

අල් ෆික්හුල් ඉස්ලාම්
(ඉස්ලාමීය නීති පද්ධතිය)

ඉස්ලාම් ආගමික (අහදියියා අල්-කුර්ආන් පාසල්) අවසන් සහතික පත්‍ර
විභාගය සඳහා පෙළ පොත්

Al Fiqhul Islami
(Islamic Jurisprudence)

Text Book for
Final Certificate Examination of Islamic Studies
(Ahadiya and Al Quran Schools)

الفقه الإسلامي
الكتاب المقرر لشهادة الإمتحانات
الدينية للمعلمين
إصدار: إدارة الشؤون الإسلامية
كولومبو-سريلانكا

*Department of Muslim Religious and Cultural Affairs,
180, T. B. Jayah Mawatha,
Colombo 10,
Sri Lanka.*



**Advice and
Guidance**

: Dr. M. A. M. Shukri,
Director,
Jamiah Naleemiya Institute.

As-sheik A. C. Agar Muhammed,
Deputy Director,
Jamiya Naleemiya Institute
Vice Chairman,
All Ceylon Jamiathul Ulama.

As-sheik Y. L. M. Navavi (Naleemi),
Former Director,
Department of Muslim Religious and Cultural Affairs.

As-sheik M. H. M. Zameel (Naleemi),
Director,
Department of Muslim Religious and Cultural Affairs.

Team of Writers

: As-sheik M. M. A. Mubaraq B. A. (Madani),
Secretary,
All Ceylon Jamiatul Ulama.

As-sheik M. H. M. Buhari B. A. (Hons.) PGDE,
Former Chief Executive Officer,
National Institute of Education, Maharagama.

As-sheik M. S. M. Anas (Naleemi) B. A. PGDE,
Muslim Ladies College,
Dharga Town.

English Translation

: M. M. Shazly, B. A.,
Principal, Amal International School.

Team of Editors

: Dr. A. M. A. Shukri,
Director,
Jaamiyya Naleemiyya Institute.

Mrs. A. I. Fathima (B. Ed),
Special Trained Teacher,
Muslim Ladies College,
Colombo 04.

Seyed Zafarullah Khan,
Accredited Media and Graphic,
Consultant and Former English Teacher.

- Title of the Book** Al Fiqhul Islami, (Islamic Jurisprudence),
Final Certificate Examination of Islamic Studies,
(Ahadiya and Al Quran Schools)
- Chief Editor** : Al Haj Moulavi M. H. Noorul Ameen
(Nadvi) B. A. (Cey),
Assistant Director,
Department of Muslim Religious and Cultural Affairs.
- Publisher** : Department of Muslim Religious and
Cultural Affairs,
No. 180, T. B. Jayah Mawatha, Colombo 10.
- Printing** : Department of Government Printing,
: No. 118, Dr. Danister de Silva Mawatha,
Colombo 08.
- First Publication** : 2016
- Copy Rights** : Department of Muslim Religious and Cultural Affairs

**Message from
Honourable Minister of Posts, Postal Services and Muslim Religious
Affairs**

Sri Lanka is the country that gives prominent place and taken various steps to impart religious studies. One of the steps is to introduce Sunday religious classes for Buddhists, Hindu, Christian and Muslim Children to gain knowledge of their own religions. It paved the way to conduct these religious classes at the respective places of worship, public Schools and private institutions.

Further, the government has been assisting these religious Schools by conducting the programme, teacher training, supplying Teacher's guide books, Syllabus, Text books, Students' Uniforms and paying teachers book allowance annually. It is praiseworthy that the Department of Muslim Religious and Cultural Affairs is looking after the interest of the Muslim Religious Schools called as Ahadhiyyah Schools Islandwide and provide the above stated facilities.

Supplying proper text books and teachers' guide books to these Schools is indispensable for the success in all level of education system.

The Department of Muslim Religious and Cultural Affairs has taken steps to publish text books for the upper level of Exams conducted by the Department of Exams since 2008, namely Ahadhiyyah Schools' Final Examination and Dharmacharya (Teachers) Exam. Although they have printed and supplied a considerable amount of the books in this regard the department is still in process of publishing balance books in coming years.

As the Minister responsible for Muslim Religious and Cultural Affairs, I am indeed happy about the performance of the Department. I thank all those in the Department for their contribution for the success of the tasks entrusted to them.

M. H. Abdul Haleem, M. P.,
Hon'ble Minister of Posts, Postal
Services and Muslim Religious Affairs.

Minsitry of Posts, Postal Services and Muslim Religious Affairs,
No. 310, D. R. Wijewardane Mawatha, Colombo 07.

**Message from
Hon. Deputy Minister of Posts, Postal Services and Muslim
Religious Affairs**

At a time when people belonging to all four major religions of Sri Lanka are making efforts to make an ethical society with icons of multi religious and cultural symbols, I feel it is a great privilege in expressing my message of greeting when the Department of Muslim Religious and Cultural Affairs is publishing syllabus and syllabus based text books for the students of Islamic Religious Schools called Ahadiya Schools.

It is our duty to contribute through our ministry to fulfill this long standing need and enable the teachers and students to carry forward their educational task.

I strongly feel that the development of a country can last long only when development is combined with social development along with economic and political development.

If we have to safeguard the moral standards of our society, Religious and Cultural Welfares must also be taken care of. The service rendered by schools such as Ahadiya in protecting religious and cultural traditions is invaluable.

By training children from their tender ages to live with religious principles, we can expect to create a new generation that will protect the moral traditions of our country.

In a country like ours where people of multi cultural religious communities live it is a great service rendered by these religious schools to enable Buddhists, Hindus, Muslims and Christians to provide their respective religious knowledge and experience to their children.

I wish to express my thanks to the Department of Muslim Religious and Cultural Affairs and all those who participated in the task.

Duleep Wijesekara, (M. P.),
Deputy Minister of
Posts, Postal Services and Muslim
Religious Affairs.

Ministry of Posts, Postal Services and Muslim Religious Affairs,
D. R. Wijewardhana Mawatha,
Colombo 10.

Message of the Secretary to the Ministry of Posts, Postal Services and Muslim Religious Affairs

Religious Education plays a vital role in creating an ethical, well-disciplined just society. If we could inculcate religious thoughts in the minds of children from their childhood it would not be difficult to make better social atmosphere always. Religious education is a medium to offer useful experiences. It is a difficult task to impart religious education along with the formal education focused on tests and exams. As a complement to this formal education, religious educations conducted during Sundays have yielded great success in this field.

Separate religious schools have been operating in Sri Lanka in order to develop the religious knowledge and religious atmosphere among each and every religion either Buddhist, Hindu, Muslim or Christian children. Providing equal facilities for the children of each and every religion and catering a long standing need of syllabus and syllabus based text books have been published by the government and distributed among students of Muslim Religious Schools under the patronage of the Department of Muslim Religious and Cultural Affairs.

I would like to express my sincere gratitude to all whom are actively engaged in the exercise of providing ten text books for *Deeniath* Certificate Exam which is an equaling to Dharmacharya and *Ahadiya* (Daham) Final Certificate of Exams in Muslim Religious Schools.

P. H. L. Wimalasiri Perera,
Secretary,
Ministry of Posts, Postal Services and
Muslim Religious Affairs.

Ministry of Posts, Postal Services and Muslim Religious Affairs,
No. 310, D. R. Wijewardena Mawatha,
Colombo 10.

**Message from the
President of Central Federation of Ahadhiyyah Schools in Sri Lanka**

Bismillah Hir Rahuman Hir Rahuman

It gives me immense pleasure to send this message on the occasion of the publication of the Sinhala and English translation of the Tamil version of the Ahadhiyyah Text Book for Ahadhiyyah Final Examination and Ahadhiyyah Dheeniyath (Dharmacharya) Examination.

These publications complement in a very significant manner the available material for students of Ahadhiyyah.

These publications are sponsored and financed by the Department of Muslim Religious and Cultural Affairs who have in the recent past come to the aid of The Ceylon Islamic Instructions Society Limited (Central Federation of Ahadhiyyah Schools in Sri Lanka).

In addition, the Department of Muslim Religious and Cultural Affairs had taken up many issues with the relevant Authorities on our behalf, after representation being made, in respect of Ahadhiyyah Schools System and we appreciate and remember with gratitude their untiring efforts resolving our issues.

Since the establishment in 1951, the Ahadhiyyah Schools activities, being accepted and acknowledged by the Community as essential to the community, has continued to grow in strength by the voluntary and motivating efforts of its functionaries as well as the tremendous support and enthusiasm of its sponsors.

M. Shibly Aziz, PC,
President.

The Ceylon Islamic Instructions Soc. Ltd.,
Central Federation of Ahadhiyyah Schools in S. L.

Forward Note

All Praise belongs to Almighty Allah, Alhamdulillah.

“I have only created Jinns and men, that they may serve Me” (Al-Quran 51:56)

The purpose of creating mankind in the world is to obey the commands of Allah and follow the foot steps of the life of the Prophet (peace be upon him) properly and return to Allah. As slaves of Allah, every Muslim should live his life with righteous deeds and spiritual thoughts. This is evident from the saying of the Prophet (peace be upon him), “If Allah desires good for a person in this world, he grants him clear understanding of religion” (Al-Hadeeth).

According to the above divine verses and the teachings of the Prophet (peace be upon him), living according to the religion is compulsory. As such, to live with the qualities of fear of God, patience, tolerance, morality and good dispositions, it is important to receive religious education properly. There is no doubt in the fact that receiving a good religious education will guide a person to live as a true Muslim. It is commendable that in order to build up such a righteous society, many Islamic Sharia Education Institutes and private organizations are doing their part island wide.

Focused on the above purpose, we appreciate the efforts of the chairman of Central Ahadiya Federation and their administrative team in implementing plans for the enhancement of the Ahadiya education for more than six decades.

The constructive activities undertaken by the Department of Muslim Religious and Cultural Affairs for this purpose are noteworthy.

The department takes keen interest especially to enhance the standard of education in Islamic Educational Institutes such as Ahadiya Schools, Arabic Colleges and Quran Madrasas and expand their physical resources. The department has implemented many plans for the benefit of the students also. In this regard the department took its foremost task of publishing the syllabus for these institutes in 2003 for the first time and allocated fund and made arrangements to conduct the Ahadiya Final Certificate Examination in 2005. It also made arrangements to conduct the Deeniyath Dharmacharya Exam through the department of examination in 2008. A comprehensive Syllabus for grade one onwards was prepared and published in all three languages in the same year.

This department also provides books and uniforms to Ahadiya teachers every year and arranges workshops and seminars for them.

The students who wanted to sit for the Ahadiya Final Certificate Examination and Deeniyath Examination had difficulties without proper text books. Taking this into account, our department embarked on a task in creating text books for these examinations.

I express my warm gratitude for former directors of the department As-Sheik Y.L.M. Navavi and As-Sheikh M.I.Ameer for pioneering the efforts and advising with the necessary guidance and to the present Director of the department As Sheikh M.H.M. Zameel for implementing the tasks necessary for the speedy realization of our efforts.

My heartfelt thanks also go to the Director of Nalimiya Academy Dr. M.A.M. Sukri and the Deputy Director of Nalimiya Academy As Sheikh A.C.Aghar Mohammed for their advice, guidance and consultation in designing and publishing these text books.

I thank whole heartedly - the team of writers who arranged the lessons according to the syllabus, As Sheik M. M. A. Mubarar (B. A.) Madhani, Secretary of the All Ceylon Jamiathul Ulama, As Sheik M. H. M. Buhari (B. A.) (Hons.) PGDE Naleemi, Former Chief Executive Officer, National Education Centre, As Sheikh M. S. M. Anas (Naleemi) (B. A.) PGDE, Muslim Ladies College, Dharga Town.

My heartiest and sincere thanks to the team of translators and editors for their remarkable effort taken in succeeding this task.

- Mr. M. M. M. Shazuli (B. A.), Principal of Amal International School – Translator
- Mr. A. M. A. Shukri Director, Jaamiya Naleemiya Institute – Editor
- Mr. S. S. Z. Khan, Media and Graphic Consultant and Former English Teacher at Green bridge Internationals – Editor.
- Mrs. A. I. Fathima (B. Ed.), Special Trained Teacher - Editor

After successfully publishing the text books in Tamil in 2015 , now is a great pleasure to fulfil the requirements of the English Medium students by publishing the following text books in English for their benefit:

1. Aqeedah and Masadhirus Sharia (Islamic Principles and Sources of Jurisprudence for FCEIS)
2. Al Fiqhul Islami (Islamic Jurisprudence for FCEIS)
3. Al Aqhlaqul Islamia (Islamic Ethics for FCEIS)
4. As Sheera Wathareeq (Islamic History for FCEIS)
5. Aqeedah and Masadhirus Sharia (Islamic Principles and Sources of Jurisprudence for IDCE)

6. Al Fiqhul Islam (Islamic Jurisprudence for IDCE)
7. Al -Akhlaq Wassuluk (Ethics and Sociology in Islam IDCE)
8. As Sheera Wathareeq (Islamic History for IDCE)
9. Al Adabul Islami (Islamic Literature for IDCE)
10. Al Lukathul Arabia Wa Ah Kabuth Thajweed (Arabic Language and the Rules of Recitation)

My sincere thanks go to As Sheik M.M.M. Mufthi (Naleemi), Mrs. Mirsiya Thajudeen (Financial Assistant), Mrs. Faheema Junaideen (Management Assistant), Alhaj A.A. Muhammed Azrin (Stores Keeper) and all others in the department who sincerely contributed for the successful outcome of the publication in many ways.

I also sincerely request you to send your opinions and suggestions for the enhancement of the text books on the second publication to the department.

May Allah accept the sincere efforts made by all for this cause and bless us with His rewards. Ameen!

Moulavi M. H. M. Noorul Ameen,
Assistant Director,
Department of Muslim Religious and Cultural Affairs,
180, T.B. Jayah Mawatha,
Colombo 10.

CONTENTS

Page

01.

Al-Fiqhul Islam (The Islamic Law)

Introduction

This book has been prepared according to the subject of *Fiqhul Islam* - Islamic Law in the new syllabus for *Ahadiyya* schools in Sri Lanka. The true victory depends on the practice in the day to day life of a person who studies Islam. Therefore this book contains the guidance for a Muslim to fulfill the needs of mysticism and morality.

The instruction of Ahadiyya Schools are designed in a manner which protects the religious personality characters of a man amidst the challenges of the rapidly changing world. Therefore this textbook must be taught in an attractive method. Those instructions should make the students understand Islam easily and clearly without subjecting them to any ideological problems. The teacher should not limit his instructions only to the contents of this book, but it is his duty to show the way which doubles the involvement of the student by understanding their desires and problems and inducing them in self research and self studies.

We believe that the teachers who maintain a closer relationship with the students will teach this book in with a clean heart and create a good generation.

We would like to thank the Department of Muslim Religious and Cultural Affairs, which guided us in writing this book, the board of consultants, the book committee and all those who checked and proof read this book.

On behalf of the book committee.

As-sheik M. H. M. Buhari,
Former Chief Project Officer,
National Institute of Education,
Maharagama.

Ibadath

Thaharath

Importance of Thaharath

Cleanliness is called in Arabic language as 'At- Thaharath'. Prophet (PBUH) has said that, 'Cleanliness is one half of Iman'. The worships such as Praying will not be recognized if these were performed without cleanliness. In Islamic point of view, cleanliness is considered in a broad way. It can be categorized as inner-cleanliness and outer-cleanliness.

Inner-cleanliness denotes the purity of the mind. Human minds tend to be polluted by sins. Its effects the behavior and the attitudes of the man. The mind lose its purity as a result of 'Shirk', suspicion, jealousy, ill will, enmity, fraud, deception, arrogance" pride and flattery. One can overcome this situation by supplication from Allah. Our souls can be purified by doing all the deeds seeking Allah's satisfaction only and doing it with pure intension (Iklas), and firm (Yaqeen), seeking wellness and obedience.

Outer-cleanliness refers the cleaning process of the body from major defilement and minor defilement.

The relationship between Cleanliness and Ibadath

As we mentioned above cleanliness - purity is imperative for our worships to be accepted. It includes both the types of cleanliness. Both inner-cleanliness and outer cleanliness are compulsory for acceptance of prayers. Any prayer that is performed without cleanliness will not be acceptable by Allah.

Importance of cleanliness in daily life

There will not be anyone who does not like cleanliness. Those who live without paying attention to cleanliness will be hatred by the society. Not only our dress but our appearance also must be neat and clean. Allah likes those who are keep clean.

Islam identifies five aspects as normal features. Adhering to those features help a man to lead a clean life. Those five aspects are as follows: "Removing hairs in secret places, circumcisions, trimming the mustache, removing the hair in armpits and trimming nails."

- * Circumcision: It is desirable to do this in the seventh day of birth.
- * Trimming the mustache: trim the beard and keep charm; cut the mustache and behave against those who worship fire. (Muslim)
- * Hair at armpit can be trimmed or shaved.
- * Nails to be cut less than forty days.
- * Hair around the genital areas to be removed.

Water and its Benefits

Water is very important for every living creature. Every kind of plants, reptiles, animals, humans and all the creatures of Allah needs water. Allah has granted water as gift considering this aspect. Allah says that He bestowed the earth with water.

Rain water, well water, river water, sea water and fountain water are pure itself and they can purify others as well. Therefore we call it as Al-mauth Thuhur (Purest water).

Al- mauth Thahir is the water such as tea, rose water and soft drinks which have turned its nature by the addition of clean foreign matters.

Al-maul Muthanajjis is the water which is impure itself and water in which impure matters are added.

Purest water is needed to perform Wudhu and perform other compulsory baths. We have already learnt regarding the types of water.

Wudhu

Keeping with Wudhu is important to perform Saalath, perform Thwaf at Ka'ba and reciting Quran. Neither Salath nor Thawaf will not be accepted if it performed without Wudhu. Minor sins which were done by those limbs are forgiven if Wudhu is performed.

Fardh of Wudhu are Six

1. Determining in mind that 'I am going to perform the Fardh of Wudhu'
2. Washing the face (from forehead to chin and from left ear to right ear)
3. Washing both hands including elbow
4. Washing a part of the hair
5. Washing both legs including ankle
6. Following the said procedure

Sunnaths of Wudhu

1. Saying Bismilla
2. Washing hands up to wrist
3. Brushing and rinsing the mouth
4. washing the nostril
5. Washing the whole head
6. Washing both ears
7. Washing the beard, fingers and toes completely
8. Washing the right side first
9. Facing the Qibla when performing Wudhu
10. Washing the limbs three times
11. Saying the Dua for the Wudhu after saying the Kalima

Things which invalidate Wudhu

1. Discharging anything from front and rear holes
2. Sleeping
3. Touching genitals with palm without a covering
4. Become unconscious
5. Touching Ajnabis without a covering

Thayammum

Facility is available to take *thayammum* in the event one cannot find water or he/she is unable to use water to perform *wudhu*. *Thayammum* is allowed in such situations to be replaced *ghusl* for removal of defilement. In both the situations *thayammum* is to be performed in the same manner. Major defilement is the situation which makes the *ghusl* compulsory while minor defilement make it compulsory to take only *wudhu*. Ejaculation of semen and menses are the two simple examples for major defilement and expulsion of intestinal gas through the anus (fart) while praying is the example for minor defilement.

Pure sand has to be used for *thayammum*. First both the palms to be dipped on the sand and then the outer hands to pat on each other. Then the whole face to be rubbed softly. After that the first action is to be repeated. Then left hand up to elbow is to be rubbed and *vice versa*. At the inception you should intent (say *niyyah*) that you take *thayammum* as an alternate to *wudhu*.

Fardh of Thayammum

1. *Niyyath* - keeping *Niyyath* in mind that I make the *Salath* acceptable through as I could not find water or I am unable to use water.

2. Dipping both hands and touching the face first and then touching both hands including elbow.
3. Dipping the palms in dust two times. One for face and one for hands.
4. Following the steps mentioned above.

Method of Performing Thayammum

One can perform thayammum if he feels that he will become ill or the illness will become worse or the water for his use will finish.

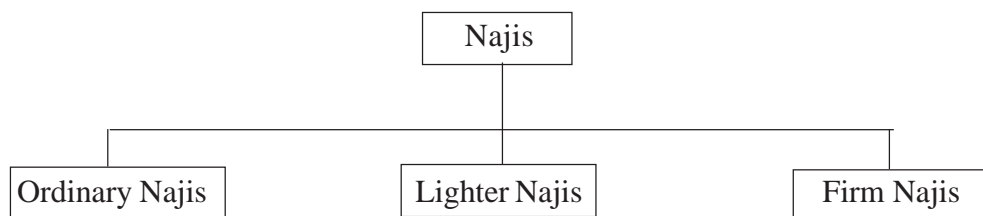
One who wishes to perform Thayammum should take sand with dust and say Niyath as mentioned above and follow the steps as mentioned.

Things which invalidate Thayammum

1. Getting water
2. All the things which invalidate Wudhu
3. If the illness become normal and able to use water

Najis and Kinds of Najis

Najis are categorized in to three according to its method of purifying as detailed below:



Ordinary *Najis*

Example of ordinary *Najis* is as follows:

- * Feces
- * Urine
- * Blood
- * Semen
- * Vomit

- * Vadhi
- * Alcoholic liquor
- * Phlegm
- * Milk of animals which are prohibited to eat
- * Corpse of animals
- * Portions extracted from animals who are alive

Methods of Cleaning

When cleaning *najis*, the said *najis* should be removed first from where it is. Then it has to be washed in a manner that removes its taste, colour and smell. If the *najis* cannot be removed only from water, soap and lemon can also be used in addition to water. Even after washing the colour or smell remains it can be considered as clean. However if both of the above or taste remain that *najis* will not be considered as clean.

Even though the above three are smeared invisibly the object in question is to be cleaned by water. If not it will not be cleaned.

Lighter Najis

Only the urine of a male infant who drinks only mother's milk and is within two years of age is considered as lighter *najis*. When cleaning this *najis* it would be enough to squeeze the place where the *najis* smeared and sprinkling of water on the said place.

Firm Najis

Dog and swine are regarded as firm *najis*. Feces, urine, saliva, sweat and blood of these animals are also *najis*. When cleaning these *najis* the method mentioned above should be followed. In addition to the above it is compulsory to add earthen solution and washing it seven times with water.

Methods of Bathing

Islam has made the bathing Sunnath. Sometimes it becomes compulsory as well. Every Muslim should know the situations where bathing become compulsory. Those are:

1. Sexual intercourse
2. Releasing semen while sleeping
3. Death

4. Pausing menses
5. Pausing Nifas
6. Child birth

AI-IBADA

The Arabic word *ibadah* or *ibada*, usually translated “worship” is connected with related words literally meaning “slavery” and has connotations of obedience, submission, and humility. All the good deeds are considered as worship. “All the good things are Charity” (Buhari). Therefore we must not hesitate to do good things. “On every where sun rises, it is compulsory for a man to give charity for his every joints; Do justice between two people is charity: to help a man to enter into his vehicle and load his things to his vehicle is a charity. Nice word is charity; for every step you take to go for Salath you will have merit: removing the thing which are harmful is a charity.” (Buhari).

This Hadith has a deep meaning. This help to make your whole life a charity.

According to this a man can make his life worship. Worshipping is to live the life as shown by Allah. The spenditure of a breadwinner is also worship. Leading a merital life is also worship. Engaging in trade is worship. “All the seven skies and earths and the things between them are praising him. Not even one thing among this does not spend time without praising Him. However you do not feel this.” (17:44).

Worships are performed physically and mentally. Uttering the Kalima, praying, things which are recited in it, fasting, zakath, haj, things that are performed in haj are things performed physically. However merits are given for the intention. Jabir Ibnu Abdullah narrated: “While we were with the Prophet (PBUH) in a war He said, ‘Varily there are few people in Medina. Although you have gone far away for Jihad they are considered as accompanied you in it. Illness prevents them from joining you. Yet they will have a share in receiving merits. Even though they could not take part in Jihad they are rewarded merit because of their intention to take part in Jihad.’”

“If a person has guided another for a good thing and the latter has performed the good thing, the former also will have the merit as the latter had.” (Buhari).

Therefore you can earn merit physically and mentally as well. All the things that give merit are considered as Ibadath. To receive this merit there should be Ikhlass, Warau, Thaqwa, Khushu and Khulu. We will discuss on these later.

Sections of *Ibada*

1. ***Fard Ayn* - Individual duty:** Individual duty relates to tasks every Muslim is required to perform, such as daily prayer (*salat*), *zakath*, fasting, obeying the parents and looking after the family etc. Every single man should perform this. Those who perform will receive merits. Those who omit these obligations for reasons not mentioned in *Shariah* will be subjected to punishment.
2. ***Fard Kifaya* - Sufficiency duty:** This is the obligation on the society. It is the *Fard*, that if performed by some (a sufficient number), the obligation falls from the rest. But person who performed this will receive the merit. If no one performed all will be considered guilty and will subject to punishment. Example of this *Fard* are bathing, dressing *Kafan*, praying, burying the *Janaza* and producing scholars, doctors and nurses in a village or town.

Sunnath Muakkada and Khairu Kuakkada

These are the worships that are not defined under *Fard*. Every single Muslim could accrue merits by performing this type of worships. No sins if it is not performed although Prophet (PBUH) sometimes did not perform this he used to perform this continuously. Saying *Azan*, congregational prayer, rinsing your mouth while taking *wudhu*, reciting an additional *Surath* after *Surath al Fathiha* in prayers are good examples for this.

These are called *Sunnath Muakkada*. Even though you will not be penalized by omitting this, it was performed by Prophet (PBUH) continuously.

Benefits of *Sunnath*

1. Sometimes we may omit some aspects in performing *Fardh* worships. These omissions are covered by *Sunnaths*.
2. We can earn merits by following the path of Prophet (PBUH)
3. Our *Fardh* worships will be completed
4. We can feel the closeness of Prophet (PBUH) in the hereafter
5. If *Fardh* are performed compulsory duties are fulfilled. If *Sunnaths* are performed you will have the closeness of Allah.

Prophet (PBUH) has said regarding *Sunnath* as follows:

1. “Allah will build a house in the paradise for the Muslim slave who performs 12 rakaths of *Sunnath* prayers in addition to *Fardh* prayers.” (Muslim)

2. "If a slave becomes ill or is in travelling he will be given merits as if he is in good health and be in his own village" (Buhari)
3. "Varily, a slave in the hereafter will be questioned regarding his prayers. He will if it were performed well. If it were not performed well he will feel decrement. If there is any default in the Fardh prayers Allah will ask angels to see whether he has performed any Sunnath prayers. (If there is such Sunnath prayers it will complete the omission of the Fardh prayers). Likewise other worships will be looked into." (Thirmidhi)
4. Ashabus Suffa, Abee Rabeethul Aslami (RA) narrated: I spent a night with Prophet (PBUH). I kept water to take wudhu. Then Prophet told me to ask whatever I want. I told him that I wish to be with you in the paradise. He asked me don't you want any other things? I said, No, I need only this. Then he said, help me by performing more prayers and doing Sujoods." (Muslim)

Kinds of Ibadath

We learnt that Ibadath is worshipping. There is another word called 'Aadath'. this denotes the habits. There are differences between these two words. For example: say eating food. It is customary for a person to eat if he is hungry. It is Aadath. At the same time it becomes Ibadath when he perform this according to Quran verse 'You eat and drink' (04:321). Bathig is a habit to be clean. If he takes a bath to be clean from Janabath, it becomes an Ibadath. All the things are according to intention. That is why Prophet (PBUH) has said 'All the actions are according to intension' (Buhari).

Actions that are compulsory - Wajib

1. This includes performing prayers, fasting, alms giving, performing Hajj, spending for spouse and children, telling the truth by a person who has uttered the Kalima. These are strict orders by Allah.
2. Even though it is not emphasized as compulsory, it was informed by Allah that you will receive merit if you perform this. For example: Praying in the nights, praying as soon as entering the mosque, fasting on Mondays and Thursdays, fasting 6 days in Shawwal, reciting Quran, learning it by-heart.
3. Strictly forbidden by Allah is referred as Haram. Shirq, theft, prostitution and talking ill.
4. If it is said that it is desireable to avoid is called as Makrooh. It is hatred. Biting nails by a person while performing Salath, eating garlic before going to mosque are examples for this.
5. If a thing can be done or can be avoid is referred as Mubah. It is considered as allowed. In a nutshell we can understand that must be done are Fardh,

Wajib and Sunnath; Must not be done is Haram and Maqhooh: Allowed to do or avoid are Mubah.

Basic Ibadath

As-Salath

Prayer is the prime *ibada* in Islamic obligations. It differentiates Muslim from a non-Muslim. We call this as Salath. This was made compulsory in the 16th year of Nubuwwath on the night of Mihraj. It is said that it is a major bestow from Allah to the Prophet (PBUH) when he engaged in Mihraj journey. First it was given as 50 times. Then it was reduced to 5 times. A Muslim performs altogether 17 Rakaths during these 5 times prayer. Salath is a obligation which was performed by all the foregone Messengers of Allah.

Messenger Ibrahim prayed as follows: “O Allah, please make me one who perform Salath and make such persons from my generations as well. Further accept my Duas.”

Messenger isa prayed as follows: Allah commanded me with Salath and Zakath as long as I live. (“Order your family members with Salath, and be patient over it”) That is why the Sahabas have considered the default of salath is a Kufr.

One who performs Salath becomes purified. Have the piety of Allah. Bestowed with Allah’s grace. Prophet (PBUH) has said as follows: “Does your body contain any dirt if you take bath from the stream that is very close to your home five times a day? The Prophet once asked his companions. They replied, ‘no’. Then he said that is the example of five time prayers. Allah destroys all the sins through this” (Buhari)

This prayer which gives inner purity and outer purity should be performed by every Muslim male and female. All the creatures in the world worship Allah.

“Everything in the seven earth and seven skies and things that are between them worships Allah. Nothing left without worshipping him. Not even one thing among this do not spend time without praising Him. However you do not feel this.” (17 :44).

“Haven’t you see the creatures in the skies and earths and between them specially those who spreading its feathers worshipping Allah? All these creatures know how to worship Allah. Allah too knows what they do.” (24:41)

The creature who has six senses should think is it good to lead a life of ingratitude while all the creatures that have five senses worship Allah. Performing Salath is

the indication that the man expresses his gratitude to Allah for creating him as a man.

It is the clear belief in one that induces him to perform Salath. The more the Iman is strong the more he will be firm in performing the Salath. Salath is the scale to measure the level of Iman one has. Munafiq will perform the Salath lazily. (4:142)

Salath help a man to be honest. The best of the worships is tha Salath.

The man gains benefits in this world and hereafter as well. If one is to benefit these two he should perform the Salath correctly. He should adhere to the Sharth, Fardh and Sunnath of the Salath.

The person who performs the Salath by applying scent, dressing smartly, and following all the instructions of Allah is considered a person who performed the Salath fully. Even though these are not conditions it is considered as actions which complete the performance of prayer.

Sharth of Prayer

1. Be a Muslim.
2. Be a *baligh* (adolescent) who can differentiate between good and bad things. This is called in Arabic as “*thamyees*”. Those who are under the influence of liquor or insanity and children are considered lack of *thamyeez*.
3. To know the *fard* prayers that it is a *fard*.
4. To be able to differentiate between *fard* and *sunnath*.
5. To be aware how to perform prayers.
6. Body, dress and place of prayer should be free from *najis*.
7. Should be free from defilement.
8. To cover the “*awrath*”. The term *awrath* indicates the parts of the body which has to be compulsorily covered. Males must cover the body between navel and the knee. To cover more than this is considered as *sunnath*. Females should cover their entire body except their faces and both hands up to wrist.
9. Ability to know that the time for prayer has arrived. To pray in the direction of *qibla*.

Fard of Prayer

“*Fard*” are the obligations in Islam which have to be performed compulsorily. Those items which must be observed called *sharth* and likewise those items which should be performed are called *fard*. Prayer will be accepted only if those *fard* are duly followed. *Fard* are mentioned below:

1. **Niyyah:** means think or define. Niyyah is that the person who starts to perform the prayer intends and determines in his mind that he is going to perform the prayer. This is essential and it is a duty as well. “*All the acts are based on intention.*” (Bukari)
2. **Uttering the first thakbeer:** This is called in Arabic “*thakbeerathul ihram*”. To say *Allahu Akbar* with the intension is the *fard* of *salath*. “***The key of salath is cleanliness and its commencement is thakbeer and its end is the salam***”. (Ahmed)
3. **Standing:** This is called *qiyam* in Arabic. This indicates that the person should be in the position of standing up where he should stand up during *salath*. Those who are unable to stand up should perform *salath* leaning, sitting or even lying. “***Perform salath while you are standing up and if cannot perform it while you are lying.***” (Bukari)
4. **Reciting Surathul fathiha:** *Surathul fathiha* must be recited in single prayers as well as congregational prayers. “***There is no prayer for those who do not recite surathul fathiha.***” (Muslim)
5. **Position of Ruku:** Bending down to a position where head, neck and back come to the same level and touching both knees by both of the palms.
6. **Delaying in the position of Ruku:** Once reached to the position of *ruku* you must be in the same position for some time without returning to the standing up position.
7. **Reaching the position of I'thidat:** This indicate the position where you coming back to the standing up position.
8. **Delaying in the position of I'thidat:** This indicates that staying for some time in this position.
9. **Doing the first Sujud:** *Sujud* is the position where the person who prays places his forehead, both the palms, both the knees, bottom part of the toes on the ground. There are two *sujud* in on rak 'ath. Hence the name first *sujud*.
10. Delaying in the first *Sujud*.
11. **Mid-sitting between Sujud:** This is the position where you return from the first *sujud* and sitting on your legs keeping it bending.
12. Delaying in mid-sitting.
13. Doing the second *sujud*.
14. Delaying in the second *sujud*.
15. Sitting on your legs to recite *attaiyyath* at the end of *salath*.
16. Reciting *attaiyyath*.
17. Saying *salawath* upon Muhammed (*peace be upon him*)
18. Saying the first *salam*.
19. Performing all the above mentioned 18 *fard* in the same order as stated.

Sunnaths of Prayer

Before performing Salath

1. Azan
2. Iqamath

While performing Salath

1. Afaalu
2. Haiaath

We have discussed already regarding the Sunnaths like Azan and Iqamath which performed before Salath.

Sunnath Afaalu includes reciting the first Aththahiyath at the end of second rakaat if it is more than two rakaats, reciting Qunooth in the Fajr prayer and in the Vithr prayer during the end of Ramadhan. If one of it omitted erroneously after the second Aththahiyath one should perform the Sujudh for forgotten. This Sujudh is called as Sajdha Sahwu.

Likewise there are structural Sunnaths as well. If one performs these Sunnaths in his Fardh prayers he will be considered as the one who performed the Fardh prayers in full style. These Sunnaths includes, Saying Thaqbeer raising both hands during the first thaqbeer, when going to Rukoo and returning from Rukoo, Placing both hands on the thigh during the mid-sittings and sitting for Aththahiyath, extending the index finger while rest of the fingers are bent when the Aththahiyath is recited, Sitting in the Thawarruk position during the final Aththahiyath and sitting in the Ifthirash position during other sittings, saying second Salam at the end of prayer. Further reciting louder where it should be recited louder and reciting silently where it has to be recited silently, Saying Aameen! However if one of this is omitted the Salath will not be invalidated.

Things which invalidate *Salath*

We have discussed so far the Fardh, Sharth and Sunnath of Salath and now let us discuss about the things which invalidate the Salath which is known as Mufthilath.

1. The state of dilemma whether to continue or discontinue the salath.
2. Speaking: uttering one meaningful word or uttering many meaningless letters.
3. Laughing, crying, groaning and blowing etc.
4. Doing activities which are not connected with salath. (*blinking or shaking of finger will not invalidate salath*)
5. Eating and drinking
6. Dropping one of *Fard* of *salath*.
7. Doing in addition to an actionable Fardh.

Salath Al-Jamaat-Congregational Prayers

“Praying a congregational prayer gives 27 times merits than praying single.” (Buhari). Therefore it is advisable to pray the five times prayers in Jamaath.

Once, one of the companions asked the Prophet (PBUH) ‘Messenger of Allah there is no one to take me to the Masjid. Therefor shall I pray at home? He was asked whether he can hear the Azan. He said Yes. Then Prophet (PBUH) then you have to respond to Azan. (You should come to Jamaath prayer).

We must be very careful in performing Jamaath prayers. “Where a Jamaath prayer is not conducted that place will not be let alone unless Satan occupied it. (Buhari)

Salat Al-Jum’ah - Jummah

Salat al-Jummah is a congregational prayer which is performed by all Muslim males in a village or a town in the *masjid* every Friday. This congregational prayer is conducted by an *imam* who delivers a *kuthba* sermon. The listeners follow him after the *kuthba* to perform two *rakats* of prayers. AI Quran states as follows regarding *Jummah* prayer:

“Remembrance of God, and drop all business. That is better for you, if you only knew.” (62:9)

Condition of Jum’ah Prayers

(Sharth)

1. *Jum ‘ah* prayer should be performed congregationally.
2. On the *Jum ‘ah* day, at least fourty males in a village should gather in the *masjid* and should participate in the prayer from the inception to the end.
3. *Jum ‘ah* prayer should be held within the limit of the village.
4. The prayer and the *kuthba* should be held during *luhr* prayer time.
5. Only one *Jum ‘ah* prayer should be conducted in a village. If all the people cannot get to gather in one place that can be increased.
6. *Jum ‘ah* prayers should be conducted after two *kuthbas*.

Janaza Prayer

There are four obligations lie upon the *ummah* to be performed on a Muslim if he dies. They are:

1. Bathing the *janaza*.
2. Dressing the *janaza* (*kafan*).

3. Pray on the *janaza*.
4. Burying the *janaza*.

Now let us discuss about *Janaza* prayer in detail.

The third obligation that should be performed on the *janaza* is the prayer. It is a *fard kifaya*. This is somewhat different from that of other prayers. There are no *ruku* or *sujud* in it which is performed by saying four *takbeers*. It should be performed adhering to its *fard*.

Sunnath Prayers

Eid Prayer

Eid ul-fithr and *eid ul-adha* are two sunnath festival prayers which come under the category of *sunna muakkad*. The immediate next first crescent of Shawwal after Ramadhan is the day of *eid ul-fithr*. *Eid ul-adha* will be celebrated on the tenth day of *Zul-Haj*.

As of other prayers here in the festival prayer too, the *sharth* and *fard* should be observed. *Niyyah* has to be as follows: “I pray the two *rakats* of the festival prayer facing the qibla, ma’mooman for Allah. In the first *rakat* there are seven *takbeers* except the *takbeerathull Ihram*. Between every *takbeer* the following should be recited:

“Subhanallahi Wal Hamdu Lillahi Walailaha Illallahu Wallahu Akbar”

After that, *sura al-fathiha* is to be recited. Then another *sura* is to be recited and the first *rakat* is to be completed by doing *rukoo* and *sujood*. During the second *rakat* another five *takbeers* to be said except the initial *takbeer*. The same verses to be recited as the first *rakat* between each *takbeers*. Then recite another *sura* and finish the prayer like other prayer with *salam*. After prayer is complete, the *imam* will deliver two *kutbas*. It is desirable to say as many *takbeer* as during *kutbas*. Let us benefit from festival prayers by understanding & observing its terms and conditions fully.

***Salathul Isthisqau* - Prayer, Seeking Rain**

This prayer is termed as “*Salathul Isthisqau*”. “*Isthisqau*” means, seeking rain. This is a *sunnath* prayer. In situations where people suffer from drought you should beg Allah very much seeking rain. You can pray Allah seeking rain even after every five-times prayer and during *jumma* prayer.

Praying *dua* from Allah through *salathul isthisqau* is one of the methods seeking rain from Allah.

The chief of Islamic *kaliphate* or the *Imam* will order the people to observe fasting for four days, beg pardon, to pay *sadaqa*, and do meritorious acts. On the fourth day all the residents of the village including children, elders, women and men after taking bath and having ablution will get to gather in an open space along with the animals and livestock. There the *imam* conducts two *rakats*. After that the *imaam* will deliver two *kutbas*. Here it is *sunnath* to recite the *duas* which *Nabi* (peace be upon him) has recited. During the second *kutba* after completion of one third of the sermon the *imaam* will ask many *duas* while raising hands towards the *qibla*. When *imam* turning to *qibla* the *imam* and *ma'moom* turn their shawls up and down and left and right.

Sunna has taught us many *duas* that *Nabi* (peace be upon him) has recited in this prayer. Let us benefit by performing *salath al-isthisqau* congregationally in times of drought where people struggle to get water.

Eclipse Prayer

Eclipse prayer is *sunna muakkad*. It is better to get together all the men and women and perform this prayer. Eclipse prayer which has two *rakats* is somewhat different from other prayers. Every *rakat* has two *ruku* each. *Sura al-baqara* can be recited after recital of *sura al-fathiha* during the first *rakat*. After that go to the *ruku* and stay in that position for a long time while saying *tasbeeh*. Then returning to the stand upright position again and recite *sura al-fathiha* tying the hands. After recital of *sura al-fathiha*, the *sura aala imran* can be recited. Then go to *ruku* again and stay there for a while lesser than the first *ruku* and say lesser *tasbeeh*. Then come to position of *e'thidat*. After reciting the usual *duas* there, go to *sujud* and say *tasbeeh*. The number of *tasbeeh* has to be equal to the number of *tasbeeh* that you have said in the *ruku* position. After that come to mid-sit up and recite there, the usual *dua*.

In the second *sujood* too, say *tasbeeh* equal to the number of *tasbeeh* you have said in the second *ruku*. After that, stand up for the next *rakat* and recite *sura al-fathiha* there. Then recite *sura an-nisa* and *sura al-maedha* in the first and second position respectively. This method is the most desirable method. Then, pray like you prayed during the first *rakat* and end the prayer by saying *salam*.

The time period for eclipse prayer is defined as the time between start of eclipse and end of eclipse. It is most desirable to say *tasbeeh*, asking *duas*, saying *ishthi far*, giving away *sadaqa* during the eclipse.

Vithr Prayer

Prophet (PBUH) has performed this *Salath* while he was at home town and while in travelling as well. The number of *Rakaats* of this *Salath* are odd hence, the name Vithr. It has to be one, three, five, seven, nine and eleven *Rakaats*. Whatever numbers it should be finished on *rakaat* finally. It is better to perform this during the latter part of the night. If one afraid of missing this he can pray this after Isha prayer.

One who prays three *Rakaats* it is desirable to recite the Surath, “*Sabbihisma Rabbika al a’laa*” and “*Kul ya Aiyyuhal Kaafiroon*” respectively in the first and second *Rakaats* after reciting the Surath al-Fathiha. At the final *Rakaat* it is desirable to recite the “*Kul*” Surahs after Surathul Fathiha. Those who have the habit of praying *Thahajjud* in the midnight it is better to pray the Vithr at last.

Tahajjud Prayer

Tahajjud is the prayer which is performed during the midnight waking up from sleep. It is the quality of the good followers of deen to perform *sunnath* prayers during night time.

Their sides shun their beds, as they pray to their Lord, out of reverence and hope; and from Our provisions to them, they give. (32:16)

“O mankind spread salam. Give hospitality to others. Wake up from your sleep in nights and pray Allah which other asleep. Then you will be able to enter paradise without any barriers. ” (Thirmithi)

Both the two quotes mentioned above indicate the importance of *tahajjud* prayer.

After performing isha prayer it is *sunnath* to wake up from sleep, brush teeth, taking ablution and pray *tahajjud* and recite the last ten verses of *sura aala imran*. *Tahajjud* prayer consists of at least two *rakats*.

Luha Prayer

Luha prayer is the prayer which is performed in twenty minutes time after the sun rise until sun reaches the peak. This has many good features. Nabi (*peace be upon him*) has mentioned the benefits of this prayer in many occasions. ***“You have to give in alms every day for each joint of yours. Every tasbeeh is a sadaqa. Every tahmeed is a sadaqa. Every tahleel is sadaqa. Every takbeer is sadaqa. Ordering the good things is sadaqa. Preventing bad things is sadaqa. But praying two rakats of luha will be equal to all of this.” (Ahmed)***

Luha prayer has a minimum two *rakats*, maximum of eight rakats and four *rakats* are middling.

Thahiyathul Masjid

This Salath is performed as soon as you entered in to the Masjid. If the Jamaath is going on you should join it without performing this Salath. Likewise if Azan is being said you should wait until it is over and then you may perform Salath. It better if a person enters the Masjid when the Imam preaching the Kuthba in Fridays sit after performing the Thahiyathul Masjid prayer.

Zakath

The meaning of Arabic word *zakath* is purity, development, growth. In *shariah's* point of view the term *zakath* gives the following meaning. It indicates, that, "a Muslim gives away a portion of his wealth after computing the relevant percentage when his wealth reaches the specified *Nisab* and time, to the eight parties who have been specified by the holy Quran."

Importance of Zakath

1. One of the basic *ibada*.

Islam has been built on five pillars. This concept is proved by the Hadiths of Prophet (PBUH). There is a Hadith in the "Hadith Jibreel" section. When Jibreel (AS) asked the Messenger of Allah 'what is Islam, he replied, 'Islam is to be witnessed that there is no God but Allah; Muhammed (PBUH) is the Messenger of Allah: performing Salath; paying zakath; fasting in the month of Ramazan; performing Hajj subject to necessary strength." (Buhari). This indicates that Zakath is one of the basic Ibadath.

2. Quran and Sunna emphasised *Zakath*.

"Receive contributions from their wealth, to purify them and sanctify them with it; and pray for them. Your prayer is comfort for them. God is Hearing and Knowing". (9:103)

"Those who have wealth which is bestowed by Allah and if they act stringently, it will not be beneficial to them. It is a curse to them. Those wealth which they collected stringently will be garlanded in a disgraceful manner in the Day of Judgment. " (Buhari)

The above verses indicate the benefits one receive by distributing Zakath and the sins one receives if he hoards his wealth.

There are more Hadiths on the importance of Zakath as follows:

"Protect your wealth through Zakath" (Abu Dawood)

"The Zakath which is not separated from the said wealth, destroys that particular wealth" (Baihakee)

"Allah will test the society with famine, which hoards its wealth without giving away zakath." (Thabarani)

The importance of Zakath is describes by the above verses. Zakath will protect the wealth if is paid correctly and it will destroy the wealth if it is not paid correctly.

3. Since *zakath* has been mention in 27 places in *quran* in tandem with *salath*, we can understand that *zakath* is as important as *Salath*.

“And perform the prayer, and give alms. Whatever good you forward for yourselves, you will find it with God. God is Seeing of everything you do. “ (2:110)

The comments made by Ibn Masood (RA) in Thafseer Thabari confirm this. “You have been commanded to perform *Salath* and pay *Zakath*. Those who did not pay *Zakath* he doesn’t have *Salath*” (Thafseer Thabari 14:153)

4. One who does not give away *zakath* is a wretch. One who deny to give it away is considers under the Islamic point of view a *murthad*. Islam has declared war against those refuse to give away *zakath*.

“I am commanded to declare war against the people until they say that there is no God but Allah and the Prophet (PBUH) is His messenger and pay *Zakath*” (Buhari, Muslim)

5. *Zakath* had been made obligatory to the former societies too. Companions, *khaleefs*, and *imaams* all have shown extreme interest in implementing *zakath* distribution. The attention and interest shown in the subject of *Zakath* by the companions, Muslim rulers, Thabieens and scholars are enough to understand the importance of *Zakath*.

The first Khalif Abubucker (RA) has acted very vigorously regarding the subject of *Zakath* even without taking into consideration the recommends made by Umar (RA) etc. Abubucker (RA) said, “Even if it is equal to a calf of a camel I will effect even a war until it is paid”. He did not stop there. But established it.

As a result of the correct collection and distribution of *Zakath* during the reign of one of the Umaiya Rulers Umar ibn Abdul Azeez (RA), the situation arises to find a person who is capable of receiving *Zakath*. These are historical evidences in order to understand the importance of *Zakath*.

6. It is very important in the sense that it is an *ibada* which gives the person Allah’s grace.

“My mercy encompasses all things. I will specify it for those who act righteously and practice regular charity, and those who believe in Our signs.” (7:156)

7. *Zakath* is considered as one of the Islamic economic principle. *Zakath* eliminates the hoardings of wealth and encourages the mobilization of the wealth.

Islam does not like the stagnation of wealth without inveting it in economic activities.

“Warn those who save gold and silver and do not spend it in Allah’s path that they will face Allah’s punishment” (9:34)

A person should allocate 2.5% from his wealth and pay out as Zakath annually whether he invests or saves it. Therefore Zakath paves the way to mobilize the wealth, increase the production, increase the strength of labouring and make the growth.

Zakath helps the circulation of money. This increase the strength of labour and as a result the money is used for the development of the nation. Unemployment will vanish. That is why AI-Quran says as follows: “You have been commanded to distribute the wealth in order to prevent it from being circulated only within the wealthy people.” (59:7)

8. *Zakath* is of importance that it will grant benefits to individual as well as to the entire society.

It helps eradicate the stringiness of the individual and purify him and induces him to act in a manner beneficial to the society.

Goods on which Zakath is imposed and the Rules and Regulations regarding it

Quran and Sunnah have just mentioned commonly as wealth, without mentioning each and every item on which Zakath is imposed.

“There is a share for those needy people and for those who do not ask because of their shyness in your wealths” (70:25)

“Explain them then that Allah has made Zakath obligatory on their wealth” (Buhari)

The above confirms that Zakath is an obligation on all wealth that are beneficial to human.

The basic aim of Zakath is to purify the wealth from which Zakath is paid. It cannot be curtailed with few goods and little income. Zakath is imposed on all the wealth.

For example we can mention some of the newly introduced source of income such as major farms, major factories, leasing building complex, plantation industries and highly paid professions. Modern Islamic scholars are of the view that Zakath should be imposed on these items as well.

Therefore it is not fare to think or decide that it is not compulsory for those who posses major farms, lends major building complex, run plantation industries, receive

high salary when their wealth reaches necessary Nisabs, while it becomes compulsory for those ordinary businessman when his wealth reaches necessary Nisabs. Islamic Shariah never have such contradictions.

Conditions on the Goods on which Zakath is imposed

1. Should possess his own wealth: Zakath is imposed on the goods which has no authority or interest to other parties and the one who possesses is the absolute owner and he is free to use it as he wishes.
2. Wealth should have been reached the *nisab*: Nisab is an Arabic word which indicates the definite scale that is determined by the Islamic scholar. If the definite good reaches the definite scale Zakath will become an obligation. The Nisab varies from goods to goods.
3. One year should have been completed: Or if it has already been reached the Nisab at time of possessing it Zakath has to be distributed. Lunar calendar will be taken into consideration when calculating the period.
4. Goods which has not been earned in illegal manner: For example, wealth earned through interest, gambling, house breaking, lottery, theft, fraud and deception.
5. Goods which is not prohibited by Shariah: For example, Liquor, swine, dead body, impure things.
6. Should be in excess than one's needs: "Zakath will become compulsory while you are rich," (Musnad Ahmed). Food, Clothing and housing are considered as basic needs. Accessories of employment, medical needs are also considered as basic needs.
7. Should not be indebted: Although a person possesses wealth which has reached the Nisab and he has to repay debts which are same as his wealth or if his debt reduces the amount of the Nisab he will be exempted from paying Zakath.
8. Goods/wealth must be in a position that will grow: The goods on which Zakath is imposed must grow naturally (i.e. crops, fruits) or the owner of the wealth increases it by his endeavour and labour.

Goods on which Zakath is Imposed and the method of calculating it limit
Goods that are subjected to the one year rule that should be completed.

1. Money

<i>Nisab (Minimum amount in which zakath is imposed)</i>	<i>Amount of zakat to be given</i>	<i>Method of Calculating of Zakath</i>
Money value of 85 grams of gold (10 1/2 pound)	2 1/2%	At the year end the money in saving should reach the Nisab (Value of 85 grams of gold)

2. Gold, Golden jewellery, Golden vessels and goods

<i>Nisab (Minimum amount in which zakath is imposed)</i>	<i>Amount of zakat to be given</i>	<i>Method of Calculating of Zakath</i>
Money value of 85 grams of gold (10 1/2 pound)	2 1/2%	* The weight of gold should reach at least 85 grams at the year end * If the weight of Golden jewellery worn by women and the golden vessels and goods exceeds the Nisab, Zakath will be imposed. If the market price reaches the 85 grams of value of gold 2 1/2 % should be paid as Zakath

3. Silver, Silver jewellery, Silver vessels

<i>Nisab (Minimum amount in which zakath is imposed)</i>	<i>Amount of zakat to be given</i>	<i>Method of Calculating of Zakath</i>
595 grams of silver (Money value of 56 1/2 thola)	2 1/2%	The Nisab of silver 595 gram will be calculated as per the calculation of Nisab of gold.

4. Gem stones, Perl and the Jewelleries made out of them

<i>Nisab (Minimum amount in which zakath is imposed)</i>	<i>Amount of zakat to be given</i>	<i>Method of Calculating of Zakath</i>
Money value of 85 grams of gold (10 1/2 pound)	2 1/2%	If the weight of the jewelleries exceeds the Nisab, Zakath will be imposed. If the market price reaches the 85 grams of value of gold 2 1/2% should be paid as Zakath

5. Merchandize

<i>Nisab (Minimum amount in which zakath is imposed)</i>	<i>Amount of zakat to be given</i>	<i>Method of Calculating of Zakath</i>
Money value of 85 grams of gold (10 1/2 pound)	2 1/2%	This includes all the merchandize that are kept for trading purpose, (ex. Shop and it contents, vehicles that are kept for sale, gardens, buildings should be included in it). The debts which are owed to be deducted from the debt that are to be repay. Further, profit, savings, cash in hand, value of the received cheques should be added to this. If the total value of these reached the value of 85 grams of gold 2 1/2% of it must be paid as Zakath. No matter if the merchant make profit or loss. Only consideration is whether his merchandise reaches the Nisab. Market value of same will be considered.

6. Factories

<i>Nisab (Minimum amount in which zakath is imposed)</i>	<i>Amount of zakat to be given</i>	<i>Method of Calculating of Zakath</i>
Money value of 85 grams of gold (10 1/2 pound)	2 1/2%	If the production reaches the 85 grams of value of gold after deducting the production expenses, 2 1/2% should be paid as Zakath. An amount wear and tear should be deducted before calculation of Zakath.

7. Buildings that are rented, vehicles

<i>Nisab (Minimum amount in which zakath is imposed)</i>	<i>Amount of zakat to be given</i>	<i>Method of Calculating of Zakath</i>
Money value of 85 grams of gold (10 1/2 pound)	2 1/2%	If the rental received reaches the 85 grams of value of gold after deducting the wear and tear, repair cost and taxes, 2 1/2 % should be paid as Zakath.

8. Salaries and Wages

(Salaries and wages of professionals like doctors, engineers, lawyers, managers and lecturers)

<i>Nisab (Minimum amount in which zakath is imposed)</i>	<i>Amount of zakat to be given</i>	<i>Method of Calculating of Zakath</i>
Money value of 85 grams of gold (10 1/2 pound)	2 1/2%	If after deducting all the family expenses from the annual gross salary it reaches the 85 grams of value of gold, 2 1/2 % should be paid as Zakath. A family expense means the expenses of an ordinary family.

Goods that are not subjected to one year rule that has to be completed

1. Grains and other agricultural products including fruits and honey, treasure. Zakath should be paid as soon as they are received.

<i>Nisab (Minimum amount in which zakath is imposed)</i>	<i>Amount of zakat to be given</i>	<i>Method of Calculating of Zakath</i>
653 kilograms	5% or 10%	If the remainder after deducting production costs reaches the Nisab (653 kg), 5%, if expenses borne for irrigation or 10% if no expenses for irrigation should be paid as Zakath.
Treasure	No <i>nisab</i>	20%

2. Other agricultural products other than grains. (Ex. Tea, coconut, rubber, nutmeg, pepper, fruits etc).

<i>Nisab (Minimum amount in which zakath is imposed)</i>	<i>Amount of zakat to be given</i>	<i>Method of Calculating of Zakath</i>
653 kilograms	5% or 10%	As far as Sri Lanka is concerned. We should calculate ordinary price of rice of 653 kg. The amount of the said granis that can be purchased for that amount is the Nisab of that goods. Nisab has to be calculated only after deducting production costs. 5%, if expenses borne for irrigation or 10% if no expenses for irrigation should be paid as Zakath.
Treasure	No <i>nisab</i>	20%

3. Livestock (Goat, cow, bee farms etc.)

<i>Nisab (Minimum amount in which zakath is imposed)</i>	<i>Amount of zakat to be given</i>	<i>Method of Calculating of Zakath</i>
653 kilograms monetary value of main grain	10% 30 Cattles	If the production of flesh of goat, cow, chicken or eggs, milk or honey reaches the value of 653kgs of ordinary rice, 10% of it should be paid as Zakath.

4. Fish

<i>Nisab (Minimum amount in which zakath is imposed)</i>	<i>Amount of zakat to be given</i>	<i>Method of Calculating of Zakath</i>
653 kilograms monetary value of main grain	2 1/2%	After deducting all the expenses in fishing, if it reaches the value of 653 kgs of ordinary rice, 2 1/2% of it should be paid as Zakath.

If the livestock are not grown without making them a farm their numbers should be taken into account. The following will be taken into consideration when determining the Nisab:

1. Zakath for Cattle

Buffalo is also included in the cattle category. There is a controversy regarding the minimum number of its Nisab. However 30 is the reasonable number. One calf of one year for every 30 cattle. One calf of two years for every 40 cattle and to be calculated so on.

2. Zakath for Goats

Minimum number of its Nisab is 40. One goat for 40-120, 2 goats for 121-200, 3 goats for 201-300. One goat each for the increase of every 100 goats.

3. Treasure

If one receive a treasure 1/5 of it should be given away as Zakath immediately. No one year rule or no Nisab for treasure. Imams Malik, Abu Haniffa, Ahmed, Ishak are on this opinion. Imam Shafi (RAH) is also on this opinion.

4. Minerals

There is a conflict of opinion among scholars regarding the Nisab of the minerals. Some are of the view that 1/5 of the minerals and some are of the view that 1/40 of the minerals. There are Hadiths to justify these two opinions as well. To come to a common opinion scholars have taken a third stand. If it is received without expense and effort 1/5 and if it is received with expenses and effort 1/40 should be given away as Zakath.

Fardh of Zakath

1. **Saying niyyah:** *Niyyah* is very important for every act performed by a Muslim. Since *zakath* is one of the basic *ibada*, saying *niyyah* is compulsory for the one who pays *zakath*. (98:5)
2. **Giving away to those in need:** this has been explained in *quran* and *sunnah*. *Al-quran* has very clearly defined the parties those who are eligible to receive *zakath*.
“Charities are for the poor, and the destitute, and those who administer them, and for reconciling hearts, and for freeing slaves, and for those in debt, and in the path of God, and for the traveler in need-an obligation from God. God is All-Knowing, Most Wise.” (9:60)

Persons Eligible to Receive Zakath

Al-quran has very clearly defined the parties those who are eligible to receive *zakath*. ***“Charities are for the poor, and the destitute, and those who administer them, and for reconciling hearts, and for freeing slaves, and for those in debt, and in the path of God, and for the traveler in need-an obligation from God. God is All-Knowing, Most Wise.” (9:60)***

- (1) **Faqir:-** who does not possess **any** actual or potential means to meet his own expenses, as well as that of dependants on him.
- (2) **Miskeen:-** who does not possess **sufficiently** actual or potential means to meet his own expenses, as well as that of dependants on him. (*a destitute person who leads a harder life than a faqir - a poor person*)

- (3) **Aamils:-** It can be given to a person who is engaged in activities related to *zakat* such as collecting, storing, maintaining its accounts, computing, keeping it in safe custody and delivering it to the poor. The amount of *zakath* for them varies according to their qualifications, capacities and responsibilities and it should not exceed one eighth of total amount of *zakath*.
- (4) **Muallafathul quloob :-** This term indicates the persons who newly joined in Islam including newly converted Muslims.
- (5) **Bir-rikab / Mukathab :-** This indicates the share which is given in order to free a slave. This could be used to buy a slave from a master and free them from their masters. Since slaves are not available now, modern Islamic scholars are of the view that this share can be paid as a ransom to free a Muslim who has been kept by *kafirs* for no justifiable reasons.
- (6) **Al-kharimoon:-** It can be given to an indebted person who is unable to repay his debt.
- (7) **Fee sabeelillah :-** It may be spent in the way of Allah seeking His satisfaction for the struggles undertaken to safeguard Islam.
- (8) **Ibn Sabeel:-** It may be given to a stranded traveler, who started his journey for a *halal* purpose and unable complete it. They may be rich people or they may have travelled for their own purpose. However the journey should not be for a *haram* purpose.

Persons not Eligible to Receive Zakath

1. **Rich:-** who does possess **sufficiently** actual or potential means to meet his own expenses, as well as that of dependants on him.
2. **Those who can work:-** Persons who have the capacity to engage in *halal* occupations according to their qualifications, status and earn money without much labour beyond their capacity. That particular occupation or work should generate revenue sufficient to fulfil their needs and the needs of their dependants.
3. **Enemies of Islam:-** Persons who believe in nihilism, who left Islam, kafirs who are enemies of Islam.
4. **Parents, spouse and children of zakath payer :-** The property of the son is considered as the property of the parents too. Likewise children and the wife are considered a part of the father and the husband respectively.

5. **The family of Prophet Muhammed (peace be upon him) :-** “*There is no share in zakath for holy prophet (peace be upon him) and his family members.* ” (Ahmed)

Benefit of Zakath

Zakath is an ibada which has been imposed considering various intensions. The benefits derived out of this *ibada* could be categorized under three headings.

Benefits for those who pay *Zakath*.

- The wealth and mind of the payer get purified.
- Subject to the mercy and grace of Allah.
- Eliminate selfishness and became a person who promotes common good.
- Became the man of common good.
- Relieve from greedy of worldly wealth.
- Behave kindheartedly with poor.
- Behave with the sense of gratefulness.
- Receive the quality of Allah as an adornment.
- Reach the states where his wealth grows.
- Receives the holy merits in the life Hereafter.

Benefits for those who receives zakath

- Opportunity to overcome poverty.
- Protected from the harshness of poverty.
- Raises the standard of poverty.
- Improves the economic condition.
- Bad qualities and activities get eliminated.
- Be free from needs.
- Receive self contempt and peace of mind.
- Relief from mental illnesses like fraud, jealous and defamation.
- Create healthy individuals.

Benefits for the Society

- Economy of the society will develop in line with the development of individuals.
- Mutual relationship, harmony, link are built between poor and rich and society will be strengthened.
- Brotherhood and unity gets strengthened.
- Competition and jealousy are eliminated.
- Most of the shortcomings of the society are repaired.
- All the areas of the society will be developed.

- Islamic *aqueeda* will be protected.
- Create a secured environment.
- A society filled with good characters will be developed.
- Economic imbalance would be rectified.

Zakathul Fithr

Zakathul Fitr is also known as Sadaqathul Fitr. In Sri Lanka it is known as Fitra.

This Fitra becomes compulsory after sunset in the last day of Ramazan and with the sunrise on the first day of Shawwal. Therefore it becomes obligatory for those who are alive when the sun set on the last day of Ramazan and who possess more than what is needed for the day and the night on the festival day. Further it will become obligatory on the guardians of those who born between dawn of Shawwal crescent and before the ending of Eid prayer.

A person who falls in to the above category must pay Fitra for himself, his wife, for those he has an obligation to spend on. Fitra must be paid for the children who are dependants, poor parents, the Muslim servant who works free for him.

It is Wajib to pay 2 1/4 of kg for each person. The common grain in the relevant place must be given as Fitra. If we feel that the monetary value would be much beneficial other than giving rice it is also allowed.

It is a Sunnath to pay this between the sighting of new moon and before the ending of Eid prayer. It is Haram to defer Fitra without a valid reason. If it is missed due to some reason it is compulsory to pay them later. It is allowed distributing Fitra before the Eid during Ramazan if it is felt necessary.

Fitra must be paid for those who are eligible to receive Zakath. By paying the Fitra poor people also will have an opportunity to celebrate the Eid and it will cover up the minor sins that were done during Ramazan.

The statement of Ibnu Abbas (RA) that “Prophet Muhammed (PBUH) has made the Fitra compulsory in order to purify the muslims who have done minor sins while observing fasting,” confirms the benefit received by the person who observed fasting.

As Sawm (Fasting)

The Arabic word “*As-sawm*” means exemption and prevention. In the Islamic *shariah*, “*As-sawm*” means a Muslim avoiding meals, drinks and sex from the dawn to dusk with the sole *niyyah* that “I fast in expectation of Allah’s satisfaction only.” We used to call this as fasting.

Fasting being one of the five pillars of Islam was made obligatory in the second year of *hijrah*. Generally fasting is categorized into two:

Categories of Fasting

1. *Fard* fasting.
2. *Sunnath* fasting.

Fard fasting is divided into two further sections.

1. Fasting in the month of *Ramazan*.
2. Vow fasting / conditional fasting

***Ramazan* Fasting**

This indicates the fasting which starts from the day of sighting first crescent in the ninth month of Islamic calendar called *Ramazan* up to the day of sighting the first crescent in the tenth month named *Shawwal*. It is compulsory to fast each and every Muslim man and woman who attained puberty. Some are allowed to avoid fasting on some occasions. However those who defaulted fasting must do it in a later day.

Conditional Fasting / Vow Fasting

Conditional fasting is the fasting that a person says “If a certain thing is fulfilled I will fast for Allah.” and makes that fasting compulsory on him. If the thing become successful fasting will become obligatory on him. If his wish did not come true it will not become obligatory.

Other than these two obligatory fastings there is another fasting called “*awmul kaffara*”. This is performed as a fine to cover a mistake which was done when performing certain *ibada* . For example, if you missed any of the *waajib* of *haj* or if you break a promise you should observe this kind of fasting.

Sunnath Fasting

Sunnath fasting are fasting which are not obligatory and holy Prophet (*peace be upon him*) used to fast on various occasions. If one fast these *sawms* he will receive many merits from Allah. This is confirmed by many *hadiths*. Therefore we should know about these fastings and tried to perform them.

(a) Weekly fastings

1. Mondays
2. Thursdays

(b) Monthly fastings

1. On the 13, 14 and 15 days of the months. (*Aiyamul Feel.*)

(c) Yearly fastings

1. Ninth day of *zul haj*. (day of *arafa*) This is not *sunnath* for those who are engaging in *haj* rituals.
2. First eight days in *zul haj*.
3. Ninth and tenth days in Muharram. (*Thasoora, Ashoora*)
4. Most of the days during the month of *Sha 'ban*.
5. Six days in *Shawwal*. (Six days just after *eid* festival.)
6. During the respected moths of *Zul qa 'da, jul haj* (except prohibited days) and *Muharram*.

Terms of Fasting

Now let us discuss about *sharths, fards, sunnaths and muftihilaths* of fasting.

Sharths of Fasting

Sharths are conditions that must be met by the person before he performs an *Ibada*.

As far as fasting are concerned, those who going to fast should fulfil the following conditions:

1. Be a Muslim.
2. Should attain puberty (Small kids can do it in order to practice it).
3. Be sane.
4. Have bodily strength for the act.
5. Ladies should be purified from menses and nifas.

Fard of Fasting

1. Say *niyyah* for *sawm*: - *Niyyah* means saying that “I will fast tomorrow for Allah.”
If it is *fard* or *unnath* you should say “*fardan*” or “*sunnathan*” respectively.
2. Refrain from doing any act which invalidates fasting from *fair* to *magrib*.

Muthilath of Fasting

We have discussed above that the second *fard* of fasting is refraining from acts which invalidate fasting. Now let us look at those acts in detail. These are called *mufthilaths*:

1. Inserting meal, drinks or any other things into the body through the openings such as mouth, nose or ear;
2. Vomiting involuntarily (If it is voluntary it will not invalidate);
3. Mental disorder / becoming insane;
4. Fainting when fasting;
5. Giving birth to a child, *nifas* and menses;
6. Engaging in sexual intercourse;
7. Ejaculation;
8. Leaving Islam and becoming *murthad*.

If the fasting is invalidated by one or by all of the above acts except sexual intercourse, that defaulted *sawm* should be performed in another day. This is called *kadha* fasting. If engaged in sexual intercourse while fasting it is not enough to do *kadha*. But one slave should be freed. If it is not possible he should fast continuously for sixty days. If that is also not possible meals should be given to sixty poor men. Fasting will not be invalidated if you have done above activities accidentally.

Sunnaths of Fasting

If a person wishes to have more merits from Allah by fasting properly he should know the *sunnaths* of fasting and should follow them properly. Those are:

1. Doing *sahar*- which means eating or drinking something after midnight;
2. Breaking fast at the sunset- It is desirable to breakfast by eating dates. If it is not available water would do. ;
3. Asking *dua* soon after breakfast- Since this is one of the occasions in which Allah answers our *duas*, we must make use of this time in asking *duas*;
4. Providing facilities for others to breakfast;
5. Controlling your tongue- Avoiding lying, back biting, teasing and scolding;

6. Reciting quran as much as you can- understanding it, reciting *zikr*, asking *duas*;
7. Performing *sunnath salath* like *taraweeh* in the nights of *Ramazan* and doing other meritorious activities;
8. Alms giving lavishly. Engaging in good deeds;
9. Protecting eyes and ears from seeing and listening dramas and music;
10. Staying in the *Masjid* with the *niyyah* of staying there.

Those who are exempted from fasting

Fasting is a peculiar ibada. It will give merits in this world and world thereafter. Therefore it is a major sin to avoid fasting without valid reason. However Allah has allowed some people not to fast. Those are:

1. **Sick Persons**:- Those who are sick during the month of *Ramazan* they do not need to fast. They should do the *kadha* in another day once there are cured. Those who suffers from prolonged illness and those who do not have strength for the act due to old age they do not need to do *kadha*. They should pay *fidya* as it defined in the quran under the following verses.

“Feeding a needy person. But whoever volunteers goodness, it is better for him.” (2:184)

This is called *fidhaya*.

2. **Travelers** :- If the travelers cannot fast they are allowed to break the fast. Instead they must do *kadha* in another day. This facility is not available for those who engaged in travelling of which the intentions are against the teachings of Islam.
3. **Feeding Mother, Pregnant** :- Mothers who feed their infants and pregnant mothers are allowed not to fast if they fear that they or their child will face an adverse effect if they fast. However once they turned normal they should do *kadha*. The mothers who avoided fasting due to fear of her infant only should do *kadha* and feed a poor man for each of the fast defaulted.

We have now understood the terms and conditions of the fasting. Therefore let us fast accordingly and try to receive many merits and rewards from Allah.

Benefits of Fasting

1. **Thaqwa** - It breeds fear of Allah.
2. It purifies the heart.
3. Builds patience.

4. Since a spiritual environment is built one can make provisions for specified victory.
5. Enable to collect many rewards and merits by engaging in good deeds in a spiritual environment.
6. Enable to lead the soul in the path of victory by interacting with *quran*.
7. Opportunity to have the good fortune and blessings by attaining the *lailathul qadr*.
8. Opportunity to be protected from evil things.
9. Help to be protected from evil things which affect the soul.
10. Develop the mindset that will take part in the hardship of others by feeling the hunger and the suffering of the poor.
11. Pave the way for physical health.
12. Develop the good quality that love and mercy to others.
13. Develop the qualities of brotherhood, social awareness, unity, humanity, and solidarity.
14. Give the exercise of how to lead a controlled life.
15. Pave the way to practice thrift and avoid waste.

Hajj

The Arabic word *hajj* has the literal meaning of visiting and seeking. *Hajj*, which is final of the five pillars of Islam, and has the tradition and the ancestral fame that is connected with the minds of mankind, body and wealth can be defined as follows:

“This indicates the obligation imposed on Muslim to go to the places of spiritual significance in the Holy Macca even once in the life time by following prescribed rules of Hajj from 8 to 13 days in the month of Zul-Haj every year.” AI-Quran states regarding Hajj as follows:

Pilgrimage to the House is a duty to God for all who can make the journey. (3:97)

Prophet (*peace be upon him*) said, “One who performs Hajj correctly will turn like an infant which born newly.” Further he has indicated it as one of the five pillars of Islam. and emphasized the importance of performing it.

We can understand that all the prayers and worships that are imposed in Islam have importance and significance in many basis. All these are considered milestones in the life of Muslim and give him strength of life.

It is worth nothing the way Quran and Hadiths present the importance of significance of Islam.

The first house established for mankind is the one at Bakka; blessed, and guidance for all people. (3:96)

In another place,

And We made the House a focal point for the people, and a sanctuary. Use the shrine of Abraham as a place of prayer. (2:125)

Prophet (*peace be upon him*) has said about this as follows: “Perform Hajj and Umrah. Hajj and Umrah will eradicate the poverty and sins life the furnace of a blacksmith removes the rust in the iron.” (Nasaee) “The reward for a recognized Hajj is not other than Jannah.” (Bahari) Those teaching have described the importance and significance of Hajj in many corners.

As the representative of Allah, Man’s whole life should be an *ibada*. Hajj helps to take Muslims towards this major Ibada. We can understand this when we research the ritual contained in Hajj. Hajj is inter-connected with the body, soul and wealth

of man. Since the Hajj teaches how to obey Allah on these three items, it develops the status which prevent doing things against Allah in all stages.

As per the teaching that the life of this world is temporary and life thereafter 'is permanent, Hajj receives significance as the obligation which helps to develop some basic qualities. Hajj develops the important qualities like obeying Allah in compete purity, scarifying oneself to Allah and acting based on sacrificies.

This *ibada* proclaims every year to the world that all of the human beings which live in this world are created from one soul. They cannot be separated in terms of place, colour, ethnicity, tribe, language and nation.

All the ritual sites of Hajj are situated in and around Macca town. This is the town which contained many historical significance of Messengers of Allah. Specially Hajj receives importance as the *ibada* which gives an opportunity to practically recall the historical philosophy which connects with the Nabis who have connections with Hajj rituals and an opportunity to determine how one should plan to perform his duties from that places.

The lives of Muslims are a struggle against Satan and passion. We can observe that the exercise against this struggle has contained in Hajj rituals. Throwing stones in Jamrath against Satan, gives the exercise to fight against the interruption of Satan in the life of Mankind. Hajj gives the training how to control strong desires of the mind as well.

The 'Ihram' dress which worn the devotees who said Niyyath for Hajj is one colour and simple. This induces to lead a life without pomp and show. Further it remind the life thereafter as well.

The real Thaqwa is created when performing the ritual of Hajj by separating the family, giving up all the pleasure of world, and obeying to Allah.

Procedure of Hajj

When performing Hajj a Muslim should be take extra precaution as it is considered the main *ibada* in the five pillars of Islam and imposed on Muslim only once in the life time. The following terms should be fulfilled in order to reap the full benefit of this *ibada* which practically to be performed from the 8th day to 13th day in the month of Zul-Hajj.

Sharths

1. Be a Muslim.
2. Be an adolcene.
3. Be sane.
4. Be independent.
5. Be healthy and strong.
6. The journey should be safe.
7. Have enough money.
8. Have enough time.

Fardh

1. Niyyath.
2. Staying at Arafa.
3. Doing Thawaf.
4. Doing saee.
5. Doing Halq.
6. Doing in the order prescribed.

Wajibs

1. Saying Niyyath at Meewaths.
2. Staying at Muzdalifah after two midnight on 10th day in Zul-Haj.
3. Throwing 7 stones at Jamrathul Aqaba after midnight 10th day in Zul-Haj.
4. Staying in Mina in the night of Ayyamuth Thashreeq.
5. Doing Thawaful Widau.
6. Throwing seven stones each in the three Jamras during the Ayyamuth Thashreeq.
(three)

Sunnath

1. Ghusl sunna. Ex. Bathing before dressing Ihram.
2. Applying scents before Niyyath.
3. Niyyath by word of Mouth.
4. Reciting of Thalbiya.
5. Doing Thawaful Kudum.
6. Staying at Mina at the 9th night in Zul-Haj.
7. Reciting dua in the places where duas are accepted.
8. Praying Sunna behind Makamu Ibraheem after Thawaf.
9. Drinking Zam Zam water.

Things to be avoided by the one who is dressed in Iharam

1. Wearing striched dress.
2. Applying scent.
3. Applying oil on hair and beard.
4. Removing hair or cutting nails.
5. Entering to marriage contract.
6. Enjoying sex.
7. Engaging in intercourse.
8. Covering heads and face by Men and Women respectively.
9. Hunting.

Methods of Saying Niyyath

1. AI-Ifrath: First, saying Niyyath and performing Hajj after that saying Niyyath and performing Umra.
2. AI-Thamattau: After completion of Umra first and performing Hajj after saying Niyyath on the 8th of Zul-Haj. The one who does like this should give away Qurban which is called Al Hadyu.
3. AI-Qiran: Performing Hajj and Umrah at the same time. Qurban should be given for this too.

Meeqaths

Meeqath is the name given to the places where the Hajj pilgrimages should say Niyyath and dressing Ihram. Separate pare designated for those who come from different countries. For example: Those who go to Hajj should say Niyyath and dress Ihram at the place called Yalamlam. Other places are:

1. Zul Hulaifa;
2. AI-Juhba;
3. Kanrul Manazil;
4. Yalamlam;
5. Zathul Iraq or Wathis Sail.

Ihram

Rituals of Hajj and Umra will be performed by abiding by the above rules and regulations on those defined dates or seasons. Those who are subjected to the Sharh of Hajj should have been reached there respective places by the 8th of Zul-Haj at least. Before Hajees reach Meeqaths and say Niyyath they will perform the sunnahs like bathing, and applying scents; dressing Ihram. Say Niyyath as per the

method of their saying Niyath; Recite Thalbiya; after that do the Thawaf sunna which is called Thawaful Qudoom.

Reach Mina before Luhr on 8th of Zul-Haj. There they will perform the prayers Luhr, Asr, Maghrib, Isha and Fajr, as did Prophet (*peace be upon him*). It is a sunna for Hajees to stay at Mina in the night of day 9. After the sun rise on the 9th day of Zul-Haj should leave for Arafa from Mina. The purpose of this is to go to perform one of the main rituals of Hajj. Prophet (*peace be upon him*) has said "Hajj means staying at Arafa." It is a sunnah to have a bath before staying at Arafa. Hajees will stay there until such time sun set on that day. After the sun left the noon, the Imaam will deliver sermon among the people.

After the sunset on the 9th of Zul-Haj, Hajees will get themselves prepared silently and obediently to leave from Muzdalifa. It is also a sunnah to have a bath to stay at Muzdalifa. However it is Wajib to stay at least for a while at Muzdalifa after the midnight. Hajees will engage in Dua and other *ibada* during these situations. Since it is Wajib to throw stones at Jamrathul Aqaba after the midnight of 10th day of Zul-Haj, they will collect stones at Muzdalifa or Mina. After performing the Fajr prayer, take a bath and leave for Aqaba to throw stones. All the seven small stones should be thrown one by one with the chanting of Thakbeer. Those who are weak enough to throw stones can assign another person to throw stones. The Hajee will give Qurban. Trim their hairs. It is sunna to perform the Zabh by their own and eating a portion of it. After Hajees will change the Ihram dress and wear the normal clothes. After this all the activities which invalidate Hajj except sexual intercourse are allowed.

It can be completed with Thawajul Wida by deferring Thawaful Ibala up to crescent 11, 12. This means, staying at Mina on the 11 and 12 nights and throwing stones at 3 Jamras each day after sun set. After that they reach Makka and complete the rituals called Ibala, Sae, Thawaful Wida. Do the Thawaf from the "Black Stone" as the starting point. After completion of Thawaf it is sunnah to perform two rakat prayer behind Maqam Ibraheem. Dua, Thalbiya, drinking Zam Zam water are sunnath for Hajess.

After engaging in Thawaf Hajees will perform the Sae between Safa and Marwa. Start the sae from Safa and complete it at Marwa. Totally there must be Seven Running here. When doing sae they should the follow rules of running slow or running fast. There is no harm to seek others help if one is unable to perform Thawaf or Sae.

If anyone of the Fardh of Hajj is missed Hajj will not be deen complete. It has to be performed once again. If anyone of Wajib is missed should give Qurban instead of

that missing. The livestock for that Qurban is defined as one year completed goat, sheep, two years completed Camel. It is Mustahab to perform this Qurban at Mina. If one could not find a livestock for Qurban or has no money he should fast for 3 days during the stay at Macca and for after 7 days after returning to home country. Those who invalidate the hajj by engaging sexual intercourse with their wives should give Qurbaan. This is one Camel or one cow or seven goats however they should continue the Hajj and do it again.

The Historical Background of Hajj and its Purpose

Hajj is considered as the major Ibada in Islam and is the Ibada which has the long historical background. We can understand that the ritual involved in it has the deep purpose and meanings. This history begins from the time when the Malaiqas have built the Ka'ba in this world just below the Baith-al-Ma'moor in the air-world. This is described by Quranic version.

“The first house established for mankind is the one at Bekka; blessed, and guidance for all people.” (3:96)

Most of the Nabis and messenger from Adam (AS) and the final messenger Muhammed (*peace be upon him*) are connected with the history of the above Ka'ba. Nabi Ibrahim is the one who has the history of the most connection with Ka'ba. We can understand this through the connections between the history and rituals of Hajj.

The Messenger of Allah, Ibrahim (AS) has won all the struggle and tests in his long journey from his birth. At the inception he had to face his father who was the Sculpture of statues and the King Numrooth who promoted worships of idols. Even though he had to face many test during these struggles against those mentioned above, he respected only his mission than his life. He was a giant in Slavery, and Sacrificing, Al Quran states this as follows:

When his Lord said to him, “Submit!” He said, “[I] have submitted to the Lord of the Worlds. “(2:131).

Those who perform Hajj try to perform it with this kind of mindset.

The history in which Ibrahim (AS) left his wife Hajar and his infant Ismaeel in Macca uncared confirms that he was prepared to perform any kind of order which comes from Allah. Here the examplaty quality of a wife who assists her husband in any matter which obey the order of Allah also indicated. This history describe how importance for a family to perform the order of Allah even amidst trials. Al-Quran calls Nabi Ibrahim (AS) as an ummath. This means he being are individual did the things which a society as a whole should have been doing.

The action of undismayed Hajar seeking water after finishing all the meals and water she possessed had created huge historical remembrance. The mother who ran between Safa and Marwa in seeking of water had the good fortune and blessing in getting the newer dry up spring called Zam Zam under the feet of her child Ismaeel. This spring is evidence to the people until the Day of Judgement. There is no other example better than this to indicate that Allah will not leave alone those who be undismayed during the testing period of Allah.

The 9th day of Zul-Haj is called “Yawmul Arafa”. Nabi Ibrahim (AS) became aware on this day that he has been subjected to another testing. He understood that the dream he saw many nights like eutting his child Islamaeel who was born to him during his old age in this days. That is why this day is called Yawmul Arafa (the day become aware). The history in which Father, Mother, and Son all three come forward to discharge the order of Allah confirms how a family should act in the matter of obeying to Allah. This family had fought against Satan too, when it interfere them when come forward to discharge the order of Allah. This action indicates the throwing stones at Jamraths during the Hajj rituals. A life of a Muslim is the battle field against Satan. Those incidents are revealed in the history of Hajj.

The role of Ibrahim and Ismael is very important in reinstating the Ka’ba. In remembrance of this incident the stone in which there feet are stamped is still kept secured. It is of significance that Hajees completes Thawaf pray two rakat of sunnath behind this stone. The reconstruction of Ka’ba makes known the principle of Sole God and Sole doctrine.

Hajees actions make known that they are prepared to discharge whatever Allah orders them by controlling all bad instincts the dressing code, their instincts, their recital of Thalbiya express this. This is considered a basic Ibada which remind the Day of Judgment. Further Hajj reminds the final sermon of Prophet (*peace be upon him*) which delivered to his ummath.

Benefits of Hajj

1. Fear of Allah - Thaqwa Develops.
2. Sacrifying, slavery to Allah.
3. Receives forgiveness (of sins)
4. Receive many merits Janna.
5. Total submission to Allah.
6. Create the thinking about the Aqhira.
7. Pave the way to live with thinking of Allah.
8. Getting the opportunity to pray for others & recommend for others.
9. Pave the way for a life to a controlled life.

Benefits in the World

1. Give the sense that I am also one of the Muslim Umma worldwide.
2. Develops the sense of brotherhood.
3. Expresses the uniqueness of Muslims.
4. Giving the training and mind set for social life.
5. Gaining the experience of travelling and the training to tolerate the difficulties of life.
6. Develops the quality of helping.
7. Developing the quality of loving humanity by eradicating the difference.
8. Pave the way to international peace.

Spiritual Activities - Other Ibadaths

1. Sadaqa

Islam has made Zakath compulsory on those who rich. Zakath is a compulsory mechanism where a definite amount of wealth to be given to a definite people within a definite period of time. If a Muslim gives away a portion of his wealth which was given by Allah to others, it is called as Sadaqa. Islam has used Sadaqa in broader concept. This is explained by the saying of the prophet (PBUH). “To smile on your brother is a Sadaqa. Ordering to do good things and preventing doing a bad thing is also a Sadaqa. Removing the things which are harmful to men and cleaning the street is a Sadaqa. Drawing water from the well by your bucket and pouring it in to the bucket of your brother is a Sadaqa. To walk a blind on the road is a Sadaqa. Showing the correct path to a person who lost his way is a Sadaqa.” (Buhari)

Hence the circle of Sadaqa is very wide. It is considered as high Sadaqa to make others benefit from the wealth, good health, knowledge, physical strength which are given by Allah and sharing same with others.
(2:274)

It is wrong for a Muslim to think to make use of the wealth he got only for his own use. Others should be allowed to be benefitted from the wealth which was given by Allah. “When the companions asked, what kind of Sadaqa is good, Rasoolullah (PBUH) replied, ‘You are in good health and in need of money. You are afraid of getting poor tomorrow. At the same time you are confident that you will receive wealth and you will be left away from your desires. In a situation like this you give away Sadaqa. This is the activity which you will receive higher reward from Allah. Do not defer the Sadaqa until the time of your death.’” (Buhari)

When the slave of Allah tries to give away Sadaqa his greediness will prevent him from doing so. Make him feel hesitate. This is done by Satan.
(2:268)

Rasoolullah (PBUH) said, “When a slave of Allah wishes to give Sadaqa seventy Satans will approach him and try to prevent him by doing so” (Muslim)

The wealth of a person who gives Sadaqa will grow continuously. The wealth of the person who do not give Sadaqa will start to decrease. Rasoolullah (PBUH) said, “Two angels come to earth every day. One of them will ask dua from Allah to give more for the person who gives Sadaqa. The other will ask dua from Allah to destroy the person who feel stringent and not give Sadaqa.” (Muslim)

Therefore a Muslim must always to be a person who gives Sadaqa. Now let us discuss the difference between Sadaqa and Zakath.

Difference between Zakath and Sadaqa

<i>Zakath</i>	<i>Sadaqa</i>
1. Fardh	Sunnath
2. Obligatory on selected goods	No limitation
3. Obligatory on selected people	Anyone can give away
4. There is a condition on how much should be give away	Any amount can be given away
5. Should be distributed only to the eight groups	can be given to anyone

2. Umra

Umra means visiting. In the Islamic point of view it is referred an Ibadath in which one visits the Ka'ba, doing the Sa'yu between Safa and Marwa, trimming his hair.

Rasoolullah (PBUH) has explained the importance of this. "An umra will be a remedy for the sins one made from one umra to the next umra." (Buhari)

"The umra performed during the Ramazan equal to a Hajj" (Ahmed)

Umra is a Sunnath. It can be performed any number of time in life. Our ancestors did not find fault doing so. Rasoolullah (PBUH) has performed only one Hajj during his life time but performed Umra four times. Ayesha (RA) has performed four Umras in one year. However Imam Malik is of the view that performing many Umras during one year is Makrooh.

There is no definite period or time. It can be performed any day and any time in a year. However Imam Abu Haniffa is of the view that performing Umra in the below mentioned five days is Makrooh:

1. Day of Arafa - Dul Haj - 09
2. Day of Nahr - Dul Haj - 10
3. Ayyamuth thashreeq - Dul Hajj - 11, 12 and 13

All the activities of Hajj are to be performed during Umra except a few activities.

For example, the condition that there must be sufficient time to reach Macca and the Staying at Arafa are not for the Umra.

Umra must be performed with pure mind and keeping its holiness. It should not be performed seeking the worldly fame of worldly benefit.

Further it is not advisable to perform many Umras or Hajj without neglecting the social responsibilities.

Therefore if you have wealth you should come forward to fulfil the social responsibilities before you go to Umra.

13. Qurbani

Allah gives some people wealth because of his grace. At the same time he has imposed same procedure for them to spend those wealth. From this the giver will get an opportunity to save merits and the receiver will get an opportunity to benefit. These activities include Qurban, Udhiyya, Aqeeqa, Nadr etc.

The word Qurban has the literal meaning of approaching. This indicates that a man approaches Allah by cutting an animal and distributing some in the name of Allah with contempt. This can be Udhiyya or Aqeeqa.

For Udhiyya no other animals other than goat, cow and camel are cannot be cut. Further Udhiyya is an Ibada which should be performed on a certain season while Aqeeqa should be performed on a certain occasion. However on the broad point of view, Qurban means cutting and distributing any animal that is allowed to eat in Islam In the name of Allah on any season; in any time without any reason.

Udhiyya and Aqeeqa included in Qurban. However since those are performed in certain season and for certain reason they are called by peculiar names.

Udhiyya

The time period allocated for Udhiyya is between the 10th day and 13th day of Zulhaj. (Hajj festival day). This has to be performed after the Eid-ul-Adha prayer and the sermon. It is sunnath to cut the animal by who performs the Udhiyya. It is welcome for him to be present at the place of wet if he assigned the job anyone else. When cutting, the Niyyath Should be made as follows: "I perform the sunnath Udhiyya for Allah."

No part of Udhiyya should be sold or given as wage to those who engaged in cutting and related works. Even the parts like skin and horn should be given as charity or should take for self consumption. It is obligation to give away a part of the flesh to pors as charity. The one who perform Udhiyya can take a small part for his consumption. The rest could be distributed among friends and relatives.

If you vow to perform Udhiyya or Aqeeqa then it becomes obligatory to perform. Then even a small portion should not be eaten by the one who made the vow or those who are dependent on him. All of the animal should be distributed away.

The age limit of the animal that is to be cut for Udhiyya is as follows:

1. If sheep - one year completed.
2. Cow and white goat - two years completed.
3. If camel- five years completed.

Further the animals which to be killed as Udhiyya should not be disabled, Ugly, thin, and diseased. (It is desirable that). Be healthy and well built.

The very good thing that is to be done is giving away Udhiyya in the Eid-ul-Adha festival day. Holy Prophet (*peace be upon him*) and his companions have performed this good deed very well. Therefore those who are rich enough to perform this should not hesitate to perform this. Further as far as our country is concerned we should act with much responsible and cautions manner when Qurba and Udhiyya are performed, we should respect the feeling of other religions communities.

Aqeeqa

Aqeeqa indicates the cutting of a goat and give away in charity in order to thank Allah for blessing with a child. This can be distributed cooked or raw-flesh.

It is sunnath on the farther to cut two goats and one goat if the infant is male and female respectively. If one doesn't have enough facility for this, it will not be a sunnath on him. It is better to give this on the seventh day of child birth.

The age limit for Aqeeqa is similar to that of mentioned under Udhiyya. When cutting the animal it has to be uttered as follows: "I perform the Aqeeqa on my child." Aqeeqa will be distributed among the poors and relatives and the performer of Aqeeqa and his family also could eat from it. Holy Prophet (*peace be upon him*) has stated as follows when he emphasized the importance of Aqeeqa:

"The infant has been kept in ransom on his life. It is cut on the Seventh day of his birth. On that he will be named and his hair is also shaven." (Abudawooth)

Zabhu

Zabhu means slaughter. Except fish and grasshopper all other Halal animals should not be eaten without slaughtering them. Only the animal which are allowed to eat in

Islam became Halal by slaughtering them.

The facts to be observed while slaughtering

1. The slaughter should be a Muslim.
2. To slay by saying Allahu Akbar.
3. The knife should be very sharpened.
4. To slay in one shot without stopping.
5. To stay until esophagus and trachia are cut.
6. Not to subject to harm the animal to be slaughtered.

The animal should be slaughtered speedily until the esophagus and trachia are cut off. The following when slaughtering the animal: giving water to drink before slaughter; taking the animal to the place of slaughtering slowly; not to sharpen the knife in its presence; not to slaughter one animal in the presence of another animal; turning the neck towards the Qibla; the slaughter to face the Qibla; parting the head and removing the skin only after life completely left; when we pay attention to the above condition it becomes very clear that the purpose of Zabhu is not harming or torturing the animal.

Nadr

The meaning of Nadr is vow. That is the adolsene, sane Muslim male making an act compulsory on him by vowing. For example:- By uttering and make it compulsory on oneself as follows: “If Allah cures my disease I vow to feed to poor people.” Or “If Allah protects me from this danger I vow to slaughter me goat.” The person who made a vow like this should perform above mentioned activities only if the illness is cured or secured from the danger.

One thing to be noted here, that it has to be vowed “only for Allah.”

Therefore let us try to live by adopting and following the above mentioned Islamic way of life.

Thalaq – Divorce

As there are rules and regulations regarding marriage in Islam; there are also rules and regulations for divorce in Islam. Although it is expected that married couple should live a happy life with good understanding between themselves, there are occasions when such a happy married life becomes impossible to various reasons. Islam has allowed divorce in such instances for the benefit of both men and women. Divorce in Islam is a privilege bestowed on both men and women to be used with discretion when living together becomes a problem due to misunderstanding between the couple, prolonged sickness, physical disabilities or other obstacles for a peaceful co-existence as married couple. However Islam encourages finding amicable solutions to marital problems in order to continue the marriage bond rather than resorting to divorce immediately.

The purpose of marriage is to lead a peaceful and happy family life and produce a good generation of people through such an intimate bond. It becomes necessary for both the husband and the wife to be patient and tolerant of each other when faced with problems that threaten the married life.

On the other hand when there is severe misunderstanding between the married couple that can create a chaotic and unpleasant situation in the family disrupting peace and harmony, it is advisable to discontinue such a marriage rather let the conflict develop into violence and disruption of family life.

Prolonged conflict between a husband and wife can lead to disgust and mutual enmity between them and that can also destroy the peace and harmony of other members of the family. In such an abnormal situation prevailing in the family, divorce becomes an ideal solution and the husband or wife can restart their life with another marriage.

Among the Nasaaras, divorce is prohibited. Even when one partner of marriage becomes unfaithful and sullies the sanctity of marriage, they are compelled to live together forever. On the contrary the religion of Islam offers the opportunity for a person to free him or herself from such an unfaithful and degrading relationship and marriage contract and restart one's life all along again. A Jew could divorce his wife without stating the reason for the divorce. They do not feel it incorrect to divorce a wife in order to marry a more beautiful woman.

During the Jahiliya period the same woman could be divorced several times and remarried according to the whims and fancies of men. Islam changed this unjust situation and emancipated the status of women by imposing moral rules of

fairness and justice. Islam introduced strict rules and regulations to be followed before asking for a divorce and after getting a divorce from one's spouse.

Basically divorce is forbidden in Islam. As a matter of fact divorce has been allowed in Islam with reservation. It is allowed only under acceptable conditions and among the permitted ones it is a thing disliked by Allah. Among the permitted matters, divorce is a thing highly disliked by Allah.

It is reported that the Holy Prophet (Peace be upon him) said, "Allah curses a person who proclaims divorce out of his desire for enjoying women" (Thabarani). The Prophet (Peace be upon him) also mentioned 'that women who seek divorce from men are hypocrites' (Abd Davud). Divorce indeed is a thing very much disliked from the point of view of Islam. Divorce is allowed in Islam only in extremely difficult situations for an amicable married life to continue.

To avoid divorce after marriage, Islam has stipulated a set of guidelines before the marriage takes place. Islam has emphasized that there should be a prior discussion and understanding on the compatibility of the bridegroom and bride to each other before a marriage contract is made. The Prophet (Peace be upon him) stated that if a person observes a bad nature in his wife after marriage, then he should satisfy himself by observing a good nature of hers.

This prophetic saying shows us how to deal with an unpleasant situation after marriage and avoid the extreme action of divorce for petty reasons.

The Holy Quran states, "As to those women on whose part ye fear disloyalty and ill-conduct, Admonish them (first), (Holy Quran 04: 34). The Holy Quran has emphasized upon men the need to use wise counseling as a first course of action against one's wife.

As a second course of action the Holy Quran prescribes, "Refuse to share their beds..." (Holy Quran 04: 34).

This gradual approach prescribed by the Holy Quran is an ideal solution for settling disputes between the married couple. As a third recourse the Holy Quran states, "And last beat them lightly; but if they return to obedience, seek not against them means of annoyance. For Allah is Most High, Great (above you all)" (Chaper 04: 34). However Islam does not allow slapping one's wife or beating her to the extent of causing injuries to her.

When all the above mentioned courses do not produce a fruitful solution to the conflict between the husband and wife, the Holy Quran prescribes another remedy:

“If ye fear a breach between them twain, Appoint two arbiters, One from his family and the other from hers; If they seek to set things a right, Allah will cause their reconciliation; for Allah has full knowledge, and acquainted with all things..” (Holy Quran 04: 35)

Only when all the four courses prescribed by the Holy Quran for reconciliation between the husband and wife fail, there should be a decision for divorce by the couple.

Islam has also enjoined a unique observation of Idda (Seclusion) upon the divorced wife for a prescribed period. This condition is not present in any other religion. It is also exclusively Islamic that the rules and regulations regarding divorce are separate in Islam for men and women.

Women are not given the rights of Divorce in the same manner men are given. Taking into account the special nature of women and the problem faced by them in life; women are given fewer rights than men. Further there is no need for a man to submit the reason for his divorce to the courts when applying for divorce. If the secrets and privacy of a woman is divulged to the court at the time of divorce, her opportunities for remarriage can be affected. Therefore Islam does not require a man state the reasons for divorce ; and the woman concerned is protected for over exposure. On the other hand a woman should state clearly the reasons for divorce to the Courts. Women as the weaker sex are liable to take hasty decisions based on emotional considerations; their rights are restricted.

The Arabic term for divorce ‘Thalaq’ means ‘break of a marriage. It implies that a husband separates from his wife. This word also means the husband uttering some words and divorcing the wife. As such Thalaq is divided into two types : Thalaq Sunni and Thalaq Bidaee.

When a person proclaims Thalaq observing the rules and regulations stipulated by Islam, it is called Thalaq Sunni. When a person proclaims Thalaq only once without sexual intercourse with her during the period when she is clean from menstruation, it is called Thalaq Sunni.

Thalaq Bidaee denotes the proclamation of Thalaq without adhering to the conditions laid down by Islam. This includes proclaiming all three Thalaqs with one word, proclaiming all three Thalaqs at the same place one by one, proclaiming Thalaq during the menstruation period or post natal period or proclaiming Thalaq after indulging in sexual intercourse during non-menstruation period.

Thalaq can be further classified as Thalaq Ba'in and Thalaq Rae. Thalaq Ba'in refers to the Thalaq wherein it is not possible to take again as wife the same divorced woman. This denotes the fulfillment of the three required Thalaqs. Thalaq Rae refers to the Thalaq wherein it is admitted to take again as wife the same divorced person. This means that a husband and a wife could use the privilege of Thalaq up to two times and before the third Thalaq could reconcile with each other and unite again as husband and wife.

Kullu

Kullu means separating, leaving aside and departing. This would mean that when a woman finds it difficult to live with a husband, she could offer an amount of money or property and divorces herself. This right is given to a woman. Under this system, the wife should return all that she had received from the husband and also given anything more he demands. In order to employ this right a woman need not be clean from menstruation or post natal impurities. A woman should observe three months of Idda or seclusion period after proclaiming and obtaining divorce under this term.

Fask

The Arabic term Fask means 'He broke'. Due to an error in the marriage agreement or because of a sudden event Fask can take place. For example, Fask becomes effective when it comes to light after the marriage agreement, that both the husband and wife are related to each other fed by the same nursing mother. When one of them changes his or her religion, Fask becomes effective. By complaining to the Jurist (Qazi) about poverty or sickness, one of the party can seek divorce by Fask. Breaking off the marriage agreement by complaining to the Qazi is called Fask.

Leea'n

Leea'n means cursing. In the event of inability to prove the accusation of adultery, the accusing husband or wife could invoke the curse of Allah on the other person and divorce the marriage. As there should be four witnesses to attest the committing of adultery and when it becomes difficult to prove the fact, the accuser could take oath four times accusing the other person and on the fifth time should utter, 'If my accusation is not true, let the curse of Allah be on myself'. If his wife is innocent, she would demonstrate her innocence by proclaiming by oath her innocence four times and the fifth time she should also say, 'If what I say is not true, let the curse of Allah be on myself'. With these oaths, the husband and wife will depart with divorce and such couple will not be permitted to live together again.

Lihar

This was a method of Thalaq existing during the time of ignorance before Islam. A person would compare one's spouse to one's mother. By comparing one's spouse to one's mother or close relatives (not allowed to be married) the act of Lihar would take place. If two people separated by Lihar desired to live together again, they should free a slave as compensation or fast continuously for two months or should feed 60 poor persons.

Eelau

The term gives the meaning 'Avoiding by Oath'. It would mean that a husband taking a vow that he would not have sexual relationship with his wife. If both do not indulge in sexual relationship for four months after taking the vow, they would be divorced. In such a divorce, there should be a Idda period.

The Holy Quran illustrates this as follows:

“For those who take an oath for abstention from their wives, a waiting for four months is ordained; if then they return, Allah is oft-forgiving, Most Merciful” (Holy Quran 2: 226)

Idda – Seclusion

The term 'Idda' denotes 'Calculating' and 'Counting'. This would mean the wife would remain without remarriage for a stipulated period after the demise of her husband. The practice of remaining in seclusion by a widow was in practice even during the time of ignorance before Islam.

A wife should observe Idda and remain in seclusion for 4 months and 10 days after the death of her husband. The Holy Quran orders, “If any of you die and leave widows behind; they shall wait concerning themselves four months and ten days” (Holy Quran 2 : 234)

If the widow is pregnant, she should continue the Idda period till she delivers the child. “For those who are pregnant, their period is until they deliver their burdens.” (Holy Quran 65: 04)

A divorced lady should also observe Idda for a prescribed period. A husband could reunite with a divorced wife during the Idda period if the Thalaq is proclaimed only up to two times. If a wife is divorced after marriage without having sexual intercourse,

there is no requirement of Idda for her . “When you marry believing women, and divorce them before ye have touched them, No period of Idda have ye to count in respect of them; so give them a present, and release them in a handsome manner” the Holy Quran (Holy Quran 33: 48)

If the divorced woman is passed the menstruation age and old, she should observe Idda only for three months. The Holy Quran states, “ Such of your women as have passed the age of monthly courses, for them the prescribed period, if have any doubts, is three months” (Holy Quran 65: 04)

Conditions to be observed regarding Idda

Some ad publicity condemning Idda as a social injustice is in fact due to the wrong impression created by the wrong implementation of Idda by some sections of the Muslim community.

Actually the Idda or seclusion practice prescribed by Islam is simple and easy to follow. During the day to day life of a Muslim woman she is required to cover her properly without displaying her beauty to strangers when going out of her house for the fulfillment of her needs. In the same way she is required to cover herself without displaying her beauty and ornaments to the eyes of strangers during the time of seclusion following the death of her husband. Apart from the normal practices the following two practices should be observed:

As a widow observing bereavement for the death of her husband she should not appear before others with ornaments and decorative dress.

Till she completes her period of Idda, talks about remarriage should be avoided.

The following incident during the time of the Holy Prophet (Peace be upon him) demonstrates the simplicity of Idda.

‘A widow observing Idda went to forest for wood cutting. A man met her on her way and told her, “ A woman observing Idda should not go out in this manner”. Being confused on this matter, the woman approached the Holy Prophet and asked him, “ Is it wrong for a widow observing Idda to go for wood cutting?”. For that the Holy Prophet replied, “ This is not a problem. It is allowed for her”.

The above incident clearly indicates that under duress and unavoidable circumstances a woman observing idda can go out to fulfill her needs as long as adhere to the requirements of the dress code for an Idda observing widow.

Once a widow observing Idda came to the Prophet and complained to him that she was observing Idda and since there were only male brothers of her at home and she did not have any woman companion for discourse and if it was permissible for her to visit the neighboring house and talk to the women to avoid her loneliness. The Holy Prophet readily accepted her request and granted her permission to go the neighbour's house.

When observing Idda is so simplified in Islam, Idda is observed with great stress and constraint in our society.

In some sections of the society, the Idda observing woman is compelled to wear a white dress and secluded in a covered place at home. In order to avoid any sight of men even by mistake, there would be strict arrangements to fully cover the area around her. She would be seated in the dark secluded place for the entire period of the idda. In some instances, even children would not be allowed to see her. Even by chance if a man's eyes fall on her, it would be seen as a great sin on her part. In certain areas, the rules are imposed so strictly that when by mistake she happens to see a man or she is seen by a man, then she is compelled to restart the idda period all over again. Because of such mistaken notions of rigid rules, there is a negative opinion being created about the observance of Idda. Widows are forced to feel that Idda is a burden on them. As a consequence in some places, Idda is observed only for forty days.

On the contrary, Islam has laid down only simple rules. She should not indulge in talks about remarriage during the Idda period. She should not display her beauty and ornaments during the period.

Islam allows a Idda observing widow to go out for her compelling requirements such as to visit a doctor or earn her livelihood under unavoidable circumstances.

It is important for us to understand the proper observance and implementation of Idda. We should endeavour to understand and realize how Almighty Allah has given us guidance with great wisdom for the benefit of human beings and explain this to the general public.

Islam has allowed a widow to spend four months and ten days of bereaving for the death of her husband. This is not a social injustice. As a matter of fact no woman would like to enter into a new marriage contract immediately after the demise of her husband. Since she would be in a state of mourning and grief, such thoughts would not be entering her mind. And further her state of mind would not be appropriate for her to make the right decision regarding her life at that time. So naturally a time period should elapse before she decides on her future plans.

A widow observing Idda is in a state of grief over the death of her husband. She would spend her time adjusting herself to the loss of her husband and possibly the loss of her income. Unless the kith and kin take care of her for some time she would be compelled to go to work for the maintenance of her life. In such circumstances there is no sin on her for going out in the day time to earn her living as long as she avoids decorative dress and display of ornaments to attract the attention of other men.

A divorced wife should observe her idda period at her husband's home. Since there is an opportunity for both of them to cancel the divorce and reunite, she could dress up herself in an attractive way by wearing good dress and ornaments. But a woman divorced under oath may not be in this state.

The gift offered by the husband during the marriage is called Mahr. When both live together as a family, the maintenance given by the husband to her is called Nabaka. When they divorce from marriage life, the gift given by husband to the wife is called Madau. The husband should provide the wife her maintenance till she completes her Idda period. This is a duty binding on the husband during the time of Idda.

The benefits of Idda

Receiving Divine benefits by fulfilling the divine commands.

Relief from mental stress.

A period of time to ascertain whether the wife is pregnant by the former husband.

A time limit for mourning the death of the husband.

An opportunity to reflect upon the life with the former husband and offer prayers for his salvation in the hereafter.

A lapse of time needed to make a proper decision regarding another marriage or future plans.

In case of Thalaq Raee, an opportunity to reunite with the husband.

Importance of Family Life

An individual is the building block of a community. Individuals together make a family. And families together make a society. Islam gives importance for the development of individual characters in order to build a morally viable society.

Islam builds up individuals through fundamental principles of Iman, Ibada and Aqlak. Through these principles individuals are trained to become morally and ethically sound. Abiding by these principles is a duty of an individual Muslim and it is called Farz Ayn.

On the Day of Judgment people would be questioned individually about their life in this world by Almighty Allah.

The Holy Quran declares, “No bearer of burdens can bear the burden of another.” (Holy Quran 06: 164).

It also states, “ Then shall anyone who has done an atom’s weight of evil, shall see it. And anyone who has done an atom’s weight of good, shall see it” (Holy Quran 99: 6-7)

The Holy Prophet also stated, “You are trustees and you will be inquired about your trust” (Buhari)

However man is weak when he is alone and he needs the support and help of others to accomplish his tasks and lead a proper life. Therefore Islam encourages people to live as a group in a society and not lead lonely individual centered lives.

As a goat going alone could be caught by the wolf, an individual leaving a group and living alone can be duped by the evil spirit (Shaitan).

As a matter of fact the Help of Allah is with those who live in a united group.

Family

A family is born when a man and woman are married legally. As a consequence of marriage many other relationships are born and the family extends. Islam does not allow the formation of a family outside of marital relationship, blood relationship or foster-nursing relationship. Having children through adoption or illegitimate sexual relationship can not lay the foundation for an Islamic family. The condition laid down by Almighty Allah for an acceptable family is the union of a male and a female through legitimate marriage revealed to the other members of the society. Acting against this divine law is detrimental for an individual as well as a society.

New ideas have cropped up regarding the concept of marriage in these days and it is widely felt that it is important to establish disciplined family units in order to safeguard the world from these perverted ideas about marriage that could uproot the very foundation of family life in the world. The World Health Organization declared 1994 as the year for Family welfare and every year May 15th is dedicated as a day of Family welfare.

Islam as a natural religion has given prominent place for family as a fundamental institute for the propagation of human kind without exceeding the natural limits. Therefore Islam is identified and described as a religion based on family as a unit of mankind.

Islam encourages individuals to form a family and protect themselves. In an Islamic environment many families assist in the formation of a new family. When a single family is affected, the whole Islamic society consisting of many such families also is affected. The success of a family is in fact the success of the entire Islamic society.

Family Life

Family life means living together with understanding and happiness under one roof as husband, wife, parents, children, grandparents, grandchildren and other closely related members. Living alone without marriage and celibacy is opposed to family life and Islam is opposed to such ascetic way of life. There is no place in Islam for celibacy or asceticism as it is against the teaching of Islam and life of the Holy Prophet (Peace be upon him). It is also against the very nature of man.

Islam states that asceticism is a way of life created by men themselves.

The Holy Quran proclaims, “But the monasticism which they invented themselves. We did not prescribe for them” (Holy Quran 57: 27)

When Usman bin Mazwoon, one of the companions of the Holy Prophet (peace be upon him), requested permission from the Prophet to undertake a life of celibacy and asceticism, the Prophet rejected his request. “Had the Prophet allowed him to do so, we would have castrated ourselves – stated Sa’d Bin Abi Wakkas” (Buhari, Muslim)

Almighty Allah has kept peace of mind and health of body only in living happily with one’s legally married spouse. Therefore when a man tries to live alone, he becomes affected by mental sickness as well as physical illness.

The Holy Quran expounds, “ And among His Signs is this, that he Created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your hearts: Verily in that are signs for those who reflect.” (Holy Quran 30:21)

By the very nature of their creation, a male and a female are made to live in union. Living alone will not give them perfection. Only when they are united in a marriage relationship and form a family their lives become perfect.

Almighty Allah reveals in the Holy Quran, “ Oh mankind! Fear your Guardian Lord, Who Created you from a single person, Created out of it, His mate, and from them twain scattered like seeds countless men and women...” (Holy Quran 04: 01)

In a family life a man expands his horizon and he does not think within the narrow limits of one self but thinks for his wife and children and broaden his outlook and attitude. A married man receives the blessings of Allah because of this.

The Holy Prophet illustrated this unique blessing for a man leading a family life in the following narration: “ The Dinar you spend for the sake of Allah, the dinar you spend for the liberation of a slave, the dinar you give in charity to the poor and the dinar you spend for your family; among these expenses the one that brings you more merit is the dinar you spend for your family” (Muslim).

Through a family life, a man or a woman becomes a responsible person. Because of this responsibility his or her life becomes organized and disciplined. Many benefits such as mind control, blessing of children, purity, security, health and dignity accrue to the married person. When one fulfills his or her sexual desire through the legitimate institution called marriage, merits are given for that too.

The companions of the Prophet asked him, “ Is there a merit in one satisfying one’s sexual desire with one’s spouse? The Holy Prophet replied, “ The same way a person would acquire a sin if he indulges in sexual intercourse illegally, the person who enjoys sexual intercourse legally would get merits”. Only a family life ensures a person the joy of sex, exchange of love, satisfaction because of children and care during old age. Family life secures both the man and the woman greatly.

Spouse Relationship

Duties of spouses:

Although men and women are totally different mentally and physically, they both have the same natural quality of finding solace and satisfaction in the company of the opposite sex.

“Among His Signs is this, that He Created you from dust; and then, behold, ye are men scattered far and wide. And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquility with them. And He has put love and mercy between your hearts....”(Holy Quran 30: 20-21)

The purpose of creating a joyful and happy relationship between a man and a woman is to empower them to shoulder many responsibilities happily.

To maintain a good relationship between the husband and wife, it is important to establish their respective rights and duties properly.

When a man and a woman enter into a marriage contract and start a family life, they should realize that they are not entering into a family life just for fun or to fulfill their sexual desires. Instead they should understand the purpose of a family life is to implement the natural order of Allah.

The Holy Prophet said, “Marriage is my way of life (Sunna). Whosoever dislikes it, he/she does not belong to me” (Muslim)

Allah has imposed the following duties on the husband and the wife.

Giving birth to a pious progeny.

Fulfilling the basic needs of a family life.

Maintaining good and cordial relationship with the family kith and kin.

The common responsibility imposed on the married people could be fulfilled by them only through a good relationship based on well defined duties and rights between them. It is a unique feature of the Islamic family life, that these duties and rights have been clarified by Almighty Allah Himself in this revelations.

The duties and rights of spouses can be classified under three categories:

1. Administrating the family
2. Managing the social and economic improvement of the family.
3. Maintaining a sensible spiritual growth within the family.

Both men and women should take equal part in fulfilling the above responsibilities but their roles are different.

1. Administrating the Family

Islam has given the leadership role to men in the affairs of administrating the family. The Holy Quran proclaims, “Men are the protectors and Maintainers of women because Allah has given more (strength) than the other, and because they support them from their means...”(Holy Quran 04:34)

Islam also emphasizes mutual consultation in all matters by the leadership of Muslims, whether it is a family or a country. Unilateral decisions without consultations are not encouraged in Islam.

As the leader of the family, a man has three important duties to perform.

1. Treating one's wife with love and dignity.
2. Fulfilling the basic needs of one's wife.
3. Protecting and guiding the wife and family according to Islam.

A husband should not misuse his duties as the leader of the family. The Prophet warned, "When a person is given authority by Allah and if he does not use such authority for the benefit and goodness of the people, he will not even smell the fragrance of Paradise" (Buhari)

When a husband and a wife understand their duties and rights properly and act accordingly, the family will run smoothly without any disturbance.

2. Managing the social and economic improvement of the family

The economic progress of a family is dependent upon two factors:

1. Generating Income
2. Expenditure

Both the husband and the wife should follow the Islamic principles of earning and spending with mutual consultation. Income and Expenditure should be in accordance with the permissible (Halal) ways. These two activities should not be a hindrance to the fulfillment of the religious duties and obligations.

It is the duty of the husband to provide for the expenditure of the household. It is the duty of the wife to bring up the children in a good way. The wife also has the right to work and earn. But she should obtain the permission of the husband to work. He should not be an obstacle to her for fulfilling her duties towards the religion and family.

Neither a person should be stingy nor spend thrift when spending for one's family. It was asked by Hind Binti Udba, "Oh the Messenger of Allah, my husband is a miser. Therefore is it wrong to take out of his possessions and feed my children?" The Holy Prophet replied, "There is nothing wrong in taking what is just and enough for your requirements" (Buhari)

The Holy Quran states, "Make not thy hand tied (like a niggard's) to thy neck, Nor stretch it forth to its utmost reach, so that thou become blameworthy and destitute" (Al Quran 17: 29)

It is the duty of the wife to play an active role in raising the social and economic status of her husband and she should at all times safeguard his property and dignity.

3. Maintaining a sensible spiritual growth within the family.

Spiritual growth of a family is an essential part of the family. The husband as the leader of the family should realize the value of spiritual growth of the family and take a leading role in ensuring the spiritual development within the family.

The Holy Quran states, “ O he who believe! Save yourselves and your families from a Fire whose fuel is men and stones, over which are angels stern and severe, who flinch not the commands they receive from Allah, but do precisely what they are commanded” (Al Quran 66:06) . Both the husband and the wife should endeavour to identify their weaknesses and strengths in matters of religion and adjust their lives on the right path. It is the responsibility of the husband to arrange for the religious education of the family and develop the family on spiritual level.

The prophetic injunction states, “ The head of the family is the guide of the family. He is accountable to Allah about this on the day of judgment.” (Buhari).

There is a noble example regarding this in the Holy Quran, “ Enjoin prayer on thy people, and be constant therein” (Al Quran 20: 132)

Almighty Allah who created man and woman Knows best the needs of His creations. As He has endowed the responsibility of maintaining the woman to the man, he has also given priority to man at the occasion of expressing manliness. “ Your wives area as a tilth unto you. So approach your tilth when or how ye will; But do some good act for your souls before hand; and fear Allah, and know that ye are to meet Him (in the hereafter), and give (these) glad tidings to those who believe” (Al Quran 02: 223)

Mostly men spend their time outside for purpose of earning. Women usually spend their time inside the house. When the husband is away, the wife should be faithful to him. Therefore she should not allow anyone not liked by the husband inside the house when he is absent.

The wife should look after the household and the family and protect her modesty and the property of her husband during his absence.

“ A woman is the maintainer of the house. She will be inquired about this responsibility (in the hereafter) (Muslim)

She could also contribute from her possessions to the husband for a better and happy life together.

The Holy Quran implies, “ And give the women on marriage their dower as an obligation; but if they, of their own good pleasure, remit any part of it to you, take it and enjoy it with right good cheer.” (Al Quran 04:44)

Guidance on bringing up children

Children are a great blessings for parents. Our life becomes meaningful and fulfilled because of them. Parents develop great hopes for their children and trust them without reservation. The blessings of Allah descend on the parents because of the children. If parents bring them up with proper guidance and moral values, they can rest assured that their children are on the correct way of life.

On the other hand if parents do not pay proper attention to their children and neglect them, children grow up in a bad way and become a source of grief for the parents when they become adults.

Islam has clarified the duties of parents towards their sons and daughters. There are numerous duties upon the parents from the birth of the child till they attain adulthood.

When a child is born to a couple they should adhere to the guidelines of Islam:

- (a) First of all the mother should breast feed the child, as it is the best source of nourishment provided by Allah;
- (b) Secondly parents should name the child in a beautiful manner. “ On the Day of Judgment you will be called by your name and the names of your parents. Therefore keep beautiful names.” (Buhari);
- (c) Thirdly parents should shave the hair of the child and should give silver of equal weight as charity;
- (d) Fourthly parents should slaughter a goat as Akeeka and distribute the flesh to the needy, the kith and kin and other Muslims. “ Every child is mortgaged with its Akeeka” (Buhari);
- (e) Fifthly the male child should be circumcised. “ Circumcision and cutting of nails are duties bound of nature”.

When the children grow up, parents should pay attention to the development of their physical, mental and spiritual knowledge.

“When your child reaches the age of seven order them to offer the five times obligatory prayers and when they reach the age of ten force them by caning” (Hadeeth)

The Holy Prophet (peace be upon him) has advised the parents to separate the children on bed. There is useful meaning in the advice.

It is important inculcate moral values such as keeping up good relationship with family members, respecting the elders, honouring the teachers and maintaining good friendship with good friends.

Parents should teach their children to face people with a smile and polite words. They should be taught to say salaam when entering the room or a house. It is important to expose them to Islamic moral conducts and hygienic practices to be followed on occasions of yawning, sneezing, eating, drinking, sleeping and answering the call of nature. Children should be preached about the consequences and evil results of slandering, backbiting, telling lies, stealing, scolding, teasing and other evil practices when they are young so that when they grow up they will be sensitive these evil practices and avoid them. It is also the responsibility to protect and safeguard their children from bad contacts and harmful friendships.

In today’s world it is the duty of parents to become aware of the harms brought in by exposing children to pornography through mobile phones and internet. Children should not be given mobile phones and internet connection when they are too young to distinguish good from the bad. The computer should be kept in a common place so that the opportunities to become misguided will be reduced. Children should not be given mobile phones unless and until it becomes absolutely necessary. Even on such occasions, parents must closely scrutinize the use of the phone by the child and check the contacts.

Good moral education should go hand in hand with formal education so that children become prepared for both this world as well as the hereafter.

Parents should encourage the children to express their views and opinions and allow them to display their creative skills without hindrance.

They should not break their confidence by fooling them with unfounded stories about ghosts and evil spirits and make them afraid. On the other hand they should

be taught about the natural bounties of Allah and the attributes of mercy and forgiveness to help them develop a positive attitude about Islam.

Telling unauthentic and imaginative stories to guide children can only produce negative results.

When children become teenagers, the duties and responsibilities of parents also multiply. At this sensitive period of their lives, children become sensitive and curious about everything.

It is very important for the parents to identify their mood and thinking. Parents must offer advice to the children at this age very discreetly and should not offend their self-respect at all times. This is the time for both parents to grow up and become matured in facing the new reality of their children.

Parents at this stage should stop scolding their children unnecessarily and take them as partners in the household affairs and help them achieve their ambition in their lives.

It is the time for parents to introduce children to knowledge-based discussions of the Holy Quran and the teachings of the Holy Prophet. Parents must not force the children to blind-following at this stage.

Every child is different. They are also different from their parents in many aspects. Most parents make a mistake in trying to make their children a carbon-copy of themselves. It will fail. Because Time is changing forever and never realities are appearing and never challenges are to be faced. The world today is not the same world it was ten years ago.

In order to guide the children in an Islamic way, first of all parents must set an example in their conduct and behavior and become a role model for the children to follow:

- First of all parents must display an exemplary conduct in their lives;
- They should talk and discuss with family members with an open heart;
- They should show love and express their love often;
- They should be trustworthy in words and actions;
- They should encourage the children in the respective activities;
- Equality and Justice should be in the behavior of parents;
- Parents must be strict but gentle in their approach.

Guidance for Parents

There are enough examples in the Islamic sources for guiding the children in the correct path.

It is the foremost duty of the parent to train their children to be pious people and guard against the torture of the Hell in the hereafter.

“ O ye who believe! Save yourselves and your Families from a Fire (Hell)”
(Al Quran 66:06)

Parents are trustees of the children and they will be questioned about their trust in the day of judgment. “All of you are trustees and on the day of judgment you will be questioned about the trust under you” (Buhari, Muslim)

Parents must show love and kindness to children and express their love in many ways.

“The Holy Prophet (peace be upon him) used to assemble, Abdullah, Ubaidullah and Ruzaieer, the children of Hazrat Abbas, in a line and would say that whoever came first to him would receive such and such a thing. The children would run and fall on the Prophet. The Prophet would then kiss them all” (Musnad, Ahmed)

Close association with children and sharing their joy should be part of parenting.

“The Holy Prophet (peace be upon him) held the hands of his grand children Hazrat Hasan and Hazrat Husain and asked them keep their feet on his feet and rise up” (Thabarani)

Treating children with respect and make them feel respected is another important sunna of the prophet to be followed in our lives. “The Prophet used to greet children with salam whenever he met them” (Buhari, Muslim)

Softness towards children and gentle behavior towards them is always emphasized.”Once a country folk came to the Prophet and exclaimed, ‘do you all kiss your children? We do not kiss our children’. The Prophet replied, “If Allah has removed love from your heart what can I do” (Buhari, Muslim)

“Neglecting the ones whom one should feed is sinful” (Muslim)

Bringing up daughters is in fact a challenge. A Muslim should look to his daughter with loving kindness and patiently bear the problems in bringing them up. The

Holy Prophet gave importance to this meritorious deed when he exclaimed, “Whoever had three daughters and remained patient with them and fed them and clothed them with one’s labour, those daughters would become his shielding screens from the Hell Fire on the day of judgment.” (Musnad, Ahmed)

Duties of Children towards their Parents

In Islam parents are held in high esteem next to Allah and His Messenger. The Holy Quran has explained the dignity of parents and given guidance to be followed regarding parents. When one of the parents are alive and very old and weak due to aging, Islam gives importance for the welfare of them and commands children to take care of them with respect.

The Holy Quran commands, “Thy Lord has decreed that ye worship none but Him, and that ye be kind to parents. Whether one or both of them attain old age in their life, say not to them a word of contempt, nor repel them but address them, in terms of honour. And out of kindness, lower to them the wing of humility, and say : “My Lord! Bestow on them Thy Mercy even as they cherished me in childhood.” (Holy Quran 17: 23 – 24)

Even if the parents are not believers, Islam commands us to be grateful and respectful to them. Hazrat Asm reports: “My mother who was an unbeliever came to me once. So I went to the prophet and inquired that my mother had come to see me anxiously whether I could render service to her (since she is an unbeliever). And the Holy Prophet (peace be upon him) told me, ‘ Yes, you should serve your mother’ (Buhari, Muslim)

Among the parents, mother deserves to be served with priority. Once a person came to the Holy Prophet (peace be upon him) and asked him, “ Who is the one deserving my beautiful care most”. The Prophet replied him, “your mother!” The person repeated the question twice and the prophet gave him the same reply, “your mother!”

When a person reaches the middle age of 40 years he has to bear the burdens of his wife, children and parents. At that time he should behave well with his parents showing them gratitude and giving them due respect.

The Holy Quran states regarding this, “We have enjoined on man kindness to his parents: In pain did his mother bear him, and in pain did she give him birth. The carrying of the child to his weaning is thirty months. At length , when he reaches the age of full strength and attains forty years, He says, “ Oh my Lord! Grant me that I

may be grateful for thy favour which Thou hast bestowed upon me, and upon both my parents, and that I may work righteousness such as Thou mayest approve; And be gracious to me in my issue. Truly I have turned to Thee and truly do I submit to Thee in Islam.” (Al Quran 46:15)

The duties for parents can be classified into two:

- Duty towards parents when the parents are alive.
- Duty towards parents when the parents are not alive.

The Holy Prophet (peace be upon him) said, “ Had Juraij understood the religion properly, he would have understood that answering the mother is more important than prolonging the prayer” (Buhari).

The above Hadeeth states that Juraij became accused because he did not answer when his mother called although he was praying.

Children are duty-bound to be grateful to their parents for bringing up them with dedication and sacrifice. Looking after them when they are old is also a responsibility of the children.

The Holy Quran commands us, “They Lord hath decreed that ye worship none but Him. And that ye be kind to parents. Whether one or both of them attain Old age in thy life, say not to them a word of contempt, nor repel them but address them in terms of honour.” (Al Quran 17: 23)

Children should always pray for their parents. This is illustrated in the Holy Quran as follows: “ And, out of kindness, lower to them the wing of humility, and say: ‘ My Lord! Bestow on them They Mercy even as they Cherished me in childhood.” (Al Quran 17:24)

We should not also act in a manner so that other accuse and scold our own parents. By our conduct and behavior we should endeavour to bring honour and dignity to our parents.

When on of the parents pass away, we should uphold the following duties for them :

- * Take part in the funeral prayer of the parent.
- * Fulfilling their Will and honouring their agreements.
- * Keeping company with their relatives and respecting their friends.

Inheritance

The custom of distributing the property among the inheritors of the deceased in some form has been in practice since ancient times.

In Jewish tradition, when the deceased had male children, his female children and wife would not inherit any of his properties. It was also their law that the eldest son would acquire two times the share of his other brothers. When the dead person does not have a son, the grand son would inherit the property. If there is no grandson, the property would be inherited by the daughter.

In case the dead person does not have a wife and children, his property would go to his father or grand father.

The people of the Jahiliya period also had a system of inheritance.

The property was distributed only to the bravest sons. Female members and children would not acquire any rights on property left by the dead person.

After the emergence of Islam, this system continued for some time. After the Hijrat to Madina, the following Holy Quran verse was revealed and the law offering inheritance to women and children came into effect:

“From what is left by parents and those nearest related, there is a share for men, and a share for women, whether the property be small or large, a determinate share” (Holy Quran 04:07)

“Allah directs you as regards your children’s inheritance: to the male, a portion equal to that of two females: if only daughters, two or more, their share is two-thirds of the inheritance; in only one, her share is half” (Holy Quran 04:11)

Among the Jahiliyas there was a practice of inheriting property by way of an agreement. The foster son of a person was considered as his own son and eligible for inheritance of the foster father’s property.

However Islam declared that foster sons could not be considered as real sons and therefore they are not eligible for inheritance.

The Holy Quran states, “Muhammed is not the father of any of your men, but The Messenger of Allah, and the Seal of the Prophets: And Allah has full knowledge of all things” (Al Quran 33: 40)

Further the Holy Quran proclaims, “Allah has not made for any man two hearts in his breast: nor has he made your wives whom ye divorce by Zihar your mothers: nor has He made your adopted son your sons. Such is your speech by your mouths. But Allah tells the truth, and He shows the way.” (Al Quran 33: 04)

After the Hijrat, the Muhajirs (the migrants from Mecca) and the Ansars (the Helpers in Madina) were bound in a brotherhood by the Holy Prophet (peace be upon him) and became eligible for inheritance on each other’s property. But later on this arrangement was given up after the law of inheritance coming into effect according to the revelation.

The Law of Inheritance finds a prominent place in the Islamic legal system. This is a unique and separate branch of the Islamic jurisprudence. This art of law is known as *Ilm ul Meeras* and *Ilm Al Farail*.

Scholars are of the opinion that the Holy Quran has not elaborated so extensively on any other law as it had elaborated regarding the law of inheritance. This shows the importance given by Al Quran for this aspect of human relationship.

“In what your wives leave, your share is a half, if they leave no child, but if they leave a child, you get a fourth; after payment of legacies and debts. In what ye leave; their share is a fourth, if ye leave no child; but if you leave a child, they get an eighth; after payment of legacies and debts. If the man or woman whose inheritance is in question, has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies and debts; so that no loss is caused to any one. Thus is it ordained by Allah; and Allah is All-knowing, Most forbearing.” (Al Quran 04:12)

Further the Holy Quran states,

“ Allah directs you as regards your children’s inheritance: to the male, a portion equal to that of two females; if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half.

For parents, a sixth share of the inheritance of each, if the deceased left children. If no children, and the parents are the only heirs, the mother has a third: if the deceased left brothers or sisters, The mother has a sixth. The distribution of all cases is after the payment of legacies and debts. Ye know not whether your parents or your children are nearest to you in benefit.”

“They ask thee for a legal decision, Say: Allah directs about those who leave no descendants or ascendants as heirs. If it is a man, that dies, leaving a sister but no

child, she shall have half the inheritance: If (such a deceased was) a woman, who left no child, Her brother takes her inheritance: If there are two sisters, they shall have two-thirds of the inheritance (between them): if there are brothers and sisters, (they share), the male having twice the share of the female, thus doth Allah make clear to you (His Law), lest ye err. And Allah has knowledge of all things” (Al Quran 04: 176)

Regarding the importance of the legal system of inheritance in Islam, the Holy Prophet (peace be upon him) has also mentioned several times.

“You should learn the laws of inheritance and teach them to people. I am mortal and knowledge is also destroyable. Conflicts can arise later. When two people contradict each other regarding inheritance, a situation will arise wherein there will be no people competent in knowledge to give them a proper verdict” (Ahmed, Thirmathy)

“You should acquire the knowledge of inheritance laws and impart it to others. Because they are a part of knowledge. Further this knowledge can be forgotten. This will be the first thing to be removed from my community” (ibnu Maja, Tharaqudini)

The saying of Hazrat Umar also emphasizes the importance of the field of inheritance laws.”When you discuss you should discuss about the inheritance laws. If you want to play, play throwing arrows”

It is Farz Kifaya to learn the laws of inheritance in Islam.

Matters Relating to Inheritance

The property left by the deceased after his demise is called property for inheritance. Generally the properties left by the deceased is called ‘Aththarika’ in the Islamic legal system. The term means ‘Something left behind’. Before this property is divided among the lawful inheritors there are duties to be fulfilled:

1. The expenses relating to the Janaza.

Bathing the Janaza, Shrouding, Carrying the body to the mosque and grave and Burying the dead involve expenses and these expenses are covered from the assets left behind by the deceased. This is the first thing to be done with the money left behind by the dead. These expenses must be met without any shortcoming in the tasks relating to the Janaza and without infringing upon the rights of the inheritors.

2. Settling of the Debts of the Deceased

The debts incurred by the deceased should be settled from the assets left behind by him or her. At this instance his debts to Allah by way his obligation of Zakat payment, Nadr, Kabbara and Fidya should get priority over his debts to other men according to the Shafie school of thoughts. However the Hanafi school of thought differs in this and hold the view that it is not necessary to settle the debts owed by the deceased to Allah unless and until if he had so willed in his death bed.

3. Executing the Will of the Deceased

After meeting the expenses for the burial of the decease and settling his or her debts, with the balance money or assets, the Will of the dead person should executed. The Will or Vasiyath denotes the order of the deceased before his death to grant a property or asset to the person mentioned by him. A person can mention one-third of his assets as his will and offer it to the person or persons nominated by him in the will. If the amount exceeds the stipulated one-third, it is not necessary to grant that additional amount to the nominee of the will. Even if a person wills the whole asset owned by him in his will for the nominee only one-third will be executed according to the Islamic legal system.

Conditions for qualifying as inheritance

In order to consider the property or assets as inheritance, there are conditions to be fulfilled:

1. Inheritance law will become effective only after the demise of the person. If a person is missing for a long time and after judicial inquiry if the judge determines him to be dead, then his asset will become as inheritance to be divided.

2. It should be confirmed that the inheritor is alive at the time of the death of the owner of the assets. For example if one of the inheritors is missing at the time of the death and if it is not confirmed that he is alive, he would not inherit his share of inheritance. In case there is confirmed evidence of his return, his share should be set apart till his arrival. If it is confirmed beyond doubt that the missing person is dead, then his share will be divided among other inheritors. It is also the opinion of the Imams, if the widow is pregnant at the time of the person's death, a share for the infant should be allocated.

Conditions that prevent inheritance

1. Murder : If the would be inheritor murders the owner of the assets, he becomes un-eligible to inherit the assets or property on account of his crime.

2. Change of Religion: An unbeliever can not be an inheritor of the assets of a Muslim. For example when a Muslim expires, and if his father is in a state of infidelity without accepting Islam, the father will not be eligible to inherit any part of the assets left behind by the Muslim. Majority of the Imams hold the view that a Muslim cannot be an inheritor of an unbeliever. The following Hadeeth states, “A Muslim is not an heir of an unbeliever; An unbeliever is not an heir of a Muslim” (Buhari, Muslim)

3. Being a Slave: Slaves will not inherit assets or property left behind by a free man or woman.

Factors for qualifying as heirs of inheritance

1. Blood Relationship. There should be a blood relationship between the deceased and the inheritor. In this category there are subdivisions such as Parents, Children, Ascending relations such as grand parents, descending relations such as grand children, lateral relatives. (Al Buru, Al Usul, Al Hawashi)

2. Marriage Relationship: Due to the bond of marriage and husband and wife become mutually qualified as inheritors of each other’s property.

3. Master and Slave Relationship: It was stated earlier that a slave would not inherit the property. However the property of a freed slave could be inherited by his or her master.

Categories of Heirs

1. Ashabul Furul

These are persons who are mentioned in the Islamic law as inheritors. They are called Ashabul Furul. They inherit by way of duty imposed on the Holy Quran. The husband or wife of the deceased, parents , grand parents, daughter, son’s daughter, own sister, sister of one’s father, brother of one’s mother, sister of one’s mother . . .etc., fall under the category. Their respective inheritance share is stipulated in the Holy Quran and or Sunnah.

2. Al-Asaba

Al –Asaba are a category of people who would inherit the balance assets after the distribution of the assets to Ashabul Furul. These people are further categorized into three groups:

- * Direct Asabas
- * Asabas through other relatives
- * Asabas with others.

Direct Asabas:

- | | | |
|----------------------|-------------------------------|---------------------|
| 1. Sons | 2. Grand sons through sons | 3. Father |
| 4. Grand Father | 5. Brothers | 6. Sons of brothers |
| 7. Father's brothers | 8. Sons of father's brothers. | |

Asabas through other relatives

1. Daughter of one's son (If the deceased had both son and daughter, the daughter will be under this category. If there is no son, daughter will not be under the category.)
2. Grand grand daughter (through the son and the grand son)
3. Blood brothers and blood sisters.
4. Brother and sister through paternal relationship

Asabas with others: These are people who will be positioned for inheritance according to the availability or unavailability of the above two categories.

Al Arham

People not included in the above categories are relatives who are related through a female. The children of one's daughter and the children of one's sisters are coming under this category for inheritance.

After the first category of people called Ashabul Furul taking their due share, the category of people falling under Asabas will inherit the balance property. Only

after fulfilling the requirements of these two categories, Ar Hams will be considered for their share of the property.

People who are entitled to receive one-fourth $\frac{1}{4}$

- * Husband would receive $\frac{1}{4}$ when the deceased also has children and the children of her son.
- * Wife would receive $\frac{1}{4}$ when the deceased does not have children or the children of his son as inheritance.

People who are entitled to receive half $\frac{1}{2}$

- * Husband will receive $\frac{1}{2}$ the inheritance when the deceased leaves no children or son's children.
- * Daughter will receive $\frac{1}{2}$ the inheritance when there are no other daughters or sons.
- * Daughter of one's son – the inheritance when there is no brother or sister for her.
- * Sister will receive $\frac{1}{2}$ the inheritance when she does not have a sister.
- * Sister through the father only will receive $\frac{1}{2}$ the inheritance when she is without any sister.

People who are entitled to receive one-eighth $\frac{1}{8}$

- * Wife will receive $\frac{1}{8}$ of the inheritance when the deceased has children or children of his son.

People who are entitled to receive one-third $\frac{1}{3}$

- * Mother will receive $\frac{1}{3}$ of the inheritance when the deceased does not have children or children of one's son and also when the deceased does not have more than two brothers or sisters.
- * Brothers and Sisters only through the mother will receive $\frac{1}{3}$ of the inheritance if the deceased does not have any children and these brothers and sisters are more than two.

People who are entitled to receive two-third 2/3

- * On the above description for people receiving $\frac{1}{2}$ of the inheritance, when there are more than two people entitled to the benefit of $\frac{2}{3}$ inheritance. For example, if there are two Daughters and both daughter's daughters.

People who are entitled to receive 1/6 of the inheritance

There are six categories of people entitled to receive one-sixth, $\frac{1}{6}$ of the inheritance.

- * Father – will receive $\frac{1}{6}$ at the instance of the deceased having children or son's children.
- * Mother –will receive $\frac{1}{6}$ at the instance of the deceased having children or son's children or having two sisters
- * Grand parent – will receive $\frac{1}{6}$ at the instance when the deceased does not have his father alive and have his son and the grand son through the son.
- * Son's daughter – will receive $\frac{1}{6}$ at the instance of the deceased having a daughter.
- * Sister through the father will receive $\frac{1}{6}$ at the instance of the deceased having full sister and a sister through the father's side.
- * Grand mother will receive $\frac{1}{6}$ of the inheritance at the instance of the deceased not having a mother.
- * A brother from mother's side or a sister from mother's side will receive $\frac{1}{6}$ of the inheritance when the deceased does not have children. It should also be understood that the ratio of sharing will be two to one between men and women.

The inheritance will be divided on the following situations differently:

1. The son and the daughter of the deceased are alive.
2. The son and the daughter of the son of the deceased are alive.
3. The full brother or sister or half brother or half sister through the father's side alive.

The Islamic science of inheritance is very comprehensive and extensive. Only a person fully knowledgeable about the laws and rules of the science of inheritance can divide the assets and properties of the deceased in a proper manner according to the legal requirements of the Shara.

Jinaayaath – Penal Laws of Islam

The existing penal laws of the modern world were prepared by legislators and law makers on the basis of several different concepts and codes of ethics presented by various thinkers and scholars of the modern world. These laws do not aim to develop the spiritual level of people or bring about proper social changes through ethics and moral values. The western world lacks a perfect legal system that can define crimes and establish crimes. The legal systems lacks integrity in that by twisted arguments of lawyers an innocent victim may become imprisoned for a crime not committed by him or a hard core criminal may be set free as an innocent person by the adept manipulation of the court by the skilled lawyers.

Therefore crimes and social evils are rampant in the western world. The western legal system is designed to protect the criminal from the society and harm the society instead by allowing a free hand to the criminals.

As a consequence the anti-social criminal elements are thriving well at the expense of law and order in most western countries. Rape, Murder, Burglary, Prostitution, Pornography, Smuggling, Fraud and many other criminal activities are expanding unhindered.

It is important to understand the Islamic criminal laws at this juncture.

Crime means violating the law by a person who has agreed to abide by the same law in a society or country. Punishment is one of the methods of ensuring that the laws are upheld and society at large is free from the harm of such violations.

In Islamic perspective, an adult violating the laws of Allah and His Messenger is considered a crime and punishments are prescribed for such violations. It is also a crime to commit an act prohibited by Allah and His Messenger. It has many dimensions. An individual harming another individual or a group or a group harming an individual or another group are also acts of crime from Islamic perspective. Under the Islamic jurisdiction, no one should harm another physically or economically, either damaging life or property.

As such punishment is imposed on the criminals in order protect the individuals as well as society at large.

Islam pays attention to the protection of the basic rights and freedom of individuals and groups. Islam gives importance for the welfare of the society and the country as such the interest of the society and the country becomes a priority over the freedom and action of an individual. An individual should always abide by the rules and regulations of the society keeping the interest of the society upper most in his attitude.

If a society fails to enact effective laws for the protection of its people, children, women, religion, tradition, property, human life, human dignity, historical sits and intellectual rights of people, then the society will be pestered with anarchy, disorder, injustice and crime. Islam aims at protecting the people and their dignity and property effectively by imposing stern laws on individual conducts and behavior.

Jaaraemul Hudud – Punishments specified Crimes

1. Murder
2. Rape
3. Prostitution and adultery
4. Slander and false accusations
5. Intoxication
6. Theft and burglary
7. Apostasy
8. Treason

Punishments for the above mentioned crimes are specified in the Holy Quran or Sunnah. The above types of crimes will have the following characteristics:

1. When such crimes take place, the punishment will be implemented for the sake of society.
2. There can not be any lenient flexibility in increasing or reducing the amount of punishment.
3. The offenders found guilty of these crimes can not be pardoned by any one.

Islam takes the interest of the society above the interest of individuals on occasions of such offensive crimes and punishment is meted out irrespective of the status of the criminal in the society.

If leniency and flexibility is shown for these above mentioned crimes, it will lead to social disorder, decay of moral standards and loosening of the social control over crimes and encourage the crimes to multiply and the criminals to go scot free.

Jaraemul Kisaas Vadthiya – Crimes Punishable with Avenge and Compensation

1. Man slaughter (Murdering on provocation)
2. Unintentional and accidental murder
3. Injury inflicted by provocation
4. Injury inflicted accidentally.

In the annals of history, we could witness that the above crimes were considered very serious and harsh punishments were given to the offenders. However these crimes are pardonable when compared with the Jaramul Hudud crimes. The punishment can be decided by the affected party. The affected party can take avenge for the crime by demanding an eye for an eye or ask for monetary compensation called blood money to pardon the criminal. The state would interfere in such instances and will give punishment on the basis of Thahzeer.

Crimes of Kabbabara

1. Breaking the fast without justifiable reason during day time
2. Breaking the Ihram without performing the Haj or Umra
3. Breaching of a promise or an agreement
4. Having relationship during Lihar and Eilaa

Crimes of Thahseer

All crimes that do not come under the above mentioned three categories will come under this category. These are considered as punishment for reforming an offender. The scope of such crimes are vast and only the Qazi is authorized to impose punishments for these offences.

1. Involving in the business of giving and taking interest
2. Giving bribe
3. Violating an agreement
4. Fraudulent Trade
5. Negligent of duties and responsibilities.

Before implementing a punishment Islam takes into account some basic principles:

1. The offence committed could be an offence avoidable before committing.
2. Punishment should be on par with the crime.
3. No consideration should be given to position, social status and other aspects before giving the punishment.

4. Punishment should be based on the aim of protecting the society from evil.
5. Punishment should be lawful.
6. With regard to minor crimes punishment can vary according to the nature of offence and the offender.

The basic principles behind these Islamic punishments are not properly understood. But there are evidences to prove that these punishments are justified.

If one understands the aim and purpose of punishments in Islam, the misunderstanding can be removed from the doubtful minds: Islamic punishments are meant for...

1. Make punishment as an example for other members of the society to become good citizens and avoid wrong behavior in the society.
2. Eradicating evil and ensuring social justice and law and order.
3. Discipline and organization of society.
4. Protection of the rights of individuals and society.
5. Guiding people towards righteousness and inducing self-control and accountability.
6. Reforming the offenders.
7. Preventing crimes in the future.
8. Imposing punishment for the crimes committed.

Islam has prescribed punishments for offences and crimes with greater purposes as above. By implementing the punishments strictly Islam aims at preventing the recurrence of such crimes in the society.

However there are accusations and criticism against the punishments imposed by Islam as harsh, barbaric and violating human rights. Some of the punishments prescribed by Islam that come under severe criticism are the punishment for Adultery being hundred lashes in case of unmarried offenders and stoning to death in case of married offenders, forty lashes for the person consuming alcohol, chopping the hand for theft, death penalty after warning for apostasy. In all such criticisms the criticizers fail to appreciate the positive impact of the punishments and the negative consequences in case these offences are taken leniently.

Justifications for Islamic Punishments

1. Islam is a divine religion and a complete way of life given by Almighty Allah connecting the affairs of this world and the world after death. Since its Laws are connected with the benefits of this world and the Hereafter, only a person

connecting the affairs of this world and the next world can appreciate the underlying principles of Islamic penal laws. For the person who looks at Islamic Laws from the point of view of a secular world and without reference to the life after death will not be able to comprehend the meaning of these laws.

2. As these punishments are compatible with the aims of Islam in implementing them, it is justified in implementing them. The effect of these penal laws can be witnessed in the Islamic states where these are implemented and during the historical periods of the Holy Prophet (peace be upon him) and his piously guided companions.

3. The prescribed punishments are implemented only after creating an environment to prevent the commitments of these offences in society. The fundamental elements of faith in Islam, its spiritual, moral, ethical, social, political and economic principles contribute to the set up an ideal society bereft of or not in need of such offences. For example, in an Islamic society with the permission to have polygamy, strict un-provocative dress code, and limitation of mixing of men and women; the opportunity for illicit affairs and adultery is controlled. Proper implementation of Zakat, Sharing of Inheritance, Will of the deceased, Sadaka, Zakatul Fitr etc can eliminate the need for theft. In an environment like this, implementing the Islamic punishment is fully justified.

4. Islam also has provided prior understanding about the implementation of punishments to the members of the society. As these codes of conducts and punishments for violating them are thoroughly explained in the Holy Quran and the Sunnah, a person accepting Islam becomes fully aware of his responsibilities in an Islamic environment.

5. Islam also creates a mental awareness and maturity of mind among Muslims by pre-warning about the punishments for sins in the Hereafter. Once a person achieves the degree of mental maturity, the need to commit offences will be diminished. During the time of early Islamic era the crimes were comparatively rare because the companions of the prophet were matured enough to understand that when compared with the punishment for sins in the Hereafter, the punishment prescribed in this world is negligible.

6. Islam also has laid down conditions for the implementation of punishments. Crimes must be proved with evidences or else the offender must admit his crime voluntarily. He or She should not have been forced to commit the crime. The crime should have taken place when he or she is in a mentally fit level.

7. Islam also takes into consideration the circumstances surrounding the crime. Although the punishment is chopping off the hand, if it is proven the motivating

factor for the thief is pure hunger, then the punishment is not implemented. Hazrat Umar suspended the punishment for theft during the time of famine as people could be motivated to steal during the time of great hunger.

8. Islam does not recommend the implementation punishments blindly. It is advised, “ Do not carry out punishment on the basis of suspicion and doubts”. A complaint was made to Hazrat Umar that some servants of Hathib Ibnu Baltha had stolen the she camel of a person belonging to the tribe of Muzna. When inquiring about this the servants accepted the theft and Hazrat Umar gave the verdict of punishment for chopping their hands off. But after thinking again he said, “ By God! If I did not know that you had made these servants to starve and because of that you became a reason for these servants to steal a she camel to fulfill their hunger, I would have carried out the punishment of chopping their hands off”. Then he told the master of the servants, “ In lieu of the chopping of hands, I will give a punishment to you that will make your suffer! You must pay twice the price of the camel to the complainant”. This shows in Islam the circumstance that can induce a person to commit a crime is also taken into account.

9. Granting pardon for an offence and taking interest in the welfare of the family of the offender are also Islamic principles deserving praise. The family of the offender is offered assistance from the common fund of the state.

10. As Islamic punishments help to curtail individual freedom within the limits of the larger interest of the society, it is justified. If the offenders are scot free it will create chaos and mayhem in society.

11. The instances of implementing severe punishment for offences during the time of the Holy Prophet(peace be upon him) and his piously guided Caliphs were very few. It is because an environment was created for a crime-free society and opportunities for crimes were highly curtailed. A just and peaceful society with law and order was created then, because Islamic principles created a society with an environment not conducive for criminal activities and on the other hand the severe punishment served as a deterrent for would be criminals to act. In today’s western oriented secular laws, the environment is conducive to criminals and would be criminals are encouraged to take the risk without fear as the punishments for serious offences are not strong enough to deter them. Further the system of hiring lawyers for a fee makes it easy for the offenders to avoid punishment or come out with lenient sentences.

12. The method of implementing punishments during the Islamic rule shows that there was no cruelty in the implementation and cruelty is not the aim of the Islamic religion. When a woman who committed adultery came to Holy Prophet (peace be

upon him) and demanded punishment be given to her for the crime, she was returned by the prophet to have time for the pregnancy is over. When she came after the child birth, she was asked to come after the baby's feeding period is over. She was given punishment only after two years.

It is important for people to view the Islamic concepts of social justice and penal codes with an open mind so that the implications and aims of the Islamic system of justice can be understood without prejudice.

Qaffara

Reason	Qaffara	The Rule	Method of Fulfillment
Breaking the Promise	Offering food or clothing for the poor or freeing a believing slave or fasting for three days.	Wajib (Compulsory)	The offender can choose the option according to his capacity.
Doing Eilau or promising never to have intercourse with wife	Offering food or clothing for the poor or fasting for three days	Wajib (Compulsory)	The offender can choose the option according to his capacity
Al -Lihar	Freeing of a believing slave, fasting continuously for two months or feeding 60 miskeens (poor)	Wajib (Compulsory)	No option According to the list should fulfill one according to his capacity.
Breaking fast during Ramazan by intercourse in the day time.	Freeing of a believing slave, fasting continuously for two months or feeding 60 miskeens (poor)	Wajib (Compulsory)	No option According to the list should fulfill one according to his capacity
Murder	Freeing of a believing slave, fasting continuously for two months	Wajib (Compulsory)	No option According to the list should fulfill one according to his capacity
Doing a prohibited thing during the Haj	Sacrificing a goat or feeding six poor people	Wajib (Compulsory)	No option According to the list should fulfill one according to his capacity

Reason	Qaffara	The Rule	Method of Fulfillment
Dropping out a compulsory duty during the Haj	Sacrificing a goat Fasting for ten days, of which 3 days during the Haj and 7 days at a place of one's choice	Wajib (Compulsory)	No option According to the list should fulfill one according to his capacity
Obstacle during Haj and performing Haj as Thabathu or Kiran method	Sacrificing a goat Fasting for ten days, of which 3 days during the Haj and 7 days after returning to one's home	Wajib (Compulsory)	No option According to the list should fulfill one according to his capacity
Indulging in hunting whilst in a state of Ihram	Should sacrifice a similar animal and distribute to the poor people in Mecca	Wajib (Compulsory)	Should give a similar animal in sacrifice of an animal to the value of the hunted animal and distribute to the poor people in Mecca
Indulging in intercourse before removing oneself from the state of Ihram	Sacrificing a camel or Fasting for ten days, of which 3 days during the Haj and 7 days after returning to one's home	Wajib (Compulsory)	Either one of the fulfillment

MUNAKAHATH

NIKAH – MARRIAGE

The term “Nikah” is used in Arabic to refer to marriage. The literal meaning in the dictionary of the word Nikah is making a marriage agreement or a matrimonial contract or the physical union of the spouses. Marriage is an agreement between a man and a woman in order to live as a family complying with the conditions of Shariah.

Marriage is an opening to a family life. It is a form of worship in the perspective of Islam. Every activity related to it has the merits. Al Quran and Sunnah encourages towards this worship.

“And wed the singles among you” (24: 32)

“O Young men! Those who are strong enter into marriage, since it is significant to control the sight and the chastity. Those who do not have the strength do fast. It protects him.” (Buhary , Muslim)

There are three common objectives in Islamic Shariah. They are Daruriyat, Haajiyath and Tahsiniyyaat. The very basic objective of Shariah which is Daruriyat contains five levers of which protecting and preserving the lineage is one. In this manner, marriage takes an important place in Shariah.

“Marriage relates to my way” According to the above statement of Prophet (Sal), it could be understood that it is basically Sunnah. Yet based on the physical, mental, economical, social status of the male and the female the weight of the legality differs as Wajib, Makruh, Haram and Mubah.

In the vision of Islam, marriage is an agreement needed to be respected. In order for the marriage life to be stable, Islam guides in the right path as well as explains the conditions of the marriage agreement. This identifies the significance of the Islamic marriage traditions from all the other marriage traditions.

The Islamic ways to be followed at a marriage could be categorised in 3 stages:-

1. Preparation
2. contract (Akdn)
3. Publicising

1. Preparation is the first stage. Here:

- Selecting a bride or bridegroom
- Seeing the bride
- Getting the consent of the bride and the bridegroom
- The marriage discussion (Al Hithba)
- Observing the suitability (Al Kub'u) are included in it.

The most important factor that should be considered strictly in the first stage is to ascertain that the marriage partners, the husband and wife are ajnabis who are permitted to be married. Al Quran has clearly explained about those who are permitted to get married, the ajnabis and who are not permitted the mahramis. Refer..... (4: 21 – 24) (2:221) (24: 3)

“A woman is married for four things, i.e., her wealth, her family status, her beauty and her religion. You should marry the religious woman (otherwise) you will be caught up in poverty.” (Bukhari, Muslim)

Mukeera Ibnu Shu'iba (Rali) selected a girl for marriage. Then the Messenger of Allah (Sal) asked him whether he saw her. When he said he had not, the Prophet said, “it would strengthen your relationship” (Nasae, Ibnu Maja, Thirmidi)

A young girl came to Prophet (Sal) to complain that her father had given her in marriage to his brother's son against her wishes. Prophet let her decide on it by herself. Later she said that she would accept what her father did to her. She told that she wanted to bring awareness to the women that the father's did not have the right in this issue. (Ibnu Maja) A young girl should be asked for her consent. Her silence is her approval. (Muslim)

A moomin is another moomin's brother. He should not do business against his brother's business. He should not propose marriage against the marriage proposal of his brother's. (Muslim)

Nikah – the legal rulings

The conditions for the consummation of marriage

Islam requests to abide by the conditions of agreements. “O believers fulfil the agreements” (5: 1)

“Muslims are bound by duty to fulfil their sharaths” (Abu Dawood)

Since marriage is also a holy contract, the sharaths or conditions should be abided by. The necessities for a marriage to take place:

1. Bride and bridegroom.
2. Wali
3. Shahids
4. Eejab, kabool

fact regarding the bride and the bridegroom, about those who are permitted to marry (ajnabis) and those who are not allowed to marry the mahrami's is very important. By knowing those who cannot enter into marriage, the ones who are permitted can be identified.

Mahrams are categorised into two

1. Permanent mahrams
2. Temporary mahrams

Islam prohibits certain females from marrying certain males permanently. This is due to 3 reasons,

Permanent mahrams

Blood related, marriage related, related through breast feeding

- **Those who are prohibited to marry through blood relations**

1. Through birth, mother, mother's mother, relations ascending in this manner
2. The children given birth, children's children, relations descending in this manner.
3. Own mother's, father's or a child of one of theirs, their children's children descending in this line of relationship. That means one's own sisters, their children are referred here.
4. One's own grandfather's, grandmother's children. This stops with the first stage. That means one cannot marry the sisters of one's own mother or father. But their children are permitted to be married.

- **Those who are not allowed to be married because of marriage relations**

1. Those who have given birth to the wife. That means wife's mother's mother and ascending in this line of relationships.
2. The children of one's wife with whom one has conjugal contact, wife's children's children that descending in this line of relationships.
3. Son's wife, one's son's daughter, daughter's son's wife. In this manner that descends in the line of relationship.
4. Father's wife

- **Those who are not permitted to marry due to being breast fed.**

“Those who are not permitted to marry for being blood related are the same as those who are not allowed to marry for being breast fed”. (Buhary, Muslim)

1. The wet nurse who breast fed
2. The mother of the wet nurse who breast fed
3. The mother of the wet nurse's husband who breast fed
4. The sister of the wet nurse who breast fed
5. The sister of wet nurse's husband who breast fed
6. The children of the wet nurse and their children
7. The one who becomes a sister by being breast fed by the wet nurse

- **Those who are not permitted to marry temporarily**

1. Marrying 2 sisters at the same time.
2. Marrying a woman and her father's sister at the same time
3. Marrying a woman and her mother's sister at the same time
4. Another man's wife.
5. A woman who is told talaq thrice is not permitted to get married temporarily to her first husband.
6. A mushrik woman
7. Prostitutes – if the prostitutes ask for forgiveness as well as completely keeps away from this evil act and leads a clean life, it is halal to marry them.

When getting married to ajnabis those who are not mahrams, hadees clarifies that it is welcomed for both the bride and the groom to possess the following features clarifies hadees.

Bride – the power of fertility, intelligence, mobility, respected family, beauty and a virgin

Bridegroom – pious, good education, economic stability, the family standard, good personality, not being infertile, kindness, beauty

According to the above legal rulings the bride and groom should abide by the following conditions.

Groom – a Muslim, should not possess four wives at the same time, an ajnabi to the bride, should not be dressed in ihram for Haj.

Bride – a Muslim or pure Ahlul kitab, not another person's wife, not in iddah, not dressed in ihram for Haj.

Wali - the guardian of a bride.

A guardian should be there for a female to get married. She cannot get married by herself or do a marriage to another person. It is a sharath for a guardian to conduct the marriage for the marriage contract to be fulfilled. If this sharath is not completed, the marriage will not be consummated. This is the view of many of the legal scholars. The evidence they have put forwarded for this

“And do not marry polytheistic men [to your women] until they believe”. (2:221)

“There is no marriage without a guardian”. (Ahmed)

A marriage of a girl would be consummated with the words from a close relative of hers who is a guardian. If there is no such one, it could be consummated with the words from a far relative. If there is no such person, it would be consummated by the words of a justice. According to the view of Shafi (Rah), the guardians are arranged in the following order.

1. Father
2. Father's father
3. A brother through the father and mother
4. A brother through father
5. The son of the brother through father or mother
6. Brother's son
7. Father's brother
8. Father's brother's son
9. A Justice.

The guardian should be in sane, independent and had reached adulthood. There is no condition that the guardian should not have done a crime.

Shahids - witnesses

The evidence for a marriage is the witnesses. Marriage is not valid without the witnesses. When the witnesses participate secretly with the guardian, even then the marriage is valid. This is the view of many Imams. The evidence for this is as follows:

“The prostitutes will do their marriage by themselves without any witnesses.” (Thirmidhi)

“Without the guardian and 2 witnesses a marriage cannot be done.” (Tharakuthni)

The witness should be sane, reached maturity and would listen and understand to both parties. The witnesses should be honest and of good conduct. They should be Muslims and independent. The witnesses should be two males.

Eejab, kabool

The foundation of a marriage agreement is the contentment of both the bride and the groom's parties. Contentment is a matter related to mind. The state of mind could be understood only by and no one else. So to express the mind only verbal expression is the tool. Both the parties that engages in the marriage agreement should express their satisfaction in words. The person who expresses in words his satisfaction first of both parties by “confirming” the satisfaction is said as (Eejab) and the verbal expression of the second party accepting with satisfaction is said as (kabool)

The sharaths of Eejab

1. The one who engages in the agreement should possess the complete qualifications to conduct the marriage.
2. Eejab and kabool should take place at the same sitting.
3. Both the parties that enter into the marriage agreement should listen to the verbal expression about the agreement.
4. The words of kabool should not contradict the words of eejab.

The marriage is sanctified by any word that refers to “marriage.” There are no singled out, specific set of words to be used for eejab and kabool. Any word that refers to the term marriage in whatever language it is expressed, marriage

contemplates. Marriage can be sanctified by the word “sawaj” that refers directly to the term marriage regarding eejab. With regard to kabool “acceptance” any word referring to “acceptance” it sanctifies. The words related to eejab, kabool should be used in the past tense by both parties. The words used at a marriage agreement should not contain any conditions in fulfilling the sharaths.

Mahar or Sadak

This refers to compulsory donation made by the groom to the bride at the time of marriage agreement. This could be given as money or a thing. Al Quran states about it in this manner. “You give their sadak (or mahar) happily to the woman (you got married). If they give anything from that on their own you can accept it happily.” (4:4)

The amount for mahar can be decided by the economic condition of the groom, the request of the bride or the consensus of both can be taken. It is better to give the mahar before sexual intercourse. It is a sin not to give mahar or get back the mahar. It is not wrong for the wife to spend it on the husband or herself.

Publicising

Waleema is the function announces that they have lived as husband and wife. Waleema means the reception given by the groom after the wedding. It is better to invite all the relatives, friends, neighbours, the poor and the wealthy.

Prophet (Sal) stated “publicise and announce about a marriage.”

“Let him go to a marriage reception when he is invited.” (Buhary)

It is a sunnah to greet and bless a newly married couple who has entered into a marriage bond.

Polygamous marriage

Polygamous marriage means being a husband to many women at the same time. It has been in history in some places that one woman was married to many men, many women and many men were living together in groups as a family. These two methods are forbidden in Islam completely.

Al Quran and Al Hadees on Polygamous marriage

“If you fear that you cannot be just by marrying orphaned women, you marry in twos, threes or fours from the other women. If you fear you cannot be just among

them marry one or be satisfied with what your right hand had possessed. This will be easy not to be unjust.” (4:3)

“You will never be able to do perfect justice between wives even if it is your ardent desire, so do not incline too much (to one of them by giving her more of your time and provision) so as to leave (the other) hanging (i.e neither divorced nor married). And if you do justice, and do all that is right and fear Allah (by keeping away from all that is wrong), then Allah is Ever Oft- Forgiving, Most Merciful.” (4: 129)

Ibnu Umar (Rali) narrates when Kailan Bin Salama Assakabi embraced Islam, his ten wives who he was married during the Jahiliya period too embraced Islam. Then Prophet (Sal) told him to keep four wives with him and divorce the others. (Ahmed, Thirmidhi, Ibnu Maja)

Naufal bin Muawiya (Rali) narrated when I embraced Islam I had five wives. When I inquired Prophet about it, he asked me to divorce one keeping four with me.

The messenger of Allah (sal) practised an order among his wives and behaved in a justifiable manner. “O Allah this order is within my limits.” (He regularly states) “Do not find fault with the aspects that is in your power” stated Ayesha (Rali) (Thirmidhi, Abu Dawood, Ibnu Maja)

Anyone having two wives if he was not just to both of them, on the Day of judgment he would walk bending towards one side – stated Prophet (Sal) Abu Huraira (Rali) narrated. (Thirmidhi, Abu Dawood, Nasaee)

The legal rulings and conditions for polygamous marriage or polygyny in Islam

1. Polygamy is allowed under certain conditions and some of the following situations. These permissions are granted under conditions, this is not part of Iman and not a mandatory obligation that could not be avoided and not an encouraged activity in Islam.
2. A man can have only four wives at the same time. He cannot have more than that.
3. One can think of another wife only if he could provide the needed expenses to the 2nd or 3rd wife and the children, who have the physical and economic

strength. All the other wives too have the rights of the first wife. He should be able to live without having any shortcomings between them.

4. This permission is granted to those who have the confidence and determination to be just to all the wives.
5. If anyone does not have the physical, mental and economic strength to maintain another wife, they should be married to only one woman.
6. The permission for polygamy is given only under strange situations. This permission is given as a final decision to find solutions to certain unavoidable behavioural problems and complicated social problems.

The reasons for permitting polygamous marriage

1. Generally there are more women than men.

Though the birth percentage of men is higher than the women in many countries in the world for many reasons the population of women has increased. The ability to fight against diseases in girls is high and strong than the boys. So due to this reason, the percentage of the girls has risen from the time of a toddler – there is a difference in the age of preparation for marriage. Before a male reaches that age, a female reaches 10 years before it. (Male 25, female 15)

The ratio of male versus female is 84: 100 in Zard, 88:100 in Armenia, 91:100 in Al Salvador, 92: 100 in Lebanon. So in this state permitting polygamy would give the women protection, respect and strengthens the prosperous life for children.

2. Increase in number of women due to war and accidents:

Due to war and accidents mainly the males get killed. So there is an increase in the number of women. In the internal war in Cambodia about 13 ½ hundred thousand men got killed. The ration became 5 women for one man. In the war in Afghanistan until today, 15 hundred thousand have got killed. Many of them were males. In the World War I, 10 million men got killed, in the World War II, 60 million died, and in the war in Sri Lanka thousands of young men got killed. Researches show that further to the above those who commit suicide and those who get killed with the use of drugs many of them are males. In the same manner, due to age, many of those who die first are the men. The percentage of people above 65 in many countries is high. (45 men: 100 women in Russia, 48: 100 in Belarus, 49: 100 in Latvia) in order to make the society live in an orderly manner. Polygamy is a solution. A conference was held in Nuremberg in 1650 to discuss about the increase in number of women than the men due to war. At the end of the conference, it was decided to grant permission to men to marry more than one wife.

In the similar manner after the 2nd World War, a conference was held in Germany. Even here, at the end they found polygamy was the solution for it.

3. If the wife is infertile: Some women do not have the ability to bear children. The husband would have high expectations for children, to continue his generation, in order to share his responsibilities with the children he needs children. In this situation if the wife is infertile, marrying another woman is more suitable. In this situation, without divorcing the first wife that would not affect her life.

4. Wife being a permanent invalid: If the wife is terminally ill or affected or communicable disease or a disgusting illness, without divorcing her, while giving her due rights marrying another wife legally is more appropriate.

5. High sexual feeling: the husband would not be able to fulfil his physical need through the wife due to the nature of the wife, aging or long period not having the possibility to satisfy the physical need. It is advisable to permit to legally marry another wife.

6. To avoid the illegal births of children: the illegal child birth in Britain in 1998 that was 12% increased to 42% in 2004. According to the office for National Statistics, the percentage was 33% in the West European countries (the Annual ONS Social Trends report)

The data collected between 1986 – 87 shows the birth of illegal children in Denmark was 43.8%, in France was 21.9% and in Britain was 20.9%.

In the Annual Magazine of 1959 published by the United Nations Council in the Demographic Review; more children are born illegally than the children born legally. This is proven in the above report. In some countries it is 75%. In Latin America, it is higher than that. But the illegal births of children in Islamic countries are comparatively none. So in order to ban illegal child birth and prevent the social impacts through, the best way could be stated as polygamy.

7. Prevent dowry and killing of infants: Due to the ill effects of dowry those are not wealthy and affluent are affected by it. Since dowry is not possible to be erased off as another resort polygamy could be an answer. Considering the complications in giving in marriage the girls, they are being killed in the womb itself. In this manner, about 10 lakhs of infant girls are killed in India annually. The main reason is that they cannot get a groom easily. So as another resort polygamous marriage could be done.

Do women get through polygamy?

When observed superficially, polygamous marriage could be seen as hurting women. It cannot be clearly understood. But when it is looked at from the light of the society polygamous marriage give respect and a high standard to them.

The women who are not sought, the poor, widows, orphans would like a male partner in life who would be kind to them. When their wishes could not be fulfilled in a justifiable manner, the polygamous marriage gives them their life. She gets a husband who is legally accepted by the society and also responsible. If this state is not there, then either she would have to live in desperate situation by herself or go astray to fulfil her physical need.

Sometimes it could be a better fact for the married women who live with their husbands. They would feel that polygamous marriage is correct on the societal point of view. If they would think selflessly about another woman with similar likings and the ability to fulfil the needs that she could not fulfil to suffer without a male support, they would feel polygamous marriage is correct. At the same time if her husband carries on a secret affair with another woman, the virtuous limits would be over ruled, the family related would be affected and the society would become disorganised. Rather than facing this situation it is better to share the support the husband legally.

In the West, it is observed at present that in the name of Girl friends, Call girls they contact many girls through secret affairs. This situation leads to any responsibility towards the relationship with the girl or the repercussion of such an affair. In 1950, a person named Kinsey collected details from 10 thousand Americans, about 90% of the women have had the experience of pre marital relationship.

The women become legal wives and be counted. The husband at the same time becomes accountable to her and her children's activities through polygamous marriage. This certainly would benefit the women and the society.

Muamalah

Islamic Economy

Introduction to Economics

- Economics is the study of man's needs, the natural gifts used to satisfy them and the behaviour of man between them. Food, clothing, shelter and livelihood are considered as the basic needs of man. Capitalistic and socialistic economic systems originated to fulfil them. These economic systems which were invented by man are creating many issues related to economics day by day. Their objective is only the economic prosperity ignoring the spiritual aspect of life, so we could see it affecting the other aspects of human life.

- Islam has planned for the economic prosperity with spiritual development. However, for the world to succeed in these two types of development, the various components of Islam should be concurrently implemented fully. In contrary, if only one of it implemented ignoring the other would not be able to achieve the expected complete development.

The characteristics of the Islamic economic structure

1. It has the divinity from Allah.

The economic methods in practice were formulated with man's thinking. So they have a lot of human weaknesses. Nevertheless, the Islamic economic concept is built on the guidance of Wahi so the divine quality is seen in it. So it has a completeness and relevance.

2. Economic system concurrently running with a flexible and an inflexible nature .

The section that has the divinity has the inflexible nature while the section where ijthihad and research could be done possesses the flexible nature. So, this economic system is applicable to all times.

➤ The non flexible nature of the economic rules

- All the resources in the world belong to Allah. Man can use them according to the rules and regulations of Allah. "And to Allah belongs whatever is in the heavens and whatever is in the earth" (55: 31)

- These resources are permitted to be used to fulfil the basic needs of man. This economic system has taken the responsibility to fulfil the basic economic needs of every individual.

“And those within whose wealth is a known right, For the petitioner and the deprived”(70 : 24-25) Prophet (Sal) has stated, “It is my duty to take the responsibility of the needy. Let them come to me” (Hakim)

- The Islamic economic system leads to the circulation of wealth. Therefore, this prevents the wealth stagnating with a few, thus making an unstable state. “For the wealth not to be circulated only among the wealthy ...” (59: 7) This Quranic injunction proves this rule.

- In the Islamic economic system, sole proprietorship is allowed. That is authority is given to own and spend property. The following Quranic injunction has confirmed this rule..”Whatever earned by men belongs to them, whatever earned by women belongs to them” (4: 32)

- In the Islamic economic concept, economic freedom is restricted. In the event of earning the livelihood the rules and regulations of Quran and Sunnah are inviolable. This consists of two divisions called the permitted earning methods and prohibited earning methods. The Quran formulated a ruling as “And do not consume one another’s wealth unjustly” (2 :188)

- It prevents wastefulness by regulating the expenses. Extravaganza should be avoided. The Quran has formulated a ruling as “Do not spend wastefully. Indeed, the wasteful are brothers of the Saitan” (17:26-27)

- The above rulings do not change with time or regional changes. These would be permanent at any place and at all times. They have the divine state without any change in the views.

➤ **The flexible or researchable rules**

- The activity to decide on the amount of interference of the State in the economic activities.

- Deciding and implementing economic plans according to the present economic situation.

- Bringing limitations related to changing the economic fields from public ownership to sole ownership.

- Taking decisions regarding wages
- Clarifying the activities related to interest

Since the Islamic economic circle rotates around the non changing rules and changing rules, it exists strongly as a significant economic system.

3. The economic system agreeable with nature and nature of man.

Islamic economic system does not give way to break the natural order or the concepts of life which have interconnected with the nature of man. For e.g: Islam has prohibited prostitution as a means of earning. It breaks the natural order. Islam prohibits manufacturing liquor, distribution and its use. It changes the nature of man. “And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way. (Further, it would take you to other vices)” (17:32) (5 :90- 91)

“All that makes you intoxicate are liquor. All types of liquor are haram” (Muslim)

4. It is an economic system that gives importance to discipline and culture.

Islam does not agree upon whatever the kind of manufacture, distribution, consumption that disturbs the discipline of Islam. For e.g: manufacturing of incomplete clothing, distribution, consumption and affairs related to it, if it breaks the Islamic rules, production of sexy films, presenting, watching are against the Islamic virtues and traditions. Islam does not permit it.

5. Acceptance between social well being and personal well being.

The economic system in practice operates either considering the capitalistic or personal well being. Equal ownership economic system considers only the social well being. But in the Islamic economic system, there are teachings on developing the uniqueness of man in a proper manner and to maintain the social well being. Islam does not allow for the loss of one over the other. It creates ways for one to lean on the other to fulfil the needs.

6. Considering the spiritual needs and the worldly needs.

Since man possesses the body, soul and intelligence, Islamic economic plans are not implemented only considering the profit or only the needs of the body. It considers both spiritual and worldly needs in planning the economic plans. It is a result of protecting the virtues of man.

7. Holds divinity

Islamic economic system is full of blessings and developments. Its prosperity was seen in history when it was implemented in an orderly manner. Since this economic system is not practised at present, there are many issues in man's life.

8. The Islamic economic activities considered as an ibadath.

Since this economic system is carried on according to the rules of Allah, it happens to be an ibadath.

Importance of labour

Agriculture as a means of livelihood

In the vision of Islam, man is a viceregent of Allah. Allah guided through divine message to strengthen representation. In the same manner, He has made the earth as a carpet to make it conducive to man to live as a viceregent. He has created for man the necessary vegetation on it. The necessities for life are shown on it. With the help of it, man fulfils his need for food. Agriculture is one of the ways of earning man engages in as it fulfils one of the important economic need of him, the need for food.

From the time the first human being Adam (Alai) was sent down to earth, it is known through history that agriculture was done to fulfil the need for food. This activity is continued by the human and the society. There is ample proof in the Quran and Sunnah that many of the Prophets sent by Allah had done agriculture to lead their life. Allah states that the earth is created in a manner making it possible for this earning.

“And God made the earth a spread for you. That you may travel its diverse roads.” (71:19-20)

And it is He who sends down water from the sky. With it We produce vegetation of all kinds, from which We bring greenery, from which We produce grains in clusters. (6:99)

We send the fertilizing winds; and send down water from the sky, and give it to you to drink, and you are not the ones who store it. (15: 22)

It could be seen through the above Quranic lines that Allah has described that the earth was created for agriculture. It is described about, rain, wind, earth and vegetation. Allah has made it easy to do agriculture for the need for food.

It would be seen that the preaching of Prophet (Sal) encouraged agriculture. Due to this reason it could be seen that the Muslims had involved themselves in agriculture.

“If one has a land he should grow plants or donate it to his brother. If he cannot do it he could keep it by himself”. (Buhary, Muslim)

This hadees states not to leave the agricultural and get wasted. It states that if he could not do it, it should be given to another. This hadees emphasises the importance of agriculture in the mode of earning.

“If a land does not have an owner and if he makes it fertile, then it would belong to him”. (Buhari)

It is enough to show the significance of cultivation and the farmer to state that a farmer cultivates an unowned land then it becomes his property. Majority of the Medinites had been farmers. During the period of Hijrath to Medina, those who had lived there had been making preparation for pollination in the date palms. It is mentioned in a hadees mentioned in the Sahih Muslim. This clearly states how far the sahabas had progressed in agricultural activities.

“When a Muslim plants a tree or cultivates some crops, after that if a person, an animal or bird feeds on it, it would remain as a merit for him”. (Muslim)

This hadees explains that in the Islamic perspective a farmer gets his share of merits in this world and the hereafter. This influences Muslims to engage in cultivation.

The collectors of hadees had collected and written hadees pertaining to agriculture such as cultivating arid lands, vegetation and leasing the land. The legal scholars have given the legal rulings on this topic. These efforts prove that Muslims have shown their interest not only in the agricultural activities but also the knowledge about the field of agriculture.

There are many divisions in agriculture. The two important divisions of them are:

- (1) related to plants and grains
- (2) related to livestock and bird rearing

Generally in the Islamic economic concept whatever the production and distribution made haram by Allah are the prohibited ones. These most probably could affect man's life, body and the knowledge. If the agricultural products too would affect in the above manner, then producing distributing or consuming them is prohibited. For e.g: Hashish, tobacco and ganja could be mentioned. So it is haram for a farmer to grow them.

Even in livestock farming there are prohibited ones. Here, that is made haram for the Muslims cannot be produced for the Non Muslims. For e.g: rearing swine. But rearing animals permitted by Islam could be done. Many of the Prophets have involved in this livelihood.

Small Industries as a career activity

Like agriculture helps to fulfil a basic need of man, food, similarly it could be seen that small industries aid in fulfilling many of the needs in life.

So, Quran and Sunnah have given importance to it. When Prophet (Sal) was asked about the best of the jobs, he replied "small industries and trade without lies" (Ahmed) This is one of the economic activities that was praised by Prophet. Even in the Quran guidance towards small industries and the need for it is described. It is stated descriptively in the Quran the way Prophets engaged in industrial activities. Due to this reason, Islamic legal scholars have stated that teaching another person an enterprise is a Sunnath Ibadath and a sadaqa.

In the present world, major industrial activities take place based on iron. It could be seen that, this makes life easy in every way. In many places in the Quran, it is stated about iron. A name of a Sura itself carries this name, 'Al Hadeed' (iron). Even the industrial activity related to iron is explained in the Quran.

"And We sent down iron, in which is violent force, and benefits for humanity". (57: 25)

The Quranic scholars, who have explained this line explains that "strong power" refers to the use of iron as the raw material for the weapon and "many use" refers to the production of objects needed for everyday use and the tools needed in industries.

"And We softened iron for him". (34: 10)

"And We taught him the making of shields for you, to protect you from your violence. Are you, then, appreciative?" (21 : 80)

The above Quranic lines relating to Prophet Dawood (Alai) proves that he was engaged in an industry related to iron.

The messenger of Allah, Prophet Nooh (Alai) was involved in building boats. Today transportation is done by ships to export and import goods by sea to other countries. The Quran states about it in the following manner.

“And of His signs are the ships sailing the sea like flags”. (42 : 32)

Each of the Prophets had engaged in some form of livelihood which could be seen in history. While Dawood (Alai) was engaged in making iron tools, Zakariya (Alai) was engaged in carpentry. Prophet Nooh (Alai) was also engaged in building ships. Even the womenfolk of the sahabas were also engaged in small industries. Zainab Binthi Jahsh (Rali) of the Ummuhathul Moomineens was earning the livelihood by knitting nets.

Islam permits to engage in small industries that would bring prosperity in both worlds. In contrary, it does not allow any industry that would disturb aqeeda, social life, virtuous living and traditions. For e.g: Manufacturing intoxicants, musical instruments that would bring about malicious feelings, photographic products. Products harmful to man are prohibited – could be mentioned. It is important for every Muslim to understand that it is an ibadath to earn money through small industries.

Trade

Trade and its importance

Trade(Albau) is one of the permitted transactions in Islam. “Trade refers to an activity where the one who sells and buys or the trader and the consumer exchanges a commodity for a substitution on mutual consent in a permissible manner” “Whereas Allah permitted selling and prohibited usury.” (2 : 275)

When Prophet (Sal) was asked which is best in earning, “the best in earning is industries and honest trade” was his reply. (Ahmed)

The above preaching from the Quran and Sunnah prove that Islam has permitted trading.

Allah has arranged the ways and means for trade. There are various things are being introduced by Allah all over the earth. Man has the facility to transport them by road, sea and air. Exchange of them is facilitated. Those who honestly use them in their business would be honoured and recognised.

- “ A trader who is honest, trustworthy will be with the Prophets, Siddeekens (trustworthy) and Suhadas” (Ibnu Maja)
 - Islam considers trade as an Ibadat so rules and regulations are laid on it.
 - The conditions to be fulfilled are important in the rules and regulations in business.
- “O Muslims! fulfil the agreements” (5:1)
- “Muslims are responsible to fulfil their sharths” (Ahamed)

Conditions in business

1. Buyers and Sellers

They should not be insane, mentally retarded or innocent children

2. Tradable commodity

The things to be traded should be clean and beneficial. It contrary, it cannot be in a state of najees, prohibited or not beneficial. For e.g: dead animals, flesh of swine, incorrectly slaughtered, statues, musical instruments, music CD's, photos, videos, Discs that arouse cheap feelings, intoxicants are prohibited to sell in Islam. These could bring disadvantages spiritually, socially, economically, hygienically and morally.

“He has forbidden you carrion, and blood, and the flesh of swine, and what was dedicated to other than God”. (2 : 173)

“Certainly, Allah and His messenger have prohibited selling alcohol, dead animals, swine, statues”. (Buhary)

- The commodity to be traded should belong to the trader, should be able to hand it over to the buyer and should be available at that time. For e.g: Things belonging to someone or the State cannot be sold. Similarly the fish in the sea and the birds in sky could be mentioned.

“There is no business on things not owned”

- Commodities that are not specified and not priced are prohibited to be sold. Yet, if the features of the things that cannot be seen with the naked eye are allowed to sell. E.g: tinned fish, canned fuel

3. Eejab, Kabul

The statement of a trader stating that he has sold a particular object is called Eejab. The statement of a consumer stating that he has bought a particular commodity is Kabool. It is important to express eejab and kabool in a clear manner without delaying it. According to Imam Navavi (Rah) the statements denoting eejab and kabool in practice understood by the society in small business enterprises are accepted.

But, in major businesses without eejab and kabool the business is not valid stated Imam Ghazzali (Rah)

The business methods permitted in Islam

• Mudaraba :

One of the Islamic scholars, of the modern times, Ali Habib has described Mularaba in the following manner. “Mularaba means a contract based on partnership in which one party is the financier or the investor and the other party provides the labour in an economic activity where the profit is shared between them.

Quran and Sunnah have approved this. Even the Islamic scholars have unanimously agreed that this is permissible. “others travelling through the land, seeking Allah’s bounty” (2 : 198) (62: 60) (73 : 20) The Mufassarins prove that these Quranic verses prove that Mularaba is lawful.

Prophet (Sal) obtained things to sell from Khadija (Rali) before Nubuwwath to take it to Sham on the basis of Mudaraba. This business method was popular during the period of Jahiliya. This was accepted by Prophet (Sal) after the advent of Islam.

• Musharaqa

It could be observed that the manufacturing enterprises, the business activities in the world are taking place in small scales and large scales. Situations arise where large scale manufacturing and business activities are not possible with the involvement only an individual. Due to this reason many get together, invest upon it to begin such an enterprise. The method of Musharaqa is a similar activity.

“This means a joint enterprise or partnership structure where they bring together their share of investment to involve as partners to begin an enterprise”.

• Murabaha

‘Murabaha’ has originated from the root word “Rabiha,”. This means profitable. Islamic scholars have defined on different base. Imam Ibnu Rushd has defined it in the following manner.

‘Murabaha’ is a particular kind of sale where the seller expressly mentions the cost of the commodity purchased, and sells it to another person by adding some profit thereon which is known to the buyer.

This is different from the ordinary business. In regular business the dealer does not mention the cost price but would sell the good by totalling the cost price and the profit. In Murabaha the cost price and the profit is known by the buyer.

Murabaha is a business structure compliant to Shariah. The Imams of the four Madhabs and many religious scholars stress on this. This is not related to interest in any way. The same Shariah laws are followed as in ordinary sale of goods in this business as well. This could be used in all the business transactions.

The dealer acts according to the conditions in the Murabaha agreement that he could obtain the cost of the good to be sold as immediate payment, in total or in instalments. When it is sold based on instalment basis, in order to avoid the difficulties to be faced the buyer could be requested for a security.

Salam (forward financing transaction)

‘Salam’ is a contract in which advance payment is made for goods to be delivered at a future date. In this transaction the buyer makes the total payment in advance for the good, seller supplies the good at a pre- agreed date.

This structure of business transaction is permitted on the basis of the Quran, Sunnah and Ijma. This organisation is allowed only to fulfil a common need of man. The one with money would be in need of a good. But the owner of the good would be in need of money before the production or before harvesting. For e.g: to facilitate for the needs of the farmers who were awaiting the harvest of crops.

When Prophet (Sal) came to Madinah, this transaction method was in practice. Prophet (Sal) laid down rules to make this agreeable with Shariah. “Whoever pays money in advance should pay it for a known quality, specified measure and weight along with the price and specified time of delivery”

• **Al Ijarah**

All the people do not keep all the things necessary for them all the time. At these times, their need could be fulfilled by borrowing it or hiring it. Al ijarah means obtaining on lease.

“ Ijarah means the reward or wages for work done or services rendered”

For example, leasing a vehicle, building or equipment or hiring someone for work could be stated.

Bai –ul – Muajjal or Baith Thakseed

This means a business transaction where a sale for which payment is made at a future fixed date or paying in instalments. In this transaction since the good would be supplied before and the payment for it would be given later, it is said as deferred payment sale. In this transaction three people are involved the seller, buyer and the broker. The broker links the buyer and the seller. The broker would state the price to the dealer on behalf of the buyer. Later the broker would get an additional amount added to the quoted price from the buyer in instalment basis. In this business agreement the price of the good would be higher than the running price.

This business is permitted in Shariah according to the majority of the Imams of the four madhabs. They say the extra amount received here is halal. The modern scholars and legal institutions have accepted it. The legal scholars say that this business is permitted in Islam.

1. But Allah has permitted commerce, and has forbidden usury. (2 :275)

This line mentions about all types of business. It is permitted in Islam to buy for immediate cash or in instalments.

2. O you who believe! When you incur debt among yourselves for a certain period of time, write it down. (2 : 282)

The cost of the good would not be disclosed at the place of credit sale. Since there is only an exchange of good, a form of loan transaction takes place. So the above sentence permits the business based on loan.

3. The hadees given below too proves it.

“ If anybody gives dates on loan, let him give it on a measure or weight that he knows for a specified time”. (Muslim)

Here Prophet (Sal) has stated dates as one of the trading goods. So we could compare the items that could be described and measured with the dates.

If the deferred payment sale complies with the following conditions, then this type of transaction and its profit are accepted in shariah.

1. The business transaction should be devoid of cheating, blunder and lies.
 2. The good should be permissible in Shariah.
 3. The term to pay up the money should be specified.
 4. The trader should have in hand the good to be sold before giving to the customer.
- In addition to these the common conditions laid down in Shariah for the two parties should be followed too are included.

• **As Samsara**

There is no prohibition to be a broker. This brings in a link between the trader and the buyer and aids to profitable transaction.

Imam Buhari (Rah) states that Imam Ibnu Sirin, Athau, Ibrahim, Al Hassan working as brokers and receiving for it, was not seen any wrong.

Ibnu Abbas (Rali) has stated that there is no wrong in one saying to the other. "When you sell this dress more than the stipulated rate, the excess amount is yours." So, a stronger opinion is that a broker which could receive a payment for his service.

• **Ar Rahn – (pawning)**

When a person obtains a loan pawns an article for the loan obtained from a loan giver with a value of the amount obtained is called as pawning or mortgaging.

A person gets a sum of money as a debt. He keeps a land or an animal for the loan he has obtained until he pays him back. This activity is called pawning.

It is permitted in Islamic Law. The following Quranic line is an evidence for it.
(2 : 283)

Prophet (Sal) has accepted pawning in this manner and at one situation. He left his cloak with a Jew to get some food from him.

Islamic scholars have unanimously accepted this structure as lawful from the beginning.

Modern Business Methods

Islamic Banking Method – An introduction

Today, Islamic banks are mostly welcomed in the Muslim World. This banking method is in use in the five continents of the world in small scale or big scale with different names. Muslims maintain accounts in these having faith in them. They have built relationships of transactions.

In this manner, the growth of this has made a challenge to the modern economic view. It has become a proven ...; by removing the flaws in the present economic structure and disorganised state, the world economic development and the progress of the society could be helped through this. The traditional system of banking which has a history for centuries which used the system of interest was competed. The pioneers in economics today are perplexed by the progress of Islamic banking has reached by within the last 2 decades by competing with the traditional system of banking based on interest that has been in existence for many centuries. As a result not only in the Universities in the Muslim countries even universities in Britain, America and Germany. Islamic economics and Islamic banking are researched.

The International Monetary Fund (IMF) has instituted a separate research section for this.

Today, some of the banks related to interest that knows that the rapid growth and the popularity of the Islamic banks could not be limited their customers have been withdrawing their money deposits and re-depositing in Islamic banks and they are pushed to a difficult situation where they couldn't steadily maintain their state. So they have begun to institute the Islamic banking divisions within their administrative structure.

Islamic banking, its nature and structure

Islamic banks collect the wealth available around the society for the upliftment and units of society and that would be beneficial for it. It would help in the united life based on Islam to strengthen the justifiable distribution of wealth, aiding in the exchange of wealth devoid of interest, investing the wealth in accordance to the laws of Islamic Shariah that aims at developing a financial institution. The functioning of it would be based on Thaqwa.

Islamic bank follows the following 3 major order to reach its aims

1. encourages savings and provides practices for it. That is, preventing the members of the society from wasting their wealth, in a way they and the society benefit and is encouraging them and how it could be saved and provide a training on it.

2. providing a training to involve in manufacturing activities

That is, informing the members of the society how they could use their savings and the loan provided by the banks beneficially in their economic activity to bring about the development. They are provided with the training on the development process; the technical assistance are also provided if necessary to purchase certain specified raw materials in bulk and to provide it as a loan as per their need.

3. Teaching the ways of avoiding the possible difficulties in the field of investment.

That is the bank introduces the job opportunities that would bring a profit and it would contact the investors directly makes available the necessary immediate training and counselling. It gives them confidence and encouragement.

The basics of Islamic bank

1. The Islamic bank has the basics in order to achieve its objectives.
2. Completely avoiding the links, activities with interest.
3. Stressing the view that to collect wealth, its not only the money but also man's physics and cognitive labour, trust, honesty are necessary.
4. Linking the economic development and the social development.
5. Easing the distribution of wealth.
6. Improving the skill of manufacturing.
7. It paves way to the co-operative life and co-operation and helps to distribute the resources in a fair manner and equally.
8. It paves way for social integrity and the economic development.
9. Introducing the job entities and investing enterprises according to the shariah laws.
10. Organizing the functioning and the activities of banks to agree to the shariah laws.

The main functions of Islamic banks

Generally, the activities carried on by the banks that functions based on interest, the Islamic banks applies them as it is if it does not contradicts the shariah laws, those activities that contradicts, the necessary amendments are made giving life to the shariah laws. Furthermore, it also comprises of some other activities abiding by the Islamic economic principles. The main functions are as follows.

1. Accepting deposits and protecting them.
2. Arranging loan facilities
3. Helping the customers to exchange cheques and monetary notes.
4. Facilitating to move coins from one place to another.
5. Assisting in the transaction of coins by being an agent of the customer.
6. Providing foreign draft.
7. Renting out security lockers
8. Helping in local and international trade
9. Issuing letters of assurance for the sake of the customers.
10. Engaging in social insurance activities.
11. Providing rental and pawning services
12. Buying and selling of shares.
13. Earning money by engaging in shariah permissible enterprises or trade

Atha'meen (Insurance structure)

The Islamic state gives assurance to all the citizens who live under its light to protect them. This assurance is fulfilled through the social co-operative responsibility or the “Baithul Mal” (Treasury). Truly the structure of the Baithul Mal could function as the insurance company in Islam.

It is the duty of the government of the Islamic countries to give redress to individuals when they face catastrophes.

Islam also provided a special amount for those who are in debt from Zakat. You know those are in debt too belonging to one of the categories who are liable to receive Zakat. Islam ascertains the security of human beings other than in this manner.

It is wrong to institute insurance structure that would not contradict the laws of transactions in Islam. The institution of insurance in Islam is instituted based on co-operation and co-operative responsibility and functions with the donations received and serves as a welfare institution to a great extent. But the modern insurance companies in progress today and their activities are against Islam and its basis.

Due to this reason, the scholars consider including life insurance in practice today, all types of modern insurance structures are haram. The Islamic Courts named (Majmaul Fiqhul Islam) has given this same ruling.

The features of gambling, interest, getting others wealth without anything in return are related to the modern day insurance.

In addition, the confusing manner that should not be there in a transaction, unclear manner are linked to insurance agreements. It is viewed that these institutions should be prevented.

Life insurance structure contradicts the Islamic law widely. The other insurances For e.g:- accident insurances could be islamised by making certain amendments.

For e.g the modern day legal scholar Dr. Yusuf Al Karlawi states that the Insurance on accidents (a donation on condition with compensation) could be applied in an Islamic manner. That is a person could donate a particular sum of money on condition that he should be given a compensation to reduce the loss faced on (material accidents). This company if it avoids the structure of interest, it is agreeable to Shariah.

The Economic activities made haram in Islam.

01. Corruption in measuring or weighing

Increasing the amount when buying by measuring or weighing or reducing the amount when buying by weighing or measuring is called “Thatheeb” corruption in measuring or weighing.

Al Quran and Sunnah strictly criticises it.

“And give full measure and full weight with justice. We burden not any person, but that which he can bear.” (6:152)

“and give full measure, when you measure, and weigh with a balance that is straight. That is good (advantageous) and better in the end” (17:35)

Prophet (Sal) has stated in the following manner. “May Allah bless the person who is generous when selling, buying, requesting for rights” he prayed. (Buhary, Thirmidhi)

A Muslim should be just as much as possible in measuring and weighing. It is not correct for a Muslim to have one measuring tape for himself and another measuring tape for those whom he likes and for the others another one. Honesty and justice should be exercised on every one.

02. Hoarding – Al Ihtikar

Hoarding is prohibiting the things from arriving at the market. By doing so increasing the demand and leading to the increase in price. Hoarding is a cunning way of business corruption. Islam has allowed individuals competition and the natural competition in the market. Yet, Islam strictly condemns those who are provoked by greed and make others face difficulties and cause hardships to accumulate wealth. Due to this reason, Prophet (Sal) has condemned hoarding and presented the following.

“Allah will dispose the person who hoards the grain for forty days expecting a price hike. (Ahmed)

“One who hoards the things until a price hike is a sinner.” (Muslim)

“The seller would gain profit. The one who hoards would be cursed.” (Ibnu Maja)

Islamic legal scholars had proclaimed based on the above hadees that hoarding is prohibited in two situations.

- a. When hoarding would bring ill fortune to the citizens.
- b. The trader artificially increasing the price of things in order to increase the profit.

03. Adulteration and cheating

Islam has prohibited forgery and cheating in all activities related to man and in buying and selling. A Muslim should always be honest at all situations and truthful. They should not lose it for the sake of profit. Prophet (Sal) has told about it in the following manner.

“It is allowed to sell a thing without describing clearly (everything) about it. It is not correct for a person to mention about the shortcomings of a thing. (if one knows about the shortcomings) (Hakim, Baihaki) Once Prophet (Sal) went to the market and dug into a sack of grain with his hand, he felt the dampness. When he asked the trader why it was damp, he said it had got wet in the rain. Then Prophet (Sal) said , “Should not you keep it out for people to see it? Stating so Prophet had warned him mentioning that whoever cheats us does not belong to us. (Muslim)

4. Buying stolen or looted things

It is the duty of the Muslims to do away with crimes. Islam does not allow to buy if it is known that things are obtained in a dishonest manner. Buying in such a state is encouraging injustice.

The one who buys a thing that he knows was stolen carries the sin and shares the disgrace of it. (Baihaki)

It won't be legally acceptable if it was obtained in an unlawful manner. (The owner of it would not lose his ownership). Even with the passage of time the haram would not become halal.

5. Gambling

Islam prohibits gambling involved in leisure time activities or sports activities, even if it brings a profit or loss. Islam prohibits engaging in this type of activity either as a leisure time activity or as a hobby. So a Muslim cannot engage in gambling activities in any state.

Gambling cannot be sidelined to one section. Many aspects could be observed included in it. The following had been influenced in prohibiting it.

1. It is expected that earning a living should be done following the way of Allah and Rasool. The blessings of Allah that is hidden for the human being should be obtained with an effort but gambling leads through a short-cut.
2. The property and wealth of human beings are given a value, but through gambling Islam considers it as plundering in a wrong manner. (In contrary they could be received as Sadaqa or donation)
3. When the properties of others are plundered through gambling jealousy, hatred and such issues arise.
4. The person who loses at gambling would further involve gambling to recover the loss. One group would always over power the other group. This is the true picture of gambling.
5. Through this gambling brings in a great loss to the society. A gambler would forget his Rabb, himself, his family and the society itself. He would sell even his religion, chastity and his country.

Allah has added this to the list of sins such as liquor, worshipping idols, fortune telling as it brings in a grave disaster at the end. “ O you who believe! Intoxicants (all kinds of alcoholic drinks), gambling, *Al-Ansab* , and *Al-Azlam* (arrows for seeking luck or decision) are an abomination of *Shaitan*'s (Satan) handiwork. So avoid (strictly all) that (abomination) in order that you may be successful. *Shaitan* (Satan) wants only to excite enmity and hatred between you with intoxicants (alcoholic drinks) and gambling, and hinder you from the remembrance of Allah and from *As-Salat* (the prayer). So, will you not then abstain? (5: 90-91)

Gambling leads to unfairly grabbing the properties of others. Islam insists on eating in a halal manner by earning by oneself. Gambling makes the other person lose. Nobody sees a justice in this type of loss. Any wealth that makes others to be dissatisfied and long for it would not be made halal to a Muslim. Prophet (Sal) states about it in this manner. The wealth of those who have done corruption is not halal. Unless the owner of the wealth gives it with his wish (Baihaki)

Gambling is bringing a great disaster to the world. The hard earned money is scraped away. As a result, an individual, family, society, country and the world are facing grave challenges. Islam does not permit a man plundering another man, or a group plundering a human society. That is why Prophet (Sal) has warned in the following manner. “If a person unfairly plunders a span of land, he would be hung seven lands around his neck on the day of judgment.” (Buhary, Muslim)

6. Bribery

Bribery means using the authority in a wrong manner or to obtain a job, to get a ruling in his favour, to get something one likes or to get a position for a relative by giving a sum of money.

“And eat up not one another's property unjustly (in any illegal way e.g. stealing, robbing, deceiving, etc.), nor give bribery to the rulers (judges before presenting your cases) that you may knowingly eat up a part of the property of others sinfully.” (2 :188)

Prophet (Sal) has stated in the following manner. “The curse of Allah would be both on the person who bribes and the person who gets it.” It would be equal to both of them. Bribery is given and taken for many purposes. It is given to cause injustice to another person to give a judgment in favour of one and for many such reasons. On whatever account it is given the end result is injustice.

7. Interest – Riba

Interest is the next main aspect that should be avoided in business. Interest in small scale or big scale is haram. Al Quran mentions about interest in the following manner.

“O you who believe! Be afraid of Allah and give up what remains (due to you) from *Riba* (usury) (from now onward), if you are (really) believers. And if you do not do it, then take a notice of war from Allah and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums).” (2 :278- 279)

“If interest and prostitution had spread in a village, then the villagers have asked for the punishments by themselves.” State Prophet (Sal) (Abu Dawood)

Not only in Islam, even in the previous Jewish and Christian religions interest was prohibited.

There are two structures in interest. They are :

1. Riba – An Nasaee
2. Riba – Al Fal

Riba – An Nasaee means the pre determined additional amount that ought to be paid by the debtor to the giver for the delay in paying back.

Riba – Al Fal means exchanging less money for more money and exchanging less food for more food.

Like the first one, the second type interest is also haram. It is prohibited because it might lead to real interest.

Prophet has stated about it in this manner. “Do not sell one gold coin for two gold coins, one silver coin for 2 silver coins. Since I fear about interest” (Muwatha, Malik)

It could be learnt from hadees that receiving interest in this manner on six things is prohibited. They are gold, silver, wheat, barley, dates and salt.

“It should be immediately exchanged with the same amount. Gold should be exchanged with gold, for the silver with silver, for the salt with salt. In contrast to

it, if the amount is increased or was asked to increase then it would be considered that both the giver and the receiver as involved in activities related to interest.” (Buhary)

The reasons for these six objects to be specifically mentioned in hadees are that these have become basic necessities of human life. Gold and silver have become the means of transactions and the measurement for prices. The rest of the four are main food items. If interest is involved in them it would affect the people badly. Therefore, it is prohibited to take more on them considering the welfare of the people.

Other things other than that carries a value too are included in it (for e.g:-money)

Further, there are other food items which are not mentioned above are included which has the same stand (E.g:- rice)

So, when exchanging gold or silver for gold or silver or things belonging to the same family For eg:- (for gold / for wheat/ wheat should be exchanged) Two conditions should be considered.

1. Both should be of the same amount. Here, the quality or the variety should not be considered. (For e.g. One Kilogram of Samba rice should not be exchanged for one and half Kilograms of red rice. It would become interest. If the same activity to made halaal, at first the owner of the red rice should sell it to the owner of the Samba rice for money. Here, differences in the rate would not affect.
2. When exchanging goods, one should not be delayed than the other. It should be exchanged simultaneously.

Both should be different in variety but the objective should be the same. For example, gold and silver. The differences in amounts is considered Haraam. But here too it should not be delayed. For example: when gold is exchanged with silver postponement should not be done. The condition is – it should be exchanged immediately. Yet differences in amounts is not an issue. Here for a lesser amount of gold, higher amount of silver could be obtained. The same is applicable when exchanging wheat with barley.

If the commodities to be exchanged, belongs to two different categories and two different objectives, then these conditions do not apply.

Further, it is not wrong other than gold, silver and main food items, if there is a difference in amount and a delay (postponement). It is not considered wrong.

Example: Two goats could be exchanged for one goat.

It is a clear fact that interest would lead to a bad impact on economy. It is an example for the practical life related to economic/social problems and drawbacks.