

# Notes of Lectures on Fiqh

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### Lecture # 14 (Sunday 21 October 2001)

#### **ITEMS ON WHICH KHUMS IS WAJIB EVEN WHEN THEY ARE USED**

☀️ Khums normally becomes wajib on an item when it remains unused by its owner for one year. But there are three expenses on which khums will become wajib even when such items are used by the owner during the year. These are:

- (1) **Israf (extravagance) expenses:** If you spend money on anything which is beyond your status in the society where you live, then khums will become wajib on such expenditure. Why? Because Israf is haram in Islam.
- (2) **Haram expenses:** If you spend money on any haram item or activity, then khums will become wajib on such expenses.
- (3) **Business expenses on assets:** These are explained below.

#### **KHUMS ON BUSINESS EXPENSES**

☀️ If you own and run a business, and if you buy something (an asset) for use in your business, then khums will become wajib on such items on your khums date. For example if you buy a car, or a building or machine or even a lamp for your business, khums is wajib on such items.

☀️ If you hire something for your business (eg hire a car, a building, a machine, or hire a person), and if you pay rent or wages for such things, then there is no khums on such expenses.

☀️ If you have paid khums once on a business item (which you had bought and is in use) on your khums date, then, on your next khums date, you can get a rebate in khums calculation due to its depreciated value. For example, if you buy a car for business for \$10,000 today, then after one year (or on your khums date), you will pay khums on the purchase price (\$10,000) of the car. If at the end of second year (or on the next khums date), the value of the car drops to \$8,000, then you will gain a rebate of \$2,000 on your savings at your khums date, ie, if your all business savings comes out to be, say, \$20,000, then you will pay khums on \$18,000 (ie \$20,000 - \$2,000). The same method will apply on each subsequent khums date.

☀️ If you buy an item mainly for your personal use, and use it also for your business, then there is no khums on it.

☀️ If you buy an item mainly for your business use, but you use it occasionally for your personal use, then khums will become wajib on such item at your khums date.

**Note:** Rulings on khums on business expenses are quite detailed and are not covered fully in these notes. Please refer to the Risala of your Marja for other details.

#### **PAYING KHUMS IN CASH OR IN KIND**

☀️ If khums becomes wajib on an item, then khums should be paid out of that item (if it is practicable). But Islamic sharia also allows you to pay an equivalent value of it in cash as khums. For example, if

you have 5 suits of equal value unused for the whole year, then you can give one suit as khums to your marja or his wakeel (because marja or his wakeel can accept both sehme sadat as well as sehme imam portion of khums). If you have a shirt unused for one year, then you have to pay khums on it in cash.

☀ According to all current mujtahids, you can not pay another item in kind of equivalent value as khums on the basis of Ihtiate Wajib. For example if your calculated khums comes out to be \$500 in cash, then you can not give gold (worth \$500) as khums. However, you can do this by gaining permission from your marja or his wakeel.

☀ If khums was wajib on an item (not cash) and was not paid on its khums date and if the value of that item (eg a house) has since increased, then khums will be calculated on the increased value of that item. But if the khums was wajib on cash and was not paid on its khums date and then you used this cash to purchase an item and the value of that item has since increased, then you have to pay khums on the actual value, not the increased one.

☀ If you borrow \$100 in cash from someone, then according to sharia, you have to return \$100 in cash to him on the repayment date even if the value of cash has decreased. But if you borrow a non-cash item or a property from some one, then you have to return the same item or the actual value of that item applicable on the specified date of loan repayment. In certain cases, you have to return the highest value of the item from the date of borrowing to the date of returning.

☀ In the calculation of khums on your khums date, it is necessary to work out khums as accurately as possible on all items on which khums has become wajib. It is possible that you may forget including certain small items (such as unused sajdahgah, kafan, prayer mat etc) in your khums calculation. In order to account for khums on such items, it is advisable to add an extra amount of khums to your final khums amount such that you are satisfied that all wajib items have been covered. Later on, if you remember such omitted item, whose value is less than the extra amount of khums added, then you need not worry. However, if you have forgotten any item of big value, which is beyond the value of the extra amount of khums added, then khums must be calculated separately on such items.

### **OWNERSHIP OF SEHME SADAT**

☀ After receiving sehme sadat, the sadat becomes the sole owner of sehme sadat amount and he can use it in whatever way he deems fit. It is not allowed to attach any condition with it if you give sehme sadat to a deserving sadat directly (as permitted by Khui and Seestani). For example, if a poor sadat was asking khums for buying his food, you can not attach a condition that he must buy the food from the khums. Same rule will apply in case of fitra.

☀ A sadat, who has received sehme sadat, is allowed to use this amount on his non-sadat dependents. Similarly, a non-sadat, who has received fitra, can use this fitra on his sadat dependents.

☀ If, after getting permission from your Marja or his wakeel, you decide to pay sehme sadat in kind (instead of in cash) by setting up a small business or building a house for the poor sadat, then the ownership of that business or property must also be given to that sadat. It is not allowed to keep the ownership in your name unless you have obtained specific permission from your Marja for such ownership.