

# **Notes of Lectures on Fiqh**

## **by Maulana Sadiq Hasan in Melbourne**

### **Lecture # 16 (Sunday 4 November 2001)**

#### **PAYING KHUMS ON BEHALF OF ANOTHER PERSON**

✳️ Paying khums on behalf of another person is not allowed without getting permission from that person, because khums is an act of worship and niyyat (intention) is wajib. However, if you get permission from the Mujtahid or his wakeel for that person then it is valid to pay khums on that person's behalf (even from that person's own assets and money) even if that person refuses to give permission. A mujtahid (or his wakeel) has more authority in khums than the person paying the khums. (For example, a wife can pay khums on behalf of the husband in this way if husband does not pay or believe in khums).

#### **RECEIVING GIFT/DONATION FROM A PERSON WHO DOES NOT PAY KHUMS**

✳️ When a person does not pay khums on his savings or items when khums becomes wajib, then those income or items are considered haram (unlawful) in Islam. According to Ayatullah Khui and Seestani, you are allowed to receive a gift or money from a person who does not pay khums whether you know or do not know about this fact. But according to Ayatullah Khumaini and Khamenei, you are not allowed to receive such gift or money if you know that khums was wajib on it and has not been paid.

✳️ If a non-cash donation (an item) is given to a mosque or imambargah by a person and it is known that khums was wajib on that item and was not paid, then it is the responsibility of the trustees or administrators of that mosque/imambargah to get permission from the Mujtahid or his wakeel before accepting such item. But if the donation is in cash, then it can be accepted without permission from Mujtahid.

#### **KHUMS AND PARTNERSHIP IN BUSINESS**

✳️ If you start a partnership in business with any shia, who does not pay khums after one year, then according to Ayatullah Khumaini and Khamenei, the partnership should not be continued, and it is not allowed for you to use the whole business earnings because such earning is not considered halal. But according to Ayatullah Khui and Seestani, it is allowed to continue such partnership.

#### **KHUMS-PAID ITEMS**

✳️ If khums has been paid on your cash money, then there is no khums in future on this cash money even if you change its form. For example, if you have \$100 on which khums has been paid, and if you buy a suit from this money, then there is no khums on the suit even if it remains unused for one year.

✳️ But if you have not paid khums on an item because the item was in use (hence khums was not wajib on it) and if you convert it into cash, then khums will become wajib on the cash after one year if it remains unused or on whatever remains after use. For example, if you sell your house, which was in use, then khums will become wajib on the cash from the sale if it remains unused for one year or on whatever remains unused after one year. If your house was already khums-paid, then there is no khums on the cash from its sale.

## **KHUMS AND INSURANCE**

✳️ If you pay premiums to the insurance company to insure any item (such as car, house) or to insure your life such that you do not get the premium back at any stage in future, then there is no khums on such paid premium.

✳️ If you pay premium to insure your life (or life of any other person) such that the company will pay lump sum amount at the time of death, or will pay you a lump sum amount at the end of an agreed term, then there is no khums on the premium paid, but, according to all four Mujtahids (Khui, Seestani, Khumaini, Khamenei), the lump sum received will be considered as a gift and rule of khums for gift will apply (ie khums will apply on unused gift money after one year according to Khui and Seestani, and no khums will apply according to Khumaini and Khamenei).

## **KHUMS ON SUPERANNUATION (OR PROVIDENT FUND)**

✳️ Superannuation is a scheme in Australia, in which an employee contributes a certain percentage of his salary to a fund, and his employer also adds some amount to his fund periodically. At the time of retirement (or resignation), the employee receives a lump sum amount of all saved money including interest, or instead, he can get monthly pension from this fund, or he can get a combination of both. For khums calculation, at the time of receiving any lump sum, you have to work out the total amount of your contribution from your salary (ie employee's contribution), and then apply the following rules.

✳️ If the scheme does not allow you to withdraw your contributions whenever you want, then after receiving the lump sum, khums will become wajib on any unused employee's contribution portion after one year, and the rest of the lump sum will be considered as a gift and rule of khums for gift will apply.

✳️ If the scheme allows you to withdraw your contributions anytime, then after receiving the lump sum amount, you will have to pay khums **immediately** on that portion of the lump sum, which you contributed from your salary, and the remaining portion of lump sum will be considered as gift and rule of khums for gift will apply.

## **KHUMS ON FIXED DEPOSIT**

✳️ If you pay money in a fixed deposit (or in any savings scheme), and if you are allowed to withdraw that money during the year or on your khums date, then you have to pay khums on that deposited money on your khums date. But if you are not allowed to take out that money during the year, then you will pay khums immediately upon receiving your total contributed portion. Khums will become wajib on any increased amount of this savings one year after you get it if it remains unused.

## **KHUMS ON LOAN (QARZ)**

✳️ If you give a loan to someone, and if you can get it back on your khums date, then you must pay khums on that loan (even if you decide not to get it back due to laziness or due to good terms with the borrower, etc).

✳️ If it is not possible to get your loan back on your khums date, then it is not wajib to pay khums on that loan on that khums date. But then you must pay khums immediately upon getting the loan back. However, if you wish, you are allowed to pay khums on your loan on your khums date even if you can not get it back.