

## Rulings on Zakat ul Fitr

Excerpt from Imam Ahmed al Hasan's (pbuh) Sharai' ul Islam  
(p113 – 115)

# Book of Zakat

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### Introduction to Sharai' ul Islam:

In the Name of Allah, Lord of the Worlds, and may Allah send blessings on Muhammad and the Family of Muhammad, the Imams and the Mahdis.

#### **This book:**

It is Shara'i ul Islam in the issues of *halal*<sup>1</sup> and *haram*<sup>2</sup> by Abu al Qasim Najm ul Deen Ja'far ibn al Hasan (may Allah have mercy on him) the scholar and good counsel of Aali Muhammad (pbut) who exhausted whatever means he had to understand the rulings of the Islamic Shari'ah from the narrations of the Messenger and the Imams (pbut), however, he made errors in some places and was indecisive in other, not because of any shortcoming of his own, but because he had no way to resolve it.

I have set about correcting it and stating the rulings of shari'ah of what I have come to know from al Imam al Mahdi (pbuh), and according to what al Imam al Mahdi (pbuh) has commanded me to state that which is said and for which the deserving people have arrived and whose time has come and that I separate that whose time has not come until its (appropriate) time, and whoever opposes these rulings is opposing al Imam al Mahdi (pbuh).

*{My Lord said 'Rule with the truth and our Lord, the Compassionate, is the One from Whom help is sought on that which you ascribe} (al 'Anbiya' 112).*

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And I apologise regarding shortcomings to Allah and His messenger and al Imam al Mahdi (pbut).

Oh Great One, forgive me the great sin for none forgives the great sin but the Great:

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<sup>1</sup> Allowed

<sup>2</sup> Disallowed

*{We have given you a clear opening; that Allah forgive you whatever has gone before of your sin and whatever is left and that He complete His favour on you and guide you to a straight path} (al Fath 1-2)*

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**The Sinner, the Shortcomer  
Ahmed al Hasan  
15<sup>th</sup> Sha'ban 1426<sup>3</sup>**

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<sup>3</sup> Approximately equates to 8<sup>th</sup> September 2005

## Second type: in Zakat ul Fitr

Its elements are four:

### 1) Upon whom Zakat ul Fitr is obligatory

- 1) **Culpability:** so it is not obligatory on the child nor on the *majnoon* (has lost his senses) nor on the people of Shawwal which is someone who is unconscious<sup>4</sup>
- 2) **Freedom:** so it is not obligatory on someone who is owned<sup>5</sup> nor on someone whose freedom has been pledged<sup>6</sup> acquired nor on the mother of the child<sup>7</sup> nor on the conditional *mukaatab*<sup>8</sup> who has not acquired any of his freedom, so if he had acquired some of his freedom the Zakat ul Fitr would be obligatory on a prorata basis, and if the master was poor it would be obligatory on him as opposed to the owned individual.
- 3) **Affluence:** so it is not obligatory on a poor person who does not possess enough to sustain themselves nor their family and is unable to fulfill the duty (of Zakat ul Fitr) for neither themselves nor their family. It is preferable for the poor person to issue (spend) it and the minimal amount is for them to distribute one *saa* ' (approximately 3 kg) among their family then to give to charity from it<sup>9</sup>; and with the conditions he would issue it on behalf of himself and on behalf of his entire family, as an obligatory act or as an optional act, from wife, child and their like, and guest and their like, be they young or old, free or slave, Muslim or disbeliever.

And the intention is considered at the time of conducting it (the zakat), so it is not correct to issue it from the disbeliever, even if it is obligatory<sup>10</sup> for him, and if he accepts Islam it will no longer apply to him<sup>11</sup>.

### Three issues:

- 1) Whoever reaches puberty before the moon sighting (of Ramadan), accepts Islam, recovers their senses or attains wealth to make them rich, Zakat ul Fitr becomes obligatory on them. If that occurred after the moon sighting (of Ramadan) as long as it occurred before Eid it is preferable (to pay Zakat ul Fitr), and similarly the other details: if someone were to own somebody or that (slave etc.) had a child.

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<sup>4</sup> Translator's note: this would naturally include someone in a coma

<sup>5</sup> In other words a slave

<sup>6</sup> This is someone whose master has said that they are free once the master dies

<sup>7</sup> This is a slave girl who is pregnant with her master's child

<sup>8</sup> Someone whose freedom is conditional e.g. if their master has agreed they can be freed if they pay £100, when they pay the whole amount, they will be freed

<sup>9</sup> For example, they would give to their wife as zakat, then their wife would offer zakat to their son, then the son would give zakat to his sister and so on.

<sup>10</sup> Obligatory if the dependant's needs have to be fulfilled by the man e.g. for the wife, slave, father, mother if poor or if the dependant does not have to be supported e.g. brother, sister etc

<sup>11</sup> Because Islam removes the past history

- 2) Regarding the wife and the owned person, it is necessary to pay *Zakat ul Fitr* on their behalf even if they are not (strictly speaking) dependents of the individual<sup>12</sup> on condition that they are not dependents of anyone else<sup>13</sup>.
- 3) Everyone whose obligation rests on someone else need not pay *Zakat ul Fitr* themselves; had they been alone it would have been obligatory for them such as the wife or the wealthy guest.

**Further details:**

- 1) If he owned someone but that person was absent, however, they were known to be alive, then (even) if that (slave) were (financially) independent or they were a dependent on the owner, *Zakat ul Fitr* would be an obligation on the owner; if they (slave) was dependent on someone else that financial supporter would have to pay *Zakat ul Fitr*.
- 2) If two partners owned the slave, *Zakat ul Fitr* would be obligatory on both of them, if only one was the financial supporter of the slave, *Zakat ul Fitr* would only be on that one supporter.
- 3) If the owner died and there is a loan outstanding against him:
  - ...if it (the death) was after the sighting of the (Ramadan) moon *Zakat* of his owned (slave) is obligatory in his (the deceased owner's) money; if there is little left (in the deceased's remaining wealth), it is to be divided between the loan and the *Zakat* in sections
  - ...had the deceased died before the moon (at the start of Ramadan) nothing is obligatory on anyone unless there was the provision of dependency<sup>14</sup>
- 4) If someone has bequeathed (through a will) a slave for him, then the one bequeathing (the will) died:
  - ...if he accepted the will before the (Ramadan) moon *Zakat* is obligatory on him
  - ...if he accepted the will after the it (Ramadan moon), it drops and it is not obligatory on the inheritors.

If he gave him as a gift and he did not take possession, *Zakat* is not obligatory on the beneficiary of the gift (the recipient), and if the one giving the gift dies *Zakat* is on the inheritors.

## 2) The category of Zakat

The rule: issuing that which is the common foodstuff sustenance such as wheat, barley and its flour or its bread, dates, currant (raisins), rice, yoghurt and cheese. For things other than the above, the market rate will be calculated; the best thing is to give dates, then currants, followed by whatever a person is able to provide.

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<sup>12</sup> This can happen if the husband is not spending on the wife because she has been committing *nushuz* (explained by some Ahlulbayt narrations as lesbianism) or they have been disobedient in which situation the man need not spend money on them.

<sup>13</sup> Meaning that if they have become dependents of someone else, that other person then must pay the *zakat ul fitr*.

<sup>14</sup> i.e. unless someone was actively supporting the slave as the ability to support is more important than possession of a slave

The fitrah: a measure from any of the aforementioned foodstuffs, and the *saa'* (measure) is 4 *amdaad* (s. *madd*), and the *madd* is  $\frac{3}{4}$  of a kilogram, and the *saa'* is **3 kilograms**.

### 3) Its time

It (*Zakat ul Fitr*) is obligatory with the moon of Shawwal, and it is not allowed to give it before unless as a loan. It can be given after it (Shawwal moon); delaying it to before the *salat* of Eid is better. If the time of *salat* is missed – and its time is until *zawaal*<sup>15</sup> – and he has put it aside he must give it as an obligation with the intention of *ada'*<sup>16</sup> and if he had not put it aside, he is a sinner and will (still) give it as *ada'*. And if after putting it aside, he delays paying it, although he was able to (pay earlier) he becomes accountable / has to guarantee and if it (delaying the payment) is not with it (ability to pay earlier) he does not need to guarantee (anything).

It is not allowed to carry it (*Zakat*) to another land whilst there is someone eligible and he will guarantee; it is allowed if there is none (eligible in that land) and no guarantee is needed.

### 4) The place to spend it

This is the (very same) place that *Zakat ul Maal* is spent<sup>17</sup>; it is allowed for the owner to issue it directly, however, it is better to send it to the Imam or whomever he has appointed. It is not given to a non-believer or the *mustad'af*<sup>18</sup> in his<sup>19</sup> absence, and it is (i.e. can be) given to the children of believers, even if their parents are sinners. The poor person will not be given less than the *sa'*<sup>20</sup>, unless there is a group for whom there is not enough<sup>21</sup>. It is allowed to give an individual in one go that which will make him rich<sup>22</sup>.

It is preferable to: specify the near relatives with *Zakat ul Fitr*, then the neighbours.

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<sup>15</sup> When the sun is at its zenith...high noon.

<sup>16</sup> *Ada'* generally means having paid within the allotted time. Even if he pays it after some days (**note:** that last bit was taken from the original book).

<sup>17</sup> Translator's note: these are the seven categories (briefly mentioned here): 1) the poor and destitute, 2) workers of charity, 3) *al mu'allafatu qulubuhum* – non believers and hypocrites who have been persuaded to do jihad, 4) the slaves, 5) people struggling to pay loans, 6) in the path of Allah (offensive or defensive jihad), 7) wayfarer – someone disconnected though they may be rich in their own land, also a guest.

<sup>18</sup> Original book said this was a non-Shia

<sup>19</sup> Translator's note: I believe this is saying if the original place of spending (7 categories) is not found, you cannot give to the non-believer or *mustad'af*

<sup>20</sup> This was calculated as 3 kilograms.

<sup>21</sup> Translator's note: therefore, on average, each person may get less than 3 kg, which is likely to be the case for an orphanage.

<sup>22</sup> Translator's note: the scenario might be if there is a poor believer in the UK and everyone in the UK decides to send all of their *zakat ul fitr* to him and they become quite wealthy. This is allowed.

**Translator's closing remarks:**

This is the second of the book which directly precedes the section previously translated on rulings of khums.

The plan is now to translate the pages preceding Zakat ul Fitr – Zakat ul Maal – then to consolidate all three sections for the benefit of the Ansarullah. If Allah swt wills, we shall then carry on translating the book so that the translation grows over time to cover the whole book.

29<sup>th</sup> Ramadan 1435 / 27<sup>th</sup> July 2014

In need of dua and correction, as always.

Anis Kotia

*~ And with Allah is the success ~*