

AZHARUL FATAWA



By
Taajush Shari'ah, Hadrat Allama Mufti Mohammed
Akhtar Raza Khan Azhari Qaderi

AZHARI ISLAMIC MISSION
DURBAN, SOUTH AFRICA

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

AZHARUL FATAWA

(Combined Edition of Part I, II & III)
A FEW ENGLISH FATAWA

By

*Taajush Shari'ah, Hadrat Allama Mufti Mohammed
Akhtar Raza Khan Azhari Qaderi*

www.markazeahlesunnat.com

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INTRODUCTION

Nahmaduhu Wanusalli ala Rasoolihil Kareem

The *Habibi Darul Ifta* is once again honoured in presenting a combined edition of the esteemed Fatawa of Taajush Shariah, Hadrat Allama Mufti Mohammed Akhtar Raza Khan Azhari, which he has written in the English language. Some were written by Hadrat Taajush Shariah and given to us on request and some have been downloaded from his official web site www.markazeahlesunnat.com.

The Ifta has in the past published *Azharul Fatawa Part I* followed by *Azharul Fatawa Part II* and then *Azharul Fatawa III* by the learned Mufti and felt it an important necessity to compile all the Fatawa into a single edition. *Alhamdulillah*, this work has been done, and we are pleased to present to you a Combined Edition of Taajush Shariah's Fatawa.

You may also visit the web site www.taajushshariah.com, which has been set up from South Africa in which all of his Fatawa are available and easily accessible. The latest addition to this web site are Hadrat's speeches.

A special word of thanks and appreciation to *Hajee Abdullah Yusuf Razvi* who has sponsored the first edition of *Azharul Fatawa* and some later ones and to *Hajee Sayed Ghulam Husain Razvi* (of "Azhari Islamic Mission") who has also sponsored the publishing of a number of editions of *Azharul Fatawa* and has been financially maintaining the web site www.taajushshariah.com. The present edition has also been sponsored by him. Jazak-Allah also to *Hajee Asif Majeed Razvi* and *Hajee Shiraz Azhari Raza* (of Malawi) for their financial assistance. We make Du'a that these brothers and all those who have assisted in our work that Allah Ta'ala grants them strong faith, good health, long life, prosperity and to remain under the shadow of their Peer-o-Murshid. *Aameen*.

May Allah *Subhanahu Wa Ta'ala* through the Wasila of the Holy Prophet (*sallal laahu alaihi wasallam*) grant Taajush Shariah endless blessings of His Generous Bounty in keeping the Maslak-e-Ala Hazrat alive. *Aameen*.

Mufti Naseem Ashraf Habibi

1 Rabi-ul-Awwal 1426

11 April 2005

A BRIEF HISTORY OF TAAJUSH SHARIAH

Taajush Shariah Hadrat Allama Mufti Mohammad Akhtar Raza Khan Azhari Al-Qaderi, was born on the 25th of Safar in the year 1942 in Bareilly, the centre of spirituality and learning. He is the great grandson of A'la Hadrat, Ash Shah Imam Ahmed Raza Khan al-Qaderi (*rahmatullahi alaihi*), the Mujaddid (Reviver) of Islam in the 14th Century Hijri.

Under the tutorship of renowned Ulama, he attained the degree of Fazile Deeniyat (Graduation in Islamic Theology) from Darul Uloom Manzare Islam, Bareilly. After spending three years (1963 - 1966) at the Al Azhar University in Cairo, Egypt, Taajush Shariah post-graduated in Arabic Literature and Deeniyat with specialization in Ahadith (Prophetic Tradition) and Tafseer (Quranic Exegesis) with high distinctions.

On his return home, he joined Darul Uloom Manzare Islam, Bareilly Shareef. Thereafter, he left the Darul Uloom and established his own Darul-Ifta with the permission of his maternal grandfather, Ghawsul Waqt, Huzoor Mufti-e-Azam Hind, Mufti Muhammad Mustapha Raza Khan al-Qaderi (*rahmatullahi alaihi*). Huzoor Mufti-e-Azam Hind (*rahmatullahi alaihi*) declared him his Ja'Nashin (Successor) while this great Shaikh was present in this world.

Taajush Shariah inherited the skill in the issuing of Fatawa (Legal Islamic Rulings) and in tackling the complex issues relating to Fiqh (Islamic Jurisprudence) directly from Huzoor Mufti-e-Azam (*radi Allahu anhu*) who inherited it directly from Mujaddid-e-Deen-o-Millat, Ash Shah Imam Ahmed Raza Khan al-Qaderi (*rahmatullahi alaihi*).

He is not only the Successor and a trustworthy custodian of Fatawa writing of Mufti-e-Azam Hind (*rahmatullahi alaihi*), but also the custodian of learning, knowledge, sanctity and saintliness, of his grandfather, Hujjatul Islam, Moulana Muhammad Haamid Raza Khan al-Qaderi (*rahmatullahi alaihi*).

His father, Moulana Muhammad Ibrahim Raza Khan Jilani Mia (*rahmatullahi alaihi*), was a great Aalim and Saint. He was well-versed in the commentary of the Holy Qur'an and so was given the title of *Mufasssir-e-Azam-e-Hind* or Great Commentator of the Holy Qur'an in India.

Taajush Shariah, Mufti Akhtar Raza Khan Azhari, travels extensively propagating the Deen and is a world-renowned preacher and a spiritual

guide. Thousands of Muslims in India and abroad are attached with his Silsila. Taajush Shariah has many Khulafa. He was also given the title of *Taajush Shari'ah* by prominent Ulama.

Besides being a great Mufti and Aalim, he is also a poet and an academic writer. His Diwan (Collection of Poems) was published for the first time entitled *Naghmat-e-Akhtar*. Later, it was published entitled *Safina-e-Bakhshish* in 1986, a chrono-grammatical name, derived by Dr. Abdun Naim Azizi. *Safina-e-Bakhshish* includes Hadrat's Urdu and Arabic poems and was compiled and published by Dr. Abdun Naim Azizi. Many of his Naaths and Manqabats have not been published as yet.

Amongst his academic works, a few are as follows:

- (1) *Taswiron Ka Hukm*,
 - (2) *T.V. aur Video ka Operation*,
 - (3) *Difae Kanzul Imaan*,
 - (4) *Sharhe-Hadise Niyat*,
 - (5) *Al-Haqqul Mobeen (Arabic)*,
 - (6) *Difa Kanzul Imaan Part I & II*
 - (7) *Mer-atun-Najdi 'ah (Arabic)*
 - (8) *Hazrat Ibrahim ke Waalid Tariq ya Azar*, etc.
- Many new books have also been written recently.

His Darul-Ifta is now the central Darul Ifta of not only Bareilly Shareef, but of the Sunni world and he has continued the prestige of Fatawa writing of his grand-father and great grand-father. To date, he has written more than 5 000 Fatawa.

Besides being well-versed in Arabic, Persian, and Urdu he has also a good knowledge of English. He has written many Fatawa in the English Language. The original book, *Few English Fatawa*, was first published by Edara Sunni Duniya, 82 Saudagran, Bareilly Shareef by Taajush Shariah.

Allama Mufti Naseem Ashraf Habibi, of Habibi Darul Ifta, included a few more unpublished Fatawas, which was also written or orally dictated in English by Hadrat Sahib. He named this new and updated edition as *Azharul Fatawa*. Thus, *Azharul Fatawa* was published in South Africa in November 1998. It was distributed throughout the world. Readers will observe that a number of Fatawa presented here in this book have been from South Africa.

During the course of time, a few more of Taajush Shariah's Fatawas with

questions posed from Harare, United Kingdom and from South Africa had been collected and the most learned Allama Mufti Naseem Ashraf Habibi decided to publish them in *Azharul Fatawa Part II*. We owe much gratitude for Allama Mufti Naseem Ashraf Habibi for taking on this task and keeping the Muslim abreast with the latest developments in Islamic issues.

With the success of *Azharul Fatawa Part II*, more Fatawa of Hadrat Sahib was found on the Internet, therefater resulting in the publication of *Azharul Fatawa Part III*.

We appeal to the Ulama and Muslims throughout the world to kindly contact us should they have in their possession any of Taajush Shariah's Fatawa in the English language so that we may update the present edition. Insha-Allah.

May Almighty Allah keep Taajush Shariah, Hazrat Allama Mufti Mohammad Akhtar Raza Khan Azhari firm on Maslak-e-A'la Hazrat and serve as a beacon of guidance. May He grant his Eminence good health and long life. We hope and pray that this book will be well received by the Muslim public. *Aameen*.

Mahomed Yunus Abdul Karrim



A CRITICAL APPRECIATION

This Kitaab named *Azharul Fatawa* is a collection of Shamsul Ulama, Hazrat Allama Mufti Mohammed Akhtar Raza Khan Azhari's English Fatawa. Although most of the Fatawa were issued in South Africa, the type of questions that were submitted to him are the type that commonly emerges amongst Muslim communities living in Western countries, and therefore, they are useful to these communities.

Few people are aware of Allama Sahib's competency in the English language. It is interesting to note that the entire Kitaab is a compilation of questions that were submitted to him through the English medium, and the answers which were recorded here verbatim are those that were dictated by Allama Sahib in the English language.

I have had the privilege of accompanying him in his tour of the East African countries, and I had witnessed first hand that whenever Allama Sahib was questioned about any Mas'alah through the medium of the English language, he replied in superb English with clarity and precision. It is regrettable that no record was kept of all the verbal directives and Fatawa issued by Allama Sahib in English on his tour as they exceed in number when compared with his written Fatawa.

Hazrat Allama Sahib's depth of knowledge of Fiqh is not unknown to the learned in this field. With the help of Almighty Allah, he truly is the inheritor of the traits of A'la Hazrat (*radi Allahu anhu*) in the field of issuing Fatawa. Just as Bareilly in the time of A'la Hazrat (*radi Allahu anhu*) enjoyed the privilege of being a superior centre for the issuing of Fatawa, today Allama Sahib's personality enjoys a similar privilege. After the passing away of Huzoor Mufti Azam Hind (*radi Allahu anhu*), Allama Sahib not only assumed the responsibility of the Darul Ifta, but he bestowed it with the dignity which created absolute confidence and respect in the minds of even the most learned in the field.

Allama Sahib's sagacity and retentive memory are legendary. He has been known to dictate Fatawa in such a manner that he quotes from memory the original text from Arabic reference works like a Hafizul Quran reciting the Quran. A unique aspect of the mode of expression of his Fatawa is the intense care that he takes in using the appropriate terms to maintain conciseness and clarity. Whilst adopting the style of A'la Hazrat (*radi Allahu anhu*) in his Urdu Fatawa, even those well-versed in English concede that his English

Fatawa contain the same degree of concision and clarity.

My personal experiences with Allama Sahib were such that I had questioned him on certain Masaa'il and he immediately issued answers with references from the authentic Kitaabs of Fiqh. On a certain specific occasion, I had forgotten the reference which he had given in his verbal answer, so I telephoned him a few months later to enquire about the references. He immediately quoted from memory all the references in the original Arabic.

In the field of issuing Fatawa, Allama Sahib has established a niche for himself by displaying the unusual qualities of possessing a highly retentive memory of the reference works on Fiqh; an incisive approach to the question; and applying conciseness, clarity and sagacity in producing the answers.

With regard to the Mas'alah pertaining to the excess payment of profit granted by the Banks to Muslims (which is erroneously called "Interest" in a Darul Harb), the English translation of Allama Sahib's reference to the famous Hanafiya Kitaab known as *Hedaya* compares more than favourably with the Orientalist Charles Hamilton's translation of *Hedaya* in the view of the learned Aalims.

The first collection has been widely accepted and acclaimed, with the help of Almighty Allah. This has been prepared especially for the English-speaking Muslims who find the issues addressed here new and interesting in the context of their modern lifestyle. After reading the Mas'ala on the use of the loudspeaker in Namaaz, a Muslim remarked that this issue clarifies the position of the Shari'at when it interfaces with science.

Those Islamic issues which confront most modern-day Muslims living in Western countries, and which until recently were neither readily accepted, nor practiced by them, are now being addressed and presented by Hazrat Allama Sahib in a manner which appeals to their sense of logic. The positive outcome of these Fatawas has initiated a new wave of reverts to the true principles of Islam.

Muslims involved in the propagation of Islam have found Allama Sahib's presentation of day-to-day issues extremely useful in Dawah work. There is a great necessity to fill in the vacuum that exists in explaining the Masaa'il of Fiqh in a detailed yet understanding manner to the English-speaking Muslims living in Western countries. Hazrat Allama Sahib's efforts in

Azharul Fatawa attempts to fill this vacuum. Hazrat Allama Sahib's depth of knowledge in Fiqh combined with a unique command of the English language has established for him a position whereby people from Europe, America and Africa turn to him for directives and guidance on major current-day Islamic issues.

As opposed to questions submitted to him by fax and post, the questions presented to him over the phone exceed in number. Hazrat Allama Sahib, without hesitation, provides answers from a highly retentive memory in a style reminiscent of A'la Hazrat (*radi Allahu anhu*). It is a pity that the multitude of questions posed to him over the phone and the relative answers have not been recorded.

Bareilly has gained the distinction of being the centre for the issue of Fatawa to the Sunni Muslims throughout the world, due to the exceptionally high standards set by Imam Ahmed Raza at the Darul Ifta. Today, Muslims all over the world still turn to the Darul Ifta at Bareilly with the same respect, due to the presence of a personality like Allama Azhari Sahib.

May the Almighty Allah grant the learned Allama Azhari Sahib the strength and well-being to continue to keep the fountain of A'la Hazrat's Islamic research flowing so that the future of our children becomes saturated with the light of this knowledge to keep us all on the right path. Aameen.

Mufti Mohammed Naseem Ashraf Habibi

Habibi Darul Ifta

Durban

South Africa



عکس سند فراغت جامعہ ازہر مصر
حضرت مولانا مفتی محمد اختر رضا خاں ازہری مدظلہ العالی

۱۳۸۵ھ



بسم الله الرحمن الرحيم

محمد رسول اللہ ﷺ



شهادة

شہد القیام السید ابو حسن رضا خاں صاحب
لاحقہ عالیہ مدرسہ اسلامیہ دارالعلوم
و مجتہدہ (۱۳۸۵ھ) سنیہ حسنہ کی طرف سے

و انھوں نے یہ شہادہ بناء علی طلبہ لقدمہا الی
حررت بدون مسئولیۃ الحكومة لدى ای انسان لما معلق علیہا ورد ہا
سوی حقوق القلم

عبد اللہ
مفتی

محمد رضا خاں
۱۳۸۵ھ



۱۳۸۵ھ

BIRTH CONTROL

The following questions, hereunder, were posed by **Mahomed Yunus Abdul Karrim, Durban, South Africa** to Hazrat Allama Mufti Mohammad Akhtar Raza Khan Qadri Azhari on the issue of Birth Control. The Fatwa was given orally by Hazrat and recorded by Moulana Nassir Khan on paper at the Raza Academy, Durban, South Africa. It was during the year 1991.

QUESTION:

1. *Is the permanent method (of birth control) permissible or not?*
2. *The tablets and injections prevent ovulation. It prevents the eggs from being formed in the ovary of the female. Are these methods (of birth control) permissible or not?*
3. *The loop method allows for ovulation and fertilisation. It allows the eggs being formed in the ovary and joining with the male sperms. It may work by preventing implantation of the fertilised egg. The time taken till implantation is approximately seven days. Is this method (of birth control) permissible or not?*
4. *When does a Muslim consider that there is life? Is it during fertilisation or after? Is it after implantation?*

ANSWER (QUESTION 1):

Absolutely not. Simply because the Shari'at does not give permission to women to have birth control of a permanent nature. Almighty Allah does not grant permission that one should change the objective or the role of any creation. Almighty Allah states in the Holy Quran:

وَلَا تُؤْمِنُوا بِهِمْ فَلْيُغَيِّرَنَّ خَلْقَ اللَّهِ

(Sura Nisa: Verse 119)

We should also understand that to change the nature of purpose or role in any creation is not permitted in Islam. We should also remember that the institution of Nikah is for the purpose of increasing mankind. Almighty Allah states:

وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً

(Sura Nisa: Verse 1)

So, therefore, this method of permanent contraception is nothing else but the changing of human creation.

We should take note that this type of operation also requires that the female becomes naked in front of another person, which is in itself Haraam (prohibited). *I have also written a complete treatise on this subject of birth control and its Islamic status, which is also available.*

ANSWER (QUESTION 2):

As to the question of using tablets and injections, to use them for a short period, for instance, if after one child is born, another is born, and the mother would find it difficult to take care of the child, or in feeding (the child), or if she is too weak, then in these circumstances, the tablet or injection can be used.

However, if one resorts to tablets and injections simply with this intention that one would not be able to feed the child, this thought is not permissible and shows that the person has no trust in Allah. Almighty Allah says:

وَلَا تَقْتُلُوا أَوْلَادَكُمْ مِمَّنْ إِمْلَاقٍ ط نَحْنُ نَرْزُقُكُمْ وَإِيَّاهُمْ ؕ

(Sura An'aam: Verse 151)

Almighty Allah also states:

وَلَا تَقْتُلُوا أَوْلَادَكُمْ خَشْيَةَ إِمْلَاقٍ ط نَحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ ط

(Sura Bani Israel: Verse 31)

From this it is proven that when a child is born, the sustenance for that child is already allocated.

Therefore, finally, we state that if one uses contraceptives with the fear of feeding one's child, then this is not permissible.

ANSWER (QUESTION 3):

As far as the third method is concerned, this also seems to be not permissible

because when the loop is inserted, then the woman will either be treated by a male or a female and we have already stated that to become naked in front of another person is not permissible.

Another evil of this method is that only after fertilisation (which is the beginning of birth) does birth control take place and this is not permissible. One should refrain from this and only use condoms and certain injections.

ANSWER (QUESTION 4):

As to the question of life (Rooh), this only comes to the child after 120 days, which is four months.

Mufti Mohammad Akhtar Raza Khan Qadiri Azhari

Footnote: In the dire circumstances of absolute necessity whereby the patient has to be treated by a male or female doctor, the part under examination must be exposed for only a short period and quickly covered.

BLOOD DONATION & TRANSFUSION AND ORGAN TRANSPLANT

The following questions, hereunder, were posed by **Moulana Nassir Khan Al-Qaderi, Durban, South Africa** to Hazrat Allama Mufti Mohammad Akhtar Raza Khan Qadri Azhari. The Fatwa was given orally by Hazrat and recorded by Moulana Nassir Khan on paper at the Raza Academy, Durban, South Africa. It was during the year 1991.

QUESTION:

1. *Can a Muslim donate blood?*
2. *Is blood transfusion permissible or not?*
3. *Is organ transplant permissible or not?*

THE ANSWER:

All three are prohibited. One cannot donate blood and organs because these are the Amaanah of Allah, therefore it is not permissible to donate any part of one's body or (donate) the blood. Even if one says that by transfusion and by transplant that one can save a life, but even so, these actions would not be permissible for Almighty Allah says:

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ
مِّنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِّمَّنْ خَلَقْنَا تَفْضِيلًا ۝

(Sura Bani Israel: Verse 70)

This fazilat proves beyond a shadow of doubt that all the parts of the body as such is sacred, and within the concept of being sacred, one is not permitted to use any part of the human body as one uses parts of the animal body. It is also accepted that the human being and every part of the human body is sacred.

It is because of this that, according to the Hadith Shareef, Almighty Allah's Holy Prophet (sallal laahu alaihi wasallam) has cursed that woman who "joins her hair with another's hair and takes another's hair and joins it with hers." This proves beyond a shadow of doubt that as the hair of a woman cannot be used, so will be the other parts of the human body again proving the sanctity of the human body and the utilisation of which is prohibited. From

this Hadith we clearly see that if one was permitted to use another persons human parts, then Almighty Allah would not have cursed the user, but in this Hadith one sees that the user of the human part is cursed.

As to the question of necessity, Shari'ah has given this a status as the following Hadith clearly states *"necessity makes that which is Haraam as permissible."* However, this circumstance is only applicable when there is no circumstances that contradict this.

There is a Hadith which states that, *"Do not injure and do not be open to injury."* Aside from being a Law of Shari'ah, this law is also one of the basic laws of Islamic principles of Fiqh. The basic meaning of this Hadith is that it is Haraam to injure and also Haraam to be injured.

In the issue of transplant and transfusion, in this instance, the above Hadith of causing injury will contradict, for a person who involves himself in transfusion and transplant is harming himself as well as others. An example of this is found in *"Shaami"* where a person happily offers a piece of his own flesh to another. But this would not be permitted because he will be causing harm to himself.

Mufti Mohammad Akhtar Raza Khan Qadiri Azhari

Footnote: A magazine, "The Health Summary", Vol. XV No. 3, March 1998, published in London, explaining the dangers of blood transfusion, on page 9, says: *"In the year 1997, 94 hospitals reported a total of 169 instances of 'hazard', almost half being where patients had received a blood component intended for another patient. These 63 cases revealed 142 procedural failures, resulting in one death and nine cases of major morbidity. The participating hospitals reported that there were 12 deaths directly attributed to all complications of blood transfusion."*

BEARD - TARAWEEH

Honourable Mufti Saheb! Kindly answer the following questions. May Allah reward you.

Question 1: *What is the importance of the beard in the light of Islamic Shari'ah?*

Question 2: *How is the Imaamat of a person who shaves his beard?*

Question 3: *How is the Imaamat of those Huffaaz who grow their beards only in Ramadaan to lead the Taraweeh prayers and then shave such beards after Ramadaan, when present in the congregation are people who are abiding in Shari'ah and would come within the ambit of piety?*

Question 4: *Some people are of the opinion that Taraweeh is a Sunnat Salaah and any one who regularly shaves his beard (except in Ramadaan) can lead this Salaah. How correct is this thought or Fatwa (Ruling) in the light of Islamic Shari'ah bearing in mind the availability of Shari'ah abiding Huffaaz to lead such Prayers?*

Note: *Such Huffaaz were made aware the previous year about the beard being an important Sunnat of our beloved Rasool (sallal laahu alaihi wasallam) and should, therefore, be an observer of this act of Sunnat at all times for the purpose of Imaamat. Despite having created the awareness, many such Huffaaz did not take heed or did not pay any importance to the Sunnat act of growing the beard. How then is the Imaamat by such Huffaaz?*

Haroon T.A.
Jamia Masjid
Laudium. Pretoria
South Africa

THE ANSWER

In answer to your questions, I have to say that:

Answer 1: The beard has a very great importance in the view of Islam as it is the symbol of Islam and it is a practice (Sunnah) of all the Messengers of Allah Ta'ala and is also the Sunnah of our Holy Prophet (sallal laahu alaihi wasallam).

Answer 2: It is totally prohibited and Makrooh Tahrimi (for a person who shaves his beard to be an Imaam). It is stated in "**Durre Mukhtaar**" as under:

يحرم على الرجل قطع لحيته

"It is prohibited for a person to cut his beard and make it less than One fist (in length)."

Also in "**Durre Mukhtar**" it is stated as:

والسنة فيها القبضة

"It is Sunnah to keep the beard one fist (in length)."

Therefore, he who shaves his beard, is justly declared sinful (Fasiq-e Moalin) and it is totally prohibited to offer the Imaamat to such a person.

Answer 3: As above (same as answer 2). Therefore, they have no legitimacy to lead the congregation in Taraweeh Prayer and their repentance is not acceptable in the sight of a Qaadi.

It has been stated in "**Alamgiri**":
 الفاسق اذا تاب لم تقبل توبته ما لم يمسح ومن يظهر عليه
 اثر التوبه والصحيح ان ذالك تفوض الى رأى القاضي

"If a sinful person makes Tauba, his repentance is not acceptable until the sign of repentance has appeared and the correct verdict is that the time (of repentance) is not specified, it is referred to the opinion of the Qaadi."

Answer 4: They are totally wrong. Therefore, they must refrain from this wrong tenet and they must repent.

Mufti Mohammad Akhtar Raza Khan Qadiri Azhari

Footnotes: The sign of repentance in this case refers to the immediate keeping of the beard after making Tauba and not removing the beard again or waiting to keep the beard after some time.

DARUL HARB

Question 1: *What is a "Darul Harb"?*

Question 2: *Is the Republic of South Africa a "Darul Harb"?*

7th Muharram 1412 A.H.

20 July 1991

Mr. Haroon Tar

Ladysmith

Natal

South Africa

THE ANSWER

Answer 1: "Darul Harb" is a non-Muslim country.

Answer 2: It is, therefore, true on the Republic of South Africa as it is a non-Muslim country from the very beginning. Hence, this technical term is applicable on every non-Muslim country as well as South Africa. It is historically proven that South Africa was never under the Islamic rule so the basic condition of it being a Darul Islam is not applicable. Hence, it is a Darul Harb and it is clear and needs no explanation.

If, for example, it was a Darul Islam long ago and afterwards the Islamic government came to an end and a non-Muslim government came into place and the non-Islamic ordinance was issued throughout the country so that no one could enjoy the previous peace and the country was adjoined with the non-Muslim countries in every respect. In such a case, too, it becomes a Darul Harb.

Following this is a categorical injunction from Islamic Jurisprudence.

The great Muslim theologians, Hazrat Allama Qaazi and Hazrat Ala'uddin Haskafi (*rahmatullah Ta'ala alaihim*) have stated in their works "**Tanweerul-Absar**" and "**Durre Mukhtar**", respectively that:-

لا تصير دار الاسلام دار حرب ألا بامور ثلاثة باجراء
احكام الشرك وبا اتصالها بدار الحرب بأن لا يبقى فيها
مسلم او ذمي آمن بالأمان الأول على نفسه

Suppose that South Africa is still Darul Islam. The very rule of your issue remains. As I have said before, (*refer to Fatwa on interest*) that the condition for a profit to be considered as interest lies when there is a dealing between a Muslim and a Zimmi Kaffir. On the other hand, if there is a dealing between a Muslim and a Harbi Kaffir, it would not be considered as interest, but as profit and it would be legal for a Muslim despite the fact that the dealing takes place in Darul Islam.

Mufti Mohammad Akhtar Raza Khan Qadiri Azhari

BANK INTEREST

Your holiness, Mufti Saheb. I request your honour to give the verdict on the following questions. May Allah Ta'ala reward you.

Question 1: *Is interest totally unlawful? On which condition is the profit considered as interest?*

Question 2: *May a Muslim take the profit on his deposited money in the banks and the post offices which they term as "interest" in countries such as India, Britain and South Africa, etc.*

THE ANSWER

Undoubtedly, Riba (interest) is totally unlawful according to Islamic Shari'ah.

When there is a dealing between a Muslim and a Muslim or a Muslim and a Zimmi Kaffir (a non-Muslim living in the safety of an Islamic state), the taking of the excess money is considered as interest and such a dealing will be unlawful. However, if this condition does not exist, this excess money will not be considered as interest and will be legitimate for a Muslim as it is unanimous that there is no interest applicable when there is dealing between a Muslim and a Harbi Kaafir (a non-Muslim who is not living in the safety of an Islamic State).

There is a Hadith in Muslim Shareef from the Holy Messenger (*sallal laahu alaihi wasallam*) which states that:

لا ربا بين المسلم والحربي في دار الحرب

"No Riba (interest) (exists) between a Muslim and a Harbi Kaafir in Darul Harb."

This Hadith bears testimony that the property of a Harbi Kaafir is lawful for the Muslim at all times provided that he (the Muslim) must not commit faithlessness in his dealing. Accordingly, the great theologian, his holiness Shah Burhanuddin (*alaihir rahma*) states in his distinguished work, "**Hedaya**", that:

لأن ما لهم في دارهم فبأي طريق أخذه المسلم
أخذ ما لا مباحا إذا لم يكن له عذر

"Though the Holy Quran has forbidden Riba, i.e. interest, yet this Holy Book of Allah makes the property of a Harbi Kaafir lawful for the Muslim."

The Quran states:

وَأَقْتُلُوهُمْ حَيْثُ ثَقِفْتُمُوهُمْ
فَكُلُوا مِمَّا غَنِمْتُمْ حَلَالًا طَيِّبًا الْآيَةُ

Likewise, there are so many verses giving evidence that the Shari'ah does not take a Harbi Kaafir in trust and so their property is permissible for the Muslim. Whoever, therefore, forbids the Muslim to receive such profits, deprives them of the benefit and causes the Harbi Kaafirs to take advantage, which is Haraam.

The Quran declares:

وَأَنَّمَا يُنَهِّكُمُ اللَّهُ عَنِ الَّذِينَ قَاتَلُوكُمْ فِي الدِّينِ

Answer 2: The excess money given by the banks and the post offices in the countries as mentioned, is legally for the Muslims, and is not (considered) as interest. It may be taken and used.

Allah knows better!

Mufti Mohammad Akhtar Raza Khan Qadiri Azhari

Footnote: In the famous authentic book of Hanafi Islamic Jurisprudence, "Hedaya", translated by Charles Hamilton, in Chapter 9 (Book of Sale), pg. 293, the Scholar, Allama Shah Burhanuddin (*alahir rahmah*) states: Usury cannot take place between a Mussulman and a hostile infidel in a hostile country. This is contrary to the

opinion of (Imam) Aboo Yoosuf and (Imam) Shafei, who conceive an analogy between the case in question and that of a protected alien within the Mussulman territory. The arguments of our four doctors upon this point are twofold. FIRST, the Prophet has said, *"There is no usury between a MUSSULMAN and a hostile infidel, in a foreign land."* - SECONDLY, the property of a hostile infidel being free to the MUSSULMANS, it follows that it is lawful to take it by whatever mode may be possible, provided there be no deceit used.

The additional amount that is given by the Bank is termed as "Interest." But, the Islamic concept of "Riba" is not applicable to the term "Interest" that is utilised by the Bank. According to the definition of Riba and with reference to the Hadith, "Interest" is not applicable when the dealing is between a Muslim and a Harbi Kaafir in Darul Harb. Muslims should erase the thought from their minds that this is "Riba."

In the light of this Ruling, to accept and utilise this amount is permissible. But if a person, out of his her own personal discretion, does not feel totally comfortable in using this money should then advance this money to any other Muslim or an organisation without making any intention of receiving Thawaab.

It is important that this amount not be left abandoned in Banks. Let this money be utilised for the welfare and benefit of the Muslim Ummah.

It is also noteworthy to mention that Muslims in India have requested the Ulama there to tackle the issue of "Interest" as Muslims left large amounts dormant in Banks and the Banks were in turn donating these large amounts to Christian organisations who were using this money to do missionary work, build Churches and Missionary Schools. The Ulema and Muslim Scholars researched this issue and arrived at the above solution.

THE RIGHTS OF BUILDING A MASJID

Muftiyane Deen
Darul Ifta

Assalamu Alaikum wa Rahmatullahi wa Barakaathu

What do the Ulama and Muftis have to say about this Mas'alah?

A plot (of land) which was given to Muslims by the government for a Mosque and madressa, on that plot do the Muslim residents of that area have rights to own and build a Mosque and Madressa, or those people who do not live there and have no connection there, do they have rights to own, build and control a Mosque and Madressa?

According to the Shari'ah, kindly give us the answer.

Jazakumullah Khairum
Was Salaam

Mr. Khasim Hassan

7 Poona Place
Merebank
Durban. 4052
KwaZulu Natal
South Africa

THE ANSWER

Only those people who are the residents of that locality have legitimacy to build the Mosque and the Madrasa on that plot which have been given to them by the government. Other people have no right to interfere in this matter.

Mufti Mohammad Akhtar Raza Khan Qadiri Azhari

CONDITIONS OF WALAYAT

Respected Mufti Saheb!

Kindly answer the following question in the light of Shari'ah. May Allah reward you!

Question 1: *There are two statements in connection with the Awliya (Saints) and Walayat (Saintliness) as:*

- (a) *"A person is not a perfect Wali (Saint) until he develops a faculty of "X-Ray" sight enabling him to actually see a female's genitals including the womb." (Najmur Rahman, pg. 104 - 106)*
- (b) *"The Awliya (Saints) are ever at the side of their disciples and are always present even when their disciple is engaged in sexual intercourse." (Malfoozat-e-A'la Hazrat, pg. 56)*

Question 2: *Few stanzas composed by a poet named Ayub Razvi create misunderstanding and seem to be clearly anti-Shari'ah. They are as follows. Kindly give a verdict.*

- (a) *"On the day of Judgement when there will be no shade.
Take us from the evil of Shaytaan during the agony of death.
Stimulate my belief, O Ahmed Raza!
Protect me in the grave, at Resurrection and on Doomsday.
Be for me a solver and remover of difficulties, O Ahmad Raza!
You are my Allah and I am asking from you;
I am yours and you are mine, O Ahmad Raza."
(Madaihe 'Ala Hazrat, pg. 47-8)*

- (b) *"The agony of Resurrection or Doomsday and Ayub Razvi
unto you;
You take me and save me, Oh Shah Ahmad Raza!"
(Baghe Fidous, pg. 14)*

- (c) *"The Angels question:
What do you have?
Do you have any good deeds?
What (more) is here, besides
Shah Ahmad Raza!"
(Madaihe 'Ala Hazrat, pg. 25)*

THE ANSWER

Answer 1 (a): The basic condition of Walayat, is the constant friendship to Allah through Taqwa, i.e. piety, which further means fear of and respect of Almighty Allah.

Almighty Allah declares:

ان اولياءه الا المتقون

Allah defines here that His favourite creation are the Awliya Allah who are the "the owners of piety." We can see, therefore, that the closeness to Allah does not depend on having the faculty of X-ray vision. However, Walayat does bring about the unveiling of things or X-ray vision to the great Awliya Allah (Saints). Therefore, it is nothing objectionable in the view of Islam if one has received (the power of) unveiling in the view of Islam as it has been proven by the Quran and the Ahadith. In short, I quote here a proof on the reality of unveiling of X-Ray vision.

The Holy Prophet (*sallal laahu alaihi wasallam*) says:

اتَّقُوا فِرَاسَةَ الْمُؤْمِنِ فَإِنَّهُ يَنْظُرُ بِنُورِ اللَّهِ

"Beware of the stare of the Mo'min because he sees with the light of Allah".

The erudite Scholar, Allama Manawi (*alaihir rahmah*), explaining this Hadith states: When the pious persons are diverted from human connection, they are adjoined with the superior assemblage (Angels); then they hear and see everything just like being present, whereupon it is evident that Almighty Allah has granted (this Bounty to) His favourites, which includes "unveiling so as to enable the Awliya to see the embryo in the womb."

'Ala Hazrat Fazile Barelvi (*alaihir rahma*) has proved this in his distinguished work, "Ad-Daulatul-Makkiyah", which states that Allah has given whom He loves the knowledge of the five entities (Uloom-e-Khamsa). They are:

1. When the Day of Justice will be,
2. What is in the womb,
3. What a man will earn tomorrow,

4. When and where will one die, and
5. When will it rain.

In this connection, 'Ala Hazrat (*alaihir rahma*) refers to a Hadith and records that Imam Khateeb (*alaihir rahma*) and Imam Abu Nuaim (*alaihir rahma*) in "Dalaa'il" narrates from Syedina Ibne Abbas (*radi Allahu anhu*).

Syedina Ibne Abbas (*radi Allahu anhu*) states that this Hadith was narrated from Ummul Fazl (*radi Allahu anha*). (She said): I passed by the Holy Prophet (*sallal laahu alaihi wasallam*). He said that surely she was pregnant and the embryo in her womb was a male child. He (*sallal laahu Ta'ala alaihi wasallam*) further said that after completing the delivery she must bring the child to him. She asked as to how she was pregnant while the Quraish had taken oath not to have sexual relationship with their wives. The Prophet (*sallal laahu Ta'ala alaihi wasallam*) replied that whatever he said was fact.

As the Holy Prophet (*sallal laahu Ta'ala alaihi wasallam*) had predicted, Ummul Fazl bore a male child and visited him along with the new-born child. The Holy Prophet (*sallal laahu Ta'ala alaihi wasallam*) recited Azaan in his right ear and Iqamat in his left ear, put some of his holy saliva in his mouth and named the child Abdullah and then declared to his mother, "Take away *Adul Khulafa* (the Father of the Caliphs)." Ummul Fazl said that she intimated Hazrat Abbas (*radi Allahu anhu*) while he grew young. Hazrat Abbas (*radi Allahu anhu*) attended the Holy Prophet and confirmed this Hadith.

'Ala Hazrat (*alaihir rahma*) then states that the Holy Prophet knew whatever was there in the womb and knew much more than this too. He knew the gender of the child and even had the detailed knowledge of the child's offsprings generation after generation and, therefore, he (*sallal laahu Ta'ala alaihi wasallam*) said to "take away the Father of the Caliphs." He also declared that from the same child would be "(Imam) Saffah" and "(Imam) Mehdi."

Hazrat Imam Maalik (*alaihir rahma*) is reported to have quoted Hazrat Ayesha Siddiqa (*radi Allahu anha*) that Hazrat Abu Bakr Siddique (*radi Allahu anhu*) endowed her twenty Wasuq of the land of fresh dates. When his time to depart from this world came, he said her, "I swear by Allah that neither any one's self-sufficiency is dearer to me than your's nor anyone's poverty is more troublesome to me than yours. I have given you twenty Wasuq from the land of dates. If you had possessed it after plucking the dates from

the trees, it would be yours. But, now it is the property of the inheritors and they are your two brothers and two sisters. You divide it among yourselves according to Quranic Law."

Upon hearing this she replied, *"O Father! I will do as you say but I have only one sister named Asma, who is the other one?"*

Hazrat Abu Bakr (*radi Allahu Ta'ala anhu*) replied: *"The other one is in the womb of Binte Kharijah. I am certain that it will be a female child."*

Ibne Saad has written in **"Tabaqat"** that Hazrat Abu Bakr Siddique (*radi Allahu anhu*) said that, *"The inspiration of the embryo of Bint-e-Kharijah occurred to me. It is certainly a female child. Behave well with her."*

After this, Hazrat Umme Kulsum (*radi Allahu anha*) was born. It is proved by many Ahadith that an Angel is fixed on the womb and makes the shape of the embryo. Some, he makes the male child, some he makes the female, some he makes beautiful and some ugly, he writes the child's age and livelihood and even the fortune whether good or bad. The Angel, therefore, knows what is in the womb and what will happen to it? Allah knows best.

This is the translation of the reference given by 'Ala Hazrat (*alaihir rahma*). I am enclosing herewith the copy of his reference in the Arabic Language from his book, **"Ad-Daulatul-Makkiyah."**

Answer 1 (b): What has been referred from the **"Al Malfooz"** of 'Ala Hazrat about the presence of a Wali at a meeting place. In this connection, I would like to clear that 'Ala Hazrat (*alaihir rahma*) has quoted it from **"Ibreez"**, the work of Allama Siljmasi, since it was the presence of a great Wali, Hazrat Abdul Aziz Dabbagh (*alaihir rahma*), to watch his disciple. It is proved by Islamic Faith that one's soul can be present anywhere and at many places at a time.

Wahabis authorised personality named Ibne Qayyum has himself admitted in his work, **"Kitaab-ur Rooh"** (on the presence of souls). We suggest that those who wish to confirm this must go through this book.

Answer 2: The poet, Ayub Razvi, in the quoted poem prays to Allah to grant him the company of Imam Ahmad Raza (*alaihir rahma*) at the time of agony of death, in the grave, on Resurrection and the Day of Judgement. The poet is making 'Ala Hazrat the Wasila (mediation) as he is a Saint (Wali), i.e. the

favourite of Allah. Through the mediation of the intercession of the Holy Prophet (*sallal laahu Ta'ala alaihi wasallam*) every Saint and every spiritual teacher (Peer) will intercede for the Muslims and the disciples. So the poet says that his peer, 'Ala Hazrat, is his solver and remover of difficulties. He is not saying that 'Ala Hazrat (*alaihir rahma*) is his Allah, but says like this that, "O Ahmad Raza, May my and your Allah produce any one like you among your descendants." The poet is really praying to Allah as in the first line:

"This is my Du'a (Prayer), my Du'a, my Du'a!"

Here the Wahabis have produced fallacy in explaining the poem. The original stanza is being quoted here.

یہ دعا ہے 'یہ دعا ہے' یہ دعا احمد رضا
تیرا اور میرا خدا احمد رضا
تیری نسل پاک سے پیدا کرے کوئی دوسرا احمد رضا

Like the belief of every Muslim, the poet also believes that Allah is Independent, and the whole universe is dependant and needy of Allah. The help from a dependant is really help from Allah. To beg help of the slave from another slave is not Polytheism, otherwise none will escape from it. Wahabis have no proof in connection with the prohibition of begging help from the favourites of Allah or making them the mediation. Allah says:

وَابْتَغُوا إِلَيْهِ الْوَسِيلَةَ

"Seek the mediation to approach Allah."

The practice of using a Wasila has been since the period of the Companions of the Holy Prophet (*sallal laahu Ta'ala alaihi wasallam*).

Once the area was struck with feminine. The Companions of the Holy Prophet (*sallal laahu Ta'ala alaihi wasallam*) requested him (*sallal laahu Ta'ala alaihi wasallam*) to pray for rain. He (*sallal laahu Ta'ala alaihi wasallam*) prayed and it began to rain. The same happened in the period of the second Caliph, Hazrat Umar Farooque (*radi Allahu Ta'ala anhu*). He used Hazrat Abbas' white hair and prayed for rain. This proves that mediation is

permissible.

On that occasion, a nephew of Hazrat Abbas (*radi Allahu Ta'ala anhu*) recited his own poetic work,

بعمي سقى الله الحجاز وأهله - عشية يستسقى لبيشه عمر

"By the virtue of my uncle, Allah enriched Hijaz and it's people."

On that evening, Hazrat Umar (*radi Allahu Ta'ala anhu*) prayed for rain with the Wasila of Hazrat Abbas' white hair.

These two facts proves Wasila (mediation), and Wasila is proved by the Holy Quran and Sunnah. Since Wahabis do not believe in Wasila, they reject the unanimity on the correctness of seeking Wasila and refuse Allah's Order. They term the Ahle Sunnat as Polytheist and such Muslims as Kaafirs, while in reality they place the verdict of Kufr (Infidelity) and Shirk (Polytheism) upon Allah and His Prophet (*sallal laahu Ta'ala alaihi wasallam*).

Mufti Mohammad Akhtar Raza Khan Qadiri Azhari

Footnote: X-ray vision here means to perceive or comprehend the condition of that which is not visible to the naked eye of an ordinary person. It does not refer to the X-ray for the purposes of seeking pleasure. Allah forbid!

The word utilised in the stanza by Ayub Razvi was "Khuda" and not "Allah." A perusal of various Urdu dictionaries will reveal that the word "Khuda" also means "leader, owner, master" and not necessarily meaning "Allah". When the word "Khuda" is used in the following manner, that is, "Khuda-e-Majazi" it would mean "Husband." (Ref: Twentieth Century Urdu/English Dictionary)

It is interesting to note that the Deobandi, Molvi Mahmoodul Hassan, in praise of his master, Rasheed Ahmed Gangohi, writes: "*Khuda unka Murabbi woh Murabbi te Khalaa'iq ke*" or "Allah is his Lord and he (Rasheed Ahmed) is the lord of the entire universe." Is he not making Rasheed Ahmed equal to Allah? Allah forbid! Why was the same word "murabbi" for Rasheed Ahmed which he used for Allah? Is this not Shirk?

قال (حدثني) امرأته فقلت قال مررت بالنبى صلى الله عليه
 وسلم فقال أنك حامل بغير علم فاداولدته فأتيت به قالت
 يا رسول الله انى لك ذلك وقد تخالفت قرينى ان لا يأتوا النسل
 قال فخر ما أخبرتك قالت فلما ولدته آتيتها فاذن في
 اذنه اثني عشر رقعة في اليسار واليمين من ريقه وسماه
 عبد الله وقال انهمى بالي الخلفاء فخيرت انعباس فقام
 فذكر له فقال هو ما اخبرتها هذا انما الخلفاء حتى
 يكون منهم السفاح حتى يكون منهم المفسد اقول
 فقد علم الله تعالى عليه وسلم ما في الرحم و
 علم ما هو فوق ذلك بكثير علم ما في ملب ما في
 الرحم وعلم ما في ملب من في ملب ما في الرحم وعلم ما في ملب
 من في ملب من في ملب ما في الرحم الى عدة مرات نازلة لقوله
 من الله تعالى عليه وسلم اذهبى بالي الخلفاء وقوله منهم السفاح
 ومنهم المفسد وروى الامام مالك عالم المدينة عن ام المؤمنين
 الصديقة بنتى رسول الله تعالى عنها قالت ان ابا بكر رضي الله تعالى عنه
 نكحها بعد عشرين وسقاه من الله بالغباء فلما حضرته الوفاة
 قال يا بنيتي والله ما من الناس احد احب الى غفوتك ولا
 اغر على فقتر بعد منى منك واتى كنت لحلتك
 بعد اربعين وسقاه منى كنت بعد دته واحرزته
 بعد اربعين وسقاه منى ما رواه روى وانما ذراخاك
 واخاك فاقسوس على كتاب الله فقالت يا ابي
 لو كان كذا وكذا التركسته انما هي اسماء فمن الاخرى
 يقال ذوقين بنت خارجة اراها جارية ولابن سعد
 في الطبقات قال رضى الله تعالى عنه ذات بطن ابنة
 خارجة قد اتى في رضى انها جارية فاستوى بها
 خيرا فويعت ام كلثوم وقد صح وثبت في احاديث
 كثيرة ان بالرحم ملود ترك لا يصدر الولد

JUMMAH IN THE PRISON

Respected Mufti
As Salaamu Alaikum

I have been a qualified Molvi for the past twenty years. I am working as an Imam (Pesh Imam) in a small town in Pennsylvania, U.S.A. I am the only Imam in this area within a 50 mile radius. Recently, I started working in a Government Prison (Jail). There are about 50 to 150 Muslim prisoners in each prison. I conduct Jummah prayers there also.

The question raised was whether I am allowed to conduct Jummah prayer in two places in the same day. Which Madhab allows it and which does not allow it?

Please write to us as soon as possible.

Was Salaam

K. Sayed Mohamed Jamali
1043 E Norwegian - S.I.
Pottsville. PA (790)
Pennsylvania (1790)
U.S.A.
22 Rabbi-ul Akhir 1414

THE ANSWER

There is no legitimacy to lead Jummah prayer anywhere after you have performed it in one place. It is not allowed to perform Jummah prayer in the Jail at any cost. Prisoners should recite Zuhar Namaaz individually.

Wallahu Ta'ala Aalam (Allah Knows best).

Mufti Mohammad Akhtar Raza Khan Qadiri Azhari

THE PROFIT OBTAINED FROM AN ISLAMIC BANK

15 Safar 1419

9 June 1998

I have been asked to orally explain what is the rule of Shari'ah in case an Islamic Bank pays a specific amount of profit against an amount deposited in that Bank.

I have to say in this issue that it seems to be illegitimate, apparently, as it is a profit, which has been obtained against no substitution, and such a profit is unlawful if the dealing takes place between two Muslims.

However, if we investigate the matter carefully, we will assert categorically, that this profit is legitimate for a Muslim. It is very clear that the Bank never retains the deposited money, but it invests this money in business, so that it grows and this increasing money must be added to the capital deposit. Hence, we can consider this money as a part of the money belonging to the depositor.

It is, therefore, legitimate to accept such a profit from an Islamic Bank as the depositor has invested the money in business, knowingly and willingly,, this way of business is called "Mudaraba" according to Shari'ah. It is legitimate provided that the profit is not specified. There is no objection if the percentage is specified.

Mufti Mohammad Akhtar Raza Khan Qadiri Azhari
South Africa

CIRCUMCISION OF WOMEN

The following question was posed to Mufti Naseem Ashraf Habibi (South Africa) who in turned requested Allama Mufti Mohammad Akhtar Raza Azhari to provide the answer. Hazrat was at the moment in Johannesburg, South Africa.

QUESTION:

What is the Islamic ruling concerning the following question: Is the circumcision of women permissible in Islam?

Mahomed Yunus Abdul Karrim
Durban. South Africa

THE ANSWER

The circumcision of women is not Sunnah and neither has it been an emphasized command in Shari'at. It is a tradition in certain of the Arab countries.

It is stated in the Hadith Shareef that:

الختان سنة للرجال ومكرمة للنساء

"Circumcision is Sunnah for men, and for women it is only better."

It is in "Dur're Mukhtar" that:

ختان المرأة ليس سنة بل مكرمة للرجال وقيل سنة

"The circumcision of women is not Sunnah, but for the sake of the men, it is something which is better and this statement That it is Sunnah is Da'eef (weak)."

Where the tradition of circumcision for women is not present, it should not be started since this will cause people to laugh at and make a mockery of Shari'at. For further reference, refer to "Fatawa Afriqa" of A'la Hazrat (radi Allahu anhu). Almighty Allah knows best.

Mufti Mohammad Akhtar Raza Khan Qadiri Azhari

WEARING OF THE TIE

QUESTION:

What do the theologians say about fastening the Tie? What was the Judicial Verdict of A'la Hazrat and Hazrat Mufti-e-Azam (radi Allahu anhum) on this issue? Please clarify.

Mohammed Shahabuddin Razvi
Bareilly Shareef
India

ANSWER:

Hazrat Mufti-e-Azam-e-Hind (radi Allahu anhu) used to say, "*Tie is a refutation of the Quran.*"

The Holy Qurān states that the Jews did not kill Hazrat 'Isa (alaihis salaam) and that they did not crucify him, but that Allah made for them one like him. Certainly, they never killed him. Therefore, Christians make the sign of the Cross in remembrance of his (Hazrat 'Isa alaihis salaam's) "crucifixion" and keep the knot (i.e. the Tie around the necks). The persons sitting in the presence of Hazrat Mufti-e-Azam-e-Hind (radi Allahu anhu) always observed him expressing annoyance when he saw anybody wearing a Tie around his neck. Hazrat Mufti-e-Azam Hind (radi Allahu anhu) used to make that person take off his Tie. Further, he used to call it the signs of the Christians. The verdict of Hazrat Mufti-e-Azam Hind (radi Allahu anhu) is re-enforced with some reasons:

(1) I would like, relying on the Help of Allah, to lay the basis of this issue on the universally admitted point, that is, that the Cross is unanimously considered by all Muslims and non-Muslims as the sign of the Christians. The Cross is applicable to the structure on which, according to Christian belief, Hazrat 'Isa (alaihis salaam) was crucified, as well as to the well-known sign (i.e. the Cross). Accordingly, it is stated in the famous English Dictionary, "*Practical Advanced Twentieth Century Dictionary*", under the word "**CROSS**", as below:



"Stake with a traverse bar used for crucifixion; the Cross, wooden structure on which, according to the Christian religion's belief, Jesus was crucified; Anything shaped like X or +; the sign of the Cross."

(2) This sign, according to Christian belief, is considered to be the reason of protection from misfortune and is also regarded as a means of prosperity. Accordingly, the same Dictionary, quoted above, says under the **"CROSS"** as follows: *"Cross (oneself); make the sign of the Cross with the hand as a religious act among Christians."*

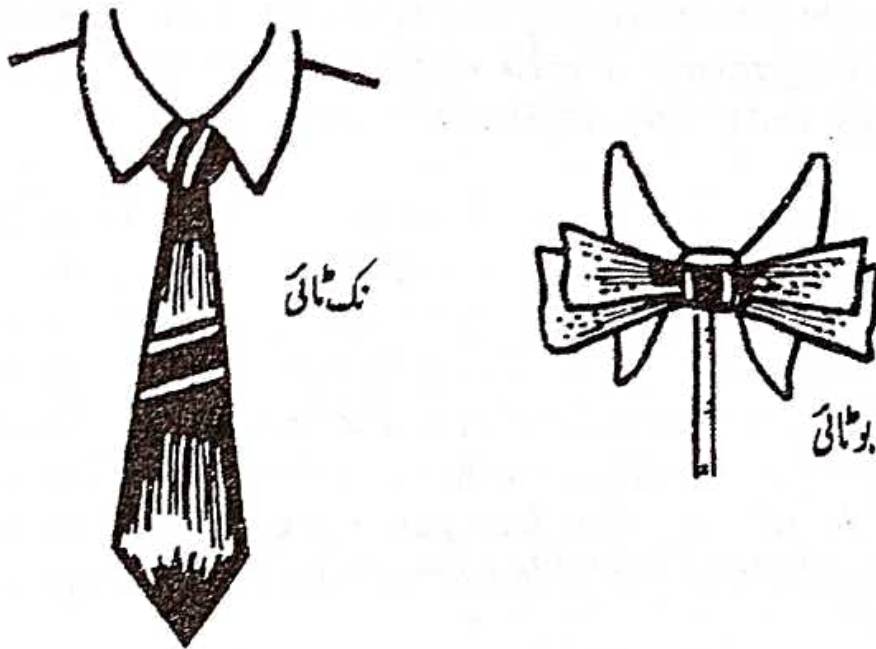
(3) If you see a Tie in the light of the above mentioned facts, it will be clearly evident that the Tie resembles the structure of crucifixion, especially the straight and wide strip which is more similar to the Cross plank. This part is also sacred and respectable in the beliefs of Christians as well as the full Cross. It is also clear by the above-mentioned facts that they (the Christians) consider making the sign of the Cross even with their hands in the air as a means of prosperity. Hence, why would they not consider to keep the sign of the full Cross or part of the Cross as a reason of grace! Certainly, according to their tenet, this is a reason of compassion; this is the Tie, which Christians use to tie around their necks.

(4) If you attentively notice a Tie fastened around the neck of a man, it will come to light that the Tie lying on the chest between the two shoulders is representing the entire Cross. But, by a little deliberation, it is also clear that the whole Cross is existent on the Tie.

This is because when the knot is made after having put the strip around the neck, two strips cross each other at the same time (point) on that knot and these two strips lie on the collar-bone making this form. It shows the Cross structure and the stranglehold apparently. Now, if you put a pin to it, then another Cross is formed. This is clear by the given form. So the Tie represents the Cross by some means and brings the remembrance of the crucifixion to the Christians. In short, the Tie is quite a Cross including the knot, which is the redundant thing.

In the same manner, you compare the bow-tie with a neck-tie. The form of the Cross is existing, meanwhile, the bow-tie is tied around the neck as it appears by the given form.

The Cross, as well as anything like the Cross, is the religious symbol of the Christians. Now, either you admit that the tie is a Cross or you accept that it is similar to the Cross. On both the conditions: that it is a religious sign of the Christians, and whichever thing that is considered to be a sign of non-Muslims would not be legitimate on any account even if, Allah forbid, that it becomes common in any manner.



(5) The status of the Tie has been found out to the prudent by means of observation of it's shape. But the Tie has got so much importance amongst Christians that they put the Tie on the dead body also. So, indeed, it is their customary manner, which makes Muslims deserve disgrace and Hell. Muslims cannot have the legitimacy to use it. Muslims must strictly abstain from it and must also not wear shirts and pants, etc. Muslims have to revive their culture, which is present in the Sunnat, i.e. the practice of the Holy Prophet (*sallal laahu alaihi wasallam*) and the behaviour of religious preceptors. They must not put on the Tie in the name of job, etc. Muslims must rely on Allah and repose confidence in the Holy Prophet (*sallal laahu alaihi wasallam*). They must resist the unlawful conditions of others vigorously. Of course, Muslims will ultimately meet with success as Allah promises to help you if you assist His religion. So, Muslims must not accept on any account a job or post when he is forced to use a Tie or to accept such illegitimate conditions because the hypocrisy and dullness in religious affairs is a violent detriment to the religion and it causes the Anger of Allah. As it is said in the Holy Quran: If Allah is Angry, Allah forbid, nobody can assist you in the whole universe and if Allah leaves you, then there is no helper for you.

(6) The Tie itself is just a testimony, which signifies the religion of Christianity. So there is no need for any other evidence. Even then, all Muslims and non-Muslims agree to the fact that the Tie is a symbol of Christianity as it appeared many times during enquiry from people. It happened just last year that a convert (Muslim) told me that the Tie was considered as a dress of respect to the Church. In this way, it's religious standing comes to light. Also as a clergyman told a Pakistani theologian, "*The reward is increased by fastening the Tie according to their belief*", as Mufti Naseem Ashraf, a resident of Durban, South Africa, told me.

Hence, find out the insight of Hazrat Mufti-e-Azam Hind (*radi Allahu anhu*) in Islamic law and estimate the range of his information about the habits and affairs of contemporary persons. Certainly, a theologian must be such that he must have awareness about the people of his time, despite having no contact with them. No doubt, after having known all the principles of Islamic Law, the knowledge of people's conditions is necessary for a theologian. Hazrat Mufti-e-Azam (*radi Allahu anhu*) has got a great reach in this field. Therefore, Ulama used to say that "*Whoever is not aware of the people of his time, he is ignorant.*"

(7) After all this, few words are quoted from A'la Hazrat's (*radi Allahu anhu*) work, "**Fatawa Razvia**" for the sake of attaining blessings. Here is a question and part of the answer:

QUESTION: *Zaid used to wear the coat, shirt with collar and neck-tie, Turkish cap and pishwari pyjama and boots and has his hair (done) in English fashion. Amar says, "It has resemblance with Christians." Zaid says, "No. On any account a little difference is enough to escape likeness." Which of the two is right? Please clarify. May Allah reward you.*

ANSWER:

Whichever (of these), which are considered to be symbols of non-Muslims or of sinful and disobedient persons, it is absolutely forbidden to adopt it willingly without a lawful reason, even if it is a single thing for it that will certainly bring resemblance with them in this very way. This very reason is enough to inhibit (its use), notwithstanding, no resemblance exists in other manners. It is just like the rose and urine. In case there is a full glass of rose water which has one drop of urine, the entire glass is impure as well, as if it is full of urine. After going ahead, he (A'la Hazrat) quoted the special injunction concerning the very issue to establish its identity as a symbol. Accordingly,

he states - "**Ashbaho Nazair**" briefly states, "*The worship of Idol is Kufr (infidelity) as well as fastening the band of Jews and Christians, it is alike no matter if the person enters their Church or if he doesn't.*" (**Fatawa Razvia, Part 2, Vol. 10, pg. 148-151**)

In this very book, a question had been put to A'la Hazrat (*radi Allahu anhu*) about wearing such dress that causes no difference between Muslims and non-Muslims. A'la Hazrat (*radi Allahu anhu*) stated, "*It is forbidden. Allah's Rasool (sallal laahu alaihi wasallam) says, 'Whoever moves to resemble a nation, he is one of that nation.' But several conditions in this concern are considered to be infidelity, e.g. fastening the wasteband.*"

Allama Abdul Ghani Nablusi (*rahmatullahi alaihi*) states, "*Having the English fashion dress is infidelity according to the correct decision.*" In is said in "**Fatawa Khulasa**" that, "*If a woman tied a rope around her back and said 'it is a cross-thread', she becomes an infidel.*"

In the same book, A'la Hazrat (*radi Allahu anhu*) has given the general rule of this issue as following: The generic (common, general) in this issue of the dress is that three points must be considered in this regard -

- (1) the origin of it (the dress) must be lawful,
- (2) to seek covering which concerns concealment,
- (3) to regard the fashion, it must not be style of non-Muslims or sinful persons. It has two sorts, (i) the religious sign of non-Muslims, e.g. Hindus cross-thread and special cap of Christians, that is, the hat (ii) specially belonging to the non-Muslim nation but regarded as the symbol of their religion. It is also prohibited.

The Hadith-e-Sahih that was quoted before is attributed to it's apparent meaning in it's first condition and in it's second condition it is just for scolding and threatening. (**Fatawa Razvia, Part 2, Vol. 10, pg. 177-8**)

Mufti Mohammad Akhtar Raza Khan Qadiri Azhari

Footnote: A Muslim writer, E. Quraishi Sabri, made the following discovery: "*Towards the end of the 19th Century, the Europeans omitted from dictionaries and Encyclopedias the introductory phrase about the necktie being a symbol of the cross ... A glance of Encyclopedias printed before 1898 will confirm this point.*" In another report, it is said that the practice of the necktie started on the insistence of the Pope in the year 1790 and that by 1850 all Christian nations had accepted and implemented this order of the Pope.

This copy of Encyclopaedia pages
clarifies the status of various crosses
in detail and shows the general forms
of crosses. Just look at the Crus amata
cross. you ^{will} find out the tie most ^{similar} to
this type of the cross as it has a straight
hold and a long strip resembling the
long pole; the both are existent in that
cross) ^{Mohammed!} Akhtar Khyal Khem Andir Afshan.

considered a shaped cross is named for the Greek letter tau. It is
often referred to as the Old Testament cross because Moses
supposedly placed a bronze serpent on a T cross (Num. 21-4
4) and the Israelites on Passover eve marked their doors
with blood-drawn tau crosses to identify themselves as the
Yahweh's followers. Another name for the T cross is the
cristian cross.

In ancient Asian, European and pre-Columbian American civilizations the left-directed swastika is one of the oldest and most common symbols for good luck and happiness. It has been widely known for the swastika as a sign of a good and blessed spirit, whereas Buddhists consider it a symbol of the Buddha's triumph over evil. The German Nazis adopted it as a symbol of their party long before they believed it to be an ancient Nordic symbol.

The cross and crucifix used in a crucifix young Christ is
also the principal symbol of Christianity. A cross stood for
faith in the atonement and the concept of the Christian
church. More than 50 variants were in development, but the most
important are the Greek cross with its equilateral arms and
the Latin cross, with a vertical stem and a horizontal bar at the top by
shorter horizontal arms. The Greek cross preserves its name and
its frequent use in the Greek and other Eastern Orthodox
churches. The Latin cross was frequent in the Western and
Roman Catholic churches.

[illegible]

The cross is among the oldest and most universal symbols to preferate societies it often represented a conjunction of dualities. The horizontal arm was associated with the temporal, worldly, feminine, temporal, destructive, negative, passive, and death, while the vertical arm embodied the eternal, spiritual, masculine, eternal, creative, positive, active, and life. Often symbols of the four cardinal elements of earth, water, fire, and air, a cross was also perceived as the cosmic axis from which radiated the spatial dimensions of height, length, width, and breadth, as well as the climatic forces of north, south, east, and west.

1. The *ankh* (*ankh ankh*) was an ancient Egyptian T-shaped cross surmounted with a loop. It symbolized the creative energies of the male and female and the concept of life. The



**Tev
Cross**



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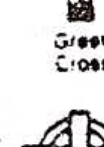
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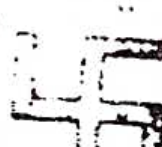
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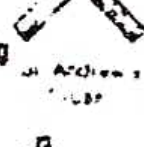
Abstract



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AMERICAN)

U.S.A.

Reproduction of Taajush Shari'ah's research notes on the Tie Fatwa with reference to the "Grolier Academia Encyclopedia"

SALAAH BEHIND A NON-SUNNI

The following three (3) questions, hereunder, have been posed by Omar Tar of Westville, Durban, South Africa to Hazrat Allama Mufti Mohammad Akhtar Raza Khan Qadri Azhari on the 19th of December 1992. His Eminence replied to the questions in Durban, South Africa, on the 19th of December 1992.

QUESTION 1

Can we read Namaaz behind a Deobandi Aalim? Tahirul Qadri says that you cannot read Namaaz behind a Gustakhe-Rasool no matter where he is from. Tahirul Qadri read Namaaz behind a Deobandi Aalim.

QUESTION 2

Tahirul Qadri reads Namaaz behind Deobandis and persons of any School of Thought. Is it permissible? What is the issue of persons who perform Namaaz behind Deobandis and considers it permissible?

QUESTION 3

Is it permissible to read Namaaz behind a Sunni Aalim who has qualified in Deoband?

ANSWER: QUESTION 1 & 2

No. Absolutely not. It is not permissible to read Namaaz behind a Deobandi Aalim on any account. Namaaz performed behind a Deobandi Aalim as well as behind unbelievers is totally incorrect.

A question was posed to A'la Hazrat (radi Allahu anhu) concerning performance of Namaaz behind a Gustakhe-Rasool. In answer to this, A'la Hazrat (radi Allahu anhu) has clearly stated in "Ahkaam-e-Shari'ah", Vol. 1, page 128, Masalah 52, that: "He who recites the Quran incorrectly by changing it's meaning, or does not perform proper Wudhu or Ghusal or refutes a basic principle of Deen; Sects such as Wahabi, Shia, Gair Muqallid, Qadiani - behind these people, one's Namaaz is Baatil."

Elaborating further on the non-permissibility of Salaah behind corrupt Sects, A'la Hazrat (*radi Allahu anhu*), on page 129 of the same Kitaab, further comments: "This is contrary to the first type, eg. Deobandis, etc. Neither is their Salaah (considered to be) Salaah, nor is Salaah behind them (considered) Salaah. If for Jummah or Eidain (a Deobandi is an Imam) and no other Muslims are found, then it is compulsory to refrain from performing the Jummah and Eidain. In the place of Jummah, one should perform the Zohar and there is no substitution for Eidain."

"An Imaam is that Imaam who is a Sunni possessing correct beliefs, correct cleanliness, correct recital of Quran and who comprehends the laws of Salaah and cleanliness and is not a Fasiq. He should not possess any physical or spiritual defect, which distances people from him. This is the comprehensive answer to this issue. Almighty Allah is the Possessor of all Knowledge." Ahmed Raza (may Almighty Allah forgive him)

21 Muharram-ul-Haraam 1339 A.H.

So strict was A'la Hazrat's (*radi Allahu anhu*) command concerning these individuals that in the above Kitaab, Vol 2., page 178, Masalah 83, A'la Hazrat (*radi Allahu anhu*) has even considered that person an open Fasiq (Sinner) and unable to make Imaamat, who deliberately meets and eat with corrupt Sects.

Under such conditions, if a person by just wilfully meeting and eating with a Gustakhe Rasool, imagine his condition of Imaan if he intentionally reads Namaaz behind persons of corrupt Sects and, even then, does not consider his actions to be incorrect!

What Tahirul Qadri says regarding performance of Namaaz behind Gustakhe-Rasool come true to Deobandis also and the word "Gustakhe-Rasool" is applicable to Deobandis certainly as they have committed disrespect to the Holy Prophet Muhammad (*sallal laahu alaihi wasallam*).

Deobandis have refuted the Holy Prophet Muhammad's (*sallal laahu alaihi wasallam*) Knowledge of the Unseen and they have likened his knowledge to that of "animals and madmen" as it is clear by the study of "Hifzul Imaan", written by Molvi Ashraf Ali Thanvi.

Deobandis have considered the Knowledge of the Holy Prophet Muhammad (*sallal laahu alaihi wasallam*) to be reduced in comparison with Shaitaan

and Malakul Maut (Angel of Death). Deobandis have regarded that the knowledge of Shaitaan and Malakul Maut to be increased by the categorical injunction of the Holy Quran. In the meantime, they say that there is no injunction concerning the knowledge of the Holy Prophet Muhammad (*sallal laahu alaihi wasallam*). Study "**Baraheene Qaatiya**" written by Khalil Ahmed Ambetwi.

Deobandis do not consider the Holy Prophet Muhammad (*sallal laahu alaihi wasallam*) as the Last Messenger of Almighty Allah, whereas it has been unanimously considered to be a principle of Religion from the beginning till this time.

Therefore, the Ulema of Makka and Medina, etc. have unanimously stated that these persons who have such beliefs have become infidels (Kaafirs).

Likewise, whosoever doubts the infidelity of these persons he is also an infidel, as it is written in detail in "**Husaamul Haramain**", "**Tamheed-e-Imaan**", etc. by A'la Hazrat (*radi Allahu anhu*), the Reviver of Islam.

Now you can derive the rule concerning Tahirul Qadri and you can easily note that he himself has violated the rule which he himself told you regarding the Gustakhe-Rasool, as he himself performs Namaaz behind Deobandis who are slanderers (Gustakhe-Rasool) against the Holy Prophet Muhammad (*sallal laahu alaihi wasallam*) and considers it as permissible. So the above Fatawa of the Ulama-e-Haramain, etc. is applicable to Tahirul Qadri as he committed infidelity doing such and stating so in concern of performance of Namaaz behind Deobandis.

If Tahirul Qadri refutes the Fatawa of Ulama-e-Haramain, then he appears as a person refusing the consensus of the Ulama-e-Islam and going astray from the Deen of Islam. However, he must put a plea to establish his claim if he considers Deobandis as Muslims.

ANSWER: QUESTION 3

A Sunni is he who does not have any Kufree Aqidah, who does not defame or slander the Holy Prophet (*sallal laahu alaihi wasallam*), and who does not consider Deobandis and non-Believers as Muslims. To read Namaaz behind him is permissible provided that he should be able to be an Imaam (one who leads the prayer) no matter where he has qualified from.

Mufti Mohammad Akhtar Raza Khan Qadiri Azhari

Footnote: (1)

مسئلہ: ۲۱، محرم الحرام ۱۴۲۹ھ۔

کیا حکم ہے اہل شریعت کا اس مسئلہ میں کہ امامت کس کس شخص کی جائز ہے اور کس کس کی ناجائز اور مکروہ؟ اور سب سے بہتر امامت کس شخص کی ہے؟ بیننا قوجردا۔

الجواب:

جو قرأت غلط پڑھا جو جس سے معنی فاسد ہوں، یا وضو یا غسل صحیح نہ کرتا ہو، یا ضروریات دین سے کسی چیز کا منکر ہو، جیسے وہابی، رافضی، غیر تقلد، شیخی، قادیانی، چکڑا لوی وغیرہم۔ ان کے پیچھے نماز باطل محض ہے۔

اور جس کی گمراہی حد کفر تک نہ پہنچی ہو، جیسے تفضیلیہ کہ مولیٰ علی کو شیخین سے افضل بتاتے ہیں رضی اللہ تعالیٰ عنہم۔ یا تفسیقیہ کہ بعض صحابہ کرام مثل امیر معاویہ و عمر بن عباس و ابو موسیٰ اشعری وغیرہ بن شعبہ رضی اللہ تعالیٰ عنہم کو برا کہتے ہیں، ان کے پیچھے نماز بکراہت شدید تحریمہ مکروہ ہے۔ کہ انہیں امام بنانا حرام اور ان کے پیچھے نماز پڑھتی گناہ اور جتنی پڑھی ہوں، سب کا پغیر نا واجب۔

اور انہیں کے قریب ہے فاسق معین مثلاً ڈاڑھی منڈا، یا خشتا شنی رکھنے والا، یا کتر واکر مدشرع سے کم کرنے والا، یا کندھوں سے نیچے عورتوں کے سے بال رکھنے والا، خصوصاً وہ جو چوٹی گندھوا بٹے اور اس میں مویات ڈالے، یا ریشمی کپڑا پہنے، یا مغرق لڑی، یا ساڑھے چار ماشہ سے زائد کی انگوٹھی، یا کئی انگ کی انگوٹھی، یا ایک انگ کی دو انگوٹھی اگرچہ مل کر ساڑھے چار ماشہ سے کم وزن کی ہوں، یا سود خوار، یا ناپح دیکھنے والا۔ ان کے پیچھے نماز مکروہ تحریمی ہے۔

اور جو فاسق معین نہیں، یا قرآن عظیم میں وہ غلطیاں کرتا ہے جن سے نماز فاسد نہیں ہوتی، یا تابی یا جاہل یا غلام یا ولد الزنا یا خوبصورت امر دیا جذامی یا برص والا جس سے لوگ کراہت و نفرت کرتے ہوں اس قسم کے لوگوں کے پیچھے نماز مکروہ تنزیہی ہے۔ کہ پڑھنی خلاف اولیٰ اور پڑھ لیں تو حرج نہیں۔

اگر یہی قسم اخیر کے لوگ حاضرین میں سب سے زائد مسائل نماز و طہارت کا علم رکھتے ہوں تو انہیں کی امامت اولیٰ ہے۔ بخلاف ان سے پہلی دو قسم والوں سے اگرچہ عالم متبحر ہو وہی حکم کراہت

رکھتا ہے کہ جہاں جمعہ یا عیدین ایک ہی جگہ ہوتے ہوں اور ان کا امام بدعتی یا فاسق معلن ہے اور دوسرا امام نہ مل سکتا ہو وہاں ان کے پیچھے جمعہ و عیدین پڑھ لیے جائیں۔ بخلاف قسم اول مثل دیوبندی وغیرہم کہ نہ ان کی نماز تہاڑ ہے نہ ان کے پیچھے نماز نماز۔ بالفرض وہی جمعہ یا عیدین کا امام ہو اور کوئی مسلمان امامت کے لیے نہ مل سکے تو جمعہ و عیدین کا ترک فرض ہے جمعہ کے بدلے ظہر پڑھے اور عیدین کا کچھ عوض نہیں۔

امام اسے کیا جائے جو سنی صحیح العقیدہ و صحیح الطہارت: صحیح الفرائد ہو مسائل نماز و طہارت کا عالم غیر فاسق ہو۔ نہ اس میں کوئی ایسا جسمانی یا روحانی عیب ہو جس سے لوگوں کو متغیر ہو۔ یہی اس مسئلہ کا اجمالی جواب اور تفصیل مروجہ تطویل و اطناب، واللہ تعالیٰ اعلم بالصواب۔

کہ عہدہ المذنب احمد رضا حنفی عنہ
بمحمد بن المصطفیٰ صلی اللہ تعالیٰ علیہ وسلم

{2}

مسئلہ:

کیا ارشاد ہے شریعت مقدسہ کا اس مسئلہ میں کہ زید بدعتیوں کے یہاں کا کھانا عطا نہ کیا تاکہ بدعتیوں سے میل جول رکھتا ہے مگر خود سنی ہے اس کے پیچھے نماز کیسی ہے اور اس کی تراویح سننا کیسا ہے؟ بینوا تو جروا۔

الجواب:

اس صورت میں فاسق معلن ہے اور امامت کے لائق نہیں۔ واللہ تعالیٰ اعلم۔

THE SUPERIORITY OF THE HOLY PROPHET MUHAMMAD (SALLAL LAAHU ALAIHI WASALLAM)

QUESTION:

In which Aayaats of the Quran is stated that Rasulullah (sallal laahu alaihi wasallam) is superior than all the Prophets and all the creations?

ANSWER:

It is clear from so many verses of the Holy Quran. Hereby I would like to content with some verses of the Holy Quran. Hereby I would like to content with some verses of the Holy Quran wherein the supremacy and the preference of our beloved Prophet Muhammad (sallal laahu alaihi wasallam) has been declared very clearly. Allah says:

تِلْكَ الرُّسُلُ فَضَّلْنَا بَعْضَهُمْ عَلَى بَعْضٍ مِّنْهُمْ
مَّن كَلَّمَ اللَّهُ وَرَفَعَ بَعْضَهُمْ دَرَجَاتٍ ط

"These are the Prophets. We have preferred some of them above others. Among them one is that Allah spoke to him and Allah has made the ranks of one of them above all." (Surah 2: Verse 253)

All Ulema unanimously state that the person Allah mentioned about him that he has made his ranks higher than all is our Prophet Muhammad (sallal laahu alaihi wasallam). This was a first evidence, which clarifies the preference of Holy Prophet Muhammad (sallal laahu alaihi wasallam).

The second one is as follows: Allah states in His Holy Quran:

كِتَابٍ وَحِكْمَةٍ ثُمَّ جَاءَكُمْ رَسُولٌ مُّصَدِّقٌ لِّمَا
وَإِذْ أَخَذَ اللَّهُ مِيثَاقَ النَّبِيِّينَ لَمَا آتَيْتُكُمْ مِنْ
مَّعَكُمْ لِتُؤْمِنُوا بِهِ وَلْتَنْصُرُنَّهُ ط

i.e. "O Rasul recall the occasion when Allah made an agreement with his previous Prophets, if I grant You a Divine Book and sagesness (Hikmat) then a Rasul comes to you certifying whatever you have obtained from

Me, you have to believe him." (Surah 3: Verse 81)

Hence, you can know clearly that Allah has never granted prophecy to anybody unless he believed our beloved Prophet Muhammad (*sallal laahu alaihi wasallam*). So this Ayate Karima is significant and an indication from which one can know that our Prophet is the Messenger for all, whether they are Prophets or followers.

Now, I am offering the third evidence, which is as follows:
Allah says: Ayate Durood:

إِنَّ اللَّهَ وَمَلَائِكَتَهُ يُصَلُّونَ عَلَى النَّبِيِّ يَا أَيُّهَا
الَّذِينَ آمَنُوا صَلُّوا عَلَيْهِ وَسَلِّمُوا تَسْلِيمًا ﴿٥٦﴾

"No doubt Allah and His Angels praise the Holy Prophet (*sallal laahu alaihi wasallam*) and convey the Salutations to him, O Believers send Durood and pay a lot of Salutations (Salaam) to the Holy Prophet."
(Surah 33: Verse 56)

Allama Jalaluddin Sayyuti (*alaihir rahma*) has derived from this verse that the prophecy of our Holy Prophet (*sallal laahu alaihi wasallam*) is quite absolute and it is comprising all even the Angels of Almighty Allah.

Hence, Aala Hazrat (*alaihir rahma*) says in his Naat:

انبیاءے کروں عرض کیوں صاحبو
کیا نبی ہے تمہارا ہمارا نبی ﷺ
جیسے سب کا خدا ایک ہے ویسے ہی
انکا اُنکا تمہارا ہمارا نبی ﷺ

Should I ask Ambiya Kiraam

O my esteemed Ambiya is our Messenger for you?

Ambiya replied: As Almighty is One for all, similarly our Nabi and your Nabi and everyone's Nabi is one.

Further Aala Hazrat (*alaihir rahma*) says:

خلق سے اولیا، اولیا سے رسل
اور رسولوں سے اعلیٰ ہمارا نبی ﷺ

The favourites of Allah are superior than whole universe and the Prophets are more virtuous than Awliya and our Nabi is most preferred than the Prophets.

Whoever requires more details in this regard he must go over the book "Tajallil Yakeen", writer - Aala Hazrat Imam Ahmed Raza Khan Bareilly (radi Allahu anho).

Mufti Mohammad Akhtar Raza Khan Qadiri Azhari
19 Safar 1421 Hijri
24 May 2000

KHULA (SEPARATION BY COMPENSATION)

QUESTION

Most Respected And Honourable

Taajush Shari'ah Hazrath Allama Mufti Mohammed Akhtar Raza Khan
Qaaderi Azhari Qibla

As Salaamu Alaikum

All Praise due to Almighty Allah, Peace and Salutations upon the Most Perfect, Exalted and Glorified of creation, Sayyiduna Rasoolullah (*sallallahu alaihi wasallam*).

I pray that Hazrath be in good health on receiving this fax. I humbly request Hazrath to remember this humble servant in his Du'as. Huzoor! The following Islamic queries are being presented to your honorable self for the Islamic verdicts.

A girl has been living separate from her husband for almost two years. She left his home and went to her parent's home, because he was not treating her well. Her condition was so serious on return to her parent's home, that she needed psychiatric treatment. She now does not wish to be in his Nikah any longer, as she is afraid of living with him. She has thus requested him to give her Talaaq, which he refuses to do. She has now asked him if he would agree to some sort of arrangement where he may give her Talaaq. On this request, he has agreed to Khula if her family pays him an amount of more than One Hundred Thousand U.S. Dollars, which he claims its for honeymoon, marriage, and loss of business expenses. It must also be noted that when he married, he claimed to be a Sunni, but it was later established that he associated with non-Sunni's and even prays Salaah behind them.

1.1 Is it permissible for him to demand such a huge amount for the reasons he has presented?

1.2 What is the proper method of Khula?

1.3 Is there any other way to dissolve this marriage since the husband is arrogant and will not give Talaaq?

24 July 2000

Moulana Muhammed Afthab Cassim

Harare

Zimbabwe

ANSWER

In response to your questions:

Answer to 1.1, 1.2, 1.3:

It is not permissible to demand the mentioned sum for honeymoon, marriage and loss of business. It is totally Haraam to force the girl to pay the said amount. However if she forcibly pays this money to get rid of the oppressive husband, in this case the girl is not liable for this unavoidable payment and the husband is a sinner and it is necessary for him to give the divorce.

However, if this agreement takes place one "Talaaq Baa'in" should be occurring on the girl, provided that he must say "I gave you Talaaq" or "I made Khula on condition that you must pay the said amount to me", but there is a considerable matter that has been mentioned in the question, i.e. he has associated with non-Sunnis and even prays the Salaah behind them.

If this is true, then there is no longer Nikah between the girl and the boy. If he has wrong tenets and false beliefs like Wahabis and he used to perform Namaaz behind the Wahabis knowingly, considering them as Muslims, in this case the girl has got legitimacy to make Nikah with any other person she likes.

Mufti Mohammad Akhtar Raza Khan Qadiri Azhari

31 July 2000

RE-BURIAL BY GOVERNMENT AUTHORITIES

QUESTION

A Sunni Muslim passed away in Portugal more than twenty years ago. In those days there was no Muslim cemetery, so he was buried in a public cemetery. Now after all these years, the family who live in Zimbabwe have been informed by the Portuguese authorities, that the law of Portugal is that, due to shortage of burial space, the bodies are exhumed after a certain amount of years. The remains of this particular person have already been removed, placed in a box, and kept by the Portuguese authorities in a hole in a wall, which is covered by a door and then locked. The keys to this are then sent to his family. The family in Harare has tried through various sources to have the body re-buried in Portugal, but the Portuguese authorities will not allow this. They have also tried to fly the remains to Zimbabwe for re-burial, but the Zimbabwean authorities rejected even this, as the deceased was a Pakistani citizen.

Huzoor! The family wishes to query the Islamic verdict on what should be done in this very delicate matter. The family does not wish to transgress the Shari'ah in any way, but have no way of convincing the authorities to allow them to do as the Shari'ah commands. Please inform us of the Islamic ruling in the above case and options that can be used?

24 July 2000

Moulana Muhammed Afthab Cassim

Harare

Zimbabwe

ANSWER

The matter is quite unavoidable. In this case there are not liable for the sin, which has been done by others, and they are not obliged to do anything as they are quite compelled.

Mufti Mohammad Akhtar Raza Khan Qadiri Azhari

31 July 2000

PERFORMING SALAAH BEHIND WAHABIS AND OTHER MISLED GROUP

QUESTION

Is it permissible to pray Namaaz behind Wahabis or other misled groups; to send children to their madressas and Darul Ulooms and pray for their forgiveness (Magfirat)? This question was posed by Mureeds in Leicester to Taajush Shariah. The following Fatwa was dictated orally by Hazrat regarding the above topics on 28th of July 1999, typed later and signed by his Eminence.

ANSWER

I have been asked verbally about performing Namaaz behind Wahabis and other misled groups and about other issues. I have to say, on the first issue, that it is not permissible at all to perform Namaaz behind Wahabis and any other misled persons.

He who performs Namaaz behind Wahabis and other misled persons loses his Namaaz and gives up his Iman as well if he does so intentionally and knowingly. It is also not permissible to enter their Mosque in case it is not needed and one can move to a Sunni Mosque. Likewise, it is totally forbidden to attend their funeral and pray for their forgiveness (Magfirat). Allah has prohibited such actions in the Holy Quran as He has categorically said: Surah Tauba:

وَلَا تُصَلِّ عَلَى أَحَدٍ مِّنْهُمْ مَّتَّ أَبَدًا وَلَا تَقُمْ عَلَى قَبْرِهِ ط

Para 10, Surah 9, Ayat 84.

It is my advice to all Sunnis and especially to the Mureeds of Silsila Razvia to keep away from all these wrong doings. Please also avoid sending your children to Wahabi Madressas and Darul Ulooms and bring them up in a Sunni environment and make them refrain from being Wahabi. I have just communicated through my advice the Divine Order of Allah and His Holy Prophet (sallal laahu alaihi wasallam). May Allah bestow Muslims to abide by Shari'ah and obey its rules and follow the behaviour of Buzurgane Deen. Aameen.

Mufti Mohammed Akhtar Raza Khan Qadri Azhari

KHOMAINI AND SHIA'ISM

QUESTION

In Erasmia there is a Mosque bearing the name "Sayyidina Abu Bakr Mosque". On the sacred day of Friday, a huge colour portrait of Khomeini was conspicuously displayed at its entrance. In fact, this Mosque is publicly being used to promote views of Khomeini and Shia'ism. On many occasions, scholars and speakers from overseas, who gave Khomeini the status of Islamic leader, are invited to address Muslims in an effort to promote Shia' propaganda. This has resulted in many uneducated and simple-minded Muslims accepting these Khomeini-orientated speakers as their leaders. This status quo is still maintained despite warning the management of the Mosque of this dangerous practice through a hand delivered letter and pamphlets.

In the light of Shari'ah, clarity is sought in respect of the under-mentioned questions:-

1. *Is Khomeini a Believer and can he become a religious guide of Muslims?*
2. *What is the Ruling of Shari'ah regarding those who accept Khomeini as their religious leader?*
3. *Is it permissible to display Khomeini's portrait at the entrance of the Mosque at the time of Friday prayer?*
4. *Should the above-mentioned Mosque, which is being used for the promotion of Shia' beliefs activities, be declared as "Imambara" or should it be allowed to maintain the name of Sayyidina Abu Bakr Mosque?*
5. *If the present management do not change the name of the Masjid and continue with their above-mentioned activities, then is it permissible for the Muslims to offer Salaah in it? Would it be proper for Muslims to send their children to Madressa and school under their control?*
6. *Despite efforts to restrain the management of this Mosque from refraining from promoting their activities and views, if they still continue to maintain their status quo, what should the attitude and relationship of the general Muslims be with them?*

Was Salaam

Sunni Action Committee (Laudium and Erasmia Branch)
P.O. Box 14078
Laudium. 0037
Pretoria
South Africa

ANSWER:

1. As you know and every Sunni Muslim knows that Khomeini was the leader of the Shia'. Shia' are no more Muslim. They are certainly apostate and struck off the circle of Islam due to their wrong tenets and beliefs, which are contrary to Islam.

I would like to put up here the categorical diction of Aala Hazrat Maulana Shah Ahmad Raza Khan Sahib Qadri from the unique book "Al Motamad". According, he says as follows:

وَصَرَحَتْ مَجْتَهِدُوهُمْ وَجْهَالُهُمْ وَنَسَاؤُهُمْ وَرَجَالُهُمْ يَنْقُصُ الْقُرْآنَ
الْعَزِيزَ وَأَنَّ الصَّحَابَةَ اسْقَطُوا مِنْهُ سُوْرًا وَأَيَّاتٍ وَصَرَحُوا بِتَفْضِيلِ
أَمِيرِ الْمُؤْمِنِينَ سَيِّدِنَا عَلِيِّ كَرَّمَ اللَّهُ تَعَالَى وَجْهَهُ الْكَرِيمَ
وَسَائِرِ الْأَنْبِيَاءِ الْأَطْهَارِ رَضِيَ اللَّهُ عَنْهُمْ عَلَى الْأَنْبِيَاءِ السَّابِقِينَ
جَمِيعًا صَلَوَاتُ اللَّهِ تَعَالَى وَسَلَامُهُ عَلَيْهِمْ وَهَذَا كُفْرَانٌ لَا تَجِدُنَ
أَحَدًا مِنْهُمْ خَالِيًا عَنْهُمَا فِي هَذَا الزَّمَانِ

(Al Mustanidul Motamad, pg. 241)

i.e. all Shia's comprising their Mujtahid Ulemas and illiterates and men and women expressed that the Quran is incomplete, the Holy Sahaba have lessened it as they dropped out some Suras and Ayat from Quran and they clearly declared the proficiency of Hazrat Ali and sacred Imaams of Ahle Bait above the former Messengers of Allah. You can't find anyone of Shia' free from these false beliefs. Moreover, they consider such an entity who issues an order and regrets thereafter to be a God. According, Aala Hazrat says in his Fatawa as follows:

رائضی ایسے کو خدا کہتا ہے جو حکم کر کے پیچھتا ہے جو مصلحت سے
جاہل رہ کر ایک حکم کرتا ہے جب مصلحت کا علم آیا اسے بدل دیتا ہے

(Fatawa Razvia, Vol. 1, pg. 743)

In the light of the foregoing, you can know the rule of Islam regarding apostate Khomeini. Wallah Ta'ala Aalam.

2. They are apostate like him. Wallah Ta'ala Aalam.

3. Not at all. Wallah Ta'ala Aalam.

(4.5.6.) It is an Imambara definitely. Wallah Ta'ala Aalam. It is not permissible to perform Salaah in such a place. Children must be kept away from their reach and guardians must avoid sending them to the Madrasa or school of Shia's. Sunni Muslims must keep away from them to save their Imaan. Wallah Ta'ala Aalam.

Mufti Mohammed Akhtar Raza Khan Qadri Azhari

Markazi Darul Ifta

82 Saudagran Bareilly Shareef

2 April 2000

BEARD - TARAWEEH (II)

QUESTION:

In the light of Islamic Law clarity is sought from the learned Ulama regarding the under-mentioned issues:

1. Some Huffaz keep the beard prior to Ramadan so as to make Imaamat for Taraweeh Salaah. As soon as Ramadan is over they shave their beard. In spite of caution and warning against their evil practice, they do not refrain from it. Under such circumstances, is their Imaamat valid for Taraweeh?

2. Is such an excuse appropriate in Shari'ah that in our area and locality there is no other Huffaz available besides them. Therefore, Taraweeh Salaah behind them is permissible. However, in those very Mosques, Imaams from other cities, in fact from other countries, are being brought on the grounds that suitable Imaams are not available from the local population. But the unavailability of religiously suitable Huffaz from the local areas is being used as an excuse to justify appointing those very Huffaz as Imaams for Taraweeh. Is such a practice permissible in the light of Shari'ah?

Ebrahim Carrim
Chairman
Masjid Comuiittee
Pretoria Muslim Trust
29 September 1999

ANSWER:

1. Definitely no.
2. Certainly no.

Mufti Mohammed Akhtar Raza Khan Qadri Azhari
Markazi Darul Ifta
82 Saudagran
Bareilly Shareef
15-11-99

"IGNORANT" SUNNIS PRAYING NAMAAZ BEHIND WAHABIS

QUESTION

In this time, we find many Sunni's who due to (a) ignorance (b) some personal grievance (c) for so called convenience, etc. pray Salaah behind Wahabis (not knowing their actual Aqeeda).

3.1 If such a person dies, can his Janaza be prayed by a Sunni?

3.2 Can the Nikah of such a person be performed by a Sunni?

24 July 2000

Moulana Muhammed Afthab Cassim

Harare

Zimbabwe

ANSWER

3.1 (a) What does it mean "ignorance"? The questioner should have been explained it first of all. However, if ignorance means that the person didn't know the rule of Shari'ah regarding the performance of Namaaz behind the Wahabi Imaam, in this case whoever performs Namaaz behind Wahabi knowingly is sinful and if he considers the Wahabi Imaam as Muslims then he is most sinner like him and he is no longer Sunni. In this case the performance of Janaza Namaaz of such a person is forbidden totally.

The answer to the rest of the conditions (3 b, c) is the same as afore said. It is illegitimate to perform Nikah of such a person if he considers Wahabi as a Muslim, otherwise the performance of Nikah is allowed, i.e. if he is Sunni and doesn't have false beliefs and doesn't regard Wahabis as Muslims.

Mufti Mohammad Akhtar Raza Khan Qadiri Azhari

31 July 2000

JANAZA OF A SUNNI WHO FOLLOWS A WAHABI

QUESTION

If a Sunni (non-Alim) who performs prayer at a Wahabi Masjid dies, and his Janaza is prayed by a Wahabi, can Fateha and Yaseen Khatam, etc. be made for such a person by Sunni's at the request of his or her his family?

24 July 2000

Moulana Muhammed Afthab Cassim

Harare

Zimbabwe

ANSWER

If the deceased knowingly prayed behind Wahabis and regarded the Wahabi as Muslim then prayer for him (Fateha, Yaseen Khatam, etc.) is forbidden.

Mufti Mohammad Akhtar Raza Khan Qadiri Azhari

31 July 2000

BEARD OF IMAAM

QUESTION

It is well known, that Namaaz is not done behind a person with no Beard. However, we would like to query whether the Namaaz of a person without a beard will be done behind an Imaam without a beard?

24 July 2000

Moulana Muhammed Afthab Cassim

Harare

Zimbabwe

ANSWER

This is quite forbidden. The Imaam must have a Beard.

Mufti Mohammad Akhtar Raza Khan Qadiri Azhari

31 July 2000

VERDICT OF SHARIAH ON THE USE OF THE MICROPHONE DURING SALAAH (I)

QUESTION

Huzoor,

What do the Ulema-e-Haqq have to say with regard to the following issue:-

- 1. Zaid says that Huzoor Mufti-e-Azam Hind (radi Allahu anhu) said that the Imaam who intentionally puts his voice into the microphone for the purpose of leading Salaah then the Salaah itself will not be accepted. The question is, is this statement of Zaid correct or not? Please explain fully.*
- 2. If the Imaam's Salaah is invalidated by him putting his voice into the microphone, then will the Jamaat's Salaah be invalid as well?*

I beg your forgiveness for causing any disrespect to your honoured self.

Jazakumullah Khair
Was Salaam

Brother Ghulam Shamshuddeen Ahmad
6-7 California Street
Crosby 2000
Johannesburg
South Africa
18 May 2 000

ANSWER

With virtue to the question posed, the Ruling is as follows:

1. Yes.
2. Yes.

For a detailed explanation, peruse the attached verdict.

Wallahu Ta'ala Alam.

Mufti Mohammed Akhtar Raza Khan Qadri Azhari
Harare Zimbabwe
19 May 2 000

VERDICT OF SHARIAH ON THE USE OF THE MICROPHONE DURING SALAAH (II)

QUESTION

What do the Ulema-e-Deen advise on performing Salaah behind the loudspeaker as I attend the local Masjid that has the mike system and the Imam is Sunni?

A detailed reply will be much appreciated.

May Allah reward the Honourable Mufti Saheb.

Sayed Abdul Aziz

Durban

South Africa

20 April 2000

ANSWER

I have to say in regard with the usage of the microphone during the performance of Salaah that it is not legitimate to use the microphone during Salaah as it is necessary that the Muqtadies must hear the original voice of the Imaam. The voice, which has been heard from the microphone, is not the original voice of Imaam but it is something different, although it resembles the Imaam's voice. That is why the Ulema say unanimously that if somebody hears the Aayat-e-Sajdah from an echo of the bird, it is not obligatory (Waajib) to perform Sajdaye Tilawat.

Therefore, the performance of Salaah on the microphone is either incorrect (Fasid) certainly of somebody who is relying on the voice of the microphone and neither hearing the voice of Imaam nor observing the Muqtadies in front of him or it is suspected to be incorrect (Fasid) in case the microphone fails to convey voice of Imaam because in this case the position of the Imaam is uncertain as people would not know whether their Imaam is still carrying on Salaah or he finished it. Beside this, if the microphone needs lots of action from the Imaam to pass over his voice to the microphone, then the Salaah of both the Imaam and the Muqtadies is incorrect (Fasid).

Hence, you can know how much of foresight is important during Salaah. That is why the circumspect Ulema like Mufti-e-Azam Hind and others

prohibit the usage of microphone during the performance of Salaah. Before ending I have to say that you never renounce the Jamaat, if you get proper Sunni Muslim pious and able Imaam and to prevent incorrection (Fasad) of Salaah, you can stand just behind the Imaam or anywhere in the forward line or wherever your place is not relying on the voice of microphone but observing the action of Muqtadies. It is because of the importance of Jamaat so it must not be given up if a proper Sunni, pious and able Imam is available. Wallahu Ta'ala Alam.

Mufti Mohammed Akhtar Raza Khan Qadri Azhari
Markazi Darul Ifta
82 Saudagran
Bareilly Shareef
15-5-2000

BEARD

QUESTION:

Dear Moulana/Mufti Sahib
As Salaamu Alaikum

We, the Pretoria Muslim Trust (PMT) Mosque Committee, write this letter to you, requiring a detailed explanation on a "burning" issue, which our community is presently facing.

Kindly detail us on the following:

- 1. What is the Shar'ee requirement for the beard of an Imaam of a Masjid?*
- 2. Can a person who has a beard, which is small in length, lead Salaah in Jamaat? (We relate this with special regards to the Huffaz leading Taraweeh Salaah in Ramadan).*
- 3. It is difficult to find Huffaz with full-length beard in South Africa because the majority of them do not keep that length beard. In this difficult situation, can a Hafiz lead Salaah of Taraweeh whose beard is short?*
- 4. Some people are of the opinion that the length of the beard of the Imaam (or one leading Salaah in Jamaat) is not of importance to his leading the Salaah. Is this opinion of theirs correct in the light of the Shari'ah?*

Adding to this dilemma is the fact that we see Sunni Ulema who have beards of variant lengths (some full, some short).

We trust you will find this in order and wait in anticipation for your detailed reply to the above questions.

Jazakallah Khair

May Allah reward you ten fold.

The PMT Mosque Committee

1 September 1999

20 Jamadil Ula 1420 A.H.

ANSWER:

Few years ago, I have been asked about the persons who have beards shorter than fistful, whether they can lead the congregational prayer. Replying to this question, I stated categorically that he who shaves his beard or gets his beard less than fistful is declared sinful. To such a person who commits this sin is not able to lead the Jamaat. It is Makruh-e-Tahrimi to perform Namaaz behind him. My answer is remaining the same to the question, which have been put to other Muftis. The verdict issued by other Muftis in this regard has been forwarded to me so that I express comments on it (Please refer to back of this book for original Urdu: Appendix). I have to say in this regard regretfully that:

1. This Fatwa is very uncourageous to the people who have their beards shorter than fistful.
2. It is degrading the importance of Sunnah and the rules of Shari'ah as well, as it is clear.
3. Both the Muftis have adopted a non-preferable opinion and it is forbidden at all to adopt a non-preferable view as it is well known to the Muftis, who are aware of the Rules of Ifta (issuing verdict). It is stated in "*Durre Mukhtar*" that we are bound to follow whatever the previous Ulema preferred and whatever they have considered to be correct just as if they would have given us the verdict in their lifetime.
4. Before said (the above-mentioned) opinion is non-preferable if it is supposed to be about Fasiq-e-Molin (declared sinful). In case, we suppose it to be said about the other kind of Fasiq, i.e. Ghair Molin (non-declared sinful) then it is right and there is no difference between the foregoing words of the "*Bahrurairiq*" and there is no evidence on the hands of Muftis.

In this very "*Baluurairiq*", Allama Zain Bin Nujain wrote a Hadith narrated by "*Abu Dawood*" which says: There are three persons whom Allah never accepts their Namaaz. One of them is the man who comes forward to lead the people in Namaaz meanwhile they hate him. It is clear to every one that people hate the declared sinful. Therefore, in the same before said book the above-mentioned Allama says that it is expedient that the Karahat in regard with the Imaam should be Tahreemi.

This very Allama in this very book brought so many words from "*Fathulqadeer*", etc. which clearly confirm that the leadership of a Fasiq-e-Molin (declared sinful) is Makrooh Talirimi and people are allowed to follow to such an Imaam only in Jumma on condition that it is impossible to keep him away from the Jamaat, otherwise it is not permissible even Jumma while people can move to another Mosque. Now you can easily get that the Hadith (Perform Namaaz behind every pious and sinner) is not an absolute permission to follow the sinners. It legitimizes to follow the sinners only in such a condition while refraining from their leadership may raise hue and cry. So this is a limited legitimacy in unavoidable circumstances and it is just similar to the saying i.e. He who undergoes two kinds of trial, he should choose the lighter one. Justifying the above-mentioned statement, I can recite many Hadith and verses and I did write some of the evidences in my detailed fatwa in Urdu. Here I want to conclude with a Hadith narrated by "*Ibne Maja*" which says: A sinner must not lead Momin at all but only while he is overpowering where Momin is frightened by his lash or sword.

Hence, you may know the rule of Shari'ah in this issue. Compressing my comments in these few words, I am ending this letter praying that Allah bestows the Muslims to abide by the Shari'ah and to keep on the right path of the right path of the Ahle Sunnat Wal Jamaat. I have elaborated the statement in my Fatwa in Urdu. Whoever wants details, he must go over the Fatwa. English speaking people must ask any Urdu reader to explain it to them.

Mufti Mohammed Akhtar Raza Khan Qadri Azhari

اہل ملاح کے قلوب ان کی اقتداء سے متفر کر رہے اور معلوم تھا کہ ان سے اختلاف آتشِ تشدد کو مشتعل کرنے والا ہو گا اور دفعِ فتنہ دفعِ اقتداء سے فاسق سے اہم و اعظم تھا
 قال الله تعالى والفتنة اكبر من القتل لئلا تدور اذنة تشدد بنہ کرنے کیلئے ارشاد ہوا۔ صلوا خلف كل بر وفاجر یہ اس باب سے ہے۔ من ابطى
 ببليتين اختار اموئهما اور فقہاء کا قول حجوز الصلاة خلف كل بر وفاجر اس معنی پر ہے جو لو پر گزرے کہ نماز قاس کے پیچھے بھی ہو جاتی ہے۔ اگرچہ
 غیر معین کے پیچھے مکروہ تحریمی اور معین کے پیچھے مکروہ تحریمی ہوگی۔ مگر ان مریوں کے لئے اس حدیث و مسئلہ فقہ میں کوئی حجت و سند نہیں جس جواز و صحت سے
 مساوات کیوں کر نکلی کہ منائی ترجیح ہو۔ اللہ تعالیٰ فرماتا ہے: انا نجعل المتقين كالنجم (فتاویٰ رضویہ ج ۳ ص ۲۷) مریض اکیڑی مینیں یہاں سے ظاہر ہوا کہ
 حدیث مبارک صلوا خلف كل بر وفاجر میں اقتداء سے قاس کی اجازت حالت اضطرار دفعِ تشدد اثر کیلئے ہے نیز میان جواز و معنی صحت کیلئے یہ اجازت دلو ہوئی
 اور جواز و صحت و اجازت دونوں معنی میں بولا جاتا ہے۔ لہذا حجوز الصلاة خلف كل بر وفاجر کا مصلح الصلاة خلف كل بر وفاجر ہو گا اور لا حجوز
 الصلاة خلف اهل الاهواء کا مصلح لا تحل قرہ پایگا۔ اس کی نظیر لو ان جمعہ کے وقت بیع ہے جس کے بابت فقہاء فرماتے ہیں یجوز البيع عند اذان
 الجمعة و بکرہ یعنی جمعہ کی اذان کے وقت خرید و فروخت جائز ہے۔ اور مکروہ ہے۔ اور مریوہ ہوتی ہے کہ بیع صحیح ہے۔ مگر مکروہ تحریمی و ممنوع ہے اور جواز و معنی
 حلت و اجازت کی نظیر فقہاء کا قول لا حجوز الصلاة في الارض المنصوبة یعنی نماز زمین غصب میں جائز نہیں مطلب یہ ہے کہ زمین غصب میں نماز پڑھنا
 حلال نہیں اگرچہ نماز صحیح ہو جائیگی یہاں سے مبسوط کی اس عبارت کا جواب ہو گیا۔ جو انگریزی میں لکھے ہوئے فتویٰ میں درج کی گئی۔ تو مبسوط کی عبارت کا مطلب یہ ہوا
 کہ قاس کی فقہیم صحیح ہے۔ یعنی نماز اس کی اقتداء میں ہو جائے گی اگرچہ مکروہ و ممنوع ہے اور مکروہ جب مطلق ہوتے ہیں تو اس سے اکثر و بیشتر مکروہ تحریمی ہی مراد ہوتا ہے
 جیسا کہ خود صاحب بحر الرائق نے تصریح کی ہے کہما فی رد المحتار وغیرہ تو عبارت مبسوط بشرط صحیح نقل جمود علماء کرام کی تصریحات کے اصطلاح نہیں۔ اور
 قاس معین و غیر معین کا حکم الگ الگ معلوم ہوا۔ اور وہ یہ کہ قاس معین کی اقتداء مکروہ تحریمی ہے اور غیر معین کی اقتداء مکروہ تحریمی ہے۔ لہذا اگر بحر الرائق کے اس
 فرمان اخیر کو قاس غیر معین پر محمول کیا جائے۔ تو باہم علماء کے درمیان کوئی اختلاف ہی نہیں رہتا۔ فقہاء تصریح فرماتے ہیں۔ ابتداء الوفاق اولی من ابقاء
 الخلاف ولذا صرحوا بانہ یوفق بین الروایات مہما امكن کما فی الشامیۃ۔ بالجملہ بخرت دلائل سے قاس معین کی اقتداء کا جائز و مکروہ ہونا
 ثابت ہے جسکی تفصیل سیدنا علی حضرت عظیم البرکت فاضل بریلوی مولانا الشاہ امام احمد رضا رحمہ اللہ رضی اللہ تعالیٰ عنہ نے رسالہ مبارکہ ”الذہبی الاکید عن الصلاة
 و رداء عدی التقليد“ میں فرمائی۔ ہم وہیں سے ایک حدیث خاص قاس کی امامت سے ممانعت پر نقل کرتے ہیں۔ لکن ماجہ حضرت جلد بن عبد اللہ رضی اللہ تعالیٰ عنہما
 سے رلوئی حضور سید عالم صلی اللہ تعالیٰ علیہ وسلم فرماتے ہیں: لا یؤمن فاجر مومنا الا ان یقہرہ بسلطانہ یشاف سیفہ اوسوطہ۔ ہرگز کوئی
 قاس کسی مسلمان کی امامت نہ کرے۔ مگر یہ کہ وہ اس کو بزور سلطنت مجبور کر دے کہ اس کی تلوار یا کوڑے کا ڈر ہو۔ بلکہ ابن شاپین نے ”کتاب الافراد“ میں حضرت عبد
 اللہ بن مسعود رضی اللہ تعالیٰ عنہما سے روایت کی حضور سید عالم ﷺ فرماتے ہیں یتقر بوا الی اللہ ببغض اهل المعاصی والقوہم بوجوہ مکفہرہ
 والتمسوا رضا اللہ بسخطہم و تقر بوا الی اللہ بالعباد عنہم (کنز العمال حدیث ۵۵۸۵ جلد ۳ ص ۷۹) اللہ کی طرف تقرب کرو قاسوں کے
 بغض سے اور ان سے ترش رو ہو کر ملو اور اللہ کی رضامندی غن کی جنگی میں ڈھونڈو اور اللہ تعالیٰ کی نزدیکی ان کی دوری سے چاہو۔ جب فساق کی نسبت یہ احکام ہیں (فتاویٰ
 رضویہ ج ۳ ص ۲۹۳)۔ تو انہیں امام بنانا اور تقسیم دینا کیوں کر جائز ہو گا۔ نیز اعلیٰ حضرت قدس سرہ فرماتے ہیں قاس سب تک معین کے پیچھے نماز مکروہ تحریمی۔ دلیل لول
 میں اس مسئلے پر بعض کلام اور ”صغیری“ و ”مطہوی“ کا نسخہ گزر اور اسی طرف امام علامہ زلیخا نے ”تبین الحقائق شرح کنز الدقائق“ اور علامہ حسن شربلانی نے شرح
 نور الایضاح اور علامہ ابو السعد نے حاشیہ مراقی الفلاح میں اشارہ فرمایا اور یہی فتویٰ جہ کامناد اور تعلیل مشائخ کرام سے مستفاد یہاں تک کہ علماء نے تصریح فرمائی کہ
 فلام یا متولیا حرا یا اند عالم میں افضل ہوں تو انہیں کو امام بنانا چاہئے مگر قاس اگرچہ سب سے زیادہ علم والا ہو امام نہ کیا جائے کہ امامت میں اس کی عظمت اور وہ شرعا
 مستحق لہذا شخص امداد التلاح میں ہے کہ امام الفاسق العالم لعدم اہتمامہ بالدين فتجب اہانتہ شرعا فلا یعظم بتقدیمہ للامامۃ
 واذا تعدر منہ ینتقل عنہ الی غیر مسجدہ للجمعة وغیرہا۔ سیدی احمد مصری اس کے حاشیے میں فرماتے ہیں: قوله فتجب اہانتہ شرعا
 فلا یعظم بتقدیمہ للامامۃ تبع فیہ الزہلی و مفادہ کون الکراہۃ فی الفاسق تحریمیۃ۔ اور حاشیہ شرح علانی میں فرماتے ہیں: أما
 الفاسق الاہل فلا یقدم لان فی تقدیمہ تعظیمہ و قد وجب علیہم اہانتہ شرعا و مفاد ہذا کراہۃ التحريم فی تقدیمہ

ابوالمعود، انتہی۔ علامہ حنفی، فیہ میں فرماتے ہیں: العالم اولی بالتقدم انا کان یجذب الفواحش و ان کان غیرہ اربع منہ ذکرہ فی المحيط ولو استویا فی العلم والصلاح واحدهما اقرأ فقدما الاخر اسماؤا ولا یأثمون فالاسانۃ لترك السنة وعدم الاسم لعدم ترك الواجب لانہم قد موارجلا صالحا کذا فی فتاوی الحجة و فیہ اشارۃ الی انہم لو قد موا فاسقا یاثمون بناء علی ان کراهۃ تقبیحہ کراهۃ تحریم لعدم اعتنائہ بامورہنہ وتساہلہ فی الاتیان بلواز مہ فلا یبعد منہ الاخلال ببعض شروط الصلاۃ و فعل ماہنہا فیہا بل ہوا لغالب بالنظر الی فسقہ ولذا لم تجز الصلاۃ خلفہ؛ أصلا عند مالک وروایۃ عن احمد (فتاویٰ رضویہ ج ۳ صفحہ ۲۹۶-۲۹۵)

ظاہر عبارت یہ ہے کہ قاسم کی امامت مکروہ و ممنوع ہے اگرچہ وہ عالم ہو اس لئے کہ وہ دین کی پرواہ نہیں رکھتا شرعاً کسی اہل بیت کو امامت کے لئے اس کو آگے بڑھانے کی تقسیم نہ کریں گے اور اگر اس کو روکنا ممکن نہ ہو تو جہد اور دیگر فتروں کے لئے دوسری مسجد کی طرف منتقل ہو جائیں گے۔ سیدی احمد مصری اس کے حاشیے میں فرماتے ہیں۔ مصنف نے اس مسئلہ میں زینبی کا جملہ کیا۔ اور اس کا مفاد قاسم کی امامت میں کراہت تحریمی ہے اور یہی سیدی احمد مصری اور دیگر کے حاشیے میں فرماتے ہیں۔ عالم جبکہ قاسم ہو تو امامت کیلئے آگے نہ بڑھایا جائیگا اس لئے کہ اس کو آگے بڑھانے میں اس کی تقسیم ہے اور لوگوں پر قاسم کی توہین شرعاً واجب ہے۔ اور اس کا مفاد یہ کہ اسے امامت کے لئے آگے بڑھانے میں کراہت تحریمی ہے۔ علامہ حنفی طبری نے قیاس میں فرمایا کہ عالم کو امامت کے لئے آگے بڑھانا افضل ہے جبکہ وہ خلاف شرع باتوں سے چٹا ہو اگرچہ دوسرے اس سے زیادہ پرہیزگار ہو۔ اس مسئلے کو ”عیض“ میں ذکر کیا اور اگر دونوں علم و تقویٰ میں برابر ہوں اور ایک قرأت میں اس سے اچھا ہو تو اگر لوگوں نے دوسرے کو آگے بڑھالیا تو کھانا کھانے پر آمادہ نہ ہوئے۔ اس لئے کہ اس کے سنت چھوڑ دی اور کھانا کھانے نہ ہوئے کہ انہوں نے کسی واجب کو بھی چھوڑا اس لئے کہ انہوں نے نیک مرد کو امامت کے لئے آگے کیا۔ ”فتاویٰ ج ۳“ میں یہ مسئلہ اس طور پر ہے اور اس میں یہ اشارہ ہے کہ لوگ اگر قاسم مصلیٰ کو امامت کے لئے بڑھائیں گے گنہگار ہوں گے۔ اس لئے کہ اس کو امامت کے لئے بڑھانا مکروہ تحریمی ہے اس لئے کہ وہ دین کے کاموں کا اہتمام نہیں رکھتا اور دین کے ضروری احکام قیام میں سستی سے کام لیتا ہے۔ تو اس سے کچھ دور نہیں ہے کہ بعض شرائط نماز میں غلطی ڈالے اور وہ کہتے جوتہ کے منافی ہو۔ پھر اس کے فسق کو دیکھتے ہوئے اس سے بھی غالب گمان ہے اسی لئے امام مالک علیہ الرحمہ کے نزدیک اس کے پیچھے اصلاً نماز درست نہیں اور امام احمد علیہ الرحمہ سے بھی ایسی روایت آئی۔ اور مفتی صاحب کا یہ کہنا کہ ”یہ تو ہے کہ تقدیم کو مکروہ کہا ہے نماز کو مکروہ نہیں کہا“ اور دوسروں کا اس کے پیچھے نماز پڑھنا کراہت جائز ہے۔ اس کا جواب اسی ”قیض“ کی عبارت سے ظاہر ہے جس کا صاف مفاد یہ ہے کہ مقتدی قاسم مصلیٰ کو امامت کے لئے آگے بڑھائیں گے تو گنہگار ہوں گے اس لئے کہ قاسم مصلیٰ کی تقدیم مکروہ تحریمی ہے اور کراہت تحریم کے ساتھ جو فتروں کی جائے اس کا مفاد واجب ہے۔ ”در مختار“ میں ہے کہ کل صلاۃ لہیت مع کراہۃ التحريم تحب اعادہا۔ لہذا حکم لگانا کہ دوسروں کا اس کے پیچھے نماز پڑھنا بلا کراہت جائز ہے ظاہر اور فقہاء کے فرمان کے صریح خلاف ہے۔ اور جو حدیث یہاں ذکر کی وہ محض اس صورت میں ہے۔ جبکہ قاسم مصلیٰ کو روکنا ممکن نہ ہو۔ اور دوسری مسجد کی طرف منتقل ہونے کا اختیار نہ ہو اور یہاں جو بعض معنی صحت کے لئے ہے جیسا کہ پہلے بیان کیا گیا تو اس سے مطلقاً قاسم مصلیٰ کی اقتدا کے حلال ہونے پر استدلال کرنا صحیح نہیں باخیر میں مناسب سمجھتا ہوں کہ ایک حدیث اور درج کروں جس سے قاسم کی حیثیت اور اسے تقدیم نہ کرنے کی وجہ سے قاسم کی تقدیم حکم ظاہر ہو سرکار علیہ الصلاۃ والسلام ارشاد فرماتے ہیں نعم و قر صاحب بد عۃ فقد اعان علی ہدم الاسلام۔ یعنی جو کسی بدعت والے کی تقسیم کرے تو اس نے اسلام کے ڈھانے پر مدد دی ”ترجمہ الخیر“ میں قاسم کے بارے میں فرمایا: ہو کا لبعید تکرہ امامتہ بکل حال بل منشی فی شرح المعنیۃ علی ان کراہۃ تقبیحہ کراہۃ تحریم لما ذکرنا۔ یعنی قاسم مصلیٰ بدعت حق کے شر ہے کہ اس کی امامت بیکر حال مکروہ ہے بلکہ شرعیہ میں شاذ اس طرف گئے کہ اس کو امامت کیلئے مقدم کرنا مکروہ تحریمی ہے۔ اس دلیل سے جو ہم نے ذکر کیا اب جبکہ یہ خطی ظاہر ہو گیا کہ قاسم مبتدع کی تقریر ہے۔ لہذا مناسب ہے کہ غلام کلام میں قاسم نہ مبتدع کے احکام اور قاسم کے بارے میں تفصیل و توضیح اقول یہ طور اجمل بیان ہوا اور اختتام غرض امام اہل سنت اعلیٰ حضرت کے کلام پر ہو کہ امام کلام ہے اور وہی مسک الختام ہے (فتاویٰ رضویہ ج ۳ صفحہ ۲۷۳) سے ایک فتویٰ مع سوال و جواب بعد نقل کیا جاتا ہے :-

مسئلہ :- ترمذی کا مدبرہ مطہرہ ضلع ایدرہ گاہ کلاں مسئلہ حضرت صاحبزادہ الامیر تبت ہلا منقبت حضرت سید شاہ محمد میاں صاحب زید محمدیم ۱۲۰ ذی قعدہ ۱۳۳۰ھ

۷۸۶/۹۲

جامع کمالات متبعہ کات مولانا المعظم زکریا کاظم پس از سلام مستون عارض ہوں فسق کی امامت علی اللہ بے السفی ہے مکروہ تحریمی قابل اعادہ یا مکروہ تنزیہی یا کچھ تفصیل اگر فسق کی امامت سے صلحا بھی اور فسق دونوں نماز پڑھیں یہ تقدیر اعادہ صرف صلحا کے لئے نماز مکروہ تحریمی قابل اعادہ ہے یا صلحا و فسق دونوں کے لئے اور صلحا اگر منع فسق من الایمان سے عاجز ہوں۔ تو صلوات خسہ ہے جماعت پڑھتا فسق کی امامت سے پڑھتا کوئی در محکمہ میں ہے کہ فسق واقعی و عید و ولد الزنا وغیرہ کی امامت جب مکروہ ہے جب دوسرے ان سے ایچے موجود ہوں ورنہ نہیں اب دریافت طلب امر یہ ہے کہ جو لوگ مکروہ کہتے ہیں ان کے نزدیک بھی یہی حکم ہے یا کچھ اور سینوا توجروا۔

الجواب :- امامت فسق کی نسبت علماء کے دونوں قول ہیں کراہت تنزیہ۔ کما فی الدر وغیرہ اور کراہت تحریمی کما فی الغنیہ و فتاویٰ الحجہ طالعین فالشرب ذیلاً لیبی السعود والطحطاوی علی مراقی الفلاح وغیرہ اور ان میں توفیق یہ ہے کہ قاسم غیر معین کے پیچھے مکروہ تنزیہی اور معین کے پیچھے تحریمی مبتدع کی بدعت اگر حد کفر کو پہنچی ہو اگرچہ عند التہماء یعنی منکر قطعیات ہو اگرچہ منکر ضروریات نہ ہو تو صحیح یہ ہے کہ اس کے پیچھے نہ باطل ہے کما فی فتح القنبر و مفتاح السعادة والغبائیة وغیرہا۔ کہ وہ بی احتیاط جو شکمین کو اس کی تکفیر سے باز رکھے گی اس کے پیچھے نماز کے فساد کا حکم دے گی لسان الصلاة لنا صحت من وجوه و فسدت من وجہ حکم بمسأدا۔ ورنہ مکروہ تحریمی جن صورتوں میں کراہت تحریم کا حکم ہے صلحا و فسق سب پر اعادہ واجب ہے۔ جب مبتدع یا قاسم معین کے سوا کوئی امام نہ مل سکے تو منفرد پڑھیں کہ جماعت واجب ہے اور اس کی تقدیم منوع بکراہت تحریم اور واجب و مکروہ تحریم دونوں ایک مرتبہ میں ہیں سودر۔ العاصمہ من جلب المصالح۔ ہاں اگر جمہور میں دوسرا امام نہ مل سکے تو جمہور پڑھیں کہ وہ فرض ہے اور فرض اہم اسی طرح اگر اس کے پیچھے پڑھنے میں تہ نہ ہو تو پڑھیں اور اعادہ کریں کہ الفتنۃ اکبر من القتل واللہ تعالیٰ اعلم۔ سوال نمبر ۴ کے جواب میں مفتی نے جو یہ لکھا ہے ”جنسہ سے زائد کا ٹکڑا واجب ہے“ محل نظر رہا قابل تسلیم ہے یونہی جمہور کا مذہب جو بایں الفاظ بیان کیا کہ بہت لمبی واڑھی ہونا جمہور کے نزدیک مستحب ہے جہاں تک ہو اس پر تصحیح نقل مطلوب ہے۔ یہاں سے خوب ظاہر ہوا کہ وہ فتویٰ جو تبصرے کیلئے پیش کیا گیا اور اسکا انگریزی ترجمہ دونوں تحقیق سے دور تفصیل سے خالی توفیق سے مجبور۔ واڑھی کی اہمیت کو عوام کی نظر میں کم کرنے والے اور واڑھی تراشنے والوں کا حوصلہ بڑھانے والے اور نماز جو بی احتیاط کا محل ہے۔ اس میں لاپرواہی ہے احتیاطی کو رد کر کے والے جن میں محض خرافات و قس سے ترجیح و تفصیل و توفیق و تحقیق سے صرف نظر کر کے ایک قول مرجوح کو مفتیوں نے اختیار کیا ہے۔ ترویج میں ختم قرآن سنت مؤکدہ ہے جبکہ امام جامع شرف اللہ امامت کی اقتدا میر ہو تو اس فضیلت کا حاصل کرنا خوب اور شرعا مطلوب۔ مگر امام جبکہ قاسم معین ہو اور ترک اقتدا کوئی تہ نہ ہو تو اس فضیلت کی تفصیل کے لئے مکروہ تحریمی کے لڑکھاب کی کس نے فہرستی اور اس کی اجازت کہاں سے آئی۔ ہاں اگر وہ قاسم معین ہی جماعت موجودین میں قرآن صحیح طور پر پڑھتا ہو تو اس صورت میں فرض و ترویج سب میں صحیح ملاحظہ کیلئے اسی کی اقتدا فرض ہے یا ترک اقتدا میں فتنے کا صحیح اندیشہ ہے تو اقتدا کی اہمیت ہے۔ مگر اس صورت میں اعادہ ضروری ہے واللہ تعالیٰ اعلم۔

قالہ بغمہ و امر برقمہ الفقیر الی رحمۃ ربہ الغنی

محمد اختر رضا القادری الازہری غفرلہ

مرکز کتب و ادارات، ۸۲، سوداگر ٹرین، علی شریف

۱۱ شعبان المعظم ۱۴۲۰ھ

الجواب صحیح واللہ تعالیٰ اعلم
قاضی شہید عالم رضوی

الجواب صحیح واللہ تعالیٰ اعلم
محمد مظفر حسین قادری رضوی

الجواب صحیح واللہ تعالیٰ اعلم
محمد عظیم علی قادری بدیعوی

صحیح الجواب واللہ تعالیٰ اعلم
قاضی محمد عبدالرحیم بستوی غفرلہ

SIGHTING OF THE MOON

As Salaamu Alaikum Wa Rahmatullahi Wa Barakaatuhu

QUESTION

What is the verdict of the Learned Ulama and the Muftis in the following case:

Every year in Durban, the Sunni Ulama take a telephone message from Cape Town which is about 1700 kilometres away from Durban, to commence Ramadaan or Eid. This year the very same procedure was followed. Our Jamaat, however, does not follow this system and thus relies on proper Shahaadat. When we heard that the moon was sighted, we began to investigate where it was sighted, so that we may attain proper Shahaadat if possible. On investigation we found out that the moon was not seen in Cape Town, but was seen in Johannesburg. After speaking to some Sunni Ulama there, we were informed that the Shahaadat procedure did not take place in front of any of them but that they had only heard that the moon was seen and thus announced Eid.

As for the Sunni Ulama in Durban, they took the telephonic message of the sighting in Johannesburg from Cape Town and also announced Eid on this message. After making contact with the Cape Town Hilaal Committee, we were sent a fax to say that the moon was not seen in Cape Town, but was seen in Johannesburg. The names of the witnesses were present on the fax and all three witnesses were Wahabi Molvis (according to the information on the fax) from Mias Farm, a famous Wahabi institute. We also confirmed that those who gave testimony in Johannesburg were Wahabi and the person to whom they gave Shahaadat and who announced the Shahaadat was also a Wahabi.

When this information surfaced, then between 11.30 p.m. and 12.30 p.m., a reputable Sunni Aalim from our Jamaat called various Ulama and informed them that they had announced Eid on the message from Shahaadat from Wahabis. They replied by saying, that they had already announced that the following day was Eid, and there was nothing that they could do as retracting will cause Umume Balwa. Another reputable Sunni Aalim was called various times and the Aalim from our Jamaat asked his permission to present the fax to him. He answered by saying that he had no need to see the fax, as he

had already made the announcement and the next day would be Eid.

1. *What is the law on announcing Eid on the Shahaadat of Wahabis or just by news via the telephone, without making proper investigation?*
2. *What is the ruling concerning those Sunni Ulama who announced Eid without Tahqeeq?*
3. *What is the ruling on those Sunni Ulama, who after being informed did not retract their announcement, but went ahead with Eid?*
4. *Do the general public and these Aalims have to keep a Qazaa fast for this reason?*
5. *What is the ruling in the issue of Umume Balwa?*
6. *After this incident, should these Ulama who have been accepting telephonic messages for Ramadaan and Eid still accept such messages?*
7. *Is there Tauba on these Ulama? If so, then what is our responsibility if they refuse to announce their Tauba?*
8. *What is the law concerning those Ulama who accepted this practice to be wrong, but still made Eid on the next day?*
9. *Should the Cape Town Hilaal Committee be trusted now, knowing that it took message from Wahabis?*

May Allah Bless You with Jaza-e-Khair.

Was Salaam
Durban Hilaal Committee
South Africa

ANSWER

1. I have to say in this regard that it is quite unlawful to announce Eid relying on the telephonic call as Shari'ah refuses the telephonic message- fax, telegram, letter, etc. Ala Hazrat has explained this rule of Shari'ah in his various verdicts. He who wants the detail he should go over his distinguished

work "Fatawa Razvia". Wallah Ta'ala Aalam.

2. They are liable in the view of Islam. Wallah Ta'ala Aalam.

3. They must repent as they have violated the rules of Shari'ah and committed a great sin, therefore, they have to repent and seek forgiveness from Allah. Wallah Ta'ala Aalam.

4. Yes, they have to do. They must fast one day for the lapse. Wallah T'a'ala Aalam.

5. Umme Balwa means the commonness of intensity and unavoidable narrowness. What intensity regarding this issue Muslims should avoid Shari'ah and avoid violation. Wallah Ta'ala Aalam.

6. No. Wallah Ta'ala Aalam.

7. Yes, of course. If they refuse to announce their repentance, they deserve to be avoided by the Muslims. Muslims must keep distance from them. Wallah Ta'ala Aalam.

8. The verdict is alike and the rule concerning them is same as above. Wallah Ta'ala Aalam.

9. Not at all. Wallah Ta'ala Aalam.

Hazrat Allama Mufti Mohammad Akhtar Raza Khan Qadri
01-02-2002

WHAT IS MASLAK-E-AALA HAZRAT

QUESTION

What is Maslak-e-Aala Hazrat?

ANSWER

Maslak-e-Aala Hazrat is not any innovated religion in the name of Aala Hazrat *Rehmatullah Alaih*. Really it is the same way which is well known amongst the Sunnis in the name of Maslak-e-Ahle Sunnat Wa Jama'at.

I have recently delivered a speech concerning this issue in Harare. I would like you to go over this speech which is available on the web.

*Ja Nashine Mufti Azam, Allama Mufti Mohammed Akhtar Raza Khan
Azhari Qaadiri*

**Harare Lecture by Taajush Shariah, Hadrat Allama Mufti
Mohammed Akhtar Raza Khan Azhari Qaadiri**

Aala Hazrat *Rehmatullah Alaih* never innovated any religion in his name. Aala Hazrat *Rehmatullah Alaih* has been awarded from ALLAH and His Holy Prophet (*Sallal-Laahu Alaihi Wasallam*) for his dedication to serve Islam and reforms the practices of our Rasool (*Sallal-Laahu Alaihi Wasallam*). Therefore, ALLAH'S real Deen is introduced by the name of Aala Hazrat *Rehmatullah Alaih*, that's why, Maslake Aala Hazrat is another name of Maslak-e-Ahle Sunnat Wa Jama'at.

There is not enough time to elaborate his teaching; however, I can compress all his thoughts and teachings in a few stanzas of his poetry which present the real faith and right beliefs of a real Muslim concerning the Holy Prophet (*Sallal-Laahu Alaihi Wasallam*) as he says:

*"Allah Ki Sar Ta Baa Qadam Shaan Hain Yeh,
Insaan Nahin Insaan, Woh Insaan Hain Yeh,
Quran To Imaan Batata Hai Inhein,
Imaan Yeh Kahta Hai Meri Jaan Hain Yeh"*

I have come to explain what Aala Hazrat *Rehmatullah Alaihi* says, indicating to His Revered and Very Esteemed Rasool (*Sallal-Laahu Alaihi Wassallam*) as he is looking at him. This is the Glory and Jalwa of ALLAH from head to bottom (feet). This is such a man that no man is like him.

Moreover, I have to say aforesaid quatrain of Aala Hazrat *Rehmatullah Alaihi* comprises one more belief which is not spoken but it is understood easily through the indication "THAT IS AQIDA-E-HAZIR-O-NAZIR" which can be explained in English in this manner that our Prophet (*Sallal-Laahu Alaihi Wassallam*) is present everywhere, observing everyone by his knowledge and through his insight. That is why the Muslim is instructed while performing Namaaz to consider himself in the presence of Holy Prophet Muhammed (*Sallal-Laahu Alaihi Wassallam*) and to say with due respect, "As Salaam-0-Alaika Ya Ayyuhan Nabi, Wa Rahmatullahi-Wa-Barakatuhu". If he is unable to look at his beloved Rasool (*Sallal-Laahu Alaihi Wassallam*), he must believe that his Rasool (*Sallal-Laahu Alaihi Wassallam*) is alive and he is in front of him observing his actions and looking at the condition of his heart wherever he may be.

This way Aala Hazrat *Rehmatullah Alaihi* guides Muslims how to believe the Holy Prophet (*Sallal-Laahu Alaihi Wassallam*) and what is the right belief regarding the Holy Prophet (*Sallal-Laahu Alaihi Wassallam*)? One can realize himself through his Aqida that Muhammad (*Sallal-Laahu Alaihi Wassallam*) is quite unparallel, unique and peerless so nobody in the whole Creation can compare to Him. Quran calls on people to believe the Holy Prophet (*Sallal-Laahu Alaihi Wassallam*) and calls him Imaan but Imaan states that the Holy Prophet (*Sallal-Laahu Alaihi Wassallam*) is "my spirit."

This is not only the teachings of Aala Hazrat *Rehmatullah Alaihi* but also the teachings of Kalimah and it is the voice of every Muslim's heart so now you can know who the real Muslims are? There is no real Muslim but Ahle Sunnat Wa Jama'at.

In this connection, I would like to recall some stanzas of Hazrat Hassan Ibn Sabit *Radi Allahu Ta'ala Anhu*, the great poet of the dawn of Islamic age. Holy Prophet Hazrat Muhammad (*Sallal-Laahu Alaihi Wassallam*) used to lay down the pulpit for him and commanded him so many times to stand on the pulpit depending the Reverential Prophet Hazrat Muhammad Mustafa (*Sallal-Laahu Alaihi Wassallam*) and communicated good news to Hazrat Hassan Ibn Sabit *Radi Allahu Ta'ala Anhu* stating "Roohul Qudus" Hazrat Jibraeel *Alaihe Salaato Wasallam* is defending him. As long as he is defending his Holy Prophet (*Sallal-Laahu Alaihi Wassallam*).

So the above-mentioned poet of the dawn of Islamic age Hazrat Hassan Ibn Sabit *Radi Allaho Ta'ala Anhu*, praising his revered Rasool (*Sallal-Laahu Alaihi Wassallam*) says, "Never an eye witnessed more glorious than you, women have never given birth to the virtuous than you, you have been created free from every blemish, you seem to be created as you wished." Every one can know through these words that Aala Hazrat *Rehmatullah Alaih* is not alone in regard with his belief concerning Holy Prophet (*Sallal-Laahu Alaihi Wassallam*), in realistic manner he complies in his belief with the faith of Holy Companions of Holy Prophet (*Sallal-Laahu Alaihi Wassallam*), and it proves that this is the real manner to believe Rasool (*Sallal-Laahu Alaihi Wassallam*) and the beliefs of Ahle Sunnat Wa Jamaat have been inherited from the companions of Holy Prophet (*Sallal-Laahu Alaihi Wassallam*). That's why Aala Hazrat *Rehmatullah Alaih* says:

*"Ahle Sunnat Ka Hai Beda Paar,
Ashaba Huzoor Najm Hai,
Aur Nau Hai Itrat Rasool Allah Ki"*

i.e. "Ahle Sunnat are delivered at trust the companions of your excellence of the leading stars and your descendents are just like a boat for deliverance"

This sense is the derivation from a Hadith in which Holy Prophet (*Sallal-Laahu Alaihi Wassallam*) has compared his companions with the stars that has likened his defendants with the boat of Hazrat Nooh *Alaihi Salaam*.

In the meantime, there are some people trying to represent Islam in a wrong way, actually, they are not representing Islam but they are only trying to deprive Muslims from the spirit of Islam, as they say, "*Muhammad (Sallal-Laahu Alaihi Wassallam) is a man like others*". Unfortunately, they try to justify this wrong tenet by means of the verses of Holy Quran, Para (16) "Say you, apparently in facial outlook of a man, I am like you, I receive Revelation that your Allah is one". (Al-Kahf: Verse 110).

In this verse, ALLAH has commanded His Holy Prophet (*Sallal-Laahu Alaihi Wassallam*) only to state in a humble way that he is apparently like others. Meanwhile, he is clarifying the things which separate him from the mankind, stating that the revelation comes to him that your deity is one so whilst ALLAH has commanded only His Rasool (*Sallal-Laahu Alaihi Wassallam*) to make such a statement in a humble way, how can his believers dare to turn the simile and claim that they are like the Holy Prophet (*Sallal-Laahu Alaihi Wassallam*).

It would be a very irrespective attitude towards respected Rasool (*Sallal-Laahu Alaihi Wassallam*). They believe one part of this verse, meanwhile they do not believe the other part i.e. *"I receive Revelation"* (Al-Kahf: 110). The revelation comes to me, therefore, ALLAH states about such people i.e. they believe in some parts of divine (Quran) and they do not believe in some others, while ALLAH states about Sunnis those who have got the certain knowledge, say, *"We did believe the whole Book, every Aayat is from our Lord, the Almighty ALLAH."* One can know through these verses that the Revelation to the Prophet (*Sallal-Laahu Alaihi Wassallam*) requires an eye quite different from the eyes of whole mankind and it requires ears quite different from the ears of the mankind and a heart quite different from the hearts of mankind. Therefore, he *Sallal-Laahu Alaihi Wassallam* states: *"My eyes sleep and my heart does not."*

Through this statement one can derive that there is no relation corresponding to his eminence in any manner, except visible conditions and regarding his intrinsic status. He is quite different from the whole mankind, it seems to be eminent mankind but it has been classified in the highest rank of Angels like other Prophets, moreover, he is virtuous among all his Prophets. Therefore, Ulama say:

"Prophets have been placed among the mankind is in regard with the apparent manners but regarding their intrinsic status they have been classified with the Angels, therefore, they observe the whole earth from East to West in one sight, they hear the cracking of Heaven and they smell the fragrance of Hazrat Jibraeel Alaihi Salaam while he intends to descend down to the Prophets and all creations that's why he himself says about him "If I intended to make anyone my intimate, I had Abu Bakr (Radi Allah-o-Taa'la Anhu) as my friend (companion). However, there is a relation between me and you in Islam and your Master is Khaleel (intimate) of Rehman (The Compassionate)." Naseem-ur-Riaz, the distinguished work of Imam Shahbuddin Khifajyi.

That's why our Holy Prophet (*Sallal-Laahu Alaihi Wassallam*) says, *"I witness what you do not witness and I hear what you do not hear"*. It is quite short which has been mentioned above, much more has been left out. I conclude with these few words: May ALLAH accept them and may ALLAH bestow all of us to keep on the right path having the reverence and respect of His Holy Prophet (*Sallal-Laahu Alaihi Wassallam*) and all the belongings of him. May Allah keep us away from the company of misled people
AAMEEN.

TO USE THE TERM "HAND OF ALLAH"

QUESTION

Generally people use the word "hand", for Allah, such as they say that every thing is in the hand of Allah, whether the use of Allah is legal or not?

A. Naim Azizi

ANSWER

Really, Allah is free from body & soul. He is free from the hand of the creation as this hand is created by Him. Therefore, to apply the word for Almighty Allah with this intention is illegitimate. But Allah has stated the word "yad" (hand) for His Majesty. Ulama say that this "hand" (yad) is quite different from the above mentioned hand. The "yad" is an attribute of Allah which will exist forever and would never change. Here this "yad" (hand) means the hand of Divine Power of Allah so it can be used with this intention. People are advised to avoid this word and say that "*the hand of Divine Power of Allah*" or "*the hand of Ominipotence of Allah*" i.e. "*The ya'de Qudrat*". Allah knows the best.

**Ja Nashine Mufti Azam, Allama Mufti Mohammed Akhtar Raza
Khan Azhari Qadiri
31st July, 2002 A.D.**

USE OF LOUDSPEAKER IN NAMAAZ (III)

QUESTION

Why Loudspeaker is prohibited in Namaaz?

By Saiful Malik

ANSWER

The use of Loudspeaker while performing Namaaz is not allowed by Shariah because it is necessary that the followers (*Muqtadies*) hear the real voice of Imam. The voice which comes by the means of Loudspeaker is not the original voice of Imam but it is converted into electromagnetic waves and again transformed into audible sound that reaches the audiences, the *muqtadies*. This process involves the scientific instruments called microphone system. Therefore, if one relies only on such a voice which comes from the loudspeaker and not hearing the original voice of Imam nor observing the action of *muqtadies* in front of him, in this condition the Namaaz of this person is considered in the view of Shariah to be invalid (*Fasid*) it is because of *Talaqqun minal Kharij*, which invalidates the Namaaz.

I want to explain the above mentioned technical term, "*Talaqqun minal Kharij*" in brief it means to accept the outside command during performance of the Namaaz. Knowledgeable theologians say it is not allowed during performance of the Namaaz to accept command from outside. If one opens Holy Quran while performing the Namaaz and recite the Verses from the certain page and not through his retentive memory, in this case his Namaaz is invalid.

Ja Nashine Mufti Azam, Allama Mufti Mohammed Akhtar Raza Khan Azhari Qadiri

GHIBAT (BACK-BITING)

QUESTION

If Gibat Is Haraam why the Sunni Maulana are telling (speaking) against the Deobandi in most of speech. Is this correct or wrong?

ANSWER

Indeed Gheebat (Back-biting) is Haraam (unlawful) but the person seeking rule of Shariah needs to know the definition of "Gheebat" and he needs as well to be aware of such condition in which Gheebat is forbidden.

Gheebat means fault finding and caviling a Muslim without any right of Shariah (legal right) either in his presence or absence verbally or by any means of indication or to make eyes at some one. Through this, the person seeking the rule of Shariah can derive his answer.

Now, I come to elaborate the answer that Deobandis are no more Muslims because they have made derogatory remarks against ALLAH and His Holy Messenger (Sallal-Laahu Alaihi Wasallam) and even they have refused many principles of Islam. For example: One of the leaders of Deobandis, Qasim Nanautavi, claims that our beloved Prophet Sallal-Laahu Alaihi Wa Sallam is not the final Messenger of Allah. In the very beeginning of his book "Tahzir-un-Na'as" he declared, "This is the view of ordinary people (ignorants) to believe our beloved Prophet Sallal-Laahu Alaihi Wa Sallam as final Messenger of ALLAH and this is evident to the intelligentsia that being prior or later in the period has no virtue." (abridged).

He further says, "Suppose any other Prophet takes birth after Hazrat Muhammad (Sallal-Laahu Alaihi Wasallam), even then it will make no difference in the finality of Hazrat Muhammad Sallal-Laahu Alaihi Wasallam". (Tahzir-un-Na'as) Whereas Allah has declared Hazrat Muhammad (Sallal-Laahu Alaihi Wasallam), the final Prophet saying "Khatam-un-Nabieen", i.e. the Seal of the Prophets. From the beginning of Islam till this moment the Ummah has admitted him the last and final Prophet of Allah. The leaders of Deobandies are not only refusing one principle of Islam rather they refuse as well the consensus of Ummah and even the Holy Quran. Therefore, most of the Ulama and knowledgeable

theologians of Arab and non-Arabs have issued the verdict unanimously regarding them that, *"he who doubts in their infidelity and visitation for them is certainly Kaffir!"* Thus, we see that Deobandies have been declared apostates.

I have presented here only one example of insolence and blasphemous chattering of the leaders of Deobandies in the sanctified court of Allah's last and beloved Prophet (*Sallal-Laahu Alaihi Wasallam*) otherwise, there are much more such examples of derogatory remarks which they have made against Allah and His Prophet (*Sallal-Laahu Alaihi Wasallam*). Before ending the answer I would like to ask the questioner: if you complaint against the person for this tyranny or file a suit against the oppressor or ask the rule of Shariah about such a person, would you consider this action to be a back-biting?

Let me know if you want to make a person be aware of a man and it depends on giving him some particulars like blind, deaf, lame, etc. Would you call it a back-biting? Likewise, if you want somebody to protect him from a cruel (person), would you regard name-talking about him as backbiting? I know well that you have to say in all these conditions "NO". Now, I have elaborated all the conditions in which the back-biting is allowed, in other words, it would not be regarded as back-biting. Similarly, you can think, talking about "Deobandies" and you can realize that it does not come under the forbidden back-biting. Wallahu Ta'ala Aalam.

**Ja Nashine Mufti Azam, Allama Mufti Mohammed Akhtar Raza Khan
Azhari Qadiri**

TO VISIT THE GRAVES OR SHRINES OF A WALI

QUESTION

Revisiting Graves or Shrines of a Wali Radi Allahu Anhu. In Fiji there is a grave of Wali who came from India and Muslims they visit and respect to that blessed places in the town Navua. The Wali had also shown great Karamaat and even today it can be experienced whosoever visits the graves. The Wahabies claim it is un-Islamic to visit such places. Please provide a Fatawa regarding the cited subject and there is no Muslim Sunni Mufti currenty in Fiji and it is for reason I have knocked your door.

Shahzad Ali
Fiji Islands

ANSWER

In this regard, I have to say that Wahabism is based on disrespecting the Prophets and Saints of Allah and they do not believe in their authority and miracles and so claim that visiting graves and shrines are anti-Islamic and settle such action contrary to the teachings of Islam and say that Muslims should refrain from visiting the graves and shrines and even performing worship at those places.

In fact, Wahabis have refused the commands of the Holy Quran and authentic Traditions of the Holy Messenger (Sallal-Laahu Ta'ala Alaihi Wasallam) and have adopted very irrespective manners towards the Saints and pious persons. They are misled and every baseless act of Wahabis is against Islamic faith. The Holy Messenger (Sallal-Laahu Ta'ala Alaihi Wasallam) has clearly stated:- i.e. "I had forbidden to visit the graves. But be attentive that now you do visit the graves."

Every Sunni Muslim should ask the Wahabis to present the evidence about their claim. If they cannot present any evidence and surely they would not be able to do so, then it goes without saying that their claim is contrary to Islam. Verily! Everybody can point out that no one is opposing Islam but the Wahabis. In fact, Allah has bestowed upon His favorites, a great importance, and therefore, our Shariah urges Muslims to be in touch with the pious persons and wants to remain this connection till the last moment of life.

"Recite the statement of Hazrat Yusuf Alaihis Salaam, 'Make me die as a Muslim and join me with those who are worthy to be very close to you'". (Sura Yusuf: 101) Note: This invocation of Hazrat Yusuf Alaihis Salaam was to instruct the Ummah as the Prophet (*Sallal-Laahu Ta'ala Alaihi Wasallam*) is preserved from evil end. This is the reason that the esteemed Prophet commanded his Ummah to visit the graves of virtuous persons. This practice has been continuing since the age of the preceding Prophets. The Holy Quran, narrating the saying of people about the men of the cave, says: *"Those who prevailed in their affair said, 'We swear that we shall erect over them a mosque'".* (Al-Kahaf: 21). Hence, everybody can derive clearly that Muslims in every age used to build the Mosque around the Shrine.

Since Saints are the favorites of Allah and close to Him, therefore the Muslim for beneficence visit the Shrines, perform Namaaz in the Mosque near of the Shrines, and undoubtedly, Muslims consider this act a good deed. Now they should answer whether the statement of Wahabis is contrary to Islam or the practice of Ahle-Sunnat which they have inherited by the virtuous persons from the very beginning of Islam and is still going on. It goes on without saying that whose action is contrary to Islam? This is the action of Wahabis only which is baseless in the light of the tradition of the Holy Prophet (*Sallal-Laahu Ta'ala Alaihi Wasallam*) which says that Allah cursed the Jews as they assumed the graves of their Prophets in the form of the Mosques. I have to say that this Hadith is never supporting them. This is only backing up the Ahle Sunnat Wa-Jamaat.

The Jews built the Mosque directly on the graves and this is obvious that this is the contempting manner and irrespective. We never allow to build a Mosque over the graves. However, he who builds a Mosque near the grave of a Saint or performs Namaaz near a grave with the intention to seek spiritual help and to be benefited from the effects of Awliya; then there is no objection to this practice. You know that the Shrine of Hazrat Ismail Alaihis Salaam is in the premises of Masjidul Haram and it is very virtuous to perform Namaaz in certain place.

In this regard the verses of the Holy Quran i.e. *"We swear that we shall erect over them a Mosque"* has been stated before. It has been stated in *"Jalalain"* explaining the word *Alaihim* i.e. around their graves. Through this explanation given in *Jalalain* it goes on without saying that the Holy Quran legitimizes to build a Mosque around the grave and it can be derived very clearly that this practice has been going on by the Muslims since thousands of years. Wahabis committed contempt of Awliya in a more violent way and

so they destroyed (demolished) the graves and Shrines and still they are not pleased to do so but they just want to obliterate the reverence of the Prophets and Saints absolutely from the heart of Muslims. That is why they urged Muslims neither to visit the graves nor to pay submission and devotion to them at all.

**Ja Nashine Mufti Azam, Allama Mufti Mohammed Akhtar Raza
Khan Azhari Qaadiri**

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مَنْ يَرِدُ اللَّهُ بِهِ خَيْرًا يُفَقِّهْهُ فِي الدِّينِ
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W



الحمد لله الذي

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