

# Notes of Lectures on Fiqh

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### Lecture # 15 (Sunday 28 October 2001)

#### WHEN TO PAY KHUMS

☀ There are three methods on when to pay khums when you receive an income or any new item:

**Method 1: You pay khums immediately:** When you receive an income or any item, you are allowed to pay khums on the whole amount or item immediately. Then you do not have to worry about waiting for one year and paying khums on net savings or unused item.

**Method 2: You pay khums after one year:** When you receive an income or any item, then khums can be paid after one year on the net savings of that income or on the item if it remained unused.

**Method 3: You pay khums on your selected khums date:** You fix a date of your khums calculation in a year, and work out and pay khums on all savings and unused items existing on that date every year. Then you do not have to worry whether the income or the unused items were one year old or less.

#### FIXING A DATE FOR KHUMS

☀ Mujtahids differ on fixing a date of khums payment as explained below.

☀ According to Ayatullah Khamenei, a person must fix one date of khums in the year, for calculation of khums on all savings and unused items etc existing on that khums date. In such a case, he may have to pay khums even on those unused items or income, which he acquired only a few days or even a day before the khums date. Ayatullah Khumaini's fatwa on this issue is a bit complex, so one should refer to his Risala.

☀ According to Ayatullah Khui and Seestani, you have two options of fixing your date:

**Option 1:** You fix only one date of khums in the year for calculation of khums for all savings and unused items etc existing on that khums date. In this case, you may have to pay khums even on those unused items or income, which was acquired only a few days or even a day before your khums date.

**Option 2:** You fix several dates of khums for different types of items and income but in this option, you have to keep a strict account of each income and each item separately for the whole year, as you will be paying khums regularly on each khums date of each item and income. Remember khums payment becomes wajib one year after acquiring the income or the item if it remains unused.

☀ **Option 1** is simple to manage because you have to worry about khums calculation only on one date, but you are likely to pay a higher amount of khums in a year. **Option 2** is difficult to manage but you are likely to pay less khums in a year.

☀ Ayatullah Khui and Seestani also allow that you can combine the two options for payment of your khums. For example, you can fix one khums date for all your household savings and regular monthly income, and fix a separate date for any big income or item you get in the year.

#### PAYING KHUMS IN ADVANCE

☀ Paying khums before it has become wajib (ie paying khums in advance) is not valid and is not considered khums in Islam. Khums on an income or an item can be paid only after you have received

the income or the item. You can not pay khums in advance on anything, which you expect to receive in future.

☀️ If you receive some money (or income) today, then according to Islam, khums becomes wajib immediately, although you are allowed to pay your khums on this money after one year from today after deducting your lawful expenses from this money. Thus if you wish, you can pay khums on your income or any other item immediately you receive it and then you need not worry about paying khums on it after one year.

### **EXTRA KHUMS PAID BY MISTAKE**

☀️ If you have paid extra khums by mistake (due to mis-calculations or ignorance of khums rules), or if you have paid khums by mistake on certain items on which khums was not wajib, then you can not take your khums back or can not adjust this extra khums in the following year khums amount. However if the person receiving the sehme sadat knew that the khums was not wajib on you, then you can take it back.

### **MORE ON ISRAF (EXTRAVAGENCE)**

☀️ Israf is haram and hence khums is wajib on such spending. How to determine if a spending is considered israf in Islam? Israf is determined by the status (shaan) of a person in the community where he lives and the urf (opinion of the people in the community he lives). If majority of the people in the community where he lives express surprise on a big expenditure made by him (in relation to his existing status), then this is considered israf.

☀️ Is israf allowed in spending money on good deeds? Some examples of israf on good deeds are:

- You give a huge donation in charity, which is beyond your status,
- You sell your sole home and use this money to build a mosque,
- A gift of huge value given by one momin (above his status) to another momin, etc etc

Mujtahids differ if such israf type spending on good deeds is allowed or not.

Ayatullah Khui and Seestani say that it is allowed to do israf in good deeds (and khums is not wajib on such spending). Ayatullah Khumaini and Khamenei say that israf is not allowed even in good deeds (and khums will become wajib even on such israf spending on good things)

### **SOME MISCELLANEOUS RULES**

☀️ If khums payment has become wajib on you and you are not in a position to pay immediately, then it is allowed to ask someone to pay that khums amount on your behalf (if he agrees to do so), and then settle the amount with him later if required. For example, the husband can pay khums on behalf of his wife and children on a common khums date if the wife and children provide him with all the information of their personal savings etc.

☀️ If khums has become wajib on an item on a khums date, but you do not know its value, then it is wajib to determine its value. If you can not determine its value, then seek the advice of your marja or his wakeel to determine the khums on that item.

☀️ If an item, which was of value when you got it, loses its value and is of no value on your khums date, then there is no khums on that item.