

Darul Iftaa دار الإفتاء

35 Candella Rd., Sherwood, Durban, 4091. Ph:031 207 5772 Cell: 072 786 4923 Fax: 0866-927275

Web: www.daruliftaa.net, www.askimam.org Email: admin@daruliftaa.net

is named after our Shaykh, Mufti-e-Azam, Faqihul Ummat, Hadhrat Mufti Mahmood Hasan Gangohi Saheb رَحْمَةُ اللَّهِ عَلَيْهِ

As You Live So Shall You Die

Imagine your death being on a Friday (the most blessed day of the week), after 'Asr (the most blessed time on Friday) in *Makkah Mukarramah* (the most blessed place on Earth), by the *Ka'ba Sharif* (the house of Allah), in the state of *Ibrām*, after completing *Tawāf*, and more astonishingly by the *Maqām-e-Ibrāhīm* (the most blessed place around the *Ka'ba*), facing the *Ka'ba Sharif*! **Allahu Akbar!** Yes, it is possible.

As you live so shall you die.

The common feature in the life of the Prophets ﷺ, and the pious people was always to be fearful and wary as to how they would leave this world, for the manner you **end this life** marks the manner which you will **start your eternal life** ... and no one can ever predict the ending. An athlete participating in a race must continue running yet be wary and skeptical of reaching the end line ... anything could happen!

It is every Muslim's desire to have a noble end: dying with complete *Imān* in Allah, whilst reciting the *Kalimah*. Together with this hearty feeling and *du'ā's*, it is essential that one's life also be aligned in a manner pleasing to Allah!

Recently, a person had a wonderful experience. If possible, it would be worth bartering all one's wealth and riches in lieu of a similar experience. A resident of Durban, who **outwardly seemed** very simple in his trade and ways (but later discovered to be a hidden gem), was fortunate to visit the holy cities of *Makkah Mukarramah* and *Madīnah Munawwarah* for 'Umrah and passed away as described above. Such a death is not a coincidence. It is a reflection of one's practices in life.

The *marbūm's* family highlighted a few of his practices that could have been a probable

reason for this splendid death. The *marbūm* used to constantly be fair and just in his dealings and interaction with people, and secondly, he used to seclude himself in a room and fervently recite the *Qur'ān Sharif* (and only Allah knows his condition and relationship with his Creator at that time). A life of this nature will only warrant a beautiful ending.

In another incident witnessed by the writer himself, a resident of Lenasia donned his *Ibrām* for Hajj and while proceeding to *Mina* and saying "Labbayk Alahumma Labbayk" suddenly fell down opposite Masjid Bin Baz and passed away with thousands of Hujjaj passing by and saying "Labbayk Allahuma Labbayk".

Man's actions have a role to play in his own destiny. Every saint has a past and every sinner has a future. It is never too late. Let us change the direction of our lives. Let the realisation of death and the imminent afterlife dawn upon us by excelling and improving our good habits, shedding the evil ones and fulfilling the rights of fellow human beings. We don't know what our end will be, but this much can pacify us:

As you live so shall you die.

If one is always conscious of death, life after death and accountability in the court of Allah, he will measure his every action very closely. Rasulullah ﷺ taught us the following *du'ā'*.

اللَّهُمَّ بَارِكْ لَنَا فِي الْمَوْتِ

وَفِي مَا بَعْدَ الْمَوْتِ

Oh Allah, bless us in our death, and in that which is after death
(Intikhab al 'wālī wa Shuyūkh al Akhyār, Pg 46)

May Allah Ta'ala give us taufeeq to prepare for death and grant us a noble death with Iman. Ameen ❀❀❀

Q: Is wudhu valid while one has sulu paint nail polish applied to ones nails?

A: Sulu paint nail polish forms a base on the nails that prevents water from reaching the nails. Wudhu with the sulu paint nail polish will not be valid. The nail polish must be peeled off before every wudhu. (*Marāqī al Falāh Sharah Nūr ul Eidāh Pg. 30*)

Q: Is it permissible to install satellite dishes/dstv dishes that may receive both Islamic and non Islamic channels for the purpose of income?

A: A satellite is an instrument of broadcasting multiple types of audio (telephone, radio etc.) and visual (TV/internet) communication. (World Book Encyclopedia). The satellite is a general means of broadcasting and could be used to broadcast permissible and impermissible content. One is not actively responsible for listening or seeing the unislamic content relayed on radio, TV and internet; therefore installing satellite dishes as a source of income is permissible. If a person uses the satellite facility to listen or see unislamic content through any means, he will be responsible for the sin. (*Fatāwa Hindīyah Vol. 3 Pg. 116, Darul Fikr*)

Q: What are the conditions for a gift to be valid? Legal experts are advising that when gifting in one's lifetime, the donor should bequeath the property to an heir in the will in order to avoid donations tax.

A: The gifting of a residential property will be valid in Shariah with the following conditions.

- i) **Offer**- The owner must offer his property as a gift.
- ii) **Acceptance**- The donee must accept the gift.
- iii) **Possession**- The donee must take possession of the gifted item.

(*Al Hidāyah Vol 3 Pg 222, Dārul Ahya' Turāth Al' arabi*)

The essential requirement is that the donor must relinquish all rights, duties and control over the item. This also means that the donor should leave the home with all his belongings, thereafter grant full and free access to the donee.

It is permissible to use the above strategy to save taxes. One may record the transaction as a bequest.

To avoid confusion, he should prepare an

Q & A

external document stating that the house in reference belongs to his son and was gifted in his lifetime. When one gifts to one's children in one's lifetime, equality between males and females is preferred.

Q: A father wants his children to inherit equally. He is being advised by legal experts to put his assets in a Special Trust making his children equal beneficiaries. Is this permissible?

A: The Shar'ee laws of inheritance only take effect upon death. The son's share is twice the share of the daughter. This is expressly stated in the Quran.

For the male is (the share) equivalent of two females (*Qur'an 4:11*)

It is incorrect to set up a trust which will have the effect of negating the Shar'ee laws on inheritance, in the form that males and females will receive equally. The trust must be designed according to the Shariah laws of Inheritance.

Q: Coriander (dhanya) grows wild in the masjid yard. Can the mint be uprooted and thrown away or be given to someone? The purpose is to keep the masjid yard clean.

A: Coriander growing in the masjid yard belongs to the masjid. In principle, anything belonging to the masjid should be handled in the best interest of the masjid. The Coriander is a valuable commodity and can accrue an income. It should therefore be sold and the proceeds should be put in the masjid funds. The same rule applies to fruit growing in the masjid yard. (*Al-Mubeetul Burhani, Vol. 6 Pg. 42; Al-Babrur Ra'iq Vol. 5 Pg. 271*)

Q: When performing salah individually what is the limit of reciting softly? Is reading in the mind sufficient without verbally reciting? Is it necessary to move the lips and recite verbally?

A: When performing salah individually one must recite to the extent that at least he could hear the recitation himself. Reciting in ones mind will not suffice. The salaah will be invalid. (*Tabtawi Pg. 253; Raddul Muhtar Vol 1. Pg 535*)

Q: What are your observations on the Middle East crisis?

A: Hazrat Ali *radiallabu 'anhu* stated, "A country

can continue to exist with disbelief, but a country will not endure with oppression.”

History reveals that victims of oppression may be temporarily suppressed but never permanently eradicated. It is human nature to revolt against oppression. Over a period of time, it catches up with the oppressor. This is clear in the context of oppressive apartheid system in South Africa and the oppressive regimes in Tunisia, Egypt, Libya and Syria.

The oppression has bounced back to choke the oppressors. The intelligence and resources of the oppressors never availed them. The Qur'an speaks of the fall of the oppressors Fir'aun and Qārūn. We should also take heed of the unfolding events of oppression in the Middle-East and desist from all levels of oppression, personal and systematic.

If a person becomes a victim of a systemic form of oppression, all the members that are part of the system are equally responsible for the oppression and will suffer the consequences in proportion to their participation in the oppression.

Allah is *Al-'Adl* (Just). An oppressor will most definitely meet and see the consequences of his *Dhulm*. A victim is shrouded in the grace of Allah's justice. One of the major lessons to be gained is that the kuffaar's friendship is based on their self-interests. Those very same Arab dictators who were bosom allies of the West were abandoned by their “friends” when their sell-by-date expired.

Q:Nutmeg is used in cooking as a spice. It is also used as an intoxicating substance. Is nutmeg permissible?

A: Nutmeg is the seed of the nutmeg tree. It has multiple uses ranging from culinary to being used as an intoxicant. It is thus permissible to use nutmeg as a spice. (*Hāshiyatut Tahtāwī* Pg. 665, *Darul Kutub 'ilmiyyah*)

Islamic Commerce and Economics Programme

The Darul Iftaa will be conducting courses on Islamic Commerce after Ramadhan 1432AH. Interested parties are requested to log onto www.daruliftaa.net and sign up for the Programme.

As you live So Shall you die

Marhoom Haji Shabier Ahmed Desai Saheb (Chota Mota) رحمه الله عليه passed away as he lived his life –

in the service of Deen till the end.

He was an embodiment of sincerity, devotion and most importantly humility. The night before he passed away, he is quoted to have said,

“Live long, die quick”.

Up until the very last minute before his death he was serving the Madrasah, in the next minute he was in the rahmat of Allah. SubhanAllah. Allah fulfils the wishes of His Awliyaa (pious friends). Befriend Allah and leave your matters to Allah.

We should derive a lesson from the tireless efforts of Marhoom Chota Mota رحمه الله عليه to uplift the Deen of Allah. This is our real investment for the hereafter.

May Allah grant Marhoom Haji Chota

Mota رحمه الله عليه high stages in Jannah. Ameen

SUPPORT HOME INDUSTRIES

Many self employed women are engaged in basic home industries of various types, baking, making *atchār*, *roti* etc. to earn a *halāl* income and fulfill their financial obligations. We urge the public to give due support and consideration to such women. It is stated in a hadith:

السَّاعِي عَلَى الْأَرْمَلَةِ وَالْمِسْكِينِ، كَالْمُجَاهِدِ فِي سَبِيلِ اللَّهِ، أَوْ الْقَائِمِ اللَّيْلَ الصَّائِمِ النَّهَارَ

"The one who looks after a widow or a poor person is like a warrior who fights for Allah's Cause, or like him who performs prayers all the night and fasts all the day."

(*Sahih al Bukhari, Hadith #5353; Darul Tanqun Najā*)

To support a home industry to assist a needy woman also falls within the ambit of this hadith.

Darul Iftaa Times :

Mon - Thurs: 8:00 AM—12:30PM
2:00 PM—05:00PM

Friday: 8:00 AM—11:30PM
2:00 PM—05:00PM

Saturday: 8:00 AM—12:00PM

Darul Iftaa

Banking Details

Bank : FNB

Account # : 62292858910

Branch : 223726

Your Business and Economics Page

Progressive Payment Plan and Its Shar'i Alternative

Q: My brother approached me to fund a load of petrol worth R600,000. The repayment agreement is: He will pay R60,000 every month towards the capital with a 15% profit from the sales of the petrol. The nett capital will now be R540,000. The second payment will again be R60,000 with the capital now being R540,000. The third round of capital will be R480,000, with payment of another R60,000, and so on. This progressive payment will continue until the entire capital of R600,000 is paid. The repayment amounts and profits are set. Nothing increases or decreases. Is this permissible?

A: According to our understanding, this is how your scheme will work:

You provide R600,000 capital to your brother to finance the petrol. He will sell the petrol and give you 15% of the profit. With that he will pay R60,000 towards the R600,000 loan. The capital is then decreased to R540,000. Again petrol is purchased and the profits are shared at an 85:15 % ratio. Another R60,000 is paid towards the remaining loan of R540,000. The balance R480,000 is carried over for the next cycle until the full R600,000 is paid.

If our understanding is correct, then effectively you are advancing a loan of R600,000 at a 15% rate upon complete payment.

This is prohibited for the following reasons. The R600,000 is a loan. That is clearly understood from the repayment cycle. Every time R60,000 is paid, the amount from R600,000 is decreased. Hence the excess of 15% on every capital will be *Riba*.

The *Shari'ah* Compliant alternative to this is the *Mudārabah* Scheme

Mudārabah is where you provide the capital and your partner provides the labour and the profit is shared according to a mutually agreed upon ratio. For example you provided R60,000 capital to your partner. He sells the petrol and you receive 15% of the profit. He will receive the remaining 85% of the profit.

Upon the completion of this *Mudārabah*, if there were profit, you are then entitled to the full return of the capital amount of R600,000. This completes one *Mudārabah* cycle. You may then enter into another separate *Mudārabah* cycle with your partner, either with the same capital or any other amount of capital. The profit sharing ratio can be same or some other.

The second deal does not have any link with the first deal. The difference between this scheme and the one proposed by you is every consignment is completely separate as opposed to your proposal where R60,000 is subtracted from the previous amount creating an impression of R600,000 being a loan and R30,000 of every subsequent deal as a payment to that loan.

Secondly, should there be a loss for some reason it will be for your account. One may take reasonable steps to mitigate the risks. Yes, the concept of guaranteed profit without any risk of loss is incorrect. If this cycle is followed, with the risk of loss in the capital, the end result will be the same if the risk is mitigated all the way down. The 15% profit will be the reward of the risk undertaken.

Another alternative is the *Mushārakah* Scheme.

(To be explained in the next edition...)

Official Opening of Darul Iftaa

Alhamdulillah, The Darul Iftaa was officially opened on *Saturday 5th March 2011* by Hazrat Mufti Ahmed Khanpuri Saheb *maddazilluhu*, ustad of Mufti Ebrahim Desai and many prominent Ulama in South Africa and around the world. This gathering was attended by Mufti Sa'eed Motara, Mufti Yaqub Minty, Mufti Ebrahim Salejee and other Ulama as well as some prominent businessmen.

On *Saturday 26th March 2011*, there was a special Ulama gathering of more than 100 Ulama, addressed by Hazrat Maulana Suleman Choksi Saheb *maddazilluhu*. This gathering was also graced by Hazrat Maulana Yunus Patel, Maulana Haroon Abasoomer, Maulana Ahmed Chohan, Mufti Zubair Bayat, Maulana A. K Osman, and many other leading Muftis, Ulama and Imams of various *Masajids* and towns. Many senior Ulama from around the country have been visiting The Darul Iftaa individually.

Visit our website at www.daruliftaa.net and sign up for **email updates**.

Also inform your friends and business associates to increase Shariah awareness and earn Sawaab Jaariya...