

Basic Fiqh

Part 3

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Published by:

Jamiatul Ulama (KZN)

Ta'limi Board

4 Third Avenue

P.O. Box 26024

Isipingo Beach

4115

South Africa

Tel: (+27) 31 912 2172 - Ext: 209

Fax: (+27) 31 902 9268

E-mail: info@talimiboardkzn.org

Website: www.talimiboardkzn.org

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Permission is granted for reprinting this booklet without any alterations. A humble appeal is made to the readers to offer suggestions/corrections to improve the quality of this publication. May Allah Ta'ala reward you for this. The author, translators, editors and typesetters humbly request your duas for them, their parents, families, asaatiza and mashaaiq.

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Introduction

All Praise is due to Allah Ta'ala, The Master of all the worlds. May Allah Ta'ala's special blessings, mercies and salawaat descend upon our beloved master Sayyidina, Rasulullah ﷺ forever and ever.

Alhamdulillah, by the grace of Allah Ta'ala, the next edition of the Basic Fiqh series is now ready. This little booklet titled '**Basic Fiqh Part 3**' is designed especially for children in the higher grades. This book has been targeted especially for high school learners. An attempt has been made to cover the more important aspects of Fiqh like the laws pertaining to business, Nikaah, Talaq, Janaazah, Masaajid, Inheritance, Shar'ee punishments, etc.

We make dua that Allah Ta'ala accepts this little publication and make it a means of attaining His everlasting pleasure and may He make this book a means of great benefit for the entire Ummah. *Aameen*.

Ta'limi Board (KZN)

01 Jumaadus Saani 1438

Business

For the smooth running of the world, doing business is essential. Some Ambiyaa (prophets) [alayhimus salaam] also did business. Even our Nabi Muhammad (sallallahu alayhi wasallam) engaged in business transactions.

Nabi (sallallahu alayhi wasallam) has said, *“The earning of Halaal sustenance is a Fardh duty after fulfilling the other Faraaidh (obligations).”*

Nabi (sallallahu alayhi wasallam) said, *“There is no food that a person eats which is better than that which he earned with his own hands. Nabi Dawood (alayhis salaam) earned by working with his own hands.”*

In fact, Nabi (sallallahu alayhi wasallam) gave special glad-tidings to those businessmen who deal in an honest and correct manner saying, *“A trader who is truthful and trustworthy (when transacting) will be with the Ambiyaa, Siddiqeen and Shuhadaa on the day of Qiyaamah.”*

Allah Ta'ala says in the Holy Qur-aan, "O Messengers (Rasools)! Eat from that which is pure (Halaal) and do good deeds."

The Ulama explain that there is a strong link between eating Halaal and doing good actions. If a person earns Halaal money to sustain himself, Insha Allah he will do good actions. But if his money is not Halaal, then his actions will also be wrong.

Like all our ibaadat are governed by laws, similarly our business dealings also have laws which need to be adhered to, which will bring lots of Barakah in our lives.

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Earning Haraam Livelihood

It is mentioned in a Hadith that a time will come upon the people when they will not be concerned whether their earnings and food is Halaal or Haraam.

The evil effect of eating Haraam is very great. Nabi (sallallahu alayhi wasallam) has said something to this effect, *"Whoever is nourished (eats) from Haraam, is more deserving of the fire (of Jahannam)."*

Some of the harms of earning Haraam are:

- Income will have no Barkat in it, i.e. despite earning well, a person will still be in financial constraints.
- The business draws the anger of Allah Ta'ala.
- Duas will not be answered.
- There will be no inclination to do any good action. In fact, a person will be more inclined to do evil deeds.
- His charity and other ibaadat will not be accepted.
- This type of wealth generally takes a person to Haraam, like gambling, etc.

Masaail regarding Buying and Selling

1. For a sale to be valid there needs to be a **buyer, seller, item for sale** and a **payment method**.
2. One of the main conditions of a business deal is that there must be **mutual happiness** i.e. the buyer should buy the product happily and the seller should sell it happily.

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3. It is necessary that the price of the item be clearly known. If the price is not known, the sale will be incomplete. For example, Muhammad buys a bicycle from Zakariyya. Zakariyya says that he will tell him the price of the bicycle later. This sale is not valid.
4. A person can sell an item for any amount that he wants. For example, Ahmad bought a bicycle for R100. He can sell it for R50, R100, R150 or even R500.
5. It is not permissible to increase the price if the buyer does not pay on time. For example, Ahmad bought a book from Qaasim for R50. He was supposed to pay after three days. However, after three days he did not pay. It is not permissible for Ahmad to increase the price of the book due to not receiving payment on time.
6. The buyer can fix different amounts for cash payments and credit payments. For example, when doing the deal, he says, "If you buy this car for cash, it will be R20 000 and if you buy it on credit, then it will be R25 000." However, before the deal can be concluded, it is necessary to determine whether it is going to be cash or credit.
7. If a sale has already been agreed between the buyer and seller, then it is not permissible for the seller to sell the item to another person. For example, Zaid told Bakr that he will buy a kurtah from him for R50. Bakr accepted. Now Umar comes to Bakr and tells him that he will pay R70 for the kurtah. It will not be permissible for Bakr to now sell the same kurtah to Umar.
8. If the buyer and seller both have agreed on a price, then it is not permissible for a third person to offer a higher price for that item. Yes, if they have not yet settled on a price, then there is no harm if a third person offers to buy the item.

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9. When selling an item, it is necessary to show the buyer the item properly and explain any defects. Concealing a defect (despite being aware of it) is a great wrong and a sin.
10. The price of the item should also be clearly stated and agreed upon. There should be no ambiguity regarding the item or the price.
11. A person can only sell an item which is in his possession (at hand). If the seller gets the item delivered directly to the buyer from the manufacturer without it coming to the seller first, this will not be permissible.
12. It is not permissible to sell crops before it grows. For example, Hasan has a lemon farm. The lemon trees did not bear any crops as yet. Shuaib wants to buy this year's crop in advance, so he tells Hasan that he will pay him R 1000 for all his lemons before his lemon trees bear. This sale is not permissible.
13. As Muslims, we should be well-wishers for others. We should not take advantage of the seller if we know that he is hard-pressed to sell the item due to constraints. We should rather pay him the correct value for his item.
14. It is permissible to purchase on credit on condition that a time for payment is specified.
15. Once the due date arrives, the buyer will have to pay up. If he has the money, he cannot delay in payment. If he doesn't have the money at the specified time, he can request the seller for some respite. As soon as he has the money, he should pay for the items bought. It is not correct to delay payment unnecessarily.
16. Don't ever cheat anyone when doing business especially when selling by weight and measure. Make sure we give the person his full due and a little more. This will bring great barkat in the deal.

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17. Buying and selling through an auction is also permissible. However if a person has no intention to buy, then it is not permissible for him to deliberately bid for an item just to increase the price.
18. When concluding any business deal, especially when it is taken on credit, make sure all necessary details are written down and recorded and a copy given each to the buyer and seller. This will save both parties from disputes later on.
19. It is not appropriate and against the teachings of Deen for a person to hoard up necessary food items when there is a dire need for it; anticipating an increase in prices in the future.
20. It is not permissible to have a “Christmas sale” or “Diwali sale”. Yes, by all means, have a **sale**, but do not use the religious festivals of the non-Muslims as a caption.
21. Never compromise on one’s Salaah because of the business. Ensure that we read all our Salaah on time with Jamaat in the Masjid. This goes for the employer and employee and is not restricted to Jumuah (Friday) Salaah only, but rather all our daily Salaah.

Options given to the Buyer and Seller

1. If a person bought an item without seeing it, it will be correct. However, once he sees the item, he has the right to return it or keep it. This will apply whether the item had a defect in it or not.
2. If a person sold an item without seeing it, he does not have the right to take it back when he sees it.
3. If a person bought an item and thereafter noticed a defect in it, he has the choice of returning it to the seller or

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keeping it. If he decides to keep it, he has to pay the full price for it; he cannot ask for a reduction in the price due to the defect. Yes, if the seller agrees to reduce the price, then there is no problem.

4. If a person bought an item with the full knowledge of all the defects in it, he does not have the right to return it.
5. After buying or selling an item, the seller or the buyer had a change of mind, then for the other party to cancel the sale is correct; in fact it is encouraged and rewarding to do so.
6. If the seller says to the buyer, “I am selling this item ‘as is’. Check it properly. If you find any defect later on, I will not be responsible.” It is permissible for the seller to sell an item in this manner. Despite the seller saying this, the person still bought the item, he will have no right to return the item no matter how many defects he finds in it later on.
7. If the seller does not want to sell his goods to a certain person, he cannot be forced to do so. He is the owner of the goods and he can do whatever he wants with it.

Allah Ta’ala praises some of the traders in the Qur-aan, “They are such men that neither merchandise nor sale distracts them from remembering Allah, establishing Salaah and paying Zakaat. They fear a day in which hearts and eyes will be overturned.” (Surah Noor, V:37)

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Types of businesses

Bay'us Salam: To pay for goods before receiving them (that is, to pay in advance). This type of sale is only permissible if the following conditions are known:

- price
- quantity
- size
- date of delivery

Bay'us Sarf: Where a person purchases gold and silver in exchange of gold and silver.

1. If a person buys gold in exchange of gold or silver in exchange of silver, then the amount of gold or silver has to be exactly the same on both sides, and the sale has to be concluded in one sitting and not on credit.
2. If a person buys gold in exchange of silver, then the amount can be different on both sides, but the sale has to be concluded in one sitting and not on credit.

Mudaarabah: Silent partnership – One partner gives the capital (money) and the other does the work. This type of business is also permissible.

For a Mudaarabah transaction to be correct, there are three pre-requisites:

1. The distribution of the profits must be fixed from the beginning of the partnership.

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2. The profits will be distributed percentage wise, for example, (50% 50%, or 40% 60%).
3. One partner cannot stipulate a fixed amount as profit. For example, he cannot say that he wants R10 000 profit every month or every year.

Lay-Byes: To buy goods on credit without taking the goods from the seller until payment is complete. This is permissible. However keep the following points in mind:

1. A specific time should be stipulated for payment (1 month, 3 months, etc.). The seller cannot charge a fee for late payment. This is interest.
2. The seller should keep the lay-by goods aside and not with the other general stock.
3. The lay-by goods will now be an Amaanah in the seller's hands.
4. Details of the transaction should be recorded to avoid any disputes later on.

Ijaarah: (Hiring and leasing)

There are two types of Ijaarah:

- **Ijaarah bin Nafs** – Where you hire someone to do work for you and you pay him for his labour.

When a person is hired, the following has to be clear:

1. Type and extent of work to be done.
2. The hours of work.
3. The amount to be paid.
4. It is advisable to have everything written down to avoid disputes.

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- **Ijaarah bil Maal** – Where you hire or rent out something (e.g. house, truck, etc.) to someone.

The following aspects must be known to both parties for the Ijaarah to be valid:

1. The item that will be rented.
2. The price of the rental (per hour, per day, per month).
3. The duration of rental (e.g. one day, one month).

Items which are not permissible to buy or sell

- Musical instruments
- Television
- Music or Films (in any form)
- Drugs
- Alcohol
- Stolen goods
- Haraam food
- Prayer goods of other religions
- Any part of a human and pig

NB: If a person spends the wealth received in a Haraam way, as Sadaqah, he will get no reward for it.

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Questions

1. Mention 2 harms of earning Haraam? _____

2. What 4 aspects need to be found for a sale to be valid? ____

3. How many types of Ijaarah are there? Explain it. _____

4. What is Mudaarabah? _____

5. Can a person sell something which is not in his possession?

6. Are we allowed to sell through an auction? _____

7. What is the Hadith regarding an honest trader? _____

8. Mention 5 items which are not permissible to buy or sell?

9. If a very good deal comes through but the time of Salaah is up, what should be done? _____

10. Explain the meaning of Bay'us Salam? _____

11. Can the seller charge a fee for late payment? _____
12. If the buyer bought an item 'as is', can he claim for any defects that he found in it? _____

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Banks

Sometimes a person may find the need to open a Bank Account to keep his money safe. If such a need arises, a person may open an account but must make sure that he does not receive any interest for keeping his money in the account. Some banks are such that they are interest bearing. It is not permissible to use the interest money. Rather that money has to be given away to the poor without the intention of gaining reward.

It is permissible to use a credit card provided a person pays for the amount he uses before the due date. However, a credit card is not the best option for a Muslim as it creates greed in a person and encourages him to spend more than he can afford.

It is not correct for a Muslim to work at a bank. This is because the banking system is based on interest. If, perchance, one is working at a bank, then he should look for alternate employment as soon as possible.

The Evil of Riba (Interest)

Interest is a major sin. It is the only sin regarding which Allah Ta'ala has announced war against in the Qur-aan. In Surah Baqarah, Allah Ta'ala says, with regards to a person who takes interest, "Be prepared to wage war with Allah Ta'ala and His Rasool". How can a person who is at war with Allah Ta'ala ever be successful?

Rasulullah (sallallahu alayhi wasallam) has said, *"Eating interest knowingly is worse than making zina thirty six times."* In another Hadith, Nabi (sallallahu alayhi wasallam) has cursed that person who takes interest, gives interest, writes down the interest or is a witness to the interest transaction.

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It might seem that when receiving interest, our wealth is increasing, but in actual fact it is a destruction to our wealth, as Allah Ta'ala clearly mentions in the Qur-aan, "Allah destroys interest and causes Sadaqah to grow."

We should therefore try our best to stay away from all forms of interest.

Gambling

Allah Ta'ala has declared in the Qur-aan that gambling is '*the filth of shaytaan*' (Surah Maa'idah). All forms of gambling are totally Haraam.

Gambling is not restricted to a casino. Whenever there is uncertainty in any deal, such a deal will NOT be permissible.

For example, Zaid tells Yusuf that if he answers the following 5 questions he will give him R10.00, and if he cannot answer the question then Yusuf must give Zaid R10.00. This is not correct because Yusuf is paying money for something of which he is not sure of receiving.

Another example of gambling is to play the Lotto. This is also not permissible because a person is paying for something which he does not know what he will get in return.

Similar is the case of betting.

Insurance

In this day and age, we are bombarded with companies advertising for the different insurance policies like medical aid, life insurance, car insurance, etc. All these insurance policies are totally Haraam and impermissible.

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No matter what fancy name is given to it, it is still Haraam. We should stay away from all these policies totally. This is another form of gambling

To commit a sin is bad enough, but then to regard something which Allah Ta'ala has declared as Haraam to be Halaal is even worse. May Allah Ta'ala protect us all. Aameen.

We, as Muslims, should have our total trust in Allah Ta'ala. Always think positively. Think in this way, "Allah will save me from accidents, hospitals, etc., Insha-Allah." Make dua for Aafiyah (ease). Don't think negatively like, "What if I meet in an accident?", "What if I am hospitalised, how will I pay the bills?" This is a ploy of shaytaan, who keeps us in a state of constant worry about the future. Assign all our affairs to Allah Ta'ala, not to the enemies of Allah Ta'ala!

It is not permissible for a Muslim to work for an insurance company. One should look for alternate employment as soon as possible.

Begging

Begging is a very despicable habit. Allah Ta'ala has discouraged us from asking from other people. Rasulullah (sallallahu alayhi wasallam) has taught us that if we need anything, we must ask from Allah Ta'ala and not from people.

Hadhrat Abu Hurayrah (radhiyallahu anhu) relates that Rasulullah (sallallahu alayhi wasallam) said, "*He who begs from people to increase what he possesses, is asking for live coals of Jahannam; so let him ask little or a lot.*"

This Hadith refers to the one who begs from people without being driven to it by necessity, but simply to increase their wealth.

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Such people in reality are gathering for themselves the live coals of Jahannam.

Nabi (sallallahu alayhi wasallam) mentioned, *“When a man opens a door for begging, Allah Ta’ala opens for him a door to want and poverty.”*

This is so true. We see that those who beg from door to door always remain needy and destitute. You will see the same person begging at the same spot for years on end.

Ibn Abbaas (radhiyallahu anhu) reports that Rasulullah (sallallahu alayhi wasallam) said, *“If anyone is hungry or in need and he conceals it from others, it will be due from Allah Ta’ala to grant him a year’s provision from lawful sources.”*

Hadhrat Ibn Mas’ud (radhiyallahu anhu) relates that Rasulullah (sallallahu alayhi wasallam) said, *“If one who suffers from starvation approaches other men, his suffering will not come to an end; but if he approaches Allah Ta’ala (and asks His favour), He will provide livelihood for him sooner or later.”*

It has been reported in another Hadith, *“Begging is not permissible for two people: a rich person and one who is healthy and can earn his living. It is permissible only for one who finds himself in dire poverty or is involved in severe debt. If anyone begs in order to increase his possessions, his face will appear scarred on the day of Qiyaamah and he shall be devouring Hell-fire; so let him beg for little or beg for more.”*

It is not correct for a Muslim to beg. We have the greatest means with us. Allah Ta’ala has given us Salaah and Dua. Through these two mediums, we can get whatever we want from the unlimited treasures of Allah Ta’ala. Whenever Nabi (sallallahu alayhi wasallam) or the Sahaabah (radhiyallahu anhum) were faced with

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any difficulty, they first performed two rakaats Salaah and cried before Allah Ta'ala.

Look at the life of Nabi (sallallahu alayhi wasallam). Who was poorer than Nabi (sallallahu alayhi wasallam)? Hadhrat Aa'ishah (radhiyallahu anha) says that Rasulullah (sallallahu alayhi wasallam) did not ever take enough barley bread to satisfy his hunger on two consecutive days, till he passed away.

Once Hadhrat Faatimah (radhiyallahu anha) brought a loaf of bread to Rasulullah (sallallahu alayhi wasallam) who asked her what it was and she said, *“O Rasulullah, I baked some bread today but I did not like to eat it without you sharing it with me.”* Rasulullah (sallallahu alayhi wasallam) replied, *“This is the first thing your father is putting into his mouth after three days.”* (In other words, ‘I have not eaten anything for three days.’)

Yes, such was the life of Rasulullah (sallallahu alayhi wasallam). There are many Ahaadith that explain the poverty of Rasulullah (sallallahu alayhi wasallam). Did you ever hear of Nabi (sallallahu alayhi wasallam) going from door to door asking for food? Did you ever hear of Nabi (sallallahu alayhi wasallam) going around asking people for money? Nabi (sallallahu alayhi wasallam) showed us what contentment is. He showed us that if you put your trust in Allah Ta'ala and turn to Allah Ta'ala for your needs, Allah Ta'ala will grant you sustenance from the unseen.

In fact, Nabi (sallallahu alayhi wasallam) used to make this dua, *“O Allah, let me live as a poor person. Grant me death in the condition that I am poor, and raise me on the day of Qiyaamah in the company of the poor.”*

If this was the condition of our Nabi Muhammad (sallallahu alayhi wasallam), that although he had no food for so many days, he did not beg from anyone, do you think it is right for us to beg and

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increase our possessions in spite of us having all types of food including bread, vegetables, meat, canned food, etc. stored at home?

We have to assume responsibility for our own lives and not disgrace ourselves with this evil habit of begging. Nabi (sallallahu alayhi wasallam) said that it is better for a person to take his axe, go into the forest, cut wood and sell it, rather than to beg from people. The best Rizq a person can earn is what he earns from his own hands.

A Sahaabi (radhiyallahu anhu) came to Nabi (sallallahu alayhi wasallam) and said, *“Direct me to an act of virtue, after performing which, I should be loved both by Allah Ta’ala and His men.”* Rasulullah (sallallahu alayhi wasallam) replied, *“If you give up this world, Allah Ta’ala will love you and if you abstain from desiring what people possess, they will love you.”*

Hadith, “When a person begs from people, he will appear on the day of Qiyaamah with no flesh on his face.”

The Severity of Taking Loans

Taking of loans (without interest) is permitted in Deen. However, it should not be done for living up to the standards of society, or to buy any luxury item or for anything Haraam. Only in the case of real need should a person borrow money (without interest). In the beginning of Islam, Nabi (sallallahu alayhi wasallam) did not perform the Janaazah Salaah of those people who passed away

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whilst they owed money to people and they didn't leave behind sufficient money to pay it off.

Nabi (sallallahu alayhi wasallam) is reported to have said, *“The sins of a Shaheed (Martyr) are forgiven except a debt.”*

Abu Sa'eed (radiyallahu anhu) narrates that he heard Rasulullah (sallallahu alayhi wasallam) saying, *“I seek refuge in Allah from kufr and debts.”* A person asked, *“O Rasulullah! Do you regard kufr and debts to be equal that you are mentioning them together?”* He replied, *“Yes.”*

Therefore, a person should not borrow money when there is no real need.

We should ensure that we pay our loans on time. We should not delay unnecessarily. If a person has the means but still doesn't pay his debt, then this is also oppression, for which severe warnings have been mentioned.

Being Content

We, as Muslims, believe that Allah Ta'ala is our sole Provider. Allah Ta'ala is **Razzaaq**. He sustains and nourishes every living thing. We also believe that what is meant for us will definitely reach us. Nabi (sallallahu alayhi wasallam) says that a soul will not die until it has received its complete Rizq. Therefore we should not worry too much about the future. Worrying about the future is only a trap of shaytaan. Be content with what Allah Ta'ala has given you.

Don't over-exert yourself in trying to increase your bank balance. Whether you have one shop or ten shops, only that amount will reach you which was written for you. Remember that a great prescription for happiness is to be **content** with whatever we have.

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Questions

1. When opening a bank account, what should we be careful of? _____

2. Whose Janaazah Salaah did Nabi (sallallahu alayhi wasallam) not perform in the beginning of Islam? _____

3. Who is our sole provider? _____
4. What is the prescription for happiness? _____

5. Is a Muslim allowed to work for the bank or an insurance company? Why? _____

6. What does Allah Ta'ala mention in the Qur-aan regarding interest? _____

7. What is the meaning of gambling? Mention 2 examples. _

8. Is begging a good thing? Mention 2 Ahaadith regarding begging. _____

9. Does the receiving of interest money increase one's wealth or decreases it? _____

10. Mention the incident of Hadhrat Faatimah (radhiyallahu anha) and the loaf of bread? _____

Business

Working for Someone (Labourer)

1. When working for someone, remember that your time is an *Amaanah* (trust). This means that one has to use that time for the work that he has been assigned to. He cannot do his personal work or someone else's work in that time. If he uses the time for anything else, then he is sinful. To such an extent, that it is not correct for a worker to even perform *Nafil Salaah* in that time!
2. Similarly, the items, tools, belongings, etc. of the boss (employer) are all *Amaanah*. A person will be sinful if he uses it incorrectly.
3. The employer (boss) should pay his worker in full, as soon as the work is completed or his time has ended. It is not permissible for the boss to delay in paying his workers.
4. If something breaks without any fault of the worker, it is not permissible for the boss to make him pay for it.
5. If someone was employed and the duration (time) of his employment was not fixed (the boss did not specify a time period e.g. one month or one year), then the boss can dismiss him at the end of the month. It is not permissible for the worker to object or to take any action against his boss. Furthermore, it is not permissible for the worker to ask for any money because of being dismissed. Similarly, if the worker wishes to leave his job at the end of the month, he cannot be forced to work.

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Providing a Service for Someone (e.g. Repairing a car)

If a person is not working for someone, rather he does certain jobs and is paid for his job (not for his time), then there are certain *masaail* which relate to him.

1. If he is repairing something, or is working on something (which belongs to the customer), then he is responsible for any damage incurred to the item, i.e. he will have to pay for any damage, except if the damage was unavoidable (due to a natural disaster like floods, hurricanes, etc.).
2. When he gives his word to someone that he will complete the work in a certain time, he has to fulfil his promise. The fulfilling of a promise has been emphasised greatly in the Hadith.
3. It is not permissible to do any work which is sinful. For example, a person cannot make money by hiring out music c.d.'s and films. Similarly, a person cannot make money by fortune telling, photography or drawing tattoos, etc.

Amaanah (Trusts)

It is mentioned in a Hadith, *“Amongst the signs of Qiyaamah is that Amaanah (trust) will be regarded as personal wealth.”* That is, people will have no regard for entrusted items; they will use it as though it belongs to them. Being trustworthy is a great quality which one should try and bring into his life.

Sometimes a person may be going somewhere and needs someone to look after his belongings. For example, Shuaib is

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going to Cape Town for two months and wants Ishaaq to keep his bicycle. This bicycle is a trust by Ishaaq. Ishaaq is responsible to look after that bicycle like his own bicycle. He must not let anything happen to it. He cannot use the bicycle for personal use unless he takes permission from Shuaib.

If Ishaaq did everything to look after the bicycle and, with NO FAULT OF HIS, something happened to the bicycle, then he is not responsible for the damage (he will not have to pay for it).

When the owner asks for his item to be returned, it must be returned immediately.

Borrowing Something

Sometimes a person may need to borrow something. For example, Yusuf needs a pen to write down his lesson. The law is that whatever you borrow must be used in a proper manner without damaging or breaking it. If a person intentionally damaged the item which he borrowed, then he has to pay for it.

If an item was borrowed for a certain time (e.g. 1 hour), then as soon as the time has elapsed, it must be returned to the owner.

The same will be for someone who borrowed an item for a specific task (e.g. a pen to write down Hasan's phone number). Once that task is complete, the item must be returned. If it is not returned, then you will be responsible for it.

The same will apply if the owner told you to use it in a certain place or in a certain time, you will have to fulfil his condition.

The item borrowed should only be used for what it is used normally. For example, a pen is used to write; you cannot use that pen to clean the dirt stuck under your shoe.

Business

Hiba (Gifts)

Nabi (sallallahu alayhi wasallam) has encouraged us in the Hadith to exchange gifts. He said, “Give gifts to one another, you will love one another.” This means that giving of gifts is a way of increasing love between people.

1. We should make it a habit of giving gifts to our parents, brothers and sisters, relatives, neighbours, etc.
2. For the giving of the gift to be correct, the receiver has to **take possession** of it. If you just say, “I am giving this to you,” but you did not hand it over, then the item will still belong to you (the giver).
3. An immature child cannot give any of his own possessions away. It is also not permissible to accept anything from an immature child. Yes, if you are aware that his parent or an adult sent it to you with the child, then there is no harm in accepting it. Understand this well!
4. If a person gives a gift to a child and states that this gift is specifically for the child, then it belongs to the child. The parents or guardian cannot do as they please with it. Therefore, when one wants to give a gift to a child, it is best that it be given to the parent or guardian of the child.

Taking an item without permission

It is a major sin to take an item, which belongs to someone else, without their permission. If you still have it with you, you should return it immediately. If you have used it up, then, if a similar item can be bought (e.g. cup), you should replace it. If the item is such that the exact replica cannot be bought, you will have to give the value of the item to the owner.

If after taking the item without permission, it got broken or damaged, you will be responsible for the damages.

Lost and found items

1. If a person finds an item or some money on a road or public place, it is haraam for him to pick it up and keep it for himself. If he decides to pick it up, it should be with the intention of looking for its owner and returning it.
2. If a person comes across something but doesn't pick it up, he will not be sinful. But if it is something of value and he finds it in such a place where there is a fear that if he does not pick it up, then someone else might pick it up and not return it to its owner, then it becomes necessary for him to pick it up and look for its owner.
3. Once a person picks up the item, it is compulsory for him to now look for the owner. He cannot put it back down where he found it.
4. After picking up an item, a person should publicly announce that he has found a certain item. He should not give a detailed description; rather he should say that he found jewellery or a handbag, etc. When someone comes forward to claim the item and gives a full description of it, then only should he hand it over to him.
5. If the person tried his best to locate the owner, but failed, he should then give that item away in charity. He cannot use it for himself. But if he is very poor, he may use it. However, if the owner comes and claims the item, it should be given to him (if it is still available) or he should be given the value of it (if it was given in charity or was used up). If the owner is happy that it was given in charity, then there is no problem.

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6. If a domestic animal (pet) like parrots, budgies, etc. flies into one's yard or house, it will be necessary to look for its owner. It is Haraam to keep it for oneself.

Waqf (Endowments)

1. It is permissible to give one's property, building, etc., as Waqf for the sake of Allah Ta'ala. There is great reward in doing this. As long as that property is in use, a person will continue to gain rewards. For example, a person built a Masjid; as long as Salaah is performed in that Masjid, the person will continue to get rewards even after his death.
2. If a person doesn't give the building away as Waqf, but says that the income from this building should be used for the poor, this is also correct.
3. Once an item or building has been made Waqf, it no longer belongs to the person who gave it; it now comes into the ownership of Allah Ta'ala. Therefore, it cannot be sold or interfered with. It can only be used for the purpose it was made Waqf for.
4. Items given as Waqf to the Masjid (e.g. carpets) cannot be given away, even if it has become old. Yes, it can be sold and the monies received can then be used for the Masjid maintenance.
5. When stipulating anything as Waqf, a pious person should be appointed to oversee the affairs of the Waqf property. He will ensure that the Waqf is being used correctly and not abused.

Business

Question

1. For a gift to be valid, what is a very important rule?

2. What is Waqf? _____
3. How does a person make something a Waqf? _____

4. If a person finds something on the road, what should he do? _____

5. After picking it up what should be done? _____

6. Can we take an item, belonging to someone else, without their permission? _____
7. Can we accept gifts from a child? Explain. _____

8. Mention 2 rulings regarding a borrowed item? _____

9. What do we mean by time is Amaanah (when working for someone)? _____

10. If something was kept as Amaanah with you, and you deliberately damaged it, what should be done? _____

Nikaah

Nikaah is a great favour of Allah Ta'ala upon human beings. There are many great benefits in making Nikaah. A person saves himself from sins and gets ease and tranquillity in his life. His mind will not wander about. In fact everything in Nikaah is only benefit and reward. The spouses sitting together, talking lovingly to each other, putting food into each other's mouths, are even more rewarding than Nafil Salaah.

Allah Ta'ala mentions in the Qur-aan, "And from amongst His signs is this, that He created for you partners (spouses) from among yourselves, so that you may obtain Sukoon (tranquillity) with them, and He has put love and mercy between you."

Nabi (sallallahu alayhi wasallam) said, "*O group of youth, whoever of you has the ability to marry, should get married, because it will help one to lower his gaze and is a protection for his private parts...*"

Nabi (sallallahu alayhi wasallam) said, "*Nikaah is from my Sunnah.*"

Hadhrat Anas (radhiyallahu anhu) narrates that Rasulullah (sallallahu alayhi wasallam) said, "*When a person gets married, he has completed half his Imaan. To fulfil the other half, he should fear Allah.*"

Nikaah

Rulings regarding Nikaah

1. For Nikaah to be correct, there needs to be **Eejaab** (proposal) and **Qubool** (acceptance), as well as two male witnesses or one male and two female witnesses. In the absence of any of the above mentioned conditions, the Nikaah will not be valid.
2. The father or guardian of the girl can also propose or accept on behalf of her.
3. The Nikaah should be performed in a Masjid, in front of a big crowd. One of the benefits of this is that people will not have doubts and suspicion when they see the husband and wife together.
4. Performing a secret Nikaah is not in conformity with the sunnah. This brings about many complications in one's married life and leaves a person in a state of stress and worry all the time.
5. The woman is entitled to a Mahr (dowry). The amount of Mahr should also be mentioned at the time of the Nikaah.
6. It is good to get a pious Aalim to perform the Nikaah (if possible).

People with whom Nikaah is not permissible (Haraam)

- children, grandchildren, great grand children
- parents, grand-parents, great grand parents
- brother, sister
- paternal and maternal uncles and aunts
- nephews and nieces

Nikaah

- sons-in-law, daughters-in-law
- fathers-in-law, mothers-in-law
- A person cannot marry 2 sisters at the same time. If one sister passes away or he divorces her, then he is allowed to marry the other sister.

Note: Those people whom it is Haraam to marry through lineage, it is also Haraam to marry them on account of breast-feeding (if the child is breast-fed before he/she reaches two years). That is, if a girl is breastfed by any woman, she cannot marry this woman's husband or this woman's son. All the maternal and paternal uncles and nephews who become related due to this breast feeding mother also become Haraam on her to marry. Similar will be the case if a woman breast-fed a boy.

What to look for in a Marriage partner

Nabi (sallallahu alayhi wasallam) said, *“A woman is married for four reasons; her wealth, her lineage, her beauty and her Deen (piety). So give preference to her **Deen...**”*

Another Hadith mentions, *“When you receive a proposal from a person whose **Deen** and **character** you are pleased with, then get him married, and if you don't, there will be fitnah on the earth and widespread corruption.”*

There can be many reasons for a person choosing a life-long spouse. Nabi (sallallahu alayhi wasallam) has encouraged us to look at the **piety** and **character** of a person. A person can have all the material wealth of the world, but if his character is bad, he will not take care of his wife. The same goes for a woman i.e. if her character is bad, she will not care for her husband.

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Don't follow the slogan, "Love at first sight." Do proper homework about the family and friends of the boy/girl before making a decision. Thereafter make Istikhaarah and make dua to Allah Ta'ala to guide you to what is correct. Make mashwarah (take advice) with your parents and the elders in your family before making a decision. Once you've decided, do not delay; make the Nikaah as soon as possible.

Un-Islamic Customs

Since Nikaah is a natural need of a human being, Allah Ta'ala has made it very easy and simple. Nowadays we have brought about many wrong, un-islamic customs into Nikaah which has now made things very difficult for us whereas the Hadith explains that nikah is as easy and simple as reading two rakaats of salaah.

Rasulullah (sallallahu alayhi wasallam) has said, "*The Nikaah with the most barkat (blessings) is the one which has the **least** expenses.*"

Nowadays we have introduced these un-islamic customs just to keep up with the trends around us. We have the "engagement party", then the "bridal shower", then the "mendhi party" and the list goes on. The boy and girl are allowed to go out with each other before Nikaah. These are all the customs and the ways of the kuffaar which we have now adopted. Imagine starting off this great ibaadat of Nikaah with the curse of Allah Ta'ala? Will there be any *barkat* in such a Nikaah? Will that marriage ever last?

Let us make an intention that we will leave out all these un-islamic customs and see what love, harmony and *barkat* there will be in this marriage if we conduct it according to the Sunnah of Nabi Muhammad (sallallahu alayhi wasallam).

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Waleemah

It is Sunnah for the husband to feed people after the Nikaah. This includes family, friends and also the poor. The husband does not have to go out of his way and be extravagant, but he should rather spend according to his means.

Nabi (sallallahu alayhi wasallam) mentioned that the worst meal is the Waleemah in which only the rich are invited and the poor are left out.

Rasulullah (sallallahu alayhi wasallam) said, “Nikaah creates such a bond of love (between the spouses) that no other bond can create.”

Nikaah

Questions

1. Mention the advice of Nabi (sallallahu alayhi wasallam) to the youth? _____

2. What aspects are necessary for a Nikaah to be valid? ____

3. Mention 4 people who you are not allowed to marry? ____

4. What should we look for in a marriage partner? _____

5. Which Nikaah has the most amount of Barakah? _____

6. Mention some baseless customs in Nikaah? _____

7. What is the status of a Waleemah? _____

8. Who should host the Waleemah? _____

9. Which meal did Nabi (sallallahu alayhi wasallam) call the 'worst meal'? _____

10. Mention 3 benefits of Nikaah? _____

Nikaah

Talaaq (Divorce)

A person who has an infection on his leg goes to the doctor for a check-up. The doctor will try his best to save the leg. He will prescribe some medication and alternative treatment first. As a last resort, if all treatments fail, the doctor will then advise the patient to amputate the leg. Similar is the case of Talaaq; if after all possible means of reconciliation between the husband and wife have failed, Islam has then prescribed something called **Talaaq** as a last resort. That is, the husband and wife are then permitted to part ways through divorce.

Since Talaaq is not the best route to take, the husband and wife should consult the senior members of the family and some reliable Aalim to try and resolve any issues before deciding on the option of divorce. As the Hadith says, *“Among the things that Allah Ta’ala greatly dislikes but has permitted is Talaaq (divorce).”*

Remember that with divorce, it is not just two people that are breaking up, but rather two entire families are breaking up. And the ones who suffer the most are the little children, who, many a times, remain emotionally unsettled for many, many, years. May Allah Ta’ala save us all. Aameen

Laws pertaining to Talaaq (Divorce)

1. If after much effort and consultation the husband and wife realise that they cannot live with each other anymore, due to some valid reasons, then the husband is given the option of issuing a Talaaq.
2. Talaaq can only be issued by the man. Once the husband issues a Talaaq, it comes into effect. Neither can he retract his statement nor can the wife reject the divorce.

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3. Divorce takes place once the husband utters the words of Talaq whether his wife heard it or not, whether he said it in private or public, or in any language.
4. Divorce given in the fit of anger is regarded as divorce. Similarly, if an intoxicated person issues a divorce whilst under the influence of alcohol or drugs, then too the Talaq takes place.
5. The man has the right to issue 3 Talaqs only and not more. If he issues more, only three will take place.
6. Divorce via sms, letter, email, etc. is also valid.
7. When a person issues three Talaqs to his wife, she becomes Haraam for him. This is irrespective whether he said all in one sentence or at different intervals.
8. Today we hear some people saying that three Talaqs are equal to one and not three; this is all baseless. Have you ever heard of any maths equation where 3 is equal to 1?

Types of Divorce

There are three types of divorce:

1. **Talaq-e-Raj'ee** (revocable Talaq): The Nikaah is not broken as long as the iddat is not complete. If the husband divorces his wife by uttering the words of divorce one or two times and thereafter regrets his action, it will not be necessary for them to make a new Nikaah. The husband and wife can live together without renewing the Nikaah. As long as the iddat period is not complete, the husband can take her back. Once the iddat (for Raj'ee) is complete, they will be separated and the Nikaah will be cancelled. If they want to come back together, they will have to renew the Nikaah.

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2. **Talaaq-e-baa'in:** Where the husband gives one or two Talaaqs. With this type of Talaaq the Nikaah is completely broken. The husband and wife cannot live with each other. If they want to get back together, they will have to renew the Nikaah.
3. **Talaaq-e-mughallazah (3 Talaaqs):** The husband and wife become Haraam on each other. If they want to come back together, the woman will first have to get married to another person and consummate the Nikaah. When he divorces her and she completes the iddat, then only can she make Nikaah to the first husband.

There are many rulings regarding the types of Talaaqs and how Talaaq should be given. For further details, we should consult the senior Ulama.

Hadith, "Any woman who asks her husband to divorce her for no reason at all, then the fragrance of Jannah will be Haraam for her."

Iddat

When the husband divorces his wife or the husband passes away, then the woman will have to stay at home for a certain period of time. As long as this period does not expire, she can neither leave the house nor can she marry anyone else. This waiting period is called **Iddat**.

Iddat after Divorce

1. The period of iddat for divorce is that a woman will remain in her marital home for **3 haidh** periods.
2. A woman who does not experience haidh will sit for 3 months.
3. The iddat of a pregnant woman is till she gives birth. Once she gives birth, her iddat is over.
4. During the period of iddat, the woman cannot leave the house during the day or night.
5. In the case of divorce, the husband will be responsible for the maintenance of the wife for the Iddat period.

Iddat after the Death of the Husband

1. When the husband passes away, the wife will have to sit in iddat for **four months and ten days**.
2. She will pass her iddat in the house in which she was staying at the time of her husband's death. She cannot leave the house unnecessarily. Yes, if she is very poor and there is no one to see to her daily needs, she is allowed to go out (and earn a living). However, she must be back by nightfall.
3. If a woman was not at home when she received news of her husband's death, she should return home immediately and commence her iddat.
4. When a woman is observing iddat, due to the death of her husband, she has to make her own arrangements for food, clothing, etc. She cannot use money from her husband's estate (besides what she inherits from him).
5. During this Iddat period, she is not allowed to beautify herself, apply perfume, wear jewellery, etc.

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Providing for the wife

1. The husband is responsible for the maintenance of the wife as long as she is in his Nikaah. This includes her food, clothing and a place to stay.
2. It is advisable that the husband also gives his wife a monthly allowance (according to his financial means) which she can use as she wishes.
3. The husband is responsible for the maintenance of the wife whether she is rich or poor.
4. If the husband divorced his wife, he will still have to provide for her maintenance until the iddat is complete. Once the iddat is over, he is not responsible for her maintenance anymore.
5. The husband is responsible for the maintenance of his children even if the wife is divorced.

Custody of children

1. A couple settled for a divorce and they have a small child. The mother of the child has the right of custody over the child. The father cannot take away the child forcefully, but he will still be responsible for the maintenance of his child.
2. If the mother forcefully gives the child to the father, he has to take the child; he cannot refuse.
3. The custody of a boy remains with the mother until he reaches the age of seven and of a girl until she is nine. After this, the father can take the child into his care. The mother cannot refuse.
4. There are many rulings regarding custody of children in the situation where one parent is abusive or mentally

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disturbed, etc. If any such matter arises at any time, it should be referred to a senior Aalim.

Zina (Adultery / Fornication)

Definition: To have relations out of wedlock/Nikaah

This is a very severe sin for which grave warnings have been given in the Qur-aan and Hadith. Since fulfilling one's desires is a natural need of a human, Allah Ta'ala made it so easy for us to do it in a Halaal way, and that is through Nikaah.

Allah Ta'ala says, "Don't go close to Zina." This also refers to all those things which could lead a person to Zina; which includes all forms of unnecessary interaction with the opposite gender.

The first step to save oneself from Zina is to protect the eyes from casting lustful glances, as Nabi (sallallahu alayhi wasallam) said, "*Casting a lustful glance is a poisonous arrow from the arrows of shaytaan...*"

Harms of Zina (Adultery)

- Allah Ta'ala gets very angry with such a person.
- A person will be put into the fire of Jahannam.
- He becomes hated among people.
- Droughts will occur.
- Killer diseases will spread which were unknown of before.
- Illegitimate children will be born (which comes with its own maladies).

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- Earthquakes and natural disasters will occur.
- Contentment of the heart will be removed.
- A person will be pre-occupied with these filthy thoughts all the time; even in Salaah.
- It will cause his Rizq (sustenance) to decrease.
- A person will be in a state of constant fear lest someone finds out.
- There will be no family structure which will result in a collapsed society.

Nabi Muhammad (sallallahu alayhi wasallam) says that Allah Ta'ala says, "The lustful glance is a poisonous arrow from the arrows of shaytaan. Whoever leaves it out, out of My fear, I will replace it with such Imaan that he will experience its sweetness in his heart."

Questions

1. What is Talaq? _____

2. Before considering talaq, what procedure should be adopted? _____

3. How many talaqs is a man allowed to give? _____
4. Can a woman issue a talaq? _____
5. Mention the 3 types of Talaq? _____

6. What is the period of iddat for divorce and death? _____

7. Is a divorce given in anger considered? _____
8. What is the meaning of zina? _____

9. Mention 5 harms of zina? _____

10. Who has the first right of custody over a small child in the event of divorce? _____
11. Mention the Hadith regarding casting lustful glances? _____

12. Does the husband still have to provide for the wife if she is rich? _____

Janaazah

We may have doubts about many things, but there is one thing regarding which there is absolutely no doubt and that is death. We all have to leave this temporary world one day. We have to understand why Allah Ta'ala has sent us into this world. We were not created for no purpose. Allah Ta'ala says, **“We have only created humans and jinn so that they worship Me.”** This is the purpose of our creation; to worship and obey Allah Ta'ala.

As Muslims we have Yaqeen (conviction) that our real life is the life of the Aakhirah. We have been given this temporary life to prepare for the everlasting life of the Aakhirah.

We have no knowledge when we will pass away. So we have to be prepared all the time to meet Allah Ta'ala.

As the saying goes, “As you live, so shall you die.” If we lived a good and pious life, we will find death in that condition. If we lived a life of sin, then we will find death in that way.

We should constantly make dua to Allah Ta'ala to grant us death in such a condition that Allah Ta'ala is happy with us. Nabi (sallallahu alayhi wasallam) taught us some beautiful duas to read for an easy death. We should learn them and try and recite them daily.

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Rasulullah (sallallahu alayhi wasallam) has taught us to read the following dua 25 times daily:

اللَّهُمَّ بَارِكْ لَنَا فِي الْمَوْتِ وَفِي مَا بَعْدَ الْمَوْتِ

O Allah, bless me when I meet my death and bless me in what follows after death.

Virtue: One who recites this dua 25 times daily will attain the rank of the Shuhadaa.

Death

1. When a person is about to pass away, lay him down on his back with his feet towards the Qiblah, raising his head a little so that his face is towards the Qiblah.
2. Make sure that there are no pictures of animate objects (humans and animals) in the room, as the angels of mercy do not enter a room where there are such pictures.
3. Once he starts taking quick breaths, his limbs get loose and he is unable to stand, his nose gets crooked, his temples begin to cave in and his breathing quickens, then one should know that death has approached.
4. Those present should sit near him and recite the kalimah tayyibah audibly, so that, listening to them, the dying person will also read it. Do not command or force him to read it as it is a very difficult time for him and we don't know what he may utter instead.
5. The moment he recites the kalimah, those around him should stop reading. The object is that the last words of the mayyit should be the kalimah. Once he says it, it is sufficient. He doesn't have to continue reciting it until he

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passes away. However, if after reciting the kalimah, he starts speaking of worldly things, those around should recite the kalimah again. Once he recites it, keep quiet.

6. Once the person passes away, straighten all his limbs. Close his mouth and tie a cloth around his head and chin so that the mouth does not open. Also close his eyes and tie the toes of both the feet together so that the legs do not move.
7. Cover the mayyit with a sheet. Contact the local Muslim burial services and thereafter try your best to hasten with the ghusl, kafan and Janaazah Salaah.

Ghusl and Kafan for the Deceased

1. Generally, every locality has a ghusl room where the mayyit can be bathed and enshrouded.
2. It is preferable that the family of the mayyit give the ghusl. Males will give ghusl to males and females to females.
3. Once the ghusl is given, the kafan will be put on.
4. The Sunnah kafan for a woman is 5 pieces of cloth; Qamees, Izaar, Lifaafah, head-band and chest-band.
5. The Sunnah kafan for men is 3 pieces of cloth; Qamees, Izaar and Lifaafah.
6. Once the kafan is put on, do not delay the burial unnecessarily. Send the deceased away so that the men can perform the Janaazah Salaah and complete the burial.
7. Generally, after ghusl and kafan, the mayyit is taken to the house for family members to see the face and read some Qur-aan. This is permissible. However, ensure that those in the state of Janaabat and Haidh (in need of a compulsory bath) do not come in the room where the mayyit is lying.

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8. The ghusl of the mayyit, his Janaazah Salaah and burial are all Fardh-e-Kifaayah. This means that if a few people of the community do it, the rest of the community will be absolved of the responsibility. And if no one does it, the entire community will be sinful.
9. The kafan and burial of a person should be done in the town where he passed away. It is not good to move him to another place.
10. The mayyit should not be buried in a house. This is a speciality of the Ambiyaa (alayhimus salaam).

NB: It has become very common nowadays to feed people at the house of the mayyit (deceased). This has been discouraged in the Shariat. The people of the house are grieving and now they are burdened with the responsibility of feeding people. The best thing to do is for every person to make his own arrangements for food. Other family members, friends and neighbours may assist to feed the outsiders from their side, thus not placing any burden on the already bereaved family members.

Janaazah Salaah

Janaazah Salaah is a dua (supplication) for the deceased before he/she is buried.

There are two Faraaidh in Janaazah Salaah:

1. Qiyaam, i.e. to stand and perform the Salaah.
2. To recite four Takbeers.

The method of performing Janaazah Salaah

Janaazah

1. The body of the mayyit (the deceased) should be placed in front of the Imaam, with the head of the mayyit on the right hand side of the Imaam.
2. The Imaam should stand in line with the chest of the mayyit.
3. It is mustahab to make an odd number of saffs (rows).
4. The saffs of the Janaazah Salaah should be close to one another as there is no ruku and sajdah.
5. After straightening the saffs, one should make the niyyah: "I am performing this Janaazah Salaah for the sake of Allah Ta'ala."
6. The Imaam will raise his hands up to his ears and say the Takbeer loudly. The Muqtadees (followers) should also raise their hands and say the takbeer SOFTLY.
7. Tie the hands below the navel as normally done.
8. Thereafter recite the Sanaa of Janaazah Salaah SOFTLY,

سُبْحَانَكَ اللَّهُمَّ وَبِحَمْدِكَ وَتَبَارَكَ اسْمُكَ وَتَعَالَى جَدُّكَ وَجَلَّ ثَنَّاؤُكَ وَلَا إِلَهَ غَيْرُكَ

9. The Imaam will then say the Takbeer aloud and the Muqtadees SOFTLY for the second time. The hands should not be raised when saying this Takbeer.
10. After the second Takbeer recite Durood-e-Ibraheem.
11. Thereafter the third Takbeer should be said in the same manner as mentioned above.
12. After the third Takbeer the following duas should be recited:
 - If the deceased is an adult (male or female) recite:

Janaazah

اللَّهُمَّ اغْفِرْ لِحَيِّنَا وَمَيِّتِنَا وَشَاهِدِنَا وَعَابِيْنَا وَصَغِيرِنَا وَكَبِيرِنَا وَذَكَرِنَا وَأُنثَانَا
اللَّهُمَّ مِنْ أَحْيَيْتَهُ مِنَّا فَأَحْيِهِ عَلَى الْإِسْلَامِ وَمَنْ تَوَفَّيْتَهُ مِنَّا فَتَوَفَّهُ عَلَى الْإِيمَانِ

- If the deceased is a minor male recite:

اللَّهُمَّ اجْعَلْهُ لَنَا فَرْطًا وَاجْعَلْهُ لَنَا أَجْرًا وَذُخْرًا وَاجْعَلْهُ لَنَا شَافِعًا وَ مُشَفَّعًا

- If the deceased is a minor female recite:

اللَّهُمَّ اجْعَلْهَا لَنَا فَرْطًا وَاجْعَلْهَا لَنَا أَجْرًا وَذُخْرًا وَاجْعَلْهَا لَنَا شَافِعَةً وَ
مُشَفَّعَةً

13. The Imaam will then say the 4th Takbeer and make salaam.
The Muqtadees should follow by saying the Takbeer and salaam SOFTLY.

Ta'ziat (Sympathizing with the bereaved)

Nabi (sallallahu alayhi wasallam) has taught and encouraged us to console and comfort a Muslim who is in distress and grief.

There are etiquettes to follow even when sympathizing with the bereaved, as this is a very emotional period in their lives and nothing should be mentioned which could hurt or offend them.

1. The duration of Ta'ziat (consoling the bereaved) is three days after the death. It is makrooh to make ta'ziat thereafter, except if one was not present at the Janaazah or when the bereaved was not present.

Janaazah

2. Encourage the bereaved to have Sabr (patience) and explain the rewards of being patient.
3. Mention some good quality of the mayyit. Do not mention anything that will offend the bereaved.
4. Don't ask too many questions regarding the mayyit (like detailed cause of death, etc.)
5. Avoid joking and laughing and speak less about worldly issues.

Meeraas (Inheritance)

Allah Ta'ala says in the Qur-aan, "For the men is a share of that which parents and relatives leave behind, and for the women is a share of that which parents and relatives leave behind, whether it be little or a lot – a stipulated share."

Rasulullah (sallallahu alayhi wasallam) said, *"Learn the laws of inheritance and teach it to the people because it is half of knowledge, it will be forgotten and it is the first thing that will be lifted from my Ummah."*

Every command of Allah Ta'ala is full of wisdom, even if we cannot understand it. Regarding inheritance also, there are certain rulings which have been clearly explained by Allah Ta'ala in the Qur-aan. We have to accept these laws whole-heartedly and have no right to complain or argue regarding these rulings.

Definition of ownership is very important. Everything in the home has to be owned by someone, either individually or jointly. If ownership is not clearly defined, this will create confusion at the time of distributing the inheritance. Whether it is the car, house, bedding, cutlery, spices or even a money-clip, everything has to be owned by someone. Understand this well!

Janaazah

1. As soon as a person passes away, his belongings no more remain his. It comes into the ownership of the heirs.
2. Once a person has died, ensure that the wealth and belongings he left behind are distributed correctly to the rightful heirs according to the laws of Shari'ah.
3. No family member has the right to give any item of the mayyit away or keep something for himself before the estate is wound up.
4. Every single thing that a person owned will make up his estate. This includes even his socks, books, pens, tools, utensils and the minutest of things which may seem insignificant.
5. Nabi (sallallahu alayhi wasallam) has given strict warnings for those who usurp the rights of the rightful heirs unjustly.
6. Allah Ta'ala says, "Those who usurp the wealth of orphans unjustly, they are eating fire in their stomachs."

How will the wealth of the deceased be distributed

1. Pay for the burial expenses.
2. Pay off all debts.
3. His wasiyyat (bequests) will be fulfilled (as long as it is not more than one third of the total assets after burial expenses and debts). A person cannot make a bequest for a Shar'ee heir. This is totally impermissible.
4. Thereafter the rightful heirs will share the remainder of the estate according to the laws of Shari'ah.

NB: When winding up the estate, consult a senior Aalim, as this is a very delicate issue, especially when there are immature (non-baaligh) children and orphans amongst the heirs. Make sure that

Janaazah

each person receives his correct share. If not, then this wealth becomes Haraam for those who took it unjustly. Understand this well!

General points regarding the Estate

1. After paying the burial expenses, pay off all the mayyit's debts. Even if his entire estate gets used up in paying his debts, it will have to be done. If the creditor forgives the debt, then there is no problem.
2. Although it is correct to make a bequest to the amount of one third of the estate, it is better that a person doesn't do so, especially if he has dependants or he is not very well off. It is better that he leaves his heirs in a good position instead of them being forced to beg after his death. If a person really wanted to give away some of his wealth to some Masjid or Madrasah, he could have done that in his lifetime.
3. It is necessary for every Muslim to have a **Will** written out in his life time, in which he will stipulate his possessions, outstanding debts, outstanding Ibaadat, bequests, etc. Find out from reliable Ulama how to write out a Will according to the Shariah. Nabi (sallallahu alayhi wasallam) said, *"A man or woman may obey Allah for sixty years. However, when death approaches them, they make incorrect Wills, thus the fire becomes necessary for them."*
4. A person cannot deprive an heir of his inheritance. Even if he writes this down in his Will, it will not be considered. Sometimes, a parent disowns his child. This is not considered in Islam. The child will still inherit from his parents.

Janaazah

It is mentioned in a Hadith, “When a person passes away, all his A’maal (actions) come to a standstill, except (the rewards) of three actions; charity which brings recurring benefits, knowledge from which people continue to benefit and a pious child who will make dua for his deceased parents.”

Questions

1. Which is the one thing regarding which no-one has any doubt? _____
2. When a person is about to pass away, what should be done? _____

3. Who should give ghusl to the mayyit? _____

4. How many pieces of cloth does the kafan of a man and woman have? _____

5. What is the status of giving ghusl, kafan and performing the Janaazah Salaah? _____

6. What is the meaning of Ta’ziat? _____
7. When going for Ta’ziat, what should we say? _____

8. What do you understand by definition of ownership? _____

9. How will the estate be distributed? _____

Janaazah

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10. If a person dis-owns his child, will the child inherit? _____
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11. What should a person write in his Will? _____
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-
12. What does Allah Ta'ala say regarding usurping the wealth of the orphans? _____
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Masjid

The House of Allah

Nabi (sallallahu alayhi wasallam) said, *“The best places on earth are the Masaajid and the worst places are the bazaars (shopping centres).”*

In the time of Nabi (sallallahu alayhi wasallam), all affairs would revolve around the Masjid. Ta’leem, Mashwarah, receiving delegations, despatching armies, feeding the poor, running the entire Muslim state, etc., were all done from the Masjid. Before Nabi (sallallahu alayhi wasallam) left on a journey, he left from the Masjid, and when he returned, he first went to the Masjid.

From this we understand that a Muslim’s life revolves around the Masjid. When planning any trip, event or shopping, etc., we should plan around Salaah times. Salaah with Jamaat in the Masjid should be on top of the list.

It is mentioned in a Hadith that amongst the seven categories of people that will enjoy the shade of the Throne of Allah Ta’ala on the day of Qiyaamah is a person whose heart is attached to the Masjid, (meaning that after one Salaah is complete, he is waiting for the next Salaah).

Masjid

The reward for performing Salaah in the different Masaajid

Masjidul Haraam (in Makkah Mukarramah) has the highest rank from all the Masaajid. The reward for performing one Salaah in this Masjid is equal to performing one hundred thousand Salaah.

Then comes Masjidun Nabawi (sallallahu alayhi wasallam) [in Madinah Munawwarah]. The reward for performing one Salaah here is equal to fifty thousand Salaah.

Thereafter is the rank of Masjidul Aqsa (in Jerusalem). The reward for one Salaah here is equal to twenty-five thousand Salaah.

The fourth in rank is the main masjid in the town known as the Jami Masjid. The reward for performing one Salaah in the Jami Masjid of the town is equal to performing five hundred Salaah.

Thereafter is the Local Masjid for which a person receives twenty-five rewards for each Salaah performed in it.

Reward for Building a Masjid

It is mentioned in a Hadith, *“Whoever builds a Masjid for the pleasure of Allah, Allah will build for him a Palace in Jannah.”*

As long as the Masjid is being used, the donor will continue receiving rewards even after his death.

The main point to keep in mind when building a Masjid (as mentioned in the above Hadith), is the intention behind building it. The Hadith says *“for the pleasure of Allah”*. The intention should not be for name and fame; it should be purely for the pleasure of Allah Ta’ala.

Masjid

Few points to keep in mind when building a Masjid

1. Correct intention (for the pleasure of Allah Ta'ala).
2. Use Halaal earned wealth only.
3. Keep the Masjid simple. Don't over-decorate the Masjid.
4. Open permission should be granted to all Muslims to come to the Masjid (it should not be for one class or family only).
5. The Masjid should be built in an area where it is needed.
6. There should be an appointed Imaam and Muazzin for the Masjid.
7. A Mutawalli (trustee) should be appointed to oversee the affairs of the Masjid.
8. If possible, a Madrasah complex should also be built on the Masjid land.
9. Monies donated towards the Masjid should be used with care, without wasting it on unnecessary adornments and decorations.

Aadaab (Etiquettes) of the Masjid

1. When going to the Masjid one should have the consciousness and greatness of Allah Ta'ala at heart.
2. Ensure that there are no foul smells coming out of our mouths and bodies before entering the Masjid.
3. Double check that your cell-phone is switched off before entering the Masjid.
4. It is preferable and more rewarding to make wudhu at home.
5. Before entering the Masjid, recite durood shareef and the dua:

Masjid

اللَّهُمَّ افْتَحْ لِي أَبْوَابَ رَحْمَتِكَ

6. Enter with the right foot.
7. One should make intention of nafl I'tikaaf when entering the Masjid.
8. Read two rakaats Tahiyatul Masjid if it is not the Makrooh time for Salaah.
9. Start filling the rows from the front. Be careful not to cross in front of someone who is reading Salaah.
10. Do not talk of worldly affairs unnecessarily in the Masjid.
11. Do not read Nafl and Sunnah Salaah in such a place where the Musallis will be inconvenienced (like in the door way).
12. Be mindful of those engaged in Ibaadat when reading Qur-aan or making zikr. Don't read too loudly.
13. Keep the Masjid clean. If there is any dirt lying in the Masjid, pick it up.
14. A Masjid should not be used as a thoroughfare.
15. A person who is in need of a Fardh Ghusl should not enter the Masjid.
16. Contribute towards the upkeep of the Masjid. We, as Musallis, also benefit from the water, electricity and other comforts provided.
17. When leaving the Masjid, leave with the left foot reciting the dua:

اللَّهُمَّ إِنِّي أَسْأَلُكَ مِنْ فَضْلِكَ

During the time of Nabi (sallallahu alayhi wasallam) the Masjid was a very simple structure. The pillars were made of date-tree trunks and the roof of date leaves. Unbaked bricks were used for the walls. Salaah was read on the bare ground (no carpets).

Masjid

Women going to the Masjid

The Shariat of Islam has prevented women from going to the masjid to perform the 5 daily Salaah. It is mentioned in a Hadith, *“The Salaah of a woman in the inner portion of her home is more rewarding than her Salaah in the outer section.”*

Rasulullah (sallallahu alayhi wasallam) has praised those women who perform their Salaah in the recesses of their homes. Nowadays there is so much of fitnah and evil taking place around us that is best for women to remain at home.

In this day and age, it is not appropriate for a woman to leave their homes unnecessarily. It is best that she remain indoors. In this way she will be protected from lots of evil and wrong.

Questions

1. Which are the best places on earth? _____

2. Mention one of those people who will be under the shade of the throne of Allah? _____

3. What is the reward for reading one Salaah in Masjidun Nabawi? _____
4. What is a Jaami Masjid? _____

5. Mention the Hadith regarding building a Masjid? _____

6. Who is a Mutawalli? _____
7. Mention seven etiquettes of the Masjid? _____

Masjid

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8. Describe the original Masjid of Nabi (sallallahu alayhi wasallam)? _____

 9. Is it correct for women to go to Masjid for Salaah? _____

 10. What is the dua for leaving the Masjid? _____

 11. Can a Masjid be built for one family only or one class of people only? _____

Hudood

(Shar'ee Punishment)

Our Deen is perfect. Every command of Allah Ta'ala is perfect and full of wisdom. Our intellect is too weak to comprehend the great wisdom in the Divine laws of Allah Ta'ala. We are not commanded to understand every order of Shariah; rather our work is to obey and submit ourselves totally to the orders of Allah Ta'ala.

Allah Ta'ala has outlined severe punishments for certain evil deeds committed, which will serve as an example for the rest of the community. These punishments are not barbaric or inhumane like the non-Muslims believe and portray it in the media, *na'oozu billah*. If we really ponder over it for a few moments, we will see the beauty and wisdom in implementing these punishments.

Some of the advantages in meting out such punishments are:

1. It will serve as a deterrent.
2. We will have a healthy society, free of all evils.
3. No citizen will be wronged unjustly.
4. Happiness and security will prevail.

For example, the punishment for stealing is that the hand of the thief will be cut off. If this law was abided to from its inception, who will have the courage to steal again? The mere thought of the hand being cut off will be the greatest deterrent from stealing.

Hudood

With this law in place, we will not have theft any more. Nowadays people are not ready to accept this ruling because they want to have a free licence to steal and usurp other people's wealth unjustly.

It is sad to say that many Muslims also do not want to accept these Divine commands of Allah Ta'ala. Remember, if a person blatantly rejects any command of Allah Ta'ala, which is clearly mentioned in the Qur-aan, he no longer remains a Muslim. May Allah Ta'ala save us and guide us all. Aameen.

There are many rules which have to be adhered to strictly when carrying out these punishments. Without any of these in place, the punishment cannot be meted out. Amongst them are:

1. The country must be a Muslim country.
2. The crime has to be committed in the Muslim country.
3. The verdict has to be passed by a Qaadhi (Muslim judge).
4. Witnesses to the crime are required.
5. Any ambiguity in the case will make the Hadd (shar'ee punishment) null and void.
6. The community, on their own, cannot go around and carry out these punishments randomly.

Types of Hudood

Hadduz Zina: (Punishment for committing Zina). Allah Ta'ala mentions in the Qur-aan, "The woman and man guilty of adultery; whip each one of them a hundred times." This is for those who are not married. If the man and woman were married, the punishment is stoning to death.

Haddu shurbil Khamar: (Punishment for drinking alcohol). The punishment for this sin is eighty lashes (moderate lashing).

H u d o o d

Haddul Qazaf: (Punishment for slandering). Qazaf refers to slandering an innocent person of committing Zina. The slanderer will be whipped eighty lashes.

Haddus Sariqah: (Punishment for theft). This refers to stealing an item which was kept secured and the value of which is ten dirhams or more. The punishment for theft is that the thief's right hand (from the wrist) will be cut.

Haddul Qatl: (Punishment for murder). If a person murders an innocent person intentionally with an object which is generally used for murder (like a gun or knife), Qisaas (retaliation) will be taken from the murderer, i.e. he will be put to death.

Hudood

Questions

1. What is the meaning of Hadd? _____

2. Mention 4 advantages of implementing the Hadd? _____

3. Mention any 4 rules for Hadd to be meted out? _____

4. What is the Hadd for drinking Khamar? _____

5. Explain the punishment for murder? _____

6. If there are no witnesses to the crime, will the Hadd be carried out? _____
7. Are these Shar'ee punishments barbaric, (na'oozu billah)? _____

8. Explain the benefit Hadd for stealing? _____

Hunting

Although hunting is permissible, it should not be made into a habit. Rasulullah (sallallahu alayhi wasallam) has mentioned in a Hadith that the one who hunts, becomes *Ghaafil* (negligent, unmindful).

Hunting is permissible in the following ways:

- Using a bow and arrow or spear.
- Using a gun (like a rifle).
- Using trained hunting dogs.

Few rulings regarding hunting

1. If a person recited Bismillah when shooting with a bow and arrow and the animal dies, this animal can be eaten without making zabah of it.
2. If the animal was shot with a gun (e.g. rifle), the animal has to be slaughtered (zabah) before it dies. If it dies before slaughtering it, it will be Haraam to consume.
3. If a person read Bismillah and sent off his hunting dogs to catch the prey, and it did not eat from the animal, it will be Halaal to consume that animal.
4. To use trained falcons for hunting is also permissible.
5. All types of buck e.g. springbok, gemsbok, kudu, etc. can be hunted.

Hunting

6. Rabbits, birds (excluding birds of prey), ducks, etc. can also be hunted.
7. Using live bait (for fishing) is not permissible.

* Very Important

It is not permissible to shoot any animal for sport or entertainment. Similarly sport fishing (catch and release) is not permissible.

If a person wants to hunt an animal, it should be with the intention of consuming its meat or selling it.

Questions

1. Why should hunting not be made a habit? _____

2. Mention the ways in which it is permissible to hunt? _____

3. If you shoot the prey with a gun, what should be done? _____

4. Can we use live bait for fishing? _____
5. Is sport fishing permissible? _____
6. When using a bow and arrow for hunting, what should be recited before releasing the arrow? _____

7. Mention few animals that we are allowed to hunt? _____

Be Organised

1. Be neat, tidy and organised whether at home, school or at work. Have system in whatever you do. Have a fixed place for personal items, work related items and items of general use.
2. Do not act on the information of a stranger without first verifying the facts. Do not send out any information on social media (e.g. whatsapp) if you did not verify it.
3. Do not leave your valuables lying around. If something got misplaced, don't say that the maid or the worker stole it if you don't have proof. It is not permissible to accuse anyone of theft without valid proof.
4. Teach children the names of their parents and their address. In the event of them getting lost, they will be easily identified.
5. Keep all detergents, medication, insect repellents and other hazardous items completely out of reach of children.
6. Do not flash your money and possessions. This will invite thieves and create jealousy in the hearts of people for you.
7. Before leaving on journey, ensure that you have all necessary documents, tickets, money, etc. on you.
8. Do not reveal your secrets to anyone and everyone. Confide in someone who is trustworthy.
9. Always keep some basic medication and a first-aid kit at home. Make sure that they are out of children's reach.
10. Do not eat anything that is given to you by a stranger (especially on journey). Some people add intoxicating

Be Organized

substances to these items and thereby steal your money and possessions.

11. Do not leave sharp objects (like a needle, knife) lying around.
12. If an item is used by many people, it should be returned to its place after use.
13. Do not leave the house with a fire (candle, etc.) burning inside. Also do not throw away a lit match or lit charcoal without first extinguishing it.
14. If you wish to visit someone, find out before-hand if they will be at home and what time will be a suitable time to come.
15. Like we have a dedicated time for our work/business, we should also have dedicated and quality time with our family (spouse and children). This is very important, especially nowadays. Also, we should have a fixed amount of time for Ta'leem (reading Fazaail-e-Amaal and Fazaail-e-Sadaqaat)) in the home as well as for Qur-aan recitation and Zikr.
16. Do not buy unnecessary cutlery, utensils, clothing, etc. If you want to buy something new, give away a similar old one from home to someone who is in need of it.
17. As far as possible, don't travel alone.
18. If your senior gives you some task to carry out, inform him once you have completed it.
19. If you are sick, do not try to diagnose yourself with the help of the internet. Go to a qualified doctor and seek his advice.

Miscellaneous Masaa'il

1. If you have any queries regarding any law of Deen, don't ask "Mufti Google". Choose a reputable Aalim who you are comfortable with and ask him all your necessary questions.
2. When faced with any difficulty, no matter how great it may seem, first turn to Allah Ta'ala. Read two rakaats Salaatul Haajah (Salaah at the time of need) and make earnest dua to Allah Ta'ala. Our difficulty will be removed Insha Allah.
3. To wear a tie is not permissible as it resembles the cross.
4. If a person mixes his Halaal wealth with Haraam money, he will have to give Zakaat on the entire amount.
5. A person should not take an oath on trivial matters, as the name of Allah is very great. In doing so, we are showing disrespect to the name of Allah Ta'ala.
6. It is disrespectful to call one's parents by their names.
7. It is not permissible to burn any living creature. However, if there is no other way of getting rid of it, then it will be permissible.
8. A person should not wish for death or curse oneself when afflicted with some calamity. Rather make dua to Allah Ta'ala to grant you Aafiyat (well-being).

Misc. Masaa'il

9. It is not permissible to shave half the head only or cut the hair in two lengths. These are styles and customs of the non-Muslims.
10. The house in which there are dogs (pet) and pictures of animate objects are deprived of the presence of the angels of mercy. A person is allowed to keep a dog for security reasons, but they should not be allowed into the house.
11. It is mentioned in a Hadith, "The person who does not respect the elderly, does not show mercy to the young and does not fulfil the rights of the Aalim is not from my Ummah."
12. Don't ever disrespect or cause harm to a Wali (friend of Allah). This is tantamount to waging war with Allah Ta'ala.
13. Familiarise yourself with the different nafl Salaah and their virtues, like Chaasht, Awwaabeen, Istikhaara, Istisqaa, Khauf, Kusooof and Khusooof, etc. Details can be found in Behisti Zewar.
14. Read some portion of the Qur-aan Shareef daily. This is a right of the Qur-aan.
15. Be very careful about what literature you read. There are many books, newspapers and magazines which outwardly seem to be 'Islamic', but are far from Islam. Reading the wrong literature will create doubts in our minds. Ask some notable Aalim for advice regarding what one should read.
16. Bribery and fraud is totally Haraam in Islam.
17. If a person is in such a place where he does not know the direction of the Qiblah, nor is there anyone present who he could ask, then whichever direction his heart tells him to face, he should turn in that direction and the Salaah will be correct. If after completing the Salaah, he realised that the direction was wrong, his Salaah will be valid.

Misc. Masa' il

18. Allah Ta'ala says in the Qur-aan, "O you who believe, fulfil your promises." A Muslim should always honour his promise. It does not behove a Muslim to break his promise.
19. It is Mustahab for a person who made the intention of Qurbaani to refrain from clipping his nails and removing any hair from his body for the first ten days of Zul Hijjah. He should only remove it after completing his Qurbaani.
20. It is not permissible for women to adopt the dress and appearance of men, nor is it permissible for men to adopt the dress and appearance of women. In fact, Rasulullah (sallallahu alayhi wasallam) has cursed such men and women.
21. If a person walks in front of one performing Salaah, his Salaah will not break, but to do so intentionally is a sin.
22. No matter how freely water may be available, it should never ever be wasted. This is also a great bounty of Allah Ta'ala for which we should make Shukr.
23. Take care of your health. Good health is a great bounty of Allah Ta'ala. Ensure that we are neat all the time. Brush your teeth daily and have a bath regularly.
24. It is mentioned in a Hadith that the one who will practice on his knowledge, Allah Ta'ala will grant him the knowledge of that which he did not know.
25. It is permissible to perform Salaah in the Ka'bah. A person may face any direction he wants.
26. If a person keeps an animal as a pet (like birds, fish, etc.), he is responsible to take care of it.
27. The maximum period of breast-feeding is two years. It is haraam to breast-feed a child beyond two years.

Misc. Masa' il

28. It is Mustahab for men to visit the graveyard. In fact, Nabi (sallallahu alayhi wasallam) encouraged the men to visit the graveyard.
29. When in doubt regarding any issue, refer it to a senior Aalim.
30. Our body is an Amaanah (trust) from Allah Ta'ala. We should therefore try our best to look after it by eating healthy foods and protecting it from severe cold and heat.
31. A Muslim is never vulgar in his speech. He always speaks politely.
32. Tahneek refers to the Sunnah of softening a date by chewing it and placing a small amount in the new born baby's mouth. It is good to get a pious person to do this.
33. It is the duty of the parents to give their child a good Muslim name. Rasulullah (sallallahu alayhi wasallam) said, *"On the day of Qiyaamah you will be called by your names and your father's names, so give yourself a good name."*
34. Make a habit of spending some of the wealth that you earn, in the path of Allah Ta'ala as sadaqah (apart from zakaat).
35. To wear a wig or use hair extensions is permissible provided it is made of synthetic material. If it is made of human hair, it will not be permissible.
36. Don't ever feel shy to perform Salaah in a public place or in an aeroplane. This applies to women as well. Being shy is not a valid reason for making the Salaah Qadhaa.
37. A nazm, nasheed or naat which has a musical tune or resembles the tone of the singers is not permissible to listen to.

Misc. Masa'ih

Questions

1. When in doubt regarding any issue, what should we do? _

2. Instead of wishing for death, what should we ask Allah Ta'ala for? _____
3. Mention the names of 5 Nafil Salaah? _____

4. When faced with any difficulty, what should be done? ____

5. Must we read our Salaah when on the aeroplane? _____
6. What is Tahneek? _____

7. When performing Salaah in the Ka'bah, which direction should a person face? _____

8. Can we call our parents by their names? _____
9. When receiving any news, what should be done first? ____

