepts a deposit has not been negligent in looking after it, nor has he gone beyond moderation, and then the property unexpectedly perishes, he will not be responsible for it.

But if he has been careless about its security, say, by keeping it at a place which is vulnerable to theft, or if he commits such excesses like using those articles of deposit without the owner's permission (like wearing the dress or riding the vehicle or the animal etc.) and then the deposited property is lost or damaged, he should pay the owner its compensation.

1106. If the owner of the deposit dies, and it devolves upon his heirs, the trustee of the deposit should give the property to all the heirs, or to the person who has been authorised by all of them to receive the property. Hence, if he gives the entire property to one heir without the consent of others, he will be responsible for the shares of the remaining heirs.

1107. If a person with whom a property has been deposited, observes in himself the signs of approaching death, as a precaution he should, if possible, deliver the deposit entrusted to him to its owner, his guardian or his agent, or inform him. And if it is not possible to do so, he should make such arrangement which would satisfy him that the deposit would reach its rightful owner after his death. For example, he should make a will about it, attested by witnesses, and give the name of the depositor to the executor of his will and to the witness, describing fully the nature of the deposit, and the place where it is kept.

1108. If a person with whom a property has been deposited, wishes to go to a journey, he can give the deposit to his family's members to keep it safe. But if keeping the deposit needs his own presence, he should either stay, or deliver it to its owner, his guardian or his agent, or inform him.

Rules Regarding Borrowing and Lending (Ariyah)

1109. Ariyah means that a person gives his property to another person for use in permission ways.

1110. If a person who has borrowed something is not negligent in its keep, nor does he go beyond moderation in its use, he will not be responsible if it is lost or damage by chance. However, if the two parties stipulate that, the borrower would be responsible for loss or damage, or if the thing borrowed is gold or silver and it is lost or damaged, the borrower should compensate for it.

1111. If a person borrows gold silver and stipulates that if it is lost or damaged, he will not be responsible, he is not responsible if it is lost.

Marriage

The relation between man and woman becomes lawful by contracting marriage. There are two

kinds of marriage:

(i) Permanent marriage
(ii) Fixed-time (temporary) marriage
In a permanent marriage, the period of matrimony is not fixed, and it is forever. The woman with whom such a marriage is concluded is called Da'imah (i.e. a permanent wife).

In a fixed time marriage, the period of matrimony is fixed, for example, matrimonial relation is contracted with a woman for an hour, or a day, or a month, or a year, or more. However, the period fixed for the marriage, should not exceed the span of normal lives of the spouses, otherwise the marriage contract will be void. The woman with whom such a marriage is concluded is called - Mut`ah- or Munqati`ah.

Marriage

1112. Whether marriage is permenent or temporary, the formal formula must be pronouncesd; mere tacit approval and consent, or written agreement, is not sufficient. And the formule (Sighah) of the marriage contract is pronounced either by the man and the woman themselves, or by a person who is appointed by them as their representatives to recite it on their behalf.

1113. The representative should not necessarily be a male. A woman can also become a representative to pronounce the marriage formula.

1114. As long as the woman and the man are not certain that thier representative has pronounced the formula, they cannot look at each other as mah ran (like husband and wife) and a more probable suspicion that the representative might have pronounced the formule is not sufficient. And if the representative says that he has pronounced the formula, but his assertion does not satisfy the parties concerned, as an obligatory precaution, it will not be deemed sufficient.

1115. One person can act as the representative of both sides for reciting the formula of permanent or temporary marriage. It is also permissible that a man may himself become the representative of a woman and contract permanent or temporary marriage with her.

The Method of Pronouncing the Marriage Formula

1116. If a woman and a man themselves want to recite the formula of permanent marriage, after determining ?idaq (marriage settlement or Mahr), the woman shuold first say: Zawwajtuka nafsi `alas-?idaq-il-ma`lum (i.e. I have made myself your wife on the agreed Mahr), and then the man should immediately respond thus: Qabilt-ut-tazwij (i.e. I accept the marriage). In this way, the marriage contract will be in order. And if a woman and a man appoint other persons to act as their representatives for pronouncing the formula of marriage, and if, for example, the name of the man

is Ahmad and that of the woman is Fatimah, the representative of the woman should first say: - Zawwajtu muwakkilaka Ahmad muwakkilati Fatimah `alas-?idaq-il-ma`lum" - (i.e. I have given to your client Ahmad in marriage my client Fatimah on the agreed Mahr) and thereafter the representative of the man should immediately respond thus: ~Qabilt-ut-tazwija li-muwakkili Ahmad alas-Sidaq-il-malum" (that is, I accepted this matrimonial alliance for my cliently Ahmad on the agreed Mahr). Now the marriage contract is in order. And, on the basis of recommended precaution, it is necessary that the words uttered by the man should conform with those uttered by the woman; for example, if the woman says, "Zawwajtuka… (i.e. I have made myself your wife…) the man should also say, "Qabilt-ut-tazwija… (i.e. Iaccept the matrimonial alliance…) and not "Qabilt-un-nikaha…

1117. It is permissible for a man and a woman to recite the formula of the temporary marriage, after having agreed on the period of maniage and the amount of Mahr. Hence, if the woman says: "Zawwajtuka nafsi fil-muddat-il-ma`lumati `al-al-mahr-il-ma`lum". (i.e. I have made myself your wife for an agreed period and agreed Mahr), and then the man immediately responds thus: ~Qabiltu" (i.e. I have accepted), the marriage will be in order. And the marriage will also be in order if they appoint other persons to act as their representatives. First, the representative of the woman should say to the representative of the man thus: "Zawwajtu muwakkilati muwakkilaka fil-muddat-il-ma`lumati `al-al-mahr-il-ma`lum" (i.e. I have given my client to your client in marriage for the agreed period and the agreed Mahr), and then the representative of the man should immediately respond thus: "Qabilt-ut-tazwija il-muwakkili hakadha" (i.e. I accepted this matrimonial alliance for my client this way).

Conditions for Marriage Contract

1118. There are certain conditions for reciting the marriage formula. They are as follows:

(i) On the basis of precaution, the formula marriage contract (sighah should be pronouced in correct Arabic. And if the man and the woman cannot pronounce the formula in correct Arabic, they can pronounce, it in any other language, and it is not necessary to appoint any representatives. But the words used in translation must convey strictly the meaning of "Zawwajtu" and "Qabiltu".

(ii) The man and the woman or their representatives, who recite the Sighah, should have the intention of Insha' (i.e. reciting it in a creative sense, making it effective immediately). In other words, if the man and the woman themselves pronounce the formule, the intention of the woman by saying, "Zawwajtuka nafsi", should be that she effectively makes herself the wife of the man; and by saying, "Qabilt-ut-tazwija", the man effectively accepts her as his wife. And if the representatives of the man and the woman pronounce the Sighah, their intention by saying, "Zawwajtu", and "Qabiltu", should be that the man and the woman who have appointed them as their representatives, have effectively become husband and wife.

(iii) The person who pronounces the Sighah (whether he pronounces it for himself or has been engaged by some other person as his representative) should be sane, and he should be Bàligh also, if he pronounces it for himself. And as a precaution the formula pronounced by a minor who is discerning for another person is not sufficient, and if he pronounced, they should be devorced or the formule should be uttered again.

(iv) If the Sighah is pronounced by the representatives or the guardians of the man and the woman, they should identify the man and the woman by uttering their names or making intelligible signs towards them. Hence, if a person has more than one daughters, and he says to a man, "Zawwajtuka ihda banati" (i.e. I have given away one of my daughters to you as your wife), and the man says, "Qabiltu" (i.e. I have accepted), the marriage contract is void, because the daughter has not been identified.

(v) The woman and the man should be willing to enter into a matrimonial alliance. If, however, they ostensibly display hesitation while giving their consent, but it is known that in their heart, they are agreeable to the marriage, the marriage is in order.

1119. If, while reciting the Sighah, even one word is pronounced incorrectly, as a result of which its meaning is changed, the marriage contract would be void.<

1120. If a girl who has reached the age of Bulugh and is virgin and mature (i.e. she can decide what is in her own interest) wishes to marry, she should, obtain permission from her father or paternal grandfather, although, as a precaution, she may be looking after her own affairs. it is not, however, necessary for her to obtain permission from her mother or pother.

1121. In the following situations, it will not be necessary for a woman to seek the permission of her father or paternal grandfather, before getting married:

(i) If she is not a virgin.
(ii) If she is a virgin, but her father or paternal grandfather refuse to grant permission to her for marrying a man who is compatible to her in the eyes, of shariah, as wellas custom.
(iii) If the father and the grandfather are not in any way willing to participate in the marrinage.
(iv) If they are not in a capacity to give their consent, like in the case of mental illness etc.
(v) If it is not possible to obtain their permission becouse of their absence, or such other reasons, and the woman is eager to get married urgently.

Occasions When Husband or Wife Can Nullify the Marriage Contract

1122. If the husband comes to know after the marriage contract that his wife had, at the time of the contract, any one of the following six deficiencies, he can annul the marriage.

(i) Insanity, even if it is intermittent.
(ii) Leprosy
(iii) Vitiligo.
(iv) Blindness.
(v) Being crippled, even if it is not to the extent of immobility.

(vi) Presence of flesh or a bone in the woman's uterus, which may or may not obstruct sexual intercourse or pregnancy. And if the husband finds that the wife at the time of the marriage contract, suffered from Ifda meaning that her urinary duct and menstrual passage, or her menstrual passage and rectum have been one, his being able to annul the marriage is a matter of Ishkal, and as an obligatory precaution, he will have to pronounce the formula of divorce if he wants to dissolve the marriage.

1123. A woman can annul the marriage contract in the following cases, without obtaining divorce:

(i) If she comes to know that her husband has no male organ.
(ii) If she finds that his penis has been cut off before or after the sexual intercourse.
(iii) If he suffers from a disease which disables him from sexual intercourse, even if that disease was contracted after the marriage contract and before or after the sexual intercourse.

In the following situations as an obligatory precaution, the woman should not annul the marriage, and if she did so, the precaution is to contract marriage again if they want to continue with the matrimony, and if they want to part, the formula of divorce should be pronounced:

(i) If she comes to know after the marriage contract, that the husband was insane at the time of the contract; or if he becomes insane after the contract, before or after consummation of the marriage.
(ii) If she finds out that at the time of the marriage contract the husband had been castrated.
(iii) If she learns that he suffered at the time of the marriage contract from lepsory or vitilgo, or blindness.

In the case when the husband is incapable of sexual intercourse, and she wishes to annul the marriage, it will be necessary for her to approach the Mujtahid or his representative, who may allow the husband a period of one year, and if it is found that he was not able to have sexual intercourse with her or with any other woman, the wife can annul the marriage.

1124. If the wife annuls the marriage because of the husband's inability to have sexual intercourse, the husband should give her half of her Mahr. But, if the man or the wife annuls the marriage because of one of the other deficiencies enumerated above, and if the marriage has not been consummated, he will not be liable for any thirig. Butif the marriage was consummated, he should pay her full Mahr.

1125. If a man or woman is described to another better than he/she is, in order to interest the other person in the marriage, either the description is made during the marriage contract or before it, and it is known after the contract that it has not been true, the other can annul the marriage, provided that the marriage has occured based on that description. This rule is explained in defail in other books like Minhaj-us-salihin.

Women with Whom Matrimony is Forbidden

1126. Matrimonial relation is Halal (allowed) with women who are one's Maa*ram, for instance, mother, sister, daughter, paternal aunt, maternal aunt, niece (one's pother's or sister's daughter) and mother-in-law.

1127. If a man marries a woman, then her mother, her maternal grandmother, her paternal grandmother and all the women as the line ascends are his Maa*ram, even if he may not have sexual intercourse with the wife.

1128. If a person marries a woman and has sexual intercourse with her, the daughters and grand-daughters (daughters of sons, or of daughters) of the wife and their descendants, as the line goes low, become his Maa*ram, irrespective of whether they existed at the time of his marriage, or were born later.

1129. If a man marries a woman but does not have sexual intercourse with her, the obligatory precaution is that as long as their marriage lasts, he should not marry her daughter.

1130. The parternal and maternal aunt of a man, and the parternal and maternal aunt of his father, and the parternal and maternal aunt of his paternal grandfather and grandmother, and the paternal and maternal aunt of his mother, and the paternal and maternal aunt of his maternal grandmother and grandfather, as the line ascends, are all his Mahram

1131. The husband's father and grandfather, however high, are the wife's Mahram Similarly the husband's sons and the grandsons (son of his sons or of daughters), however low, are her Maa*ram, regardless of whether they existed at the time of her marriage or were born afterwards.

1132. If a man marries a woman (whether the marriage be permanent or temporary) he cannot marry her sister, as long as she is his wife.

1133. If a person gives a recovable divorce to his wife, in the manner which will be explained under the rules relaiting to divorce, he cannot marry her sister during the Iddah. But if it is an irrevocable divorce, he can marry her sister. And if it is the Iddah of temporary marriage, the obligatory precaution is that one should not marry her sister during that period.

1134. A man cannot marry the niece (pother's or sister's daughter) of his wife without the wife's permission. But if he marries her nieces without his wife's permission and she later consents to the marriage, it will be in order.

1135. If the wife learns that her husband has married her niece (pother's daughter or sister's daughter) and keeps quiet, and if she later consents to that marriage, it will be in order. But if she does consent later, the marriage will be void.

1136. If before marrying his maternal or paternal aunt's daughter, a person commits incest (sexual intercourse) with her mother, he cannot marry that girl on the basis of precaution. But if he commits fornication with another woman, her daughter will not become Halal (allowed) for him, however, the recommended precaution is not to marry her.

1137. A Muslim woman cannot marry a non-Muslim, and a male Muslim also cannot marry a non-Muslim woman who is not Ahl-ul-Kitab (follower of the Divine Book). However, there is no harm in contracting temporary marriage with Ahl-ul-Kitab like Jewish and Christain women, but the obligatory precaution is that a Muslim should not take them in permanent marriage. As an obligatory precaution, a Muslim man should not marry a Magian woman, even if temporarily.

1138. If a person commits fornication with a woman who is in the Iddah of her revocable divorce, as a precaution that woman becomes Halal (allowed) for him. And if he commits fornication with a woman who is in the Iddah of temporary marriage, or of irrevocable divorce, or in the Iddah of death, he can marry her afterwards. The meaning of revocable divorce and irrevocable divorce, and Iddah of temporary marriage, and Iddah of death, will be explained in the rules relating to divorce.

1139. If a person commits fornication with a husbandlees woman and who is not in Iddah, as a precaution, he cannot marry her till he has sought forgiveness from Allah, and repented. But if another person wishes to marry her before she has repented, there is no objection. If a woman is commonly known as a fornicatress, it will not be permissible, as a precaution, to marry her till she has genuinely repented, and similarly, it is not permissible to marry a man commonly known as a fornicator, till he has genuinely repented. If a man wishes to marry a fornicatress woman, he should, as a recommended precaution, wait till she menstruates, irrespective of whether he had committed fornication with her, or anyone else had done so.

1140. If a person contracts marriage with a woman who is in the, Iddah of another man, and if both the man and the woman or any one of them knows that the Iddah of the woman has not yet come to an end, and if they also know that marrying a woman during her Iddah is Halal (allowed), that woman will become Halal (allowed) for the man forever, even if after the marriage contract the man may not have had sexual intercourse with her. And if both of them are ignorant about the rule of Iddah, or about being Halal (allowed) to marry during Iddah, the marriage contract is void. Then

if they had sexual intercourse they become Halal (allowed) to each other for ever. Otherwise they do not become Halal (allowed) and they can marry again after the completion of Iddah.

1141. If a person marries a woman knowing that she has a husband, he should get separated from her, and should also not marry her at any time afterwards. And the same rule will apply, as a precaution, if he did not know that the woman had a husband, and had sexual intercourse with her afetr the contract.

1142. If a married woman commits adultery, she, on the basis of precaution, becomes Halal (allowed) permanently for the adulterer, but does not become Halal (allowed) for her husband. And if she does not repent, and persists in her action (i.e. continues to commit adultery), it will be better that her husband divorces her, though he should pay her Mahr.

1143. In the case of the woman who has been divorced, or a woman who contracted a temporary marriage and her husband forgoes the remaining period of marriage, or if the period of the temporary marriage ends, if she marries after some time, and then doubts whether at the time of her second marriage, the Iddah of her first husband had ended or not, she should ignore her doubt.

1144. If a Bàligh person commits sodomy with a boy, the mother, sister and daughter of the boy become Halal (allowed) for him, even if the penetration is less than the limit of circumcision. And the same law applies, as an obligatory precaution, when the person on whom sodomy is committed is an adult male, or when the person committing sodomy is non-Bàligh. But if one suspects or doubts whether penetration occurred or not, then the said women would not become Halal (allowed). Also mother, sister and daughter of the person committing sodomy are not Halal (allowed) for the person on whom sodomy is committed.

1145. If a person marries the mother, daughter, or sister of a boy or man, and commits sodomy with the boy or man after the marriage, as a precaution, they will become Halal (allowed) for him.

1146. If a man does not perform Tawaf-un-nisa (which is one of the acts to be performed during A*ajj and Umrat-ul-mufradah) his wife and other women become Halal (allowed) for him. Also, if a woman does not perform Tawaf-un-nisa, her husband and other men become Halal (allowed) for her. But, if they (man or woman) perform Tawaf-un-nisa later, they becomeHalal (allowed). If a person who did not perform Tawaf-un-nisa marries, his or her marriage will be in order, provided that he or she has completed the Ihram after performing Halq or Taqsir.

1147. If a person contracts Nikàa* with a non-Bàligh girl, it is Halal (allowed) to have sexual intercourse before she has completed her nine years. But if he commits sexual intercourse with her, she will not be Halal (allowed) for him when she becomes Bàligh, even if she may have suffered Ifda (which has been described in rule 1132), but in this case he should pay its Diyah, which is equal to that of killing a human, and pay her maintenance for ever, even after her divorce

and even if she marries another person after the divorce.

1148. A woman who is divorced three times, between which to returns or marriage contract has occured, becomes Halal (allowed) for her husband. But, if she marries another man, subject to the conditions which will be mentioned under the rules pertaining to divorce, her first husband can marry her again after her second husband dies, or divorces her, and she completes the period of Iddah.<

Rules Regarding Permanent Marriage

1149. For a woman with whom permanent marriage is contracted, it is Halal (allowed) to go out of the house without the permission of her husband, though her leaving may not violate the rights of the husband, except when helpless or when staying in the house has a difficulty for her or the house does not fit her. Also she should submit herself to his sexual desires, and should not prevent him from having sexual intercourse with her, without justifiable sexuse. And as long as she does not fail in her duties, it is obligatory on the husband to provide for her food, clothes and housing. And if he does not provide the same, regadless of whe ther he is able to provide them or not, he remains indebted to the wife. Also of the wife's rights is that the husband should not annoy or hurt her, and should not treat harshly or be rude with her, without justifiable excuse.

1150. If the wife does not fulfil her matrimonial duties towards her husband, she will not be entitled for the food, clothes or housing, even if she continues to live with him. But if she refuses to obey occasionally, the obligatory precaution is that she is entitled for the food etc., but in the case of refusing sexual intercourse, there is no doubt that she does not forfeit her Mahr.

1151. Man has no right to comple his wife to render household services.

1152. The expenses in a journey incurred by the wife must be borne by the husband, if she had travelled with the husband's permission, even if these expenses exceed her expenses at home. But the fares for travel by car or by air etc., and other expenses, which are necessary for a journey, will be borne by the wife, except when the husband is himself inclined to take her along with him on a journey, in which case he will bear her expenses also, and this applies also when the journey is necessary like a journey for treatment.

1153. If the husband who is responsible for the wife's maintenance, does not provide her the same, she can draw her expenses from his property without his permission. And if this is not possible, and she is obliged to earn her livelihood, and she cannot take her case to the Mujtahid, who would comple him to pay the maintenance, it will not be obligatory upon her to obey husband while she is engaged in earning her livelihood.

1154. If a man, for example, has two wives and spends one night with one of them, it is obligatory

on him to spend anyone of four nights with the other as well; in situation other than this, it is not olbigatory on a man to stay with his wife. Of course, it is necessary that he should not totally forsake living with the wife. And as a precaution, a man should spend one night out of every four with his permanent wife.

1155. It is not permissible for the husband to abandon sexual intercourse with his youthful, permanent wife for more than 4 months, except when sexual intercourse is harmful to him, or involves unusually more effort, or when the wife herself agrees to avoid it, or if a prior stipulation to that effect was made at the time of Nikàa* by the husband. And in this rule, there is no difference between the situations when the husband is present, or on a journey, and then it is not permissible for a man to go to an unnecessary travel for more than four months, without any excuse or without his wife's permission.

1156. If Mahr is not fixed in a permanent marriage, the marriage is in order. And in such case, if the husband has sexual intercourse with the wife, he should pay her proper Mahr which would be in accordance with the Mahr usually paid to woman of her category. As regards temporary marriage, however if Mahr is not fixed the marriage is void, even if it may be due to ignorance or forgetfulness.

1157. If at the time of Nikàa* for permanent marriage, no time is fixed for paying Mahr, the wife can prevent her husband from having sexual intercourse with her before receiving Mahr, irrespective of whether the husband is or is not able to pay it.

But if she once agrees to have sexual intercourse before taking Mahr, and her husband has sexual intercourse with her, then she cannot prevent him afterwards from having sexual intercourse without a justifiable excuse.

Mut'ah (Temporary Marriage)

1158. Contracting a temporary marriage with a woman is in order, even if it may not be for the sake of any sexual pleasure. But the woman can not stipulate that the man should not have any sexual pleasure with her.

1159. The obligatory precaution is that a husband should not avoid having sexual intercourse for more than four months with a young wife of temporary marriage.

1160. If a woman with whom temporary marriage is contracted, makes a condition that her

husband will not have sexual intercourse with her, the marriage as well as the condition imposed by her will be valid, and the husband can then derive only other pleasures from her. However, if she agrees to sexual intercourse later, her husband can have sexual intercourse with her, and this rule applies to permanent marriage as well.

1161. A woman with whom temporary marriage is contracted, is not entiled to subsistence even if she becomes pregnant.

1162. A woman with whom temporary marriage is contracted, is not entitled to any bed remuneration, and does not inherit from him, and the husband, too, does not inherit from her. However, if one or both lay down a condition regarding inheriting each other, the validity of such a stipulation is a matter of Ishkal, but even the precaution should be exercised by putting it into effect.

1163. If a woman with whom temporary marriage is contracted, did not know that she was not entitled to any subsistence and bed remuneration, still her marriage will be valid, and inspite of this lack of knowledge, she has no right to claim anything from her husband.

1164. It is Halal (allowed) for a wife of temporary marriage to go out of the house without the permission of her husband, if the right of the husband is in anyway violated. And if the right of her husband remains protected, it is a recommended precaution that she should not leave the house without his premission.<

1165. If a woman empowers a man that he may contract a temporary marriage with her for a fixed period and with a specified amount of Mahr, and instead, that man contracts a permanent marriage with her, or contracts a temporary marriage with her for any time or with an amount of Mahr other than the specified time or Mahr, the marriage will be void. But if the woman consents to it when understanding the position, the marriage will be valid.

1166. In order to become Maa*ram (with whom marriage contract becomes Halal (allowed) and is treated to be one of the close relatives), a father or a paternal grandfather can contract the marriage of his non-Bàligh son or daughter with another person for a short period, provided that it does not involve any scandal or moral lapse. However, if they marry a minor boy or a girl who is not in anyway able to derive any sexual pleasure during the period from the spouse, then the validity of such a marriage is a matter of Ishkal.

1167. If a husband gifts the wife of Muta'h with the period of her temporary marriage, thus releasing her, and if he has sexual intercourse with her, he should give her all the things he agreed to give her. And if he has not had sexual intercourse with her, it is obligatory on him to give her half the amount of Mahr.

1168. If a man contracted a temporary marriage with a woman, and its period has ended but the period of her Iddah has not ended vet, he is allowed to contract a permanent marriage with her or renew a contract for temporary marriage with her. But if the period of temporary marriage has not ended, and he contracts a permanent marriage with her, the contract will be void, except when he gifts her with the remaining time, and then contracts the marriage.

Looking At Non-Maa*ram

1169. It is Halal (allowed) for man to look at the body or hair of the non-Maa*ram women, regardless of whether it is with the intention of pleasure or not, and whether there is a fear of falling into sinful act or not. It is also Halal (allowed) to look at the faces and the hands, upto the wrists, of such women with the intention of pleasure, or if there is fear of falling into sinful act, and the recommended precaution is that one should not look at their faces or hands even without such an intention or fear. Similarly, it is Halal (allowed) for a woman to look at the body of non-Maa*ram man with the intention of pleasure or with a fear of falling into a sinful act, and as an obligatory precaution she shouldnot look even wothout that intention or fear, except places which are customarily not covered, like, his face, hands, head, neck and feet. She can look at these parts of a man without the intention of deriving any pleasure, or if there is no fear of being entrapped in any sinful act.

1170. To look at the body of a woman who would not care for Hijab, even if she were advised, is not Halal (allowed) provided that it does not lead to sinful act or sexual pleasure, and exictement, not is it with that intention; and in this rule, there is no distinction between a Muslim and a non-Muslim woman; and also between those parts, like their faces, thier hands, and other parts of heir bodies, which they normally do not cover.

1171. Woman should conceal her body and hair from a man who is non-Maharm, and as an obligatory precaution, she should conceal herself even from a nonBàligh boy who is able to discern between good and evil, and could probably be sexually excited. But she can leave her face and hands upto wrists uncovered in the presence of non-Maa*ram, providing that it is not with the intention of leading him to casting a sinful evil glance and there is no fear of his being enterapped in any sinful act; for in both these cases, she must cover them.

1172. It is Halal (allowed) to look at the private parts of a Bàligh Muslim, even if it is seen behind the glass or reflecting in the mirror or clean water etc.. As an obligatory precaution, it is also Halal (allowed) to look at the genitals of a non-Muslim, and of a discerning non-Bàligh child. However, wife and her husband can look at the entire body of each other.

1173. A man who is acquainted with a non-Maa*ram woman, should not, as a precaution, look at her photograph etc., provided that the woman is not a heedless, commonplace person, except her face or hands, looking at which will be permissible without pleasure or fear of being entrapped in

sinful act.

1174. If a woman is rendered helpless by her disease, and if the treatment by a male doctor is more helpful to her, she can refer to him. And if that male doctor must look ta her to be able to treat her, or to tonuch her for that matter, there is on objection. However, if he can tre at her by looking at her, he should touch her body, and if he can treat her by touching her body, he should not look at her.

1175. If a person is obliged to look at the private parts of a patient for his/her medical treatment, he should, on the basis of obligatory precaution, place a mirror opposite him/her and look into it. However, if there is no alternative but to look directly at his/her private parts, there is no objection. Similarly, if the duration of regarding the genitals in the mirror would be longer than looking at them directly, the latter method be adopted.

Miscellaneous Rules Concerning Marriage

1176. If a person gets entangled in Halal (allowed) acts owing to his not having a wife, it is obligatory for him to marry.

1177. If the husband makes it a condition before Nikàa*, that the woman should be a virgin, and it transpires after Nikàa* that she is not virgin, he can repudiate the marriage. However, he can deduct and take the difference between the Mahr usually paid for a virgin woman and the one who is not a virgin.

1178. It is Halal (allowed) for a man and a woman who are not Maa*rams, to be together at a private place where there is no one else, if it is feared to lead to immorality and scandal, even if it is a place where another person can easily arrive. But if there is no fear of any evil, there is no objection.

1179. If the man fixes the Mahr of the woman at the time of Nikàa*, but intends not to give it, the marriage contract is in order, but he will be indebted to her.

1180. If the woman imposes a condition at the time of Nikàa* that her husband will not take her out of the town, and the man also accepts this condition he should not take her out of that town against her will.

1181. It is not permissible for a woman to have an abortion, even if she has become pregnant as a resul of fornication or adultery, except when continuing the pregnancy results in an unbearable harm or difficulty, in which case abortion is permissiabe before the time when life enters the fetus, but this act is entitled to a Diyah. But after entering of life abortion is not permissible at all.

1182. If a woamn says that she has reached menopause, her word may not be accepted, but if she says that she does not have a husband, her word is acceptable, except when she is known to be unreliable, in which case, as a precauton investigation will be necessary.

1183. Until a son or a daughter completes two years of his/her age, his/her father cannot separate him/her from his/her mother because looking after the child is a common right for both fahter and mother. And as a precaution a child should not be separated from its mother till it is seven years of age.

Rules Regarding Suckling a Child

1184. If a woman suckles a child with the conditions which will be mentioned in rule 1202, that child becomes Maa*ram of the following persons:

(i) The woman herself (i.e. the woman who suckles it) and she is called Rièà'iyyah mother (milk mother).
(ii) he husband of the woman (for the milk belongs to him); he is called Rièà'i father (milk father).
(iii) Father and mother of that woman and all intheir upward line, even if they are milk father and milk mother.
(iv) The children born of that woman, or those who are born to her later.
(v) The childeren of the children of the of that woman, however low, regardless of whether they are born of her children or her children had suckled them.
(vi) The sister and pother of that woman, even if they are her milk sister and milk pother.
(vii) Paternal uncle and paternal aunt of that woman, even if they are by milk, i.e. suckling.
(viii) Maternal uncle and maternal aunt of that woman, even if they are by milk, i.e. suckling.
(ix) The descendants of the husband of that woman, to whom milk belongs, even if they may be his milk children.
(x) Father and mother of that husband, to whom milk belongs, however high.
(xi) Sister and pother of the husband, to whom milk belongs, even if they may be his milk sister and pother.
(xii) Paternal uncle and paternal aunt and maternal uncle and maternal aunt of the husband, to whom milk belongs, however high, even if they are his milk uncles and aunts.

There are other persons also (details regarding whom will be given in the following rules) who become Maa*ram on account of suckling milk.

1185. If a woman suchles a child with the conditions which will be mentioned in rule 1202, the father of the child cannot marry the real daughters of that woman, and if any one of them happens to be wife already, his marriage becomes void.

1186. If a woman suckles a child with the conditions mentioned in rule 1202, the husband of that

woman (to whom milk belongs) does not become Maa*ram of the sisters of that child. Also, the relatives of the husband do not become Maa*ram of the sisters and pothers of that child.

1187. If a woman suckles a child, she does not become Maa*ram of the pothers of that child. Moreover, the relatives of that woman do not becomeMaa*ram of the pother and sister of the child suckled by her.

1188. A man cannot marry a girl who has been suckled fully by his mother or grandmother. Also, if his step-mother suckles a girl from the milk belonging to his father, he cannot marry that girl. And if a person contracts marriage with a suckling girl, and there after, his mother or his grandmother or his step-mother suckles that girl, the marriage becomes void.

1189. A man cannot marry a girl who has been suckled fully by his sister, or by his pother's wife. And the position is the same if that girl is suckled fully by his pother's wite. And the position is the same if that girl is suckled by that man's niece (sister's or pother's dauqhter) or the granddauqhter of his sister or the granddaughter of his pother.

1190. If a woman suckles the child of her daughter, i.e. her granddaughter, or grandson, the daughter will become Halal (allowed) for her own husband, and the same applies if she suckles the child of the husband of her son, the wife of her son who is the mother of the suckling child, does not become Halal (allowed) for her husband.

1191. If the step mother of a girl suckles the child of her husband, with the milk that belongs to the girl's father, as a precaution, like the precaution mentioned in rule 1195, girl becomes Halal (allowed) for her husband regardless of whether the child is the offspring of that very girl or of some other woman.

Conditions of Suckling Which Causes to be Maa*ram

1192. The following are the eight conditions under which suckling child becomes the cause of being Maa*ram:

(i) That the child suchs the milk of a woman who is alive.

(ii) That the milk of the woman should be the product of a legitimate and legal childbearing, adultery. Hence, if the milk is proda ced without bearing a child or is for an illegitimate child and is produced peastfed to another child, the latter will not become Maa*ram of anyone.

(iii) That the child sucks milk directly from the peasts of the woman. hence, if milk is poured into its mouth, it has no consequence.

(iv) That the milk be pure and unadulterated.

(v) That the milk be of one husband only. Hence, if a peast-feeding woman is divorced and then she marries another man by whom she becomes pregnant, if the milk of the first pregnancy still continues from the peast till she gives birth to the other child, and she feeds any child eight times with the milk from her first pregnancy before giving birth, and feeds the same child seven times with the milk from the second pregnancy, after giving birth, that child will not become Maa*ram of anyone.

(vi) That the child does not throw up the milk due to illness. If it vomits the milk, the suckling has no effect.

(vii) The suckling should be of such quantity that it could be said that the bones of the child were strengthened and the flesh was allowed to grow by it. And if that cannot be ascertained, then if a child suckles for one full day and night, or if it suckles fifteen times, to its fill as will be explained later, it will be sufficient. But if it is known that in spite of the child having suckled for one full day and night, or for fifteen times the milk has not had any effect on the bones and the growth of flesh of the child, then one should not ignore exercising the precaution. And in this cases one should not marry one of those who may be Maa*ram, and should not look at the others as Mahram

(viii) That the child should not have completed two years of its age, and if it is suckled after it has completed two years of its age, it does not become Maa*ram of anyone. In fact, if, for example, it sucks milk eight times before completing its two years, and seven times after completing its two years, it does not become Maa*ram of anyone. But, if milk continues from the peast for more than two years since a woman gave birth to her child, and then she suckles some other child with that milk, that child will become Maa*ram of those who have been mentioned above.

1193. It is known from the pervious rule that there is three cirteria for the milk suckled in order to become Maa*ram:

1) The milk should be in such quantity that it could be said that the bones of the child were strengthened and the flesh was allowed to grow by it. And this should be due to the milk only and not with other food. However there is no objection if the other food is little and negligible. If two woman suckle a child in a manner that it can be said that the strengthening of the bones and growing of the flesh is partly due to the milk of one of them and partly due to other's milk, then both of them will be milk mothers; but if it is attributed to both of them, it does not result in becoming Mahram

2) The child should not eat food or such another's milk during one day and night. However if he or she eats drug, food or drinks water, so that it cannot be said that it has eaten food in between, there is no objection. The child should also such milk continually when necessary and it should not

be stopped to such milk, and as an obligatory precaution the beginning of the day and night should be counted when the child is hungry and the end of it when it is saturated.

3) The child should such wilk fifteen times from one woman, and should not drink another's wilk in between. However, there is no objection to eat food between them. Also there is no objection if some gap is allowed in between. The child should be suckled fully in each time, i.e. it should be hungry and suck milk till it is fully saturated without any gap, but if while sucking milk it pauses to peath or waits a little, so that it can be totally considered as one time, there is no objection.

1194. If a woman suckles several children from the milk of one husband, all of them become Maa*ram of one another, as well as of the husband, and of the woman who suckled them.

1195. A woman who suckles the pother of a person, does not become Maa*ram of that person

How To peast Feed a Child

1196. To suckle a child is first its mother's right, and the father cannot give it to another person, except when the mother demands payment for suckling and the father finds a wet-nurse who suckles freely or for lesser wages. In this case the father can give the child to the wet nurse. And then if the mother does not accept this and wishes to suckle the child herself, she should not demand any payment.

Miscellaneous Rules Regarding Nursing a Child

1197. It is better that a woman avoids suckling any and every child, because it is possible that she may forget as to which of them she has suckled, and later the two persons, who are Maa*ram to each other, may contract marriage.

1198. If a person wants that his sister-in-law (his pother's wife) may become his Maa*ram, some jurisprudents say that he may contract a temporary Nikàa* with a suckling girl, for example, for two days, and during those two days, the wife of his pother may suckle that girl as mentioned in rule no 1202. By so doing, she will become his mother-in-law, and thus be Mahram But this is a matter of Ishkal, if the woman suckles the girl from his pother's milk.

1199. Suckling a child, which becomes the cause of cause of being Maa*ram, can be established by the following two ways:

(i) Information in this behalf by a number of persons whose word is reliable.

(ii) Two just men testify to this fact. It is, however, necessary that they should also mention the conditions of suckling the child. for example, they should be able to say, We have seen the child for

twenty four hours, suckling milk from the peasts of the woman, and during this time it has not eaten anything else. And similarly, they should also narrate in detail, the conditions which have been mentioned in rule no. 1202. Witness by one just man plus two just women or by four just women for establishing that the child has suckled from a particular woman, is a matter of Ishkal.

1200. If it is doubted whether or not a child has sucked the quantity of milk which becomes the cause of becoming Maa*ram, or if it is considered probable that it might have sucked that quantity of milk, the child does not become Maa*ram of anyone, though it is better to observe precaution.

Divorce

1201. A man who divorces his wife must be adult sane, and should divorce of his own free will, therefore, if someone compels him to divorce his wife, that divorce will be void. It is also necessary that a man seriously intends to divorce; therefore, if he pronounces the formule of divorce jokingly, the divorce will not be valid.

1202. It is necessary that at the time of divorce, wife is pure (Naqiyyah) from Hayd and Nifas, and that the husband should not have had sexual intercourse with her during that per iod of purity.

1203. It is valid to divorce a woman even if she is in Haydh or Nifas in the following circumstances:

(i) If the husband has not had sexual intercourse with her after marriage.

(ii) If it is known that she is pregnant. And if this fact is not known and the husband divorces her during Haydh, and he comes to know later that she was pregnant, that divorce will be void.

(iii) If due to the husband's absence or imprisonment, he is not able to ascertain whether or not she is pure from Haydh or Nifas. But in this case, as an olbigatory precaution, man must wait for at least one month after separation from his wife and then divorce.

1204. If a man wishes to divorce his wife who does not menstruate at all by habit, or because of some disease or suckling a child or taking drug etc., while other women of her age habitually see Haydh, he should refrain from having sexual intercourse with her for three months from the time has had the intercourse, and then divorce her.

1205. It is necessary that the formule of divorce is pronounced in correct Arabic, using the word I`àliq; and two just (Adil) persons should hear it. If the husband wishes to pronounce the formula of

divorce hinself and his wife's name is, for example, Fatimah, he should say, Zawjati Fatimah I`àliq (i.e. my wife Fatimah is divorced) and if he appoints another person as his Wakil to pronounce the formula of divorce, the Wakil should say, Zawjatu woman is identified, it is not necessary to mention her name; and if she is present it is enough to point to her and say, Hadhiht I`àliq or say facing her, Anti I`àliq. And if the husband cannot pronounce divorce in Arabic, or cannot find a Wakil to do so, he can divorce in any language using the words of the same meaning as in Arabic formula.

1206. There is no divorce in the case of a woman with whom temporary marriage is contracted, for example, for one month or one year. She becomes free when the period of her marriage expires or when the mam forgoes the perid of her marriage by saying, I hereby exempt you from the remaining time of marriage, and it is not necessary to have a witness nor that the woman should be pure from her Haydh.

Iddah of Divorce (The Waiting Period after Divorce)

1207. A wife who is under nine and who is in her menopause will not be required to observe any waiting period. It means that, even if the husband has had sexual intercourse with her, she can remarry immediately after being divorced.

1208. If a wife who has complated nine years of her age and is not in menopause, is divorced by her husband after sexual intercourse, it is necessary for her to observe the waiting period of divorce. the waiting period of a free woman is that after her husband divorces her during her purity period she should wait till she sees H “ayd “twice and be comes pure if the time between two menses is less than three months. Thereafter, as soon as she sees Hayd for the third will be over and she can marry again. If, however, a husband divorces his wife before having sexual intercourse with her, there is no waiting period for her and she can marry another man immediately after being divorced, except if some semen of her husband in any way has entered into her vagina, in which case she should observe Iddah.

1209. If a woman does not see Haydh or menstruates but the period between two menses is three months or more who normally see Hayd, and her husband divorces her after sexual intercourse, she should observe Iddah for three lunar months after divorce.

1210. If a woman whose Iddah is of three months, is divorced on the first of a lunar month, she should observe Iddah for three lunar months, that is, for three months from the time the new moon is sighted. And if she is divorced during the month, she should observe Iddah for the remaining days in the month added to two months thereafter, and again for the balance from the fourth month so as to complete three months. For example, if she is divorced on the 20th of the month at the time of sunset and that month is of 30 days, she should observe Iddah till the sunset of 20th of the fourth month, and if that month is of 29 days she should, as an obligatory

precaution, observe Iddah for nine days of that month and the two months following it, and for twenty one days of the fourth month so that the total number of the days of the first month and the fourth month comes to thirty.

1211. If a pregnant woman is divorced, her Iddah lasts till the bieth or miscarriage of the child. Hence, if, for example, she gives birth to a child one hour after being divorced, her Iddah is over. But this is in the case of a legitimate child of the husband who is divorcing. If the pregnancy is illegitimate, and her husband divorces her, the Iddah will not be over.

1212. If a woman who has completed nine years of age, and is not in menopause, contracts a temporary marriage, for example, if she marries a man for a period of one month or a year, and the period of her marriage comes to an end, or her husband exempts her from the remaining period, she should observe Iddah, providing that the husband has had sexual intercourse with her. If she sees Haydh, she should, as a precaution, observe Iddah for two periods of Haydh and not marry again during that period. But if she does not see Haydh, then she should refrain from marrying another man for forty five days. And if she is pregnant, she should observe Iddah till the birth or miscarriage of the child, and as a recommended precaution, she should wait for forty five days or till the birth of the child whichever is longer.

1213. The time of the Iddah of divorce commences when the formula of divorce is pronounced, irrespective of whether the wife known about it or not. Hence, if she comes to know after the end of the Iddah that she had been divorced, it is not necessary for her to observe Iddah again.

Iddah (Waiting Period) of a Widow

1214. If a woman is free and is not pregnant and her husband dies, she should observe Iddah (the waiting period) for four lunar months and ten days, that is, she should not marry during that period even if she under nine or has entered into menopause or his husband had contracted temporary marriage with her, or she is Kafir or is in Iddah for revocable divorce or he may not have sexual intercourse with her and even if her husbandhas been insane or a child. If, however, she is pregnant, she should observe the waiting period till the birth of the child. But if the child is born before the end of four months and ten days from the death of her husband, she should wait till the expiry of that period. This Iddah is called the waiting period after death (Iddah-ul-wafat).

1215. It is Halal (allowed) for a woman who is observing the Iddah of death to wear pightly coloured dresses, or to use collyrium and to do any such act which is considered to be an adornment, but going out of the house is not Halal (allowed).

1216. The Iddah of death begins, in situation when the husband has disappeared or is absent, when the wife learns of his death, and not from the time when he actually died. But this rule does not, as a precaution, apply to a wife who has not attained the age of Bulugh, or if she is insane.

1217. If a woman says that her Iddah is over, her word can be accepted unless she is known to be unreliable, in which case, her word, as a precaution, will not be accepted. For example, if she claims to have menstruted three times in one month, her claim will not be trusted, except when her woman relatives confirm that it is her menstrual period.

Irrevocable and Revocable Divorce

1218. Irrevocable (Ba'in) divorce means that after the divorce, the husband is not entitled to take back his wife, that is, he is not entitled to take her as his wife without Nikàa*. This divorce is of six kinds, namely:

(i) The divorce of a woman who has not completed nine years of age.
(ii) The divorce of a woman who is in menopause.
(iii) The divorce of a woman whose husband has not had sexual intercourse with her after their marriage.
(iv) The third divorce of a woman who has been divorced three times.
(v) The divorce called Khul and Mubàràt.
(vi) The divorce by intervention of Mujtahid, in the case of a wife whose husband neither agrees to maintain her nor to divorce her.

Rules pertaining to these kinds of divorces will be detailed later. Divorces other than these are revocable (Raji), in the sense that as long as wife is observing Iddah her husband can take her back.

1219. When a person has given revocable divorce to his wife, if is Halal (allowed) for him to expel her out of the house in which she was residing at the time of divorce. However, in certain cases, like, when she has committed fornication or adultery there is no harm in expelling her. Also, it is Halal (allowed) for the wife to go out of the house unnecessarily, without her husband's permission. And it is obligatory for the man to give her maintenance during the Iddah.

Orders Regarding Return (Ruju)

1220. In the case of a revocable divorce a man can take back his wife in two ways:

(i) By telling her words which would mean that he wants her again as his wife.

(ii) By acting in a manner which would convey his intention to take her back.

And taking her back will be established by sexual intercourse although the husband may not have intended to return, and some jurisprudents believe that even touching or kissing, with or without intention of taking her back establishes the return, though this is not free from Ishkal, and as an

obligatory precaution, he should divorce her again, if he does not wish to return.

1221. It is not necessary for taking her back that the husband should call any person to witness, or sholud inform his wife. In other words if he takes her back without any one else realising this, the Ruju is in order. However, if the husband claims after the completion of Iddah that he took his wife back during Iddah but the woman does not confirms it, he must prove it.

1222. If a man divorces a woman twice and takes her back, or divorces her twice and takes her back by Nikàa*, or takes her back after one divorce and returns her by Nikah after the second divrce, she becomes Haram for him after the third divorce. But if she marries another man after the third divorce, she becomesHalal (allowed) for the first husband on fulfilment of five conditions, that is, only then he can remarry her.

(i) The marriage with the second person should have been of permanent nature. If he contracts with the her a temporary marriage for one month or a year, and then separates from her, the first husband cannot marry her.

(ii) The second husband should have had sexual intercourse with her, and the obligatory precaution is that the sexual intercourse should have taken place in vagina.
(iii) The second husband divorces her, or dies.
(iv) The waiting period (Iddah) of divorce or Iddah of death of the second husband should have come to an end.
(v) On the basis of obligaotry precaution the second husband should have been Bàligh at the time of intercourse.

Khul Divorce or Talaq-ul-Khul

1223. The divorce of a wife who develops an aversion from husband and hates him, and surrenders to him her Mahr or some of her property so that he may divorce her, is called Khul divorce. The hatred must have reached a proportion where she would not allow him conjugal rights.

1224. If the husband himself wishes to pronounce the formule of the divorce and his wife's name is, say, Fatimah, he should say afetr receiving the property, Zawjati Fatimatu Khala tuha ala ma badhalat, and should also say as a recommended precaution, Hiya I`àlaq; i.e. I have given Khul divorce to my wife Fatimah in lieu of what she has given me, and she is free. And if the wife is identified, it is not necessary to mention her name in I`àliq-ul-Khul and also in Mubàràt divorce.

1225. If a woman appoints a person as her representative to surrender her Mahr to her husband, and the husband, too, appoints the same person as his representative to divorce his wife, and if, for instance, the name of the husband is Mua*ammad and the name of the wife is Fatimah, the representative will pronounce the formula of divorce thus: An muwakkilati Fatimah badhaltu

mahraha li-muwaakkili nuh ammad, li-yakhla ‘aha ‘alayh. Then he says immediately: Zawjatu muwakkili khala tuha ala ma badhalat, fa hiya I`àliq. And if a woman appoints a person as her representative to give something other than Mahr to her husband, so that he may divorce her, the representative should utter the name of that thing instead of the word Mahraha’ (her Mahr). For example, if the woman gives $100 he should say, bedhaltu mi'ata dular.

Mubàràt Divorce

1226. If the husband and the wife develop mutual aversion and hatred and the woman gives some property to the man so that he may divorce her, this divorce is called Mubàràt.

1227. If the husband wishes to pronounce the formula of Mubàràt, and for example, his wife's name is Fatimah he hsould say, Bara'tu zawjati Fatimata ala ma badhalat. And as an obligatory precaution, he must add, Fa-hiya I`àliq; that is, my wife Fatimah and I separate from each other in consideration of what she has given me, hence, she is free. And if he appoints someone as his representative, the representative should say, An qibali muwakkili bara'tu zawjatahu Fatimata ala ma badhalat, fa-hiya I`àliq. And in either case, if he says, bima badhalat, instead of the words ala ma badhalat, there is no harm in it.

1228. It is necessary that the formula of Khul or Mubàràt divorce is pronounced in correct Arabic, if possible. And if that is not possible, then the rule explained in 1215 will apply. However, if for the sake of giving her property, the wife says in English or any language that, I give you such and such property in lieu of divorce, it will be sufficient.

1229. If during the waiting period of khul or Mubàràt divorce the wife changes her mind and does not give her property to the husband, he can take her back as a wife without Nikàa*.

1230. The property which the husband takes in Mubàràt divorce should not exceed the Mahr of the wife, and even as an obligatory precaution it should be less than the Mahr. But in the case of Khul divorce, there is no harm if it exceeds her Mahr.

Various Rules Regarding Divorce

1231. If a man had sexual intercourse with a non-Mahram woman under the impression that she was his wife, the woman should observe Iddah irrespective of whether she knew that the man was not her husband or thought that perhapse he was her husband.

1232. If a man commits fornication with a woman knowing that she is not his wife, it is not necessary for the woman to observe ‘Iddah. But if she thou ght that the man was probably her hus band, as an obligatory precaution, she should obsrve ‘Iddah.

1233. If a man seduces a woman so that her husband decides to divorce her and then she can marry him, the divorce and marriage are in order, but both of them have committed a major sin.

1234. If a woman lays a condition at the time of Nikàa* that if her husband goes on a long journey or in prison or, for example, does not give her maintenance for six months, she will have the right of divorce, the condition is void. However, if she lays a condition that in some conditions or in any case, she will be his Wakil for her own divorce, the condition is in order, and thereafter the husband cannot stop her Wikalah, and if she divorces her, the divorce will be in order.

1235. A woman who is divorced revocably, is his husband's lawful wife before completion of her 'Iddah. Hennce, she should not refrain any sexuel treating by her Husband, and it is permissible and even recommended to adorn herse if for him, and it is not permissible for her to go out of the house without his permission, and if she is not disobedient, giving her maintenance is obligatory on her husband.

Kafan and Zakat-ul-fitrah of the woman should also be given by the husband, and after death of either of them, they inherit from each other. Also the man cannot marry her sister during the 'Iddah.

Usurpation (Ghasb)

Usurpation means that a person unjustly seizes the property or right of another person. This is one of the major sins according to the wisdom, traditions and the holy Qur'an. It has been reported from the Holy Prophet (s.a.w.a.) that, whoever usurps one span of another's land, seven layers of that land will be put round his neck like a yoke on the Day of Judgement.

1236. If a person does not allow the people to benefir from a mosque, a school, a pidge and other places which have been constructed for the use of the public, he usurps their right. Similar is the case when a person reserves a place in the mosque for himself, but another person drives that person out from that place and does not allow him to use it, in which case the latter person commits a sin.

1237. If a person usurps a property, he should return it to its owner, and if it is lost while it has a price, he should compensate him for it, as will be explained later.

1238. If some benefit accrues from a thing which has been usurped, for example, if a lamb is born of a sheep which has been usurped, it belongs to the owner. Moreover, if, for example, a person

has usurped a house, he should pay its rent even if he does not live in it.

1239. If a person usurps a piece of land and cultivates or plants trees on it, the crop and the trees and their fruits are his own property, and if the owner of the land is not agreeable to the crops and the trees remaining on his land, the person who has usurped the land, should pull them out immediately even if he may suffer loss for that. Aiso, he should pay rent to the owner of the land for the period the crop and the trees remained on his land, and should also make up for the damage done to the land, like, he should fill up the holes from which the trees are pulled out. And if the value of land decreases because of that, he should compensate. Moreover, he cannot compel the owner of the land to sell it or lease it out to him nor can the owner of the land comple him to sell the trees or crops to him.

1240. If a thing usurped by a person perishes and if it is like a cow or a sheep, which has not much peers similar to it in characteristics affecting the demands, the usurper should pay its price; and if its market value has undergone a change on the grounds of demand and supply, he should pay the cost which was at the time it perished.

1241. If the thing usurped by a person which has perished is like wheat and barley, which has much peers similar to it in characteristics affecting the demands, he (the usurper) should pay a thing which is similar to the one usurped by him. However, the quality of that replacement should be the same as of the thing which has been usurped and has perished. For example, if he has usurped rice of superior quality, he cannot replace it with a rice of inferior quality.

1242. If the thing usurped by a person is usurped from him by another person and it perishes, the owner of the thing can take its compensation from any one of them, or can demand a part of the compensation from each of them. And if he takes compensation for the thing from the first usurper, the first usurper can demand whatever he has given from the second usurper. But if he is compensated by the second usurper, that second usurper cannot demand what he has given, from the first usurper.

Rules of the Lost Property When Found

1243. Any lost property other than an animal, which does not bear any sign by means of which it may be possible to locate its owner, irrespective of whether its value is less than a Dirham (12.6 peas of coined silver) or not, can be kept for himself by one who finds it, but the recommended precaution is that he gives it away as Sadaqah on behalf of the owner, whoever he may be. The same rule applies for money which has not any sign. But if there is signs like quantity or characteristics of time and place for the money found, one should announce it as mentioned in the following rule.

1244. If a person finds something which bears a sign by means of which its owner can be located,

and even if he comes to know that its owner is a non-Muslim whose property must be protected, and if the value of that thing reaches one Dirham, he should make an announcement about it at the place of gathering of the people for one year from the day on which he finds that thing, and if its value is less than one Dirham, the person who finds it should, as an obligatory precaution, give it away as Sadaqah on behalf of the owner, whoever he may be. And when the owner is found, the replacement should be given to him, if he does not approve the Sadaqah given on his behalf.

1245. If the person who finds such a things makes announcement for one year, but the owner of the property does not turn up, he should act as follows:

(i) If he has found that thing at a place other than the Masjid-ul-Halal (allowed), he can retain it on behalf of the owner, so that he may give it to him when he appears, or give it as Sadaqah to the poor on behalf of the owner. As an obligatory precaution, he should not keep it for himself.

(ii) If he has found that things in the Masjid-ul-Halal (allowed), the obligatory precaution is that he should give it away as Sadaqah.

1246. If the person makes announcement for one year and the owner of the property does not turn up, and he continues to care for it on behalf of its owner, and in the meantime it is lost, he will not be responsible for the loss if he has not been negligent nor overcautious about it. And if he gave it as Sadaqah on behalf of the owner, then the owner will have an option either to approve the Sadaqah or demand its replacement. And in the latter case the reward for the Sadaqah will go to him who gave the Sadaqah.

1247. If an insane person or a child who is not Bàligh finds something which bearns a sign and is worth one Dirham or more, his guardian can make an announcement. In fact, it is obligatory upon him to announce if he has taken its possession from the child or the insane person. And if the owner is not found even after having announced for a year, he should act as rule no 2577.

1248. If during the year in which a person has been making an announcement (about something having been found) he loses all hope of finding the owner, he should give it away as Sadaqah, as an obligatory precaution with the permission of the Mujtahid.

1249. If the property is lost during the year in which he has been making an announcement, and he has been negligent in caring for it, or has been overcautious, he will be responsible to the owner for replacement, and should also continue announcing. But if he has not been negligent nor overcautious, it is not obligatory for him to pay anything.

1250. If the property which bears a mark, and has value equal to one Dirham or more is found at a place where it is known that the owner of the property will not be found by means of announcement, the finder should give it to the poor persons as Sadaqah on behalf of the owner on

the very first day, and he should not wait till the year ends. As an obligatory precaution this should be done with the permission of Mujtahid.<

1251. If a thing is found in a non-Muslim land, but in an area in which Muslims live, so that it can be said in all probability that the property is that of a Muslim, one should act like the rule of the found things explained before Otherwise one can take possession of it.

1252. If a pair of shoes of a person is taken away and is replaced by another pair of shoes, and he knows that the pair of shoes which has remained belongs to the person who has taken his shoes away and he would not mind if he took his shoes instead of his own, he can take them. Similar rule applies if he knows that he has been unjustly robbed of his shoes; but in this particular case, the value of shoes left behind must not exceed the value of his own shoes, otherwise the difference of the price will be treated as artical whose owner is unknown. And in any other situation other than the two mentioned herein, the shoes will be considered as articles of unknown ownership.

1253. If a man has some property of unknown ownership, that is its owner is not known, and if it cannot be classified as lost, he is allowed to use it in a manner that would be agreeable to the owner, provided that he is sure that the owner will have no objection in principle. Otherwise, he must try to find the owner, and continue doing so for as long as he thinks it useful. And when he despairs, he should give it or its price away as Sadaqah to the poor, and as an obligatory precaution this should be done with the permission of the Mujtahid. If the owner later on turns up, and if he does not approve the Sadaqah which was given, as a precaution, he must give him a replacement.

Slaughtering and Hunting of Animals

1254. If an animal whose meat isHalal (allowed) (lawful) to eat, is slaughtered in the manner which will be described later, irrespective of whether it is domesticated or not, its meat becomesHalal (allowed) and its body becomes pure (Tahir) after it has died. But camels, fish and locust becomeHalal (allowed) without their heads being slaughtered, as will be explained later.

1255. If a wild animal like deer, partridge and wild goat whose meat isHalal (allowed) to eat, or aHalal (allowed) animal which was a domestic one but turned wild later, like, a cow or a camel which runs away and becomes wild, is hunted in accordance with the laws which will be explained later, it is Tahir andHalal (allowed) to eat.

1256. Meat and skin of those animals whose meat is Halal (allowed) to eat, except the small animals who live in holes like mice and ferrets, whether they are predators or not, even elephant, bear or monkeys, will become Tahir by slaughtering or hunting. If they are hunted, however, by a hunting dog, considering them Tahir is a matter of Ishkal.

Method of Slaughtering Animals

1257. The method of slaughtering an animal is that the four main ducts of its neck should be completely cut (oesophagus, windpipe and two large blood vessels on both sides of the windpipe). It is not as a precaution sufficient to split open these ducts ot to cut off the windpipe only. And the cutting of these four main ducts becomes practical when the cutting takes place from below the knot of the throat.

1258. If a person cuts some of the four ducts and waits till the animal dies and then cuts the remaining ducts, it will be of no use. If the rest ducts are cut before the animal dies, even if the cutting is not continuous as is usually done, the animal is Tahir andHalal (allowed) to eat.

Conditions of Slaughtering Animals

1259. There are certain conditions for the slaughtering of an animal. They are as follows:

(i) A person, a man or a woman, who slaughters an animal must be a Muslim. An animal can also be slaughtered by a Muslim child who mature enough to distinguish between good and bad, but not by non-Muslims other than the followers of the Devine Book (Ahl-ul-Kitab), nor a person belonging to those sects who are classified as Kafir, like, Nawasib - the enemies of Ahl-ul-Bait (A.S.). In fact, even if Ahl-ul-Kitab non-Muslim slaughters an animal, as per precaution, it will not beHalal (allowed), even if he utters Bismilah.

(ii) The animal should be slaughtered with something made of iron, and slaughtering with stainless steel knives will not, as an obligatory precaution, be in order. However, if an implement made of iron is not available, it can be slaughtered with a sharp object like glass or stone, as that the four ducts are severed, even if the slaughtering may not be necessary, like when the animal is on the verge of death.

(iii) When an animal is slaughtered, it should be facing Qiblah. If the animal is sitting or standing, then facing Qiblah would be like a man sitting or standing towards Qiblah while praying. And if it is lying on its right or left side, then the cutting site and stomach should be facing Qiblah and it is not necessary for the feet and the face to be facing Qiblah. If a person who knows the rule, purposely ignores placing the animal towards Qiblah, the animal would become Halal (allowed); but if he forgets or does not know the rule, or makes a mistake in ascertaining the Qiblah, there is no objection. If one does not know the direction of Qiblah, or is unable to turn the animal towards Qiblah even if with a help by another person, when the animal is mulish or has fallen into a hole or well, and the person is compelled to slaughter it, there is no objection to slaughter it in any direction. The same rule applies when one fears that delaying due to facing the animal in direction of Qiblah may result in its death. Slaughtering of animals by a Muslim who does not believe in that the animals should be facing Qiblah while being slaughtered, is in order, even though he may slaughter it in a direction other than Qiblah. As a recommended precaution, the person slaughtering should also face Qiblah.

(iv) When a person wants to slaughter an animal, or just before it, he should utter the name of Allah with the intention of slaughtering, and it suffices if he says, ~Bismi-llah", or "Allahu Akbar", only, or even if he utters, 'Allah though this is opposite to the precaution. But if he utters the name of Allah with out the in tention of slaughtering the animal, or does not say it because of not knowing the rule, the slaughtered animal does not become Tahir and it is also Halal (allowed) to eat its meat. And if he did not utter the name of Allah forgetfully, there is no objection.

(v) The animal should show some movemen after being slaughtered; at least it should move its eyes or tail or strike its foot on the ground. This law applies only when it is doubtful whether or not the animal was alive at the time of being slaughtered, otherwise is not essentionl.

(vi) It is necessary that the blood should flow in normal quantity from the slaughtered animal. If the blood clots in the vessels, not allowing blood to flow out, or if the bleeding is less than nar mal, that animal will not be Halal. But if the blood which flows is less because the animal bled profusely before the slaughter, there is no objection.

(vii) The neck should be cut with the intention of slaughtering. Hence, if a knife falls of one's hand, and spontaneausly cuts animal's neck, or if the slaughtering person is asleep, intoxicated, unconscious, child or insane not disting wishing between good and bad, or if one puts the knife on the animal's neck with another intention and it cuts the neck by chance, the animal will not becomeHalal (allowed).

1260. As a obigatory precaution, it is not permissible to sever the head of the animal from its body before it has died, though this would not make the animal Halal (allowed). But if the head gets severed because of sharpness of the knife, or not being attentive, there is no objection. Similarly, as a obligatory precaution it is not permissible to slit open the neck and catthe spinal cord before the animal has died.

Method of Slaughtering a Camel

1261. If one wants to slaughter a camel so that it becomes Tahir andHalal (allowed) after it has died, it is necessary to follow the above mentioned conditions for slaughter and then thrust a knife or any other sharp implement made of iron into the hollow between its neck and chest. It is better that the camel at that time is standing. Slaughtering in this way is called "Nahr". If a camel is slaughtered by cutting its neck, not Nahr, it will become Najis and Halal (allowed).

1262. The Fuqahaa (jurisprudents), may Allah bless them with His pleasure, have enumerated certain Mustah "ab acts for slaughtering the animals:

(i) While slaugthering the sheep (or a goat), both of its forefeet and one hind foot should be tied

together and the other foot should be left free. As for a cow, all its four feet should be tied and the tail should be left free. And in the case of a camel, if it is sitting, its two forefeet should be tied with each other from below up to its knees, or below its armpits, and its hind feet should be left free. And it is recommended that a bird should be its hind feet after being slaughtered so that it may flap its wings.

(ii) Water should be placad before an animal beforeslaughtering it.
(iii) An animal should be slaughtered in such a way that it should suffer the least, that is, it should be swiftly slaughtered with a very sharp knife.
1263. In certain Traditiona, the following have been enumerated as Makrooh acts while slaughtering the animals: (i) To skin an animal before it has died.
(ii) To slaughter an animal at a place where another animal of its own kind can see it.
(iii) To slaughter an animal on Friday night (i.e. the night preceding Friday), or on Friday before noon. However, there is no harm in doing so in the case of necessity.
(iv) To slaughter an animal which someone has ped and rearedhimse lf.

Hunting with Weapons

1264. If aHalal (allowed) wild animal is hunted with a weapon and it dies, it becomesHalal (allowed) and its body becomes Tahir, if the following five conditions are fulfilled:

(i) The weapon used for hunting should be able to cut through, like a knife or a sword, or should be sharp like a spear or an arrow. In the latter case, if the weapon has not a bayonet, it should tear the body of the animal, and if it has a bayonet, it is enough to kill it, though without injuring it. If an animal is hunted with a trap, or hit by a piece of wood or a stone, and dies, it does not become Tahir and it is Halal (allowed) to eat its meat. The same rule applies, as an obligatory precaution, if the animal is hunted with a sharp thing whichis not weapon, like large needles, forks, shewers etc.. And if an animal is hunted with a gun and its bullet is so fast that it pierces into the body of the animal and ters it up, whether the bullet is sharp or not, or it is made of iron or not, the animal will be Tahir andHalal (allowed), but if the bullet is not fast enough and enters the body of the animal with pressure and kills, or burns its body with its heat, and the animal dies due to that heat, it is a matter of Ishkal to say that the animal is Tahir orHalal (allowed).

(ii) The hunter should be a Muslim or at least a Muslim child who can distinguish between good and bad. If a non-Muslim, other that Ahl-ul-Kitab, or from those sects like, Nawasib - enemies of Ahl-ul-Bayt (A.S.) who are classified as Kafir, hunts an animal, the animal is notHalal (allowed). As a matter of precaution, an animal, hunted by Ahl-ul-Kitab non-Muslim is also notHalal (allowed), even if he may have uttered the name of Allah.<

(iii) The hunter should aim the weapon for hunting the particular animal. Therefore, if a person takes an aim at some target, and kills an animal accidentally, that animal will not be Tahir and it will

be Halal (allowed) to eat its meat. But if he aims at some particular animal, but kills another animal, it will beHalal (allowed).

(iv) While using the weapon the hunter should recite the name of Allah, and it is sufficient if he utters the name of Allah before the target is hit. But if he does not ercite Allah's name intentionally, the animal does not becomeHalal (allowed). There is, however, no harm if he fails to do so because of forgetfulness.

(v) The animal will beHalal (allowed) if the hunter reaches it when it is already dead, or, even if it is alive, but he has no time left to slaughter it. However, if he has enough time to slaughter it and he does not slaughter it till it dies, it will be Halal (allowed).

1265. If a hunting dog hunts a wild animal whose meat isHalal (allowed) to eat, six conditions should be fulfilled for its being Tahir andHalal (allowed) which are explained in detailed books.

1266. If a fish with scales is caught alive from water, and it dies thereafter, it is Tahir and it isHalal (allowed) to eat it, even if the scales are shed off later due to some reasons. And if it dies in the water, it is Tahir, but it is Halal (allowed) to eat it, even if it dies because of such things as poison. However, it is lawful to eat it if it dies in the net of the fisherman. A fish which has no scales is Halal (allowed) even if it is pought alive from water and dies out of water.

1267. If a fish falls out of water or a wave throws it out, or the water recedes and the fish remains on the shore, if some one catches it with his hand or by some other means before it dies, it will beHalal (allowed) to eat it after it dies, and if it dies before catching it, it will be Halal (allowed).

1268. It is not necessary that a person catching a sish should be a Muslim or should utter the name of Allah while catching it. It is, however, necessary that a Muslim should have seen or ascertained that the fish was pought alive from the water, or that it died in the net in water.

1269. If a dead fish about which it is not known whether it was caught from water alive or dead, is bought of a Muslim, who is doing some act which means that it isHalal (allowed), like selling or eating, it isHalal (allowed), but if it is bought of a non-Muslim it is Halal (allowed) even if he claims that he has pought it alive from the water; except when a man feels satisfied that the fish was pought alive from the water or that it died in the net in the water.

Rules of Things Allowed to Eat and Drink

1270. All fierce birds, like eagle, vultures and wild falcons which have talon, are Halal (allowed) to eat and so are, as an obligatory precaution, all kinds of crows and jays or ravens. All such birds whose gliding is more than flapping the wings, usully have talongs and are Halal (allowed) to eat, and those whose flapping of the wings while flying is more than gliding areHalal (allowed) to eat.

Thus, one can identifyHalal (allowed) birds from Halal (allowed) ones by observing how they fly. And if the style of any bird's flight cannot be determined, that bird will be consideredHalal (allowed) for eating, if it has a crop or a gizzard or a spur on the back of its feet. In the absence of all these, the bird will be Halal (allowed). Other birds like the hens, the pigeons, the sparrows and even the swallows and hoopoes. And the animals which fly, but have not any feathers, like the bats, are Halal (allowed); similarly, the bees, the mosquitoes, and other flying insects are, as an obligatory precaution, Halal (allowed).

1271. If a part which possesses life is removed from the body of a living animal, for example, if the fatty tail or some flesh is removed from the body of a living sheep, it is Najis and Halal (allowed) to eat.

1272. Certain parts of theHalal (allowed) animals are Halal (allowed) to eat. They are fourteen:

(i) Blood.
(ii) Excrement.
(iii) & (iv) Male and female genitals.
(v) Womb.
(vi) Lymphatic ganglions.
(vii) Testicles.
(viii) Pituitary gland (a ductless gland in the pain).
(ix) Spinal cord.
(x) The two wide (yellow) nerves which are on both sides of the spinal column, (as an obligatory precaution).
(xi) Gall bladder.
(xii) Spleen.
(xiii) Urinary bladder.
(xiv) Eye balls.

These parts are Halal (allowed) in allHalal (allowed) other than the birds. As for the birds, their blood and excrement is definitely Halal (allowed) and apart from these two, the parts enumerated in the above list are Halal (allowed) as a measure of precaution. Also as an obligatory precaution blood and excrement of fish and locuts are Halal (allowed), and other parts of them areHalal (allowed).

1273. It is Halal (allowed) to eat mud or clay and as an obligatory precaution to eat earth or sand. It is also permissible to take a small quantity of the clay of the Shrine of Imam Husayn (usually called Turbat-ul-Husayn) for the purpose of cure of illness.

If the clay is not taken from the holy shrine itself or around it, as an obligatory precaution, it should be dissolved in some water or the like and then one may drinke it, even if the clay is commonly

considered as Turbat-ul-Husayn. This precaution should be observed also when one is not sure that the clay is from the holy shrine and there is no proof to confirm it.

1274. It is not Halal (allowed) to swallow the mucus (liquid discharging from the nose) and phlegm which may have come in one's month. Also, there is no objection in swallowing food the which comes out from between the teeth at the time of tooth picking.

1275. It is Halal (allowed) to eat an absolutely harmful thing or anything which may cause death.

1276. It is Makruh to eat the meat of a horse, a mule or a donkey. If a person has sexual intercourse with them those animals become Halal (allowed), and as a precaution, their milk and offsprings become Halal (allowed) also, and their urine and dung become Najis. Such animals should be taken out of the city and should be sold at some other place. And as for the person who committed the sexual intercourse with the animal, it will be necessary to give its price to the owner and the money gained from its selling is for the person who commited that Halal (allowed) act. Similarly, if a person commits sexual intercourse with an animal like cow and sheep, the meat of which is lawful to eat, its urine and excrement become Najis, and it is also Halal (allowed) to eat their meat, and as a precaution to drink their milk. Also as a precaution, same will be the case with their offsprings. Such an animal should be instantly killed and burnt, and one, who has had sexual intercourse with the animal should pay its price to its owner.

1277. Drinking wine is Halal (allowed), and in some traditions (Ahadth), it has been declared as among the greatest sins.

1278. Also to eat at a table at which people are drinking wine is Halal (allowed) and similarly, to sit at that table where people are drinking wine, as a obligatoty precaution is Halal (allowed).

1279. It is obligatory upon every Muslim to save the life of a Muslim who may be dying of hunger or thirst, by providing him enough to eat or drink, providing he himself is not in risk of death. The same rule applies of that person is non-Muslim, but is a person, whose killing is not permissible.

Vow and Covenant (Nadhr and `Ahd)

1280. Vow means malking it obligatory upon oneself to do some good act, or to refrain from doing an act which it is better not to do, for the sake of, or for the pleasure of Allah.

1281. While making a vow, a formule declaration has to be pronounced, thought is not necessary

to be in Arabic. If a person says, 'When the patient recovers from his ailment, it will be obligatory upon me to pay $10 to a poor man, for the sake of Allah, his vow will be in order. And if one says,' I vow to do so and so for the sake of Allah', he should, as an boligatory precaution, do it. But if a person does not utter the name of God, and says only, 'I vow', or utters one of the names of the holy prophet or Imams, the vow will not be in order. If the vow is in order, and the person under the vow does not perform it intentionally, he has committed sin and should pay kaffarah, which is like Kaffarah of violation of an oath as will be explained later.

1282. If a husband disallows his wife to make a vow, her vow will not be valid, providing that vow in any way violates the rights of the husband, even if it is made before the marriage contract. Similarly, if a wife makes a vow to pay from her wealth, without her husband's permission, she commits an act which is not free from Ishkal, except when the vow is for A*ajj, Zakat, Sadaqah or for doing a good turn to her parents, or her blood relations.

1283. If a woman makes a vow with the permission of her husband, he cannot apogate her vow, or restrain her from fulfiling her vow.

1284. If a child (son or daughter) makes a vow, with or without the permission of his/her father, he/she should fulfil his/her vow. However, if his/her father or mother disallows him/her to fulfil the vow, his/her vow is void, provided that the prohibition is due to their compassion and to oppose them will result in their annoyance.

1285. A person can make a vow only for an act which is possible for him to fulfil. If, for example, a person is not capable of travelling up to Karbala on foot, and he makes a vow that he will go there on foot, his vow will not be in order. And if a person is capable when making the vow, but becomes incapable later, his vow will be invalidated, and there is no obligation on him, except when the vow is to fast, in which if the person becomes incapable of fasting, he should, as an obligatory precaution, either give 750 grams of food to poor person as Sadaqah, or give 1.5 kilos of food to a person to fast in behalf of him.

1286. If a person makes a vow that he will perform or abandon a normal permissible act, the performing or abandoning of which has equal merits in Shari`ah, his vow is not in order. But if performing it is better in some respect, and a person makes a vow keeping that merit in view, his vow will be in order.

1287. If a person makes a vow to perform an act, he should perform it in strict accordance with his vow. If he makes a vow to give Sadaqah or to fast on the first day of every month, or to offer prayers of the first of the month, if he performs these acts before that day or after, it will not suffice. Also, if he makes a vow that he will give Sadaqah when a patient recovers, but gives away before the recovery of the patient, it will not suffice.

1288. If a person makes a vow that he will observe fast on a particular day, he should observe fast on that very day; and if he does not observe fast on that day intentionally, he should, besides observing the Qada' for that fast, also give Kaffarah for it. However, travelling for him on that day is permissible, and thus he will not fast. Also, it is not obligatory upon him to make an intention for staying ten days when he is an a journey, so as to be able to fast. If a person who made the vow could not fast on the particular day because of being on a journey, illness, or in the case of a woman, being in the state of Haydh, or for any good excuse, then he will give Qada' of that fast, and there will be no Kaffarah.

1289. If a person, of his own choice and volition, violates his vow, he should give Kaffarah for it.

1290. If a person makes a vow to renounce an act for some specified time, he will be free to perform that act after that time has passed. But if he performs it before that time, due to forgetfulness or hellessness, there is no liability on him. Even then, it will be necessary for him to refrain from that act for the remaining time, and if he repeats that act before it without any excuse, he must give Kaffarah for it.

1291. If a person makes a vow to renounce an act, without setting any time limit, and then performs that act because of forgetfulness, helplessness or carelessness or compulsion, or ignorance, it is not obligatory for him to give a Kaffarah, but after the first instance, if he repeats the act again at any time, voluntarily, he must give Kaffarah for it.

1292. If a person a vow he would spend some amount of money on the shrine of one of the Imam or the descendants of the Imams, without having any particular project in mind, he should spend it on the repairs, lighting, carpeting etc. of the shrine. And if this is not possible, or the shrine is needless, it should be spend for its needy pilgrims.

1293. If a person makes a vow to use something in the name of the holy prophet (s.a.w.a), Imam or their descendants or passed scholars or the like, and has an intention to put it to a specific use, he should spend it for that very purpose. And if he has not made an intention to put it to any, specific use, it is better that he should use it for a purpose which has some relationship with that person, for example, he should spend it on poor pilgrims of that Imam, or on the shrine of the Imam, like its repairs etc. or for such purposes which would glorify the memory of that person.

1294. If a father or a mather makes a vow that he/she will marry their daughter to a Sayyid, the option rests with the girl when she attains the age of puberty, and the vow made by the parents has no significance.

1295. When a person makes a covenant with Allah, that if his particular lawful need is fulfilled, he will perform a good act, it is necessary for him to fulfil the covenant. Similarly, if he makes a covenant, without having any wish, that he will perform a good act, the performing of that act

becomes obligatory upon him.

1296. As in the case of vow, a formal declaration should be pronounced in the case of covenant (`Ahd) as will. And it is not necessary for the covenant to be a better act in Shri`ah, but it is enough that it is not forbidden in Shar`ah, or has a preference according to the wise, or is advisable for the person. If after making a covenant, it happens to be no more advisable or preferable, it is not necessary to act according to it, even if it has become Makruh.

1297. If a person does not act according to the covenant made by him, he has committed a sin and should give a Kaffarah for it, i.e. he should either feed sixty poor persons, or fast consecutively for two months, or set free a slave.<br

Rules Regarding Oath (Qasam)

1298. If a person takes an oath that he will perform an act (e.g. that he will fast) or will refrain from doing an act (e.g. that he will not smoke), but does not intentionally act according to his oath, he has committed a sin and should give Kaffarah for it, which means he should set a slave free, or should fully feed ten indigent persons, or should provide them with clothes. And if he is not able to perform these acts, he should fast for three consecutive days.

1299. The conditions for validity of an oath are:

(i) A person who takes an oath should be Bàligh and sane, and should do so with free will and clear intention. Hence, an oath by a minor, an insane person, an intoxicated person, or by a person who has been coerced to take an oath, will not be in order. Similarly, if he takes an oath involuntarily, or unintentionally, in a state of excitement, the oath will be void.

(ii) An oath taken for the performance of an act which is Halal (allowed) or Makruh is not valid. Similarly, an oaht for renouncing an act which is obligatory or Mustahab is also void. And if he takes an oath to perform a normal or usual act, it will be valid, if that act has any preference in the estimation of sensible people. Similaly, if he takes an oath for renouncing a usually permissible act, it will be valid if it is deemed more preferable than its performance, by the sensible people.

(iii) The oath must be sworn by one of those names or attributes of the Almighty Allah which are exclusively used for Him, (e.g., God. Allah).

(iv) The oath should be uttered in words, but a dumb person can take an oath by making a sign. Similarly, if a person is unable to utter the words, but he writes down the oath, repeating in his mind the intention for it, that will be a valid oath, though as a precaution, this will be valid also when done by others.

(v) It should be possible for him to act upon his oath. And if he was able to act upon the oath when

he took it, but become incapable of acting upon it later, the oath becomes nullified from the time he became incapable of acting upon it, provided that he did not incapacitate himself purposely. And the same rule applies if acting upon one's vow, oath, or covenant, involves unbearable hardship. If he incapacitates himself voluntarily, or he becomes incapable involuntarily but he has no justified excuse for his delaying, he has committed a sin and Kaffarah will be obligatory upon him.

1300. If the father forbids his son or girl to take an oath, or the husband forbids his wife to take an oath, thier oath is not valid.

1301. If a son takes an oath without the permission of his fahter, or a wife takes an oath without the permission of her husband, the father or the husband can unllify the oath.

1302. If a person does not act upon his oath because of forgetfulness, helplessness or heedlessness, he is not liable for Kaffarah. And the same rule applies, if he is forced not to act upon his oath.

1303. If a person swears to confirm that he is telling the truth, and if that is actually the truth, his taking of the oath is Makruh; and if it is a lie, his taking of the oath is Halal (allowed). In fact, to make a false oath in the cases of dispute is a major sin. However, if a person takes a false oath in order to save himself, or another Muslim from the torture of an oppressor, there is no objection in it; in fact, at times it becomes obligatory. However, if a person can resort to Tawriyah (dissimulation), that is, if at the time of taking an oath, he makes a vague, feigned utterance with no intention of resorting to falsehood, then it is better for him to do so. For example, if an oppressor or a tyrant who wants to harm someone asks him whether he has seen that person, and he had seen him an hour earlier, he would say that he has not seen him, meaning in his mind that he has not seen him during the last few minutes.

Rules Regarding Waqf (Endowment)

1304. If a person makes something Waqf, it ceases to be his property, and neither he nor anybody else can either gift it or sell it to any person. Also, no one can inherit anything out of it.

1305. It is not necessary to utter the formal declaration of Waqf in Arabic. In fact, Waqf is established by conduct as well. Therefore, if a person spreads a mat in a mosque with an intention of Waqf, or constructs a building having an appearance of a mosque, with an intention of giving it away as a mosque, the Waqf will be established, but with an intention only, the Waqf will not be established. In the cases of public endowments, like a mosque, a school, any public utility, or Waqf for general poor or Sayyids, it does not require anyone to make a formal acceptance. In fact, even private endowments, like the one created for one's own children, do not require any reciprocal acceptance.

1306. If a person endows a property, he should make it a perpetual Waqf from the day he declares the Waqf. Therefore, if he says, 'This property is waqf after my death', or says, 'This property is Waqf for ten days', the Waqf will not be valid.

1307. In the case public endowment like schools, mosques, etc., it is not necessary that it be possessed by any gesture. The waqf is established immediately upon its declartion as such; but for private endowment, possession is necessary.

1308. If a person endows a property, for example, for the poor, or for the Sayyids, or he endows it for charitable purposes, and does not appoint the trustee for the endowment, the discretion with regard to that endowment rests wiht the Mujtahid.

1309. If the trustee of endowment estc dishonestly, and does not use its income for the special purposes, the Mujtahid should assign an honest person to act with the dishonest trustee in order to restrain him from acting dishonestly. And if this is not possible, the mujtahid can replace him with an honest trustee.

1310. A carpet which has been endowed in Husayniyyah (a place where the matryrdom of Imam Husayn is mourned), cannot be used in mosque for offering prayers, even if the mosque may be near the husayniyyah. But if it is the Husayniyyah's possession, it can be transfered to another place with the permission of its trustee.

1311. If a property is endowed for the maintenance of a mosque, and that mosque does not stand in need or repairs, and it is also not excepted that it will need repairs for quite some time, and if it is not possible to collect and deposit the accrual till such time when it could be used for the repairs, then, as an obligatory precaution, the income should be used for the purposes which has nearest conformity with the intention of the one who endowed it, like spending it in other needs of the same mosque, or for the repairs of any other mosque.

Rules Regarding will (Wasiyyah)

1312. A will is purported to direct that after one's death, a certain task be completed, or that a portion of his property be given in ownership to someone, or that, the ownership of his property be transferred to someone, or that it be spent for charitable purposes, or that he appoints someone as guardian of his children and dependents. A person who is to give effect to a will is called executor (Wasiy).

1313. If a person makes a will that something from his property will belong to someone, and if that person accepts the will, even if his acceptance took place during the lifetime of the testator, that thing will become his property after the death of the testator, providing the thing is less than one

third of the deceased's properties.

1314. When a person sees signs of approaching death in himself, he should immediately return the things held in trust by him to their owners, or should inform the owners, acting according to the details already mentioned in rule no.

1315. And if he is indebted to others, and the time for repayment of the debt has marured, and if the creditors make the demand, he should repay the debt, immediately, even if he has not the signs of death. And if he is not in a position to repay the debt, or the time for its repayment has not yet matured, or the creditor has not yet demanded, he should make arrangements to ensure that his creditor will be paid after his death, like, by making a will to inform those who are unaware of the debt and then appoint witness to the will.

1317. If a person who sees signs of approaching death in himself, has a debt of Khums or Zakat, or has other liabilities, and if he cannot make payment immediately, he should make a will directing payment, if he owns some property, or if he knows someone will pay on his behalf. The same rule applies if he has obligatory A*ajj on him. But, if he is capable of paying his religious dues immediately, he should pay at once, even if he sees no signs of impending death.

1318. If a person who finds sigins of approaching death in himself, has lapsed Qada of some prayers and fasts due to him, he should make arrangements to ensure that they will be performed on his behalf after his death.

1319. The executor (Wasiy) should be sane and trustworthy in matters related to the testator, and as a precaution, in matters related to others also.

1320. If a person retracts a directive in his will, for example, if he first says that 1/3 of his property should be given to a person, and then says that it should not be given to him, the will becomes void. And if he changes his will, for example, if he appoints an udministrator for his children, and then him with another person, his first will becomes void, and his second will should be acted upon.

1321. If obligatory A*ajj remained unperformed by the dead person, or debts and dues like Khums, Zakat and Mazalim (wealth wrongly appropriated) which were opbligatory to pay, were not paid, they should be paid from the whole estate of the deceased though he may not have directed in his will for them. But Kaffarah and vows including vowed A*ajj, should be paid from the one third of the estate, if they are commanded in the will.

1322. If the estate of the deceased exceeds his debt and expenses for obligatory A*ajj, and obligatory religious dues like Khums, Zakat and Mazalim, and if he has also willed that 1/3 or a part thereof of his property be put to a particular use, his will should be followed, and if he has not made a will, then what remains is the property of the heirs.

1323. If the disposal specified by the deceased exceeds 1/3 of his property, his will in respect of what exceeds the 1/3 of his property will be valid only if the heirs show heirs agreement, by words or by conduct. Their tacit approval will not suffice. And even if they give their consent some time after his death, it is order. But if some heirs permit and others decline to give consent (to the will being acted upon), the will is valid and binding only in respect of the shares of those who have consented.

1324. If a person makes a will that Khums and Zakat and other debts due to him should be paid out of 1/3 of his property, and also someone be hired for performing his Qada prayers and fasts, and also perform Mustahab acts like feeding the poor, his drbt should be paid first out of the 1/3 of his property, and if there is a balance, a person should be hired to perform his Qada' prayers and fasts, and if there is still a residue, it should be spent on the Mustahab acts specified by him. If, however, 1/3 of his property is sufficient only for the payment of his debts, and his heirs, too, do not permit that anything more than the 1/3 of his property should be spent, his will in respect of prayers, fasts, and Mustahab acts is void.

1325. If a testator wills that his debt should be paid, and also someone should be hired for the performance of his Qada' prayers and fasts, and also Mustahab acts should be performed, but does not direct that the expenses for those acts should be paid from 1/3 of his estate, then his debt should be paid from his estate, and if anything remains, 1/3 of it should be spent on prayers and fasts and Mustahab acts specified by him. And if that 1/3 is not sufficient, and if his heirs permit, his will should be implemented by paying from their share, and if they do not permit, the expenses of prayers and fasts should be paid from the 1/3 of his estate, and if anything remains it should be spent on the Mustahab acts specified by him.

Inheritance

1326. There are three groups of persons who inherit from a dead person, on the basis of relationship:

(i) The first group consists of the dead person's parents and children, and in the absence of children, the grand children, however low, and among them however is nearer to the dead person inherits his property. And as long as even a single person from this group is present, people belonging to the second group do not inherit.

(ii) The second group consists of grandfather, grandmother, pothers and sisters; and in the absence of sisters and pothers their childern, whoever from among them is near er to the dead person, will inherit from him. And as long as even one person from this group is present, people belonging to the third group do not inherit.

(iii) The third group consists of paternal and uncles paternal aunts and maternal uncles and maternal aunts, and their descendants. And as long as even one person from the paternal uncles and paternal aunts and maternal uncles and maternal aunts of the dead person is present, their children do not inherit. However, if the paternal step uncle and the son of the real paternal uncle are present, the son of the dead person's real pater nal uncle will inherit from him to the exclusion of the paternal step uncle.But if there are several paternal uncles and several paternal counsins, or if the widow is alive, then this rule is not without Ishkal.

1327. If the dead person's own paternal uncle and paternal aunt and maternal uncle and maternal aunt and their children and their grandchildren do not exist, the property will be inherited by the paternal uncles and paternal aunts and maternal aunts of deaduncles and maternal person's parents. And if even they do not exist, the property will be inherited by their descendants.

1328. Husband and wife inherit from each other as will be explained later.

Inheritance of the First Group

1329. If out of the first group, there is only one heir of the deceased (for example, father or mother or only one son or only one daughter) he/she inherits the entire estate, and, if there are more than one sons or daughters, the estate is divided among them in such a way, that each son gets twice the share of each daughter.

1330. If the father and the mother of deceased are his only heirs, the estate is divided into 3 parts, out of which 2 parts are taken by the father and one by the mother. If, the deceased has two pothers or four sisters, or one pother and two sisters, who are Muslims and free and are related to him from the side of the father (i.e. the father of these persons and of the deceased is same, although thier mothers may be different), and none of them is in its mother's womb, the effect of the their presence on the inheritance is that, although they do not inherit anything in the presence of the father and the mother, the mother gets 1/6 of the estate, and the rest is inherited by the father.

1331. If only the father, the mother and one daughter are the heirs of deceased, and he (the deceased) does not have two paternal pothers, or four paternal sisters, or one paternal pother and two paternal sisters, with the conditions already explained, the estate will be divided into 5 parts, out of which the father and the mother take one share each, and the remaining 3 shares are taken by the daughter. And if the deceased has two paternal pothers, or four paternal sisternal sisters, or one paternal pother and two paternal sisters, the estate will be divided into 30 parts, of which six shares (one fifth) are for the father, five shares (one sixth) are for the mother, and 18 shares (three fifth) will be for the daughter, and the rest (one thirtieth) which is considered probable to be for the mother, as 3/4 of it may be the daughter's share and 1/4 of it may be the father's share, should be, as an obligatory precaution, compromised, by the heirs.

1332. If the heirs of the deceased are his father, mother, and one son only, the property is divided into 6 parts, from which one part is taken by the father and one by the mother, and 4 by the son. And if the deceased has several sons or several daughters, they divide the said 4 parts equally among them. If however, he has several sons and daughters, the 4 shares are divided among them in such a manner, that each son gets double the share of each daughter.

1333. If the heirs of deceased are only his father or mother and one or several sons, the property is divided into 6 parts, from which one goes to the fahter or mother, and 5 to the son. If there are more than one son, they divide those 5 parts equally among them.

1334. If the deceased is survived by the father or the mother with his sons and daughters, the estate will be divided into 6 parts. One part is taken by the father or the mother, and the remaining 5 parts are divided among the sons and daughters, in such a manner that each son gets double the share of each daughter.

1335. If the the heirs of deceased are only his father or mother and one daughter, his estate, will be divided into four parts. Out of these one part is taken by the father or the mother, and the rest goes to the daughter.

1336. If the heirs of deceased are his father or mother and several daughters, the property is divided into 5 parts. One part is taken by the father or the mother, and the remaining 4 parts are equally divided among the daughters.

1337. If the deceased has no children, the child of his son gets a son's share even if it be a daughter, and the child of his daughter gets a daughter's share even if it be a son.

Inheritance of the Second Group

1338. The second group of persons, which inherit on the basis of relationship, consists of grandfather, grandmother, pothers and sisters and, if the dead person does not have pothers and sisters, their children inherit the estate.

1339. If the hirs of deceased is only one pother, or only one sister, he or she inherits the entire estate, and if he has several real pothers along or several real sisters along, they divide the proeprty equally among themselves. If, however, he has several real pothers and some real sisters together, every pother gets double the share of a sister.

1340. If a deceased has real pothers and real sisters, his half pothers and sisters (whose mother is the stepmother of the deceased) do not inherit his property. And if he has no real pothers or real sisters, and has only one half pother or only one half sister, (both from father's side) the entire

estate will be inherited by him or her. And if he has several paternal half pothers alone, or several paternal half sisters alone, the estate will be divided among them equally. And, if he has paternal half po thers together with paternal half sisters, every po ther gets double the share of every sister.

1341. If the only heir of deceased is one maternal half sister, or one maternal half pother, their father being different from the deceased father, she or he gets the entire estate. And if he has several maternal pothers alone, or several maternal sisters alone, or both of them together, the estate is divided equally among them.

Inheritance of the Third Group

1342. The third group of heirs consists of paternal uncle, paternal aunt, maternal uncle, maternal aunt and their children. As mentioned above, the persons constituting this group inherit when none of the persons belonging to the first two categories is present.

1343. If the only heir of deceased is one paternal uncle or aunt (whether he or she be the real, paternal or maternal pother or sister of his father), he or she inherits the entire estate. And if there are some paternal uncles alone, or aunts alone of the deceased, and they are all real or paternal pothers or sisters of his father, the estate will be divided equally among them. And if the survivors are several paternal uncles to gether with the aunts of the deceased and all of them are the real or the paternal pothers and sisters of his father, then the paternal uncle will get twice the share of the paternal aunt.

1344. If the heir of a deceased is only maternal uncle or only one maternal aunt, he or she inherits the entire estate. And if he has maternal uncle(s) together with maternal aunt(s) (whether they be the full, or the paternal, or the maternal half pothers and sisters of his mother), the estate should be divided giving the uncle twice the share of the aunt. And since there is a probability that they should inherit equally, observing precaution should not be ignored in that respect.

Inheritance by the Husband and the Wife

1345. If a woman dies without any children, 1/2 of her property is inherited by her husband, and the remaining 1/2 is given to her other heirs. If, she has children from that or another husband, her husband will get 1/4 of the estate, and the remaining part will be inherited by her other heirs.

1346. If a man dies childless, 1/4 of his estate will go to his wife, and the remaining part will be given to his other heirs. And if the man has children from that or another wife, the wife gets 1/8 of the estate, and the remaining part will be inherited by his other heirs. A wife does not inherit anything from the land of a house or a garden or a farm, or from any other land, nor does she inherit from the proceeds of such lands. She does not also inherit from that which stands on that land, like the house and the trees in it, but she inherits from their proceeds. The same rule applies

to the trees and crops and buildings standing on the land of a garden, and on agricultural land, or on any other lands. But the fruits which are on the trees, at the time of the husband's death, will be in herited in their original from.

1347. If the wife wishes to have any right of discretion over things from which she does not inherit (for example, the land of a residential house) she should obtain the permission of other heirs to do so. Also, it is not permissible for other heirs to have any right of disposal, without the permission of the wife, over those things from the proceeds of which she inherits (for example, the value of the buildings and trees).

1348. If one wishes to evaluate the buildings and the trees and other similar things, it should be calculated as assessors usually do, that is, by estimating its value as they stand, and not as objects uprooted or extirpated from the land. Also, they should not be valued as unrented property remaining on the land, till they are destroyed or till they perish.

1349. The dress which a husband gives to his wife to wear, is to be treated as a part of his estate after his death, even if the wife may have worn it, except when the husband gives them in possession of the wife, and the wife can demand to take them in her possession as her maintenance.

Miscellanous Rules of Inheritance

1350. The Holy Qur'an, the ring and sword of the deceased, and the clothes worn by him, belong to the eldest son. And if of the first three things, the deceased has left more than one - for example, if he has left two copies of the Qur'an, or two rings, the obligatory precaution is that his eldest son should make a compromise with the other heirs in respect of those things. The book-rack of the Holy Qur'an, the gun, the dagger and other such weapons and the sheath of a sword and the case of Qur'an may also be included in the above list, but, as an obligatory precaution, the eldest son may compromise with other heirs in that regard too.

1351. If a person kills one of his relatives intentionally and unjustly, he does not inherit from him. But, if it was just, like as legal punishment or as a defence and also if it was due to some error, for example, if he threw a stone in the air and by chance, it hit one of his relatives and killed him, he inherits from him. Nevertheless, it is a matter of Ishkal for him to inherit from the Diyah (blood money) for a killing. Also intentional-like killing (i.e. a killing which occurs without an intention of killing, with an act which does not usually result in death) will not stop inheriting.

1352. Whenever it is proposed to divide the inheritance, a share should be set aside for (a) child (ren) who is (are) in its (their) mother's womb who, would inherit if it (they) is (are) born alive, and if it is known that there is one or more boy(s) or girl(s) in the womb, even by a scientific device, and the remaining parts should be divided among the others heirs. But if this is not known, then if the

children in the womb are expected to be more than one, for example, if the woman is expected to give birth to twins or triplets, thier shares should be set aside for them. And if, contrary to exceptation, one boy or one girl was born, then other heirs should divide the surplus among themselves.