

Notes of Lectures on Fiqh

by Maulana Sadiq Hasan in Melbourne

Lecture # 12 (Friday 28 September 2001)

RULES FOR SENDING SEHME SADAT

☀ According to current Mujtahids, it is better to give sehme sadat to deserving sadat in your own locality or city where you live, even though you are allowed to send sehme sadat to deserving sadat outside your own city. It is also preferable to give sehme sadat to your own poor sadat relatives in the area where you live.

☀ If you could pay your khums locally, but instead you chose the option of sending your khums (or zakat or sadaqa) overseas or outside your own city by post or by other means, then you have to pay the expenses of postage, bank charges etc yourself, and such charges can not be deducted from the actual amount being sent.

☀ If it becomes wajib on you to send khums overseas or outside your own locality, then you can deduct the expenses of sending the khums from the actual amount. Sending khums overseas or outside your locality can become wajib if (a) there is no deserving sadat available, and (b) you are satisfied that there is no chance in future of getting a deserving sadat.

☀ If a sunni Muslim becomes a shia Muslim, then he has to pay the khums (and zakat and fitra) for the period during which he was a sunni if he gave such dues to a poor person, who did not meet those ten conditions required by the shia fiqh (as mentioned in previous Fiqh Notes) even if that poor person was deserving according to his sunni fiqh. But he does not have to repeat his salat, sawm, Hajj etc for that period if he performed these acts according to his sunni school of fiqh.

RULES ON CALCULATING KHUMS

☀ The most common item on which khums is wajib is the **ANNUAL SAVINGS** from your income after deducting all allowable (mubah) expenses after one year. The normal amount of khums payable is 20% (or one fifth) of the annual savings on your chosen khums date. Annual savings include:

- (a) **all cash savings**, and
- (b) **savings on those items which decrease as you spend** (eg groceries, petrol, perfumes, oil etc), and
- (c) **any new but unused items** bought or acquired during the year (eg a new shirt bought & not used)

☀ Calculation of khums must be done as accurately as possible. It is not allowed to pay a lump sum amount (as a rough figure) every year and assume that the khums has been paid.

☀ Islam does not recognise any haram activity in payment of khums or in any other acts of worship. Thus, apart from annual savings, the khums is also wajib on

- (a) **Israf (extravagence) expenses** during the year
- (b) **Haram expenses** during the year

☀ **Israf** is a major sin and involves those expenditures, which are beyond the status (shaan) of a person. Islam allows a person to lead a comfortable life according to his needs and status but does not allow one to lead a life above his status in the society where he lives.

☀ **Haram** expenses include anything spent on those things, which are haram (prohibited) and sin in Islam. **Examples:** expenses on shaving beard, money spent on haram movies, haram musical tapes, lottery tickets, haram food or drinks etc.

☀ For calculation of khums, you can use Hijri year or any other year, which is common in the area where you live.

☀ If you have been paying khums on a fixed date (say 30 June) every year, and if you want to change the date of khums, then you should change to an earlier date, and not to a later date. However, if you change to a later date, say 30 July, then you must also pay khums for that extra period (from 30 June to 30 July).

☀ If a person, who was regular in paying khums, dies, then it is wajib on his heir to work out and pay the khums of that person from his property for the period between his previous khums date and the date he died. (This mistake is found to be very common among momineen in the subcontinent).

☀ If, after calculating your khums on the khums date, you do not have sufficient money to pay your khums immediately, then it is allowed to pay your khums in instalments so as to pay as early as possible.

☀ If, after paying your khums, you doubt whether your khums calculation was correct, then you should assume it to be correct. But if you are sure, that your calculation was wrong, then you have to re-calculate it correctly. This rule is called '**Qaidah Firagh**' in sharia, and applies to many other acts of worship.

WHAT IF YOU HAVE NOT PAID KHUMS BEFORE

☀ If you have not paid khums on any thing (eg israf or haram expenses etc), on which khums was wajib, then there are two methods of working out khums in such cases:

- (a) **Ihtiyat** (Precaution) method: You pay a maximum amount of khums on that item to the extent that you are more than sure that you have paid the khums. Example: if you spent \$15,000 in a marriage and you do not know how much of it was israf expenses, then you pay a very high amount (say \$3,000 which is khums on the whole \$15,000) that makes you sure of having paid the khums.
- (b) **Compromise** (Masalehat) method: You present your case to your Mujtahid or his wakeel, and he decides and agrees on the amount of khums you have to pay for that item. This method is wajib for that person who has never paid khums in his whole life.

ITEMS EXEMPTED FROM KHUMS

☀ There is no khums on the following items even if they remain unused for whole year:

- (1) **Gifts:** Only for the followers of Ayatullah Khamenei and Khumaini. For the followers of Ayatullah Seestani and Khui, khums is wajib on unused gifts.
- (2) **Mahr** (Dower): Amount fixed as Mahr in marriage and received by wife from her husband
- (3) **Khula Money:** Amount paid by wife to husband when she wants to get a divorce from husband even when husband is performing all his wajib duties.
- (4) **Jaheez** (Dowry): Items arranged by bride's father for the bride at the time of marriage. Bride's father does not have to pay khums on these items on following conditions: (a) Dowry is a custom in the area where he lives, (b) It is impossible to arrange the customary dowry in one year, and can only be collected bit by bit, (c) Dowry must not be in cash.