

Notes of Lectures on Fiqh by Maulana Sadiq Hasan in Melbourne Lecture # 13 (Friday 12 October 2001)

ITEMS EXEMPTED FROM KHUMS(Continued)

☀ Khums becomes wajib on the owner of an item when it remains unused in his possession for one year. For example, if you buy a shirt for \$20 today, and if the shirt is unused for one year from today, then khums will become wajib on your shirt (ie \$20) payable at the completion of that year from today or on your selected khums date. Similarly, if you got \$1000 in cash today, and you spent \$400 from this amount during next one year from today, then khums will become wajib on remaining \$600 payable at the completion of that year from today or on your selected khums date.

☀ The first four items exempted from khums were discussed in Fiqh Lecture Notes #12. The next seven items, on which exemptions on khums may also apply, are as follows:

- (5) **Items Obtained from a Non-believer of Khums:** If you receive an item from a kafir or from a non-shia, and khums was not paid by them, then immediate payment of khums on that item is exempted on you. But khums will become wajib on you if it remains unused with you for one year.
- (6) **Items Obtained from a Shia:** If you receive an item from a shia Muslim, on which khums was wajib and has not been paid, then according to Khui and Seestani, immediate payment of khums is not wajib on you, but according to Khumaini and Khamenei, you must obtain permission for its use from your marja or you will be responsible for payment of this khums. However, in any case, khums will become wajib on you if the items remains unused in your possession for one year. (Example: If a husband (muqallid of Khumaini) owns a house on which khums was not paid, then his wife cannot use that house unless she gets permission from her Mujtahid or arranges payment of khums)
- (7) **Khums-paid Item (Mukhammas):** If khums has been paid on an item by its owner, then there is no khums on it ever in future as long as its owner remains the same. But if the same item goes to a new owner, then khums will become wajib on the new owner if the item remains unused for one year. According to Khumaini and Khamenei, if you have used an item, there is no khums after one year, but if you have stopped its usage due to change of circumstances, then, khums will become wajib on you after it remains unused for one year, on the basis of ihtiate wajib.
- (8) **Deceased Estate (Meeras):**
- If you receive your due estate (meeras) from the deceased Muslim, there is no khums on it even if it remains unsued with you for one year.
 - If the deceased Muslim was not paying khums (or had debts), then khums (and debts) must be paid first from his property before distributing the estate.
 - If the estate you received generates income, then khums will become wajib on the income generated if that income remains unused for one year.
 - If the value of the estate increases (eg the value of the house), then there is no khums on the increased value even after one year.

- If you receive the estate, which is more than your due share, (eg your brother gives away his share to you), then khums will be wajib on that extra share if it remains unused for one year.
- If you get an estate all of a sudden (which was not expected) from somewhere, then khums is wajib on such estate if it remains unused for one year.

(9) Items of Na-baligh: Mujtahids differ if khums is wajib on items or property owned by a na-baligh (girl of under 9 lunar years of age, and boy of under 15 lunar years of age).

- According to Khui, there is no khums on the items owned by a na-baligh.
- According to Seestani, khums is wajib on the items owned by a na-baligh if it remains unused for one year, and the khums will be paid by the wali of the child (usually father).
- According to Khumaini and Khamenei, no khums on the items as long as the child remains na-baligh, but khums will become wajib when he/she turns baligh and the item then remains unused for one year.

(10) Khums/Zakat/Wajib & Sunnat Sadqa: If a person lives only on receiving these religious dues, then Mujtahids differ if he has to pay khums on savings from such dues.

- According to Khui, he has to pay khums on any amount or item unused for one year.
- According to Seestani, no khums if his savings is from Khums or Zakat money received, but he must pay khums if savings is from wajib and sunnat sadqa.
- According to Khumaini and Khamenei, no khums at all on any savings from such dues.

(11) Usual Necessities: There are certain necessary items, which are expected to be available in your possession anytime, and these are exempted from khums even if they remain unused for one year. Examples of such items include: pain killer medicines, one Quran, one Tohftul Awam book, phone directory, one normal dictionary, items related to specific profession, etc. The criterion of determining such items is that people express surprise if they come to know that you do not possess such basic items.