

# **THE LAWS PERTAINING TO IMAMAT**

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**May Allaah protect all.**

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بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

With the name of Allah the Most Gracious, the Most Merciful

## **THE FIRST EDITION**

In reality, the author in Arabic wrote this book and the first edition of it was published in 2006. The Urdu translation was done while it was being written in 1999 by some of the author's friends among whom Maulana Zaahid Hasan Nadwi and Maulana Muhammad Azeezullaah Nadwi are worthy of being specifically mentioned. May Allaah reward them immensely. Initially, this translation was published in various parts of the monthly "Nuqoosh-e-Islam". Now this translation is being published in a separate book form so that the Urdu-speaking people can derive benefit from it. Our associate, Maulana Mufti Rahmatullaah Nadwi, has checked it and edited it. Hence, this book is now more reliable and beneficial.

May Allaah grant it acceptance and grant the a'immah the ability to benefit from it and may He make it a means for the forgiveness of the sinful author.

Was Salaam

20.6.1434 Hijri  
2.5.2013

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Rector of  
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Muzaffarabad, Saharanpur (u.p)

## COMMENT

**By Translator Mufti A.H. Elias**

This detail book on Imaamat by Hadhrat Maulana Mufti Md. Masood Azizi Nadwi Sb, has in many places high level academic discussions that are generally not found in books commonly available in the market.

Great effort and valuable research has been put into this important work. It is well referenced together with the opinions of the other Imaams of Fiqh been elucidated.

This will be a ideal and good guide for the Imaams and these days where there is an increase in conducting 'Imaamat' courses, this book can be easily included in the Syllabus.

Discourses on Sijda Sahw, Qiraat, and Imaamat Kubra are well done.

Good advices and rulings have been presented to aid the Imaams.

May Allaah accept this work-Ameen

A.H.Elias  
Servat of Deen  
Durban South Africa

17/03/1437  
28/12/2015



## **ABOUT THE AUTHOR**

*BY*

**Maulana Hamidullah Qasmi**

Maulana Qaari Mufti Muhammad Mas'ood Azizi Nadwi S/o Haafiz Abdul Sattaar S/o Munshi Abdul Aziz was born on Friday, 12<sup>th</sup> of Rabi ul Awwal 1394 A.H corresponding to the 5<sup>th</sup> of April 1974, in the town of Muzaffarabad which is situated in the Saharanpur district (U.P). The reference 'Azizi' is connected to his grandfather, Hadhrat Munshi Abdul Aziz who was always engaged in the worship of Allaah, pious, a person who used to exercise abstinence from this world, a person whose heart was always connected to the Masjid and one who had a deep connection with the Allaah-fearing Ulama and the pious people.

### **PRIMARY EDUCATION**

Maulana acquired his primary education from Haafiz Muhammad Akhlaaq Saheb in the Masjid of his locality. He memorized the last two paras of the Qur'aan here. He enrolled at Jaami'ah Baitul Uloom Pipli Mazra'ah Yamaangar (Haryana) at the age of nine, on the 12<sup>th</sup> of Shawwaal 1403 A.H corresponding to the 23<sup>rd</sup> of July 1983. He stayed there for nine years and memorized the Qur'aan according to the narration of Hafs. He also learned Urdu, Hindi,

English, and few books of Farsi, Arabic Grammar and Arabic Morphology. He also participated in the examinations of Jaami'ah Urdu Aligarh where he passed "Adeeb" and "Adeeb Mahir" with flying colors. During his stay there, he wrote a book by the name of "Mukhtasar Tajweedul Qura'an" which has been approved by the Ulama of this science. Hadhrat Maulana Sayyid Abul Hasan Ali Hasani Nadwi has written the foreword of it and Hadhrat Maulana Qaari Sayyid Siddeeq Ahmad Saheb Bandhwi has written his opinion about it. This book has attained acceptance in the circles of knowledge. It is included in the syllabus of many madaaris.

Thereafter, in Shawwaal 1412 A.H, he was enrolled in Madrasah Faize Hidaayat Raheemi in Raipur where he spent two years and studied the Dars e Nizaami until Kafia and Sharah Jami.

During his stay in Raipur, he adopted the company of Hadhrat Haafiz Abdul Rasheed Saheb Raipuri who was the special attendant and Khalifah of Hadhrat Maulana Abdul Qadir Saheb Raipuri. He pledged allegiance on his hands, attended his gatherings, and benefitted from his blessed company. He remained with him while on journey and while not on journey and acquired Deeni and spiritual nurturing from him. He also acquired the honor of leading him in the five-daily salaahs. After Hadhrat's demise, he wrote an autobiography of Hadhrat called "Hayate Abdur Rasheed" which gained a lot of acceptance and three editions of it have been published.

### **HIGHER EDUCATION**

Thereafter, on the 17<sup>th</sup> of Shawwaal 1414 A.H corresponding to the 30<sup>th</sup> of March 1994, he enrolled in Madressah Ziyaul Uloom Maidanpur Raibareli where he remained for one year. He benefited from the proficient teachers of this madressah and he was affected by the environment of propagation to such an extent that he highlighted his capabilities with regards to writing and doing research. In the end of the year, he participated in the yearly examinations in Nadwatul Ulamaa Lucknow. After attaining success, he enrolled in Daarul Uloom Nadwatul Ulama on the 13<sup>th</sup> of Shawwaal 1415 A.H corresponding to the 15<sup>th</sup> of March 1995. He spent three years here and he graduated in 1418 A.H corresponding to 1998.

### **SPECIALIZING IN FIQH AND FATAAWA**

In the following year (i.e. 1418 A.H), he joined the course of specializing in Fiqh and Fataawa and he graduated in Sha'baan 1420 A.H corresponding to 1999. During his stay in Nadwah, he completed the seven qiraa'ats by Maulana Qaari Riyaz Ahmad Mazaahiri, the head of the department of Tajweed and Qiraa'at e Sab'ah and Asharah in Daarul Uloom Nadwatul Ulamaa.

### **SPECIFIC ASAATIZAH AT NADWAH**

He gained special benefit from the following asaatizah:

Hadhrat Maulana Sayyid Muhammad Rabey Hasani Nadwi, Hadhrat Maulana Waazh Rasheed Hasani Nadwi, Hadhrat Maulana Doctor Sa'eed ur Rahman A'zami Nadwi, Hadhrat Maulana Mufti Muhammad Zahoor Nadwi, Maulana Nazrul Hafeez Nadwi Azhari, Maulana Naasir Ali Nadwi, Maulana Burhaan ud Deen Sambhali, Maulana Ateeq Ahmad Bastawi, Maulana Sayyid Salmaan Husaini Nadwi, Maulana Sayyid Abdullaah Hasani Nadwi, Maulana Muhammad Zakariyya Sambhali, Maulana Niyaz Ahmad Nadwi, Maulana Md Ya'qoob Nadwi, Maulana Rasheed Ahmad Nadwi, Maulana Mustaqeem Ahmad Nadwi etc.

### **HIS SPECIAL CONTACT WITH HADHRAT MAULANA SAYYID ABUL HASAN ALI NADWI**

While residing at Nadwatul Ulamaa, he pledged allegiance to Hadhrat Malana Sayyid Abul Hasan Ali Nadwi and benefitted from his gatherings of knowledge and his company and became extremely close to Hadhrat. He acquired special favors from Hadhrat. In the end, he was fortunate to gain the opportunity of attending to Hadhrat and leading Hadhrat in salaah for three of the five-daily salaah. He received special benefit from the blessed company of Hadhrat and Hadhrat wrote the forewords of many of his books. In addition, Hadhrat performed his nikaah on the 9<sup>th</sup> of Muharram 1420 A.H and Hadhrat also organized his walimah.

### **HIS WRITINGS**

He wrote approximately 40 Books in Arabic and Urdu pertaining to various topics.

### **JOURNEYS**

In 2001, Maulana undertook a journey to South Africa and saw the conditions of the Muslims and their activities of Deen, Islaah, and Da'wat there, witnessed the Islaamic institutions and Makaatib and their commercial centres and met many intellectuals and Ulama.

Thereafter, he visited the neighboring countries of South Africa such as Botswana in November 2001. Thereafter, in Ramadhaan 1421 A.H corresponding to December 2001, he travelled to Swaziland. Then he went to Zimbabwe.

In 2002, he travelled to Kuwait where he met Sheikh Naadir Abdul Aziz Noori (Deputy secretary of Sheikh Abdullaah Noori Chairity Society) and Sheikh Abdullaah Al Ali Al Mutawwa (Head of Jam'iyatul Islaah al Ijtimaa'i and owner of Ali Abdul Wahhaab sons & Company) and Sheikh Yusuf Jaasim Al Hajji (Head of Internatnional Islaamic Charity Organiazation). He stayed in Kuwait for ten days. The Ministry of Charity hosted him. In the same year, he also visited Dubai in the U.A.E and he stayed there for three days.

In Ramadhaan 1424 A.H corresponding to 2003, he went to Makkah for Umrah and he stayed in Madressah Saulatiyyah near the Haram of Makkah. Thereafter, he went to Madinah.

In 2004, he visited Lilongwe which is the capital of Malawi. Thereafter, he went to Zambia where he visited Chipata and Lusaka which is the capital of Zambia and he met many Ulama, pious people and those involved in da'wat who are fulfilling the needs for the Islaamic education and nurturing of the indigenous and new-Muslims there. Most of the people there are enthusiastic about being generous, spending in the path of Allaah and making an effort for deen and the propagation of deen. Maulana delivered a lecture in front of a huge gathering in Masjid un Noor which is in the capital and he presented the principles, virtues and laws of inviting towards Allaah in the light of the Qur'aan and Hadeeth and he applauded their efforts and activities among the Muslims and non-Muslims in the line of Da'wat and Islaah. He remained for approximately one month there.

In Zul Hijjah 1425 A.H corresponding to 2005, he went for Hajj and Umrah with his parents. Thereafter, he travelled to South Africa numerous times. He also went to Mozambique many times. In 2011, he visited Malaysia and Singapore. He also undertook few other journeys for Hajj and Umrah.

### **PREVIOUS OCCUPATIONS**

After graduating from Daarul Uloom Nadwatul Ulamaa, he was appointed as a teacher and Mufti in Jaami'ah Baitul Uloom Pipli Mazra'ah Yamaangar (Haryana) in 2000. Thereafter, he was appointed as inspector of education. After one year, he was relieved of his responsibility.

## **THE ESTABLISHMENT OF MARKAZU IHYAIL FIKRIL ISLAMI**

Thereafter, he established a centre of deen, da'wat and knowledge by the name of "Markazu Ihyail Fikril Islami" in Muzaffarabad on the 20<sup>th</sup> of Rajab 1421 A.H corresponding to the 19<sup>th</sup> of October 2000 in the patronage of Hadhrat Maulana Sayyid Muhammad Raabey Hasani Nadwi who is the Rector of Nadwatul Ulamaa Lucknow and the President of the All India Muslim Personal Law Board. This centre makes arrangements for Islaamic education and nurturing. It is based on a correct Islaamic notion. The purpose of it is the diffusion and preservation of Islaamic knowledge and the arrangements for the education and nurturing of the new generation according to the Qur'aan and Hadeeth.

### **CURRENT POSITIONS AND RESPONSIBILITIES**

Rector: Markazu Ihyail Fikril Islami.

Principal: of Jaami'atul Imaam Abil Hasan Al Islaamia.

Sheikhul Hadeeth: of Jaami'ah Faatimatuz Zahraa Lil Banaat.

Deputy Secretary: of Daarul Buhooth wan Nashar

May Allaah keep Maulana in the best of health and conditions and grant him the ability to render more service of deen.

Hamidullah Qasmi  
4 Zul Hijjah 1434 A.H  
10. 10. 2013 – Thursday

## INTRODUCTION

By

**HADHRAT MAULANA SAYYID**

**MD. RABEY HASANI NADVI**

**RECTOR: NADWATUL ULAMA LUCKNOW**

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I am happy and delighted to see the book that is with you.

Which our close one, Molvi Mufti Muhammad Masood Azizi Nadvi has written concerning Imamaat of Salaat with its Jurisprudic laws and regulations.

The author has written in it about the principles and secondary laws of Imaamat of Salaat and it's following from reliable authentic sources of references. He has done this with great effort, honesty and keeping the time in view. This is known by just a cursory glance of the book.

Moreover Hadhrat Maulana Abdul Hassan Ali Nadvi has seen the book and testified it by penning a few words of introductory remarks by which the author has published the book.

Hadhrat Maulana's introductory testifying statements are sufficient. It is not necessary to write anything else, especially, it is not necessary for my insignificant words.

But due to the author's request, I accepted so that he be heartened and encouraged.



May Allaah Rabbul Izzat accept this effort tremendously and may the reader benefit and obtain their objectives via this work.

“Wa Sallallahu taala ala Nabiyyina wa Habeebina Muhammad bin Abdillaahi wa alaa aalihi wa Sahabihi wa Salaama”!

Muhammad Rabey Nadvi  
Rector  
Nadawatul Ulama Lucknow

1420/06/05

1999/09/16 Thursday

## **FOREWORD OF THE EDITOR**

الحمد لله رب العالمين والصلاة والسلام على سيد المرسلين،  
هادى البشرية الى نور الحق وضياء اليقين ومنقذ الانسانية من براثن  
الشرك والضلال المهين محمد واله وصحبه اجمعين اما بعد!

This is an occasion of great happiness and pleasure as I can present this book 'The laws and masaa'il pertaining to Imaamat' to the readers and A'immah of the Masaajid. I regard it to be the greatest and most beneficial work for me in the field of writing and my tongue is engaged in praising, glorifying and thanking Allaah for this ability that He has granted me and the following couplet of the poet is repeated in the recesses of my heart:

فلو أنّ لى في كلّ منبت شعرة  
لسانالمأ استوفيت وأجب حمده

*"If the every hair on my body had to be given a tongue, then too I would not be able to fulfill the necessity of thanking Allaah."*

In reality, this book is a discourse of the author which was written in 1420 Hijri with the intention of attaining a diploma from the department of deen in Daarul Uloom Nadwadtul Ulama Lucknow.

Since this was a subject connected to the Shar'iat, practicality and fiqh and the masaa'il and laws of it had to be examined in the light of the Quraan and Sunnat and the derived masaa'il in the

light of the Shar'i proofs of the former and latter Ulama had to be explained and presented, it was an important, necessary and complicated discussion and a non-renowned, young, Indian writer discussing this prominent subject was a good step and a good omen. Due to the special grace of Allaah, the compiler of this book got the ability for this great mission and blessed action.

فالحمد لله على ذلك وله الشكر والمنة

Initially, I had intended to write a brief booklet. However, some of my associates (especially Maulana Sayyid Mahmood Hasan Hasni Nadwi) afterwards advised me to put it into the form of a beneficial booklet and researched discussion in which light is shed on all the aspects and massaa'il of this subject because many a'immah of the Masaajid (as is seen) do not give any importance to the masaa'il and laws of this subject and this results in them sometimes making such major errors with regards to Imaamat and its faraa'idh and waajibaat that no greater error can be fathomed and they do not pay attention to learning the masaa'il and laws due to which they are unable to fulfill the rights of the responsibility of Imaamat. Furthermore, it is quite astonishing that in some places the people regard the responsibility of Imaamat to be something extremely inferior and insignificant and they appoint an Imaamat on a low wage.

In some places, the people even regard the Imaam to be some worker and servant of no use and such people begin trying to rectify the Imaam

whereas they cannot even rectify themselves and they have no value and are not appreciated in their own houses. Furthermore, some Ulama regard going forward for Imaamat to be humiliating themselves and sometimes they put such a person forward for Imaamat who is inferior to them in every aspect as far as knowledge, actions, excellence, piety and age is concerned and who is completely unfit for Imaamat. In some villages, I have witnessed that such a person is being put forward for Imaamat who is an open sinner and who is not cared about the tokens of deen and Islaam. He is just clad in the garbs of the Ulama and adopts the appearance of the pious but is not pure from najaasat e haqeeqi and najaasat e hukmi or from one of them.

It should be remembered that Imaamat is great and blessed act and a huge responsibility. It is the perpetual and continuous Sunnat of Nabi ﷺ because Nabi ﷺ always led the Sahabah ﷺ in salaah until he left this world and after Nabi ﷺ, the Khulafaa e Rashideen perpetually fulfilled this important responsibility. Hence, the virtue, importance, position, and rank of Imaamat is proven from ahaadeeth and from Nabi ﷺ, the Khulafaa e Raashideen and the other Sahabah constantly performing this action.

By the grace and divine guidance of Allaah, the compilation of it was completed. While compiling it, I had to read and study the Qur'aan, ahaadeeth and the books and commentaries that are written with regards to Imaamat and I benefitted from the

important books of fiqh and thereafter I sufficed on narrating and explaining the important points derived from them and I quoted verses of the Qur'aan and ahaadeeth. All of this was possible only due to the grace of Allaah.

While compiling this book, I was fortunate to be blessed by Allaah with the opportunity of leading Hadhrat Maulana Sayyid Abul Hasan Ali Hasni Nadwi in Dhuhr, Asr and Easha salaah and I used to perform this blessed service with great enthusiasm and extreme importance.

**This book comprises of ten chapters in which the conditions and laws of Imaamat, who has the first right of Imaamat, taking remuneration for Imaamat, the morals and qualities of the Imaam, those people whose Imaamat is correct and those people whose Imaamat is incorrect, those people whom it is permissible to follow in salaah, those people whom it is not permissible to follow in salaah and those people whom it is makrooh to follow in salaah, a jamaa'at comprising of women only, the Imaamat of a female and a child, the actions of the Imaam and the muqtadi, the mas'alah of appointing a deputy, sajdah sahw and other important masaa'il are discussed.**

Without any doubt, this book has now become a book containing important references for research, and discussions of knowledge and fiqh and it has become extremely easy to benefit from it.

Finally, I make du'aa for the raising of the stages of my respected teacher, Hadhrat Maulana Sayyid

Abdullaah Hasni Nadwi who is the sub editor of “Al- Raid” under whose supervision and guidance this book was prepared. Similarly, I make du'aa for the raising of the stages of my Sheikh, Hadhrat Maulana Sayyid Abul Hasan Ali Nadwi, who wrote an extremely comprehensive, concise, and excellent foreword on this book despite his various engagements, weakness and illness.

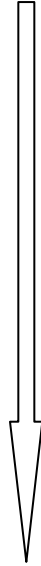
I also express my gratitude to those kind Ulama who wrote valuable words on this book such as Hadhrat Maulana Sayyid Muhammad Raabey Hasani Nadwi, Hadhrat Maulana Doctor Abdullaah Abbaas Nadwi and Hadhrat Maulana Sa'eed ur Rahmaan Azami Nadwi who is the principal of Daarul Uloom Nadwatul Ulamaa Lucknow, May Allaah reward all of them immensely.

May Allaah accept my feeble effort and grant the a'immah the ability to derive benefit from it and make it a means for the salvation and success of my parents and asaaticah in this world and the hereafter.

آمين يا رب العالمين  
والحمد لله الذى بعزته و جلاله و نعمته تتم الصالحات

Md. Masood Azizi Nadwi  
20-5-1420 Hijri  
3-9-1999

## **CHAPTER ONE**



## **THE LAWS AND CONDITIONS OF IMAAMAT**

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#### **THE LITERAL MEANING OF IMAAMAT**

Literally, Imaamat is the infinitive of **أَمَّ يَوْمٌ** “Amma Ya,ummu” and the original meaning of it is to intend something and it is also used in the meaning of advancing. In Arabic, **أَمَّهُمْ** “Ammahum” **وَأَمَّ بِهِمْ** “Wa Amma Bihim” is said when one advances in front of everyone<sup>1</sup>. Similarly, **فُلَانٌ أَمَّ النَّاسَ** “Fulanun Amman Nasa” is said, i.e. so and so performed Imaamat of the people and became their Imaam and the people followed him in salaah only or in salaah and in his commands and prohibitions.

#### **THE TECHNICAL MEANING OF IMAAMAT**

In the terminology of the fuqahaa, this word is used for two meanings:

- (1) Imaamat e Sughraa, i.e. leading people in salaah.
- (2) Imaamat e Kubraa, i.e. leading people in commands and prohibitions. (I.e. Khilaafat.)

Here, the discussion is with regards to the first type. Since the second type is also connected to fiqh and the establishment of it is fardh e kifaayah and the first type, i.e. the Imaamat of salaah, is

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<sup>1</sup>مَنْن اللغة وتاج العروس—ماده أم، بحواله الموسوعة الفقهية ج 6 ص 201



dependent on it, a little bit will also be mentioned about it.

### WORDS CONNECTED WITH IMAAMAT

(1) **قتوة** "Qudwa" It is the noun of **اقتداء** "Iqtida" and **اقتداء** means to follow. Hence, the word **قتوة** is used for that person who is followed. That is why the following is said: **فُلَانٌ قُدْوَةٌ** "Fulanun Qudwatun".

*So and so is an example.*

(2) **اقتدا** "Iqtida" and **تاسى** "Ta'assi" Both these words are used in the meaning of following whether it is with regards to salaah or with regards to any other aspect. Hence, the muqtadi follows the Imaam and makes his actions conform to the actions of the Imaam. It is also used for the person who is being followed because the person who is followed is called **قتوة** "Qudwa" and **اسوة** "Uswa"<sup>1</sup>.

### IMAAMAT E KUBRAA

Possessing general authority over the people is called Imaamat e kubraa as the fuqahaa have stated. In "Maqasid" it is defined as such leadership and governance over the people that are the vicegerency and deputyship off Nabi ﷺ . The establishment of it is from those waajibaat that hold great importance because many waajibaat of deen are based upon it. Hence, the author of "Aqaid Nasfia") has stated that it is extremely necessary for the Muslims to have such a leader who will implement the laws of Islaam and the punishments of the Shari'at among the

<sup>1</sup>المصباح المنير والقرطبي 56/8 - و الالوسى 69/27 ( الموسوعة الفقهية ج 6 ص201)

Muslims, protect and safeguard the borders, arrange for the armies to be prepared, collect zakaat from the people, annihilate and put an end to assailants, tyrants, thieves and robbers, establish Jummah and Eid salaah, accept testimony with regards to transactions, get the orphans (those who do not have a wali) married and distribute the spoils of war.

For this reason, the Sahabah رضي الله عنهم gave priority to the appointment of a Khalifah over the burial of Nabi صلى الله عليه وسلم. **Nabi صلى الله عليه وسلم passed away on a Monday and was buried on a Tuesday. According to one view, his burial occurred on a Wednesday.** Hence, this sunnat of appointing the next Khalifah after the demise of the Khalifah is implemented until today.

### THE CONDITIONS OF IMAAMATE KUBRAA

It is a condition for the leader to be a Muslim because a Kaafir cannot have authority over a Muslim. Being free, sane and mature are also conditions because a slave does not have authority even over his own self let alone other people. The same applies to a child and an insane person. Being a male is also a condition because women are commanded to remain at home.

Furthermore, Nabi صلى الله عليه وسلم said:

“لا يفلح قوم تملكهم امرأة”<sup>1</sup> “La yuflahu Qaumun Tamlikhum Imara’atun”

*That nation who is ruled by a female will never be successful.”*

Having the ability to implement laws, give justice to the oppressed, protect the borders, stop

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<sup>1</sup>مسند احمد حديث 19546-19542 بروايت ابي بكر

oppression and mischief, protect the boundaries of Islaam, and arrange the armies.

One condition is to be a Quraish because of the following hadeeth:

الأئمة من قريش<sup>1</sup> "Al- aimmatul min Quraish"

*"The Khalifah should be from the Quraish."*

Due to this hadeeth, the Ansaar handed the Khilaafat to the Quraish. From this, the view of the Dhiraariyyah that Khilaafat is possible for a Non-Quraishi is proven wrong.

However, being a Haashimi, i.e. from the progeny of Haashim in Abd Manaaf, is not a condition as the Shias claim in negating the Khilaafat of Abu Bakr رضي الله عنه, Umar رضي الله عنه and Uthmaan رضي الله عنه. Neither is being an Alawi, i.e. from the progeny of Ali رضي الله عنه a condition as some Shias claim in negating the Khilaafat of Ibn Abbas.

Being pure from sin is also not a condition as the Ismaa'eeliyyah and Ithnaa Ashariyyah (Imaamiyyah) claim.

It is makrooh to appoint a faasiq. If the leader is a faasiq, he should be ousted. Yes, if there is fear of an uprising, he should not be ousted, and it will be necessary to make du'aa for his rectification. Allaamah Shaami has mentioned that in this there is an indication towards the fact that righteousness is not a condition. However, in "Musayra" righteousness has been counted from the conditions of Khilaafat and according to the view of Imaam Ghazaali, it is

<sup>1</sup>مسند احمد حديث 421/4-183/3 طبراني في الكبير 224/1

interpreted as (Wara) and (Taqwa) and he has added knowledge and (Kefa'at) to the conditions and has stated that it is apparent that (Kefa'at) is more general than the word because (Kefa'at) contains the meaning of possessing good judgment and also the meaning of been brave so that the Khalifah will not be cowardly in taking qisaas, implementing the punishments ordained by Allaah for His command being broken, fighting necessary wars and preparing the armies and all the Ulama are unanimous with regards to this condition of bravery.

Furthermore, he has added the condition that he should have the capability of interpretation of Islaamic law. According to one narration, this is not a condition and neither is bravery a condition because it is extremely for all these aspects to be found at once in one person. Therefore, the matters concerning rulings and demands of interpretation of Islaamic law can be handed over to others or can be found out from the Ulama.

### **THE VIEW OF THE AHNAAF WITH REGARDS TO A FAASIQ LEADER**

According to the Ahnaaf, righteousness is not a condition for the validity of Khilaafat. Hence, it will be permissible but makrooh to appoint a faasiq Imaam. If a righteous person is appointed and thereafter he becomes a tyrant and a faasiq, he will not be ousted. However, if there is fear of a revolt, he will be worthy of being ousted and du'aa for his rectification should be made. The people should not

rebel against him. This is narrated from Imaam Abu Hanifah. He mentions that the reason for all of this is that the Sahabah رضي الله عنهم performed salaah behind some of the rulers of the Banu Umayyah and accepted their leadership. This reasoning needs to be reviewed because it is known that they became rulers due to having the upper hand. Therefore, these matters that were mentioned would be correct out of necessity due to the power of those who overpowered.

And for the validity of performing salaah behind an Imaam, it is not a condition for him to be righteous. The leadership of those who forcefully attain power is correct due to a necessity (of repelling mischief). The same ruling applies to a child and it is appropriate that the position of delegating orders be handed over to a ruler under him because Jumu'ah and rulings are not correct with the permission of a child. The child will still remain the ruler. When the ruler reaches the age of puberty, it will be necessary to appoint him and give him the position again.

Allaamah Shaami mentions that the leadership of one who forcefully becomes the leader is correct if the above-mentioned conditions are found.

Khilaafat can be established by the Khalifah appointing someone as Abu Bakr رضي الله عنه had done or by a group of the council Ulama pledging allegiance to one.

According to the Ash'aree, it is sufficient for one prominent Aalim of the council to pledge allegiance provided that it occurs in the presence of a few witnesses so that it can be defended if it is negated.

The Mu'tazilah have placed five conditions. Some Ahnaaf have narrated the conditions of a group of people which does not have any specific number.

Khilaafat can be accepted out of the necessity of stopping mischief because Rasulullaah ﷺ said:

اسْمَعُوا وَأَطِيعُوا وَ لَوْ أَمَرَ عَلَيْكُمْ عَبْدٌ حَبَشِيٌّ أُجْدَعُ<sup>1</sup>

*"Listen and obey even though an Abyssinian slave whose nose is cut is appointed as your leader."*

Similarly, the Khilaafat of a child will be correct in a situation of necessity. However, it will be correct only apparently and not on reality. The author of "Ashbah" has stated that his leadership will be correct. In "Bazazia" it is mentioned that if the ruler dies and the public are unanimous on appointing his immature son as the ruler, it will be appropriate for the delegation of matters to be handed to some other ruler under him and this ruler should regard himself to be under the son of the ruler who died. Apparently, the child will be the ruler and in reality, the governor will be the ruler because if the governor is not the ruler, Jumu'ah and decisions will not be correct with the permission of the child due to him being immature. Hence, it will be appropriate for the governor to be called the ruler for a certain period, i.e. until the child becomes mature so that there is no necessity for the governor to dismiss himself when the child becomes the ruler after he becomes mature.

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<sup>1</sup>بخاري شريف 6609 ابن ماجه 2852

Hamawi has said that the child will not be appointed as the ruler again after he becomes mature except if the governor dismisses himself because a ruler does not get dismissed on himself. However, if he dismisses himself, it will be a different matter and this does not occur.

Allaamah Shaami says: "It is stated that the rule of this governor is not general. Rather, it is specified with the immaturity of the ruler's son. Hence, as soon as he becomes mature, the rule of the governor ends."<sup>1</sup>

### IMAAMAT E SUGHRAA

Imaamat e Sughraa, i.e. Imaamat of salaah, is well-known. The form of it is that a person joins his salaah to the salaah of such who possesses all the conditions that are mentioned further and thereafter he follows the Imaam in qiyaam, rukoo, sajdah, jalsah etc. This connection is called Imaamat. It is apparent that the connection is from the side of the muqtadi because this word indicates towards the muqtadi following the Imaam in the actions of salaah. Hence, if the salaah of the muqtadi becomes invalid, the salaah of the Imaam will not become invalid. On the contrary, if the salaah of the Imaam becomes invalid, the salaah of the muqtadi will also become invalid because he joins his salaah to the salaah of the Imaam.<sup>2</sup>

<sup>1</sup>رد المحتار علي الدرالمختار باب الامامة ج2/242

<sup>2</sup>كتاب الفقه على المذاهب الاربعه ج 1 ص 385

## **FOR IMAAMAT, HOW MANY PEOPLE SHOULD THERE BE?**

For Imaamat to be established in salaah, it is necessary for one person or more than one person apart from the Imaam to be present. There is no difference whether the one person is a male or a female. The fuqahaa are unanimous with regards to this. If the male is an intelligent boy, Imaamat will be established according to the Ahnaaf and Shawaafi. The view of the Maalikiyyah and Hanaabilah is contrary to this. They hold the opinion that jamaa'at and Imaamat is not established with an immature, intelligent child.<sup>1</sup>

## **THE RULING OF JAMAA'AT OF THE FIVE DAILY SALAAHS AND THE PROOF FOR IT**

All the Madhaahib are unanimous that Imaamat in fardh salaah is required in the Shari'at. Hence, it will not be appropriate for a responsible person to perform salaah alone except if he has any of the excuses that are mentioned further on. The Hanaabilah say that jamaa'at of the five fardh salaahs is fardh e ain. Imaam Abu Hanifah, Imaam Shaafi'ee and Imaam Maalik do not agree. The Hanaabilah and those Ulama who hold their view use the following hadeeth of Bukhaari as their proof:

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:  
"وَالَّذِي نَفْسِي بِيَدِهِ لَفَدَّ هَمَمْتُ أَنْ أُمْرِبِحَطَبٍ فَيُحْتَطَبُ ثُمَّ أُمْرِبِالصَّلَاةِ فَيُؤَدَّنُ لَهَا، ثُمَّ

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<sup>1</sup>كتاب الفقه ج 1 ص 358



أَمْرَ جَلَّاءِ قِيَوْمِ النَّاسِ ، ثُمَّ أَخَالَفَ إِلَى رَجَالٍ ، فَاحْرَقَ عَلَيْهِمْ بُيُوتَهُمْ ، وَالَّذِي نَفْسِي  
بِيَدِهِ لَوْ يَعْلَمُ أَحَدُهُمْ أَنَّهُ يَجْدُرُ قَاسِمِينَ أَوْ مَرَمَاتِينَ حَسَنَيْنِ لَشَهِدَ الْعِشَاءَ"<sup>1</sup>

It is narrated from Abu Hurayrah رضي الله عنه that Rasulullaah ﷺ said, "By the oath of that Being in Whose control my life is, I wish that I can command the people to gather firewood and when the firewood is gathered I can command someone to call out the adhaan and someone to perform Imaamat and then I would go to those people (who perform salaah at home) and set their dwellings alight. By the oath of that Being in Whose control my life is, if the people know that they would receive a big piece of meat or two excellent arrows (by means of which they can hunt), they would definitely be present for Easha salaah."

This hadeeth indicates towards salaah being fardh because the punishment of burning can only be given due to omitting a fardh and committing a haraam. This hadeeth does not necessitate that such people should actually be burnt. Rather, only the importance of jamaa'at and the supervision of Nabi ﷺ for it is known from the hadeeth. This is one explanation.

However, without doubt, no other salaah apart from Easha salaah is mentioned in this hadeeth. Hence, this hadeeth can be used as proof for Easha salaah only and not for the remaining four salaahs.

The Ulama of the other Mazaahib have provided many answers to this. One of these answers is that

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<sup>1</sup>بخاري حديث 608

this hadeeth was applicable in the initial stages of Islaam when the Muslims were very few in number. Jamaa'at of Easha salaah in specific was fardh because it was performed when people were finish with their occupations. When the Muslims increased in numbers, this hadeeth was abrogated by the following hadeeth:

صَلَاةُ الْجَمَاعَةِ تَفْضَلُ بِصَلَاةِ الْفَدَىِّ بِسَبْعٍ وَعَشْرِينَ دَرَجَةً

*"Salaah performed in jamaa'at is twenty-seven times more virtuous than salaah performed individually."*<sup>1</sup>

One thing being more virtuous than other demands that both things hold virtue and salaah performed individually holding virtue necessitates that it is permissible. Furthermore, the abrogation of the hadeeth in which burning those who do not come for jamaa'at is unanimously accepted. Therefore, it is weak to use it as proof for jamaa'at being fardh.

The Hanaabilah have also used the following verse of the Qur'aan as their proof:

وَإِذَا كُنْتَ فِيهِمْ فَأَقَمْتَ لَهُمُ الصَّلَاةَ فَلْتَقُمْ طَائِفَةٌ مِنْهُمْ مَعَكَ وَلْيَأْخُذُوا أَسْلِحَتَهُمْ فَإِذَا سَجَدُوا فَلْيَكُونُوا مِنْ وَرَائِكُمْ وَلْتَأْتِ طَائِفَةٌ أُخْرَى لَمْ يُصَلُّوا فَلْيُصَلُّوا مَعَكَ وَلْيَأْخُذُوا حِذْرَهُمْ وَأَسْلِحَتَهُمْ

*When you (O Muhammad ﷺ) are with them (present with the Muslims on the battlefield) and you lead them in salaah, a group from them should stand with you (in salaah while another group faces the enemy) and keep their weapon (with them). Then when they have prostrated, they should fall behind*

<sup>1</sup> مسند احمد 2، 328، موطا امام مالك 1، 129

*(join) you (to face the enemy) and the second group, who have not yet performed salaah (but were until now facing the enemy), should come forward and perform salaah with you, taking their precautions (not to be hurt in doing so) and their weapons.<sup>1</sup>*

### **THE REQUIREMENT OF JAMAA'AT ACCORDING TO THE SHARI'AT**

The manner in which this verse is used as proof is that Allaah ﷻ has made the Muslims responsible of jamaa'at in the difficult and tough occasion of war. Hence, if jamaa'at was not fardh, Allaah سبحانه وتعالى would not have made them responsible of performing salaah in this manner in such a difficult and tough situation.

However, the opinion of the Ulama of the other Mazaahib with regards to this is that this verse indicates towards the fact that jamaa'at is required according to the Shari'at; it does not indicate towards jamaa'at being fardh e ain. As for their claim that this is a situation of fear and difficulty, definitely it is right. However, there is more precaution and wisdom teaching the Sahabah رضي الله عنهم to perform salaah in such a manner compared to salaah being performed individually because the portion of the army in front of them will protect the other group and if the enemy get an opportunity to suddenly attack them, those who are guarding will alert those who are performing salaah so that they

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(1) سورة نساء آيت 102

may break their salaah and face the enemy. Extreme caution is found in this. Definitely, this verse indicates towards the importance of jamaa'at according to the former Muslims who were fully convinced about the greatness and reality and eternal Being of Allaah سبحانه وتعالى and used to regard salaah as a means of submitting and humbling oneself to a great extent in front of their Creator and used to understand that there is no room for laxity in salaah irrespective of how dangerous and delicate conditions are.

There is no doubt in the fact that salaah with jamaa'at is required according to all the a'immah. The difference of opinion is only with regards to whether jamaa'at of the five fardh salaahs is fardh e ain or not. According to majority of the Ulama, jamaa'at is not fardh e ain.

### **JAMAA'AT IS SUNNAT E MU'AKKADAH ACCORDING TO THE AHNAAF**

With regards to this mas'alah, the Ahnaaf say that jamaa'at is sunnat e ain mu'akkadah for the fardh salaahs. **You can call it waajib if you desire because sunnat e mu'akkadah is waajib according to the correct view.** You are well aware that the status of waajib is less than the status of fardh and the one who omits a waajib will be less sinful than the one who omits a fardh according to the Ahnaaf and this conforms to the view that sunnat e mu'akkadah is waajib.<sup>1</sup>

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<sup>1</sup>كتاب الفقه ج 1 ص 360

**SALAAH PERFORMED IN JAMAA'AT IS  
TWENTY-SEVEN TIMES MORE VIRTUOUS  
THAN SALAAH PERFORMED  
INDIVIDUALLY**

In "Badae" it is mentioned that most of our mashaa'ikh are of the opinion that jamaa'at is waajib. Imaam Karkhi رحمه الله عليه has mentioned that jamaa'at is sunnat and he uses the following narration as his proof:

صلاة الجماعة تفضل على صلاة الفرد بسبع وعشرين درجة<sup>1</sup>

"Salaah performed in jamaa'at is twenty-seven times more virtuous than salaah performed individually."

In one narration, twenty-five times is mentioned.

صلاة الجماعة تفضل على صلاة الفرد بخمس وعشرين درجة<sup>2</sup>

*"Salaah performed in jamaa'at is twenty-five times more virtuous than salaah performed individually."*

It is necessary to admit that jamaa'at attaining virtue is sign of it being sunnat.

The view of majority of our mashaa'ikh is based on the Qur'aan, hadeeth and consensus of the ummat. The proof from the Qur'aan is the verse:

وَأَرْكُوعُوا مَعَ الرَّاٰكِعِيْنَ

...and bow (in Rukoo in prayer, or be sincere) with those who bow (perform salaah in congregation with the Muslims).

In this verse, Allaah has issued the command of performing rukoo with those who are performing rukoo and this is achieved by joining them in rukoo. Hence, it is as if Allaah is issuing the command of

<sup>1</sup>بخاري ج 2 ص 131

<sup>2</sup>مسلم في المساجد برقم 649

performing salaah in congregation and a general command is to show that thing is waajib.

The proof from the hadeeth is the following hadeeth:

لَقَدْ هَمَمْتُ أَنْ أَمُرَّ رَجُلًا يَصَلِّيَ بِالنَّاسِ إِلَى آخِرِهِ<sup>1</sup>

Nabi ﷺ said that he desires to command someone to lead the people in salaah so that he can go to those people who are not joining the jamaa'at and set their dwellings alight.

Warnings of this type are issued due to a waajib being omitted.

### **THE RULING OF SUNNAT E MU'AKKADAH AND WAAJIB IS THE SAME**

**The ummat continuously practicing upon it is also proof of it being waajib.** From the era of Nabi ﷺ until now, the ummat have adhered to it and criticized one who omits it. This is also proof of it being waajib.

In reality, there is no difference of opinion. Rather, there is only a difference in the wording because Sunnat e Mu'akkadah and Waajib are equal especially those things that are the salient features of Islaam. Imaam Hasan Karkhi رحمه الله عليه has stated that jamaa'at is sunnat and thereafter he has defined it with waajib:

الْجَمَاعَةُ سُنَّةٌ، لَا يُرَخَّصُ لِأَحَدٍ التَّأَخُّرُ عَنْهَا إِلَّا لِالْعُذْرِ، وَهُوَ تَفْسِيرُ الْوَأَجِبِ  
عِنْدَ الْعَامَّةِ

*Jamaa'at is sunnat e mu'akkadah. No one is permitted to omit it without an excuse. This is the*

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<sup>1</sup>بخارى ج 2 ص 125، مسلم ج 1 ص 451

*definition of waajib according to majority of the scholars.<sup>1</sup>*

### **THE IMPORTANCE OF PERFORMING SALAAH WITH JAMAA'AT**

In his book "Arkane Arba" Hadhrat Maulana Abul Hasan Ali Hasani Nadwi رحمه الله عليه mentions the following:

*"We are commanded to perform fardh salaah with jamaa'at and the composition and correct form of salaah in Islaam is *وَارْكَعُوا مَعَ الرَّاكِعِينَ* (...and bow (in Rukoo in prayer, or be sincere) with those who bow (perform salaah in congregation with the Muslims)).<sup>2</sup>*

For this reason, Nabi ﷺ and the Sahabah رضي الله عنهم used to always strictly adhere to it as if it is also a portion of salaah and included in salaah. Even in his sickness that led to his demise, Nabi ﷺ did not abandon it. In Saheeh Bukhaari, the narration of Aa'ishah رضي الله عنها is mentioned in which it is mentioned that when Nabi's ﷺ sickness became severe, (at the time of salaah,) he enquired if the people had performed salaah. We replied, "No. They are waiting for you." Nabi ﷺ asked for water to be filled in a utensil for him. This was done. Nabi ﷺ performed wudhu and thereafter desired to get up and he fell unconscious. After regaining his consciousness, he again enquired if the people have performed salaah. We replied, "No, they are waiting for you." Nabi ﷺ

<sup>1</sup>بدائع الصنائع ج 1 ص 384

<sup>2</sup>سوره بقره آیت 43

asked for water to be filled in a utensil. He performed wudhu and again fell unconscious. He again regained his consciousness and again enquired if the people had performed salaah. Again we replied, "No, they are waiting for you." This was the condition of the people. They were sitting in the Masjid and waiting for Nabi ﷺ for Easha salaah.

Consequently, Nabi ﷺ sent Abu Bakr رضي الله عنه to lead the people in salaah<sup>1</sup>.

### **ONLY TWO TYPES OF PEOPLE SLACK WITH REAGRDS TO JAMAA'AT**

The extent to which the Sahabah رضي الله عنهم used to adhere to jamaa'at can be gaged from the following statement of Abdullaah Bin Mas'ood رضي الله عنه:

*"A person used to be brought in such a condition that he used to be walking while staggering until he was left to stand in the row for salaah."<sup>2</sup>*

Another statement is also narrated from him:

*"We saw that only two types of people never used to come for jamaa'at: an open Munaafiq and a sick person."<sup>3</sup>*

Rasulullaah ﷺ used to severely reprimand those who used to abandon jamaa'at. In the books of sihaah, the narration of Abu Hurayrah رضي الله عنه is narrated that when Nabi ﷺ never saw some people for some salaahs, he said that he desires to command someone to lead the people in salaah so that he can

<sup>1</sup>بخاری حدیث 629، 646 ومسلم حدیث 629

<sup>2</sup>مسلم حدیث 1026، نسائی حدیث 840

<sup>3</sup>مسلم حدیث 1045



go to those people who are not joining the jamaa'at and set their dwellings alight.<sup>1</sup>

### **SOME OF THE WISDOMS, ETIQUETTES AND BENEFITS OF JAMAA'AT**

Allaah سبحانه تعالي has kept numerous subtle wisdoms and great benefits in performing salaah with jamaa'at. Some of these are connected to collectiveness and morals regarding which the Ulama of Islaam and writers have written to great lengths and imparted great benefit such as unity, helping with another. Some of these wisdoms are extremely delicate and cannot be comprehended by the present-day writers and philosophers<sup>2</sup>.

One of these wisdoms is that when the Muslims gather and turn their attention towards Allaah together with having hope in the mercy of Allaah, fearing the wrath of Allaah and submitting themselves in front of Allaah, blessings descend, mercies rain down and a unique state is created due to this gathering. The secret behind the collective du'aa of istisqaa, jamaa'at and the gatherings of hajj is this.<sup>3</sup>

### **IN REALITY, JAMAA'AT IS A TRAINING FOR ONE'S ENTIRE LIFE**

One wisdom is that one gains courage to perform ibadaat, becomes punctual with these

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<sup>1</sup>مسلم باب فضل الصلاة بجماعة و بيان التشديد في التخلف عنها

<sup>2</sup>حجة الله البالغة ص 21،19

<sup>3</sup>حجة الله البالغة ص 21،19

salaahs and becomes a enthusiastic of perfecting and increasing his salaah. If any disorder occurs in these ibaadaat due to performing them alone or negligence, it will be rectified by jamaa'at. One attains an excellent opportunity to learn and understand the laws, etiquettes, adhkaar and qiraa'at of salaah and to imitate and follow the Ulama, fuqahaa and sincere bondsmen of Allaah سبحانه تعالى.

One great benefit of it is that sometimes the effects of the sincerity, devotion and the turning towards Allaah of some sincere people falls on the entire jamaa'at and the sincerity and honesty of one Allaah-fearing person becomes a message of recovery for many heartbroken and distraught people and becomes encouragement for those whom lack spirit and sometimes becomes the means for the acceptance of everyone's ibaadat. The sincere and devoted people are such people that those who are in their company never remain deprived.

Nabi ﷺ gave great importance to correcting the rows of salaah and he used to severely reprimand those who cause a gap, crookedness, and deficiency to come into these rows. The reason for this is that the complete benefits of jamaa'at cannot be attained without adhering to it and without the Muslims standing like a lead wall.

Salaah performed with jamaa'atis a training for one's entire life. If one does not perform salaah in the correct manner, he will not be able to do anything correct whether it is something connected to the world or the hereafter.

## THE COMMAND OF RECTIFYING THE ROWS IN SALAAH

It is narrated from Hadhrat Anas رضي الله عنه that Rasulullaah ﷺ said:

سَوُّوا صُفُوفَكُمْ فَإِنَّ تَسْوِيَةَ الصُّفُوفِ مِنْ إِقَامَةِ الصَّلَاةِ

*"Straighten your rows for verily the straightening of the rows is from the establishment of salaah."*<sup>1</sup>

Hadhrat Nu'maan Bin Basheer رضي الله عنه says, "Rasulullaah ﷺ used to straighten our rows with so much effort as if he was taking aim with an arrow and he used to continue doing this until he realized that we understood. Then, he came to us one day, stood on the place where he used to perform salaah and was about to begin salaah when he noticed that one person's chest was a little in front of the row. He said,

*"O servant of Allaah! You should straighten your rows otherwise Allaah will create dissention among you."*<sup>2</sup>

## ADHERING TO JAMAA'AT HAS A MAJOR ROLE IN THE SAFETY AND PROTECTION OF DEEN AND IN THE PRESERVATION AND STABILITY OF A DEENI ENVIRONMENT

Adhering to Jumu'ah and jamaa'at in the cities and localities plays a major role in the safety protection of this deen and in the preservation and stability of a deeni environment in the form in which Nabi ﷺ and the Sahabah رضي الله عنهم left it. Due to it, this

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<sup>1</sup>بخارى حديث 681 و مسلم حديث 656  
<sup>2</sup>مسلم حديث 660 - اركان اربعة ص 56

deen remained protected from becoming a victim of alterations and the toys of children. If, Allaah forbid, the Muslims had abandoned these two things (jamaa'at and Jumu'ah) and had performed their ibaadaat and salaah alone in their homes, the form and method of salaah would not have been recognized at this time. It would have become disfigured to a great extent and it would have lost its original form and a great difference of opinion would have been created with regards to it. As a result of this, the Muslims would have become divided into different factions and groups with regards to salaah as they were in many parts of their social lives and as is well-known in the churches of Christianity and synagogues of Judaism and temples of polytheism.

In this regards, salaah performed with jamaa'at is an important and effective means of unity among the Muslims and in preserving deen from being altered.<sup>1</sup>

**SALAAH PERFORMED WITH JAMAA'AT  
IS MANY TIME MORE VIRTUOUS THAN  
SALAAH PERFORMED INDIVIDUALLY**

Due to these above-mentioned wisdoms and benefits and the effort found in them and due to those aspects that no one apart from Allaah knows, salaah performed with jamaa'at is many times more virtuous than salaah performed individually.

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<sup>1</sup>حجة الله البالغة

It is narrated from Abu Hurayrah رضي الله عنه that Rasulullaah ﷺ said,

*"A person's salaah performed with jamaa'at is twenty-five times more virtuous than performing salaah at home or in the bazaar. The reason for this is that when a person performs wudhu and does so scrupulously and thereafter goes for salaah and he leaves his house only for salaah, his stage will be raised once and one sin of his will be forgiven for every step he takes. When he performs completes his salaah, the angels make the following du'aa for him until he does not move from his place:*

اللهم صل عليه، اللهم ارحمه

O Allah bless on him, O Allah have mercy on him.

*Furthermore, until anyone of you is waiting for salaah, he is regarded to be in salaah."*<sup>1</sup>

It is narrated from Ibn Umar رضي الله عنه that salaah performed with jamaa'at is twenty-seven times more virtuous than salaah performed individually.<sup>1</sup>

### **THE RULING OF JAMAA'AT FOR JUMU'AH SALAAH, JANAAZAH SALAAH AND NAWAAFIL SALAAH**

You have already read about the ruling of jamaa'at for the five fardh salaahs. Now the ruling of jamaa'at for other salaahs such as Janaazah salaah, Jumu'ah salaah, Eid salaah, Salaatul Kusoof,

<sup>1</sup>بخاري وترمذي ونسائي ومالك (اركان اربعة ص62)

Salaatul Istisqaa and the remaining Nawaafil salaahs will be mentioned:

Jamaa'at is a condition for the validity of Jumu'ah salaah and Eid salaah. It is sunnat e kifaayah for Taraaweeh salaah and Janaazah salaah and it is makrooh for nafl salaah. It is also makrooh for Witr salaah performed out of Ramadhaan when there are more than three muqtadis. With regards to jamaa'at for Witr salaah performed in Ramadhaan, there are two authentic views: One is that jamaa'at is mustahab and one is that it is permissible and not mustahab and this is the preferred view.<sup>1</sup>

### **THE CONDITIONS OF IMAAMAT AND FOLLOWING THE IMAAM**

**There are ten conditions of following the Imaam in salaah.**

They are:

1. The muqtadi should make intention of following the Imaam.
2. The place of the muqtadi and the Imaam should be the same.
3. The salaah of the muqtadi and the Imaam should be the same.
4. The salaah of the Imaam should be correct.
5. One should not be next to a female.
6. The muqtadi should remain behind the Imaam. He should not go in front of the Imaam.
7. The muqtadi should be aware of the Imaam changing from one condition to another.

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<sup>1</sup>كتاب الفقه على المذاهب الاربعه ج 1 ص 361

8. The muqtadi should be aware of whether the Imaam is a musaafir or a muqem.
9. The muqtadi should join the Imaam in all the arkaan.
10. The muqtadi should be equal to or less than the Imaam in the conditions and arkaan of salaah.<sup>1</sup>

### **THE SIX CONDITIONS OF IMAAMAT**

Allaamah Shaami mentions that in reality these are the conditions of following the Imaam. The author of "Noorul Ezah" has written the conditions of Imaamat separately. He has stated that there are six conditions of Imaamat for a healthy male:

- (1) Being a male.
- (2) Being mature.
- (3) Being sane.
- (4) Being a male.
- (5) Being a Qaari.

(6) He should be free from nose-bleeding, stuttering, passing wind audibly, having a lisper and other such sicknesses and he should not be missing even one of the conditions such as purity and concealing the satr.

By writing 'healthy male', he has excluded healthy females and children and unhealthy males because being a male for the Imaamat of females and being mature for the Imaamat of children and being healthy for the Imaamat of unhealthy males are not conditions. However, the condition of the

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<sup>1</sup>درمختار ج 1 ص 370

Imaam should be equal to or a little better than the condition of the muqtadi.

### **TEN ARE CONNECTED TO THE MUQTADI AND SIX ARE CONNECTED TO THE IMAAM**

From the above-mentioned details, you would have realised that in reality Imaamat is the objective of following the Imaam. If following the Imaam is not correct, Imaamat will not be proven. Hence, the above-mentioned ten conditions are also the conditions of Imaamat because Imaamat is dependent on them.

Similarly, the above-mentioned six conditions of Imaamat are also necessary for following the Imaam because following the Imaam will not be correct without these six conditions being found.

Hence, all these sixteen conditions are for both, Imaamat and following the Imaam. However, since ten are connected with the muqtadi and six are connected with the Imaam, the six that are connected with the Imaam are mentioned separately and the ten that are connected with following the Imaam are mentioned separately.

### **THE SIX CONDITIONS FOR THE VALIDITY OF FOLLOWING THE IMAAM**

There are six conditions for the validity of following the Imaam:

- (1) Being a Muslim.
- (2) Being mature.
- (3) Being a male.



- (4) Being sane.
- (5) Having the ability to recite qiraa'at.
- (6) Being free from excuses.

Some detail on these conditions will now be mentioned:

### **(1) THE IMAAM SHOULD BE A MUSLIM**

All fuqahaa are unanimous that the Imaamat of a non-Muslim is impermissible. Hence, if one performs salaah behind someone who claims to be a Muslim and afterwards it is found out that he is a Kaafir, the salaah will be invalid and it will be waajib to repeat it. Some people think that the occurrence of this is rare. However, reality proves contrary. Many a times, a non-Muslim dresses in the attire of Muslims and displays piety in disguising himself as a Muslim for material motives whereas he is Kaafir in reality.

### **(2) BEING MATURE**

Hence, it will not be permissible for a mature person to perform salaah behind an immature child even though he is intelligent. Imaam Abu Hanifah, Imaam Shaafi'ee, and Imaam Ahmed are unanimous with regards to this. However, the Shawaafi differ with regards to it. **The Ahnaaf say that according to the correct view, it is incorrect to follow an immature child in salaah whether it is a fardh salaah or a nafl salaah. Yes, all fuqahaa are unanimous that it is permissible for an intelligent immature child to lead other immature children in salaah.**

### **(3) BEING A MALE COMPLETELY**

The Imaamat of a woman and a hermaphrodite is impermissible for females. However, if the muqtadis are only females, this condition will not apply. In fact, the correct view is that a female or a hermaphrodite should perform Imaamat of females. Imaam Abu Hanifah, Imaam Ahmed, and Imaam Shaafi'ee are unanimous with regards to this. Imaam Maalik does not agree with them.

### **(4) BEING SANE**

The Imaamat of an insane person is not correct. The Imaamat of an insane person is not correct when his insanity is continuous. If he is such that sometimes he becomes insane and sometimes he is sane, his Imaamat will be correct when he is sane and according to all fuqahaa his Imaamat will not be correct when he is insane.

### **(5) BEING A QAARI**

For Imaamat, the fuqahaa have added the condition of being a Qaari. If the muqtadi is a Qaari and he is following a non-qaari, the Imaamat will not be correct. This condition refers to having the ability to recite that amount by which salaah will be correct (one long verse or three short verses). One should be able to recite this amount properly. If one is the Imaam of a village and he properly recites that amount of qiraa'at that is required for salaah to be permissible, it will be permissible for those who are still learning to perform salaah behind him.

On the contrary, if he is completely unlettered, it will be permissible for him to lead other unlettered people in salaah whether a Qaari who can perform Imaamat is present or not. Imaam Abu Hanifah, Imaam Ahmed, and Imaam Shaai'ee are unanimous with regards on this while Imaam Malik disagrees.

#### **(6) NOT HAVING ANY EXCUSE**

For the validity of Imaamat, it is a condition for the Imaam to be free from excuses such as the continuous dripping of urine, a continuous running stomach, the passing of wind, a bleeding nose etc. If any of these ailments is found in anyone, his Imaamat will not be correct for one who does not have any of these ailments.

However, his Imaamat will be correct for one who has the same ailment as him. However, if two people have different ailments, e.g. one has the ailment of urine dripping continuously, and the other one has the ailment of continuous nose bleeding, it will not be correct for anyone of the two to perform Imaamat of the other person. The Ahnaaf and Hanabilah agree with regards to this and the Shawaafi and Malikiyyah disagree.

#### **THE IMAAM SHOULD BE PURE FROM APPARENT AND UNAPPARENT IMPURITIES**

All the fuqahaa agree that one condition is that the Imaam should be pure from apparent and

unapparent impurities (i.e. he should not be in the state of hadath and neither should there be any impurity on his body). If one performs salaah behind such a person who is in the state of hadath or who has impurity on his body, his salaah will not be correct just as how the salaah of the Imaam will also be invalid. However, the condition is that the Imaam should be aware of the impurity and thereafter purposely perform Imaamat. If this is not the case, salaah will not be invalid. Further details of this will be mentioned further on.

### **EXCUSES DUE TO WHICH JMAA'AT NO LONGER REMAINS WAAJIB**

If any of the following excuses are found, jamaa'at will no longer remain waajib:

- (1) Excessive rain.
- (2) Severe cold.
- (3) Mud that will cause harm.
- (4) Being ill.
- (5) Being afraid of a tyrant.
- (6) Fearing imprisonment due to someone's debt provided that the debtor is poor.
- (7) Being blind when the blind person does not have any guide and he cannot find his way on his own.<sup>1</sup>

Apart from these, there are also other excuses.

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<sup>1</sup>كتاب الفقه على المذاهب الاربعه ج 1 ص 379

## **CHAPTER TWO**



**WHO HAS THE RIGHT OF IMAAMAT?  
WHAT IS THE RULING FOR TAKING SOME?  
REMUNERATION FOR IMAAMAT?**

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**WHO HAS THE RIGHT OF IMAAMAT?**

The person most worthy of Imaamat is the one who possesses the most knowledge about the sunnat, i.e. the rulings of the shari'at. According to one narration, the one who knows the most Qur'aan will be given priority and preference of Imaamat according to Imaam Abu Yusuf because qiraa'at is indispensable in salaah and a compulsory portion of salaah whereas the necessity of knowledge arises only when some problem and incident occurs. However, our proof is the necessity of qiraa'at arises in one posture only whereas knowledge is necessary for the validity of each posture of salaah.

**ONE WHO IS LEARNED IN THE  
 SCIENCE OF QIRAA'AT**

If all the people present are equal with regards to knowing about the laws of salaah, then that person who is most learned in the science of qiraa'at will be given preference, i.e. the one who makes waqf where it supposed to be made, makes wasl where it supposed to be made, knows where to read with takhfeef and where to recite with tashdeed and is aware about the other massa'il of qiraa'at. The proof of this is that Rasulullaah ﷺ said, "*The one most*

*worthy of Imaamat is the one who recites the Qur'aan properly."*

If everyone is equal in reciting the Qur'aan properly, the one who is most learned with regards to the masaa'il of the shari'at will be given priority. If they all are equal with regards to even this, then priority will be given to that person who was the first to migrate and if they all are equal even in this aspect, preference will be given to the one who is the eldest.

### **THEREAFTER, PRIORITY WILL BE GIVEN TO THAT PERSON WHO IS HANDOSME AND AN AALIM**

In one narration, it is mentioned that if everyone is equal in even this, then priority will be given to the one who excels the most in beauty and good looks. The author of "Hidayah" writes the following:

*"The reason for "Aqra" (one who recites the Qur'aan the best) being given preference over "Alam" in the hadeeth (one who is the most acquainted with the masaa'il of the shari'at) is that when the Sahabah رضي الله عنهم used to learn the Qur'aan from Nabi ﷺ, they used to learn all the masaa'il connected to it. Hence, their اقرا "Aqra" was also اعلم "A'alam". However, in our era, this is not the case. Keeping this difference in mind, we have given preference to اعلم "A'alam" over اقرا "Aqra".*

In objecting to this, one may say, "If اقرا "aqra" was اعلم "alam" in the time of Nabi ﷺ, what is the

benefit of اعلم “alam” being mentioned separately in the hadeeth? This is repetition because being equal in qiraa'at is a means of being equal in knowledge." The answer would be that اقرا “aqra” refers to اعلم باحكام “Aalamu Bi ahkami kitabillahi” (one who is most acquainted with the laws of the Qur'aan) and اعلم بالسنة “Alamu Bis Sunnah” refers to افقه فى دين الله “Afqahu fee deenillahi” (one who has the most foresight with regards to deen). Hence, the second اعلم “alam” is separate from the first اعلم “alam” and the above-mentioned objection no longer remains.

### **THE CONFORMITY BETWEEN QAARI AND AALIM**

In other words, the response to this objection can be that it was not an all-encompassing law for اقرا “aqra” to also be اعلم “alam”. Rather, the general condition was that whoever was اقرا “aqra” was also اعلم “alam”. Hence, the example of Hadhrat Ubay Bin Ka'b رضي الله عنه and Hadhrat Abdullaah Bin Mas'ood رضي الله عنه is present in front of us: Hadhrat Ubay Bin Ka'b رضي الله عنه was well versed in the science of qiraa'at and Hadhrat Abdullaah Bin Mas'ood رضي الله عنه was more learned than him with regards to the masaa'il and laws of the Qur'aan. Hence, despite both being equal in qiraa'at, there was a difference between them with regards to knowing the laws. Therefore, Nabi ﷺ mentioned this possibility even though it rarely occurs.

The third answer to the above-mentioned objection is that the difference made between اقرا



“aqra” and اعلم “alam” is with regards to our era. Hence, everyone being on the same level with regards to the science of qiraa'at does not necessitate that they are also equal with regards to possessing knowledge of the masaa'il and laws.

### **THERAFTER PIETY WILL BE CONSIDERED**

If all those who are present are equal in the above-mentioned qualities, preference will be given on the basis of piety because Nabi ﷺ said that it is as if one who performs salaah behind a pious Aalim has performed salaah behind a Nabi.

### **THEREAFTER, AGE WILL BE CONSIDERED**

If everyone is equal also in terms of piety, the basis of preference will be age because Nabi ﷺ told the two sons of Abu Mulaikah that the eldest from the two of them should perform Imaamat. The logical reason behind this is that in appointing an older person, more people will be present for jamaa'at.<sup>1</sup>

### **THE VIEW OF THE AUTHOR OF درمختار “DURRE MUKHTAR” WITH REGARDS TO IMAAMAT**

With regards to Imaamat, the author of “Durre Mukhtar” writes that the person most worthy for

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<sup>1</sup>فتح القدير ج 1 ص 305

Imaamat is one who is aware of the laws and masaa'il pertaining to salaah only. He should possess the knowledge of those things that cause the salaah to become invalid and those things that are necessary for the validity of salaah. Possessing this amount of knowledge only is sufficient for being appointed as Imaam provided he abstains from open sin. Furthermore, he should have memorized the fardh, waajib and sunnat (according to the different narrations) amount of Qur'aan.

Thereafter, preference will be given to that person who recites the Qur'aan properly and is well versed in the science of qira'at.

Thereafter, preference will be given on the basis of ورع "war'a". **The meaning of ورع "war'a" is to exercise caution with regards to doubtful things and the meaning of تقوى "Taqwa" is to abstain from unlawful things.** Allaamah Shaami says that a doubtful thing refers to such a thing in which there is doubt with regards to it being lawful or unlawful. ورع "war'a" necessitates تقوى "Taqwa" but تقوى does not necessitate ورع "war'a". زهد, "Zuhd" **means to abstain from something that is lawful out of the fear of falling into something that is doubtful.** This is even more specific than ورع "war'a" in the hadeeth, ورع "war'a" is not mentioned, but migrating from one's hometown is mentioned.

Since this migration has been abrogated, abstaining from sins by means of ورع "war'a" and تقوى "Taqwa" is implied because now it is no more

necessary for one who accepts Islaam in a Non-Muslim state to migrate.

### **ONE WHO IS OF ADVANCED AGE**

Thereafter, preference will be given to one who is of advanced age, i.e. one who accepted Islaam first. Hence, priority will be given to a young person who accepted Islaam first over an old person who accepted Islaam afterwards. The Ulama have also written that in piety, the one who excels will be given priority and the same applies to all the other traits. Hence, it will be said that the one who has acquired more knowledge etc. with regards to Islaam will be given preference. In this manner, the chances of drawing lots will be less. From this, the author of البحر "Al-bahr" has deduced that one whose is a Muslim for longer will obey Allaah to a greater extent. I say that this is not the case. Rather, it refers to the one who is the eldest as is understood from some narrations in which فاكبرهم سنا "Fa'akbaruhum Sinnan" is mentioned and this is understood from most of the books. Hence, the discussion is with regards to one who is born a Muslim. Yes, the a'immah of hadeeth apart from Bukhaari have mentioned the narration of فاقدمهم اسلاما "Fa'aqdamuhum Islaman". Due to this, this will be another reason for giving preference with regards to that person who became a Muslim afterwards.

Therefore, that youngster who was born a Muslim will be given preference over that old person who became a Muslim only now. However,

if two people are Muslims from birth or they became Muslim at the same time, the elder one will be given priority because generally an older person is more humble and has more esteem and people prefer to appoint him as their Imaam due to which the jamaa'at will be larger.

### **ONE WHO EXCELS IN CHARACTER AND BEAUTY**

Thereafter, one who has the best character will be given priority and thereafter priority will be given to one who possesses the most beauty, i.e. one who performs Tahajjud salaah.

### **ONE WHO HAS A NOBLE LINEAGE AND ONE HAS A GOOD VOICE**

Thereafter, lineage will be considered and then a good voice will be considered.

### **ONE WHO HAS A BEAUTIFUL WIFE**

Thereafter, priority will be given to one who has a beautiful wife because he will love her more and he will be chaste to a greater extent due to not being in contact with other women. This does not imply that everyone should mention the specialties and qualities of his wife to others so that it may be known who has a beautiful wife. Rather, this should be found out from one's friends, family, and neighbors.

### **ONE WHO IS WEALTHY AND EMPLOYED**

Thereafter, preference will be given to the one who is the wealthiest because if one possesses excessive wealth together with the above-mentioned qualities, one will attain contentment and people will love him more. Thereafter, employment will be considered. Then, one who is dressed in clean clothing will be given preference.

### **ONE WHO HAS A LARGE HEAD**

Thereafter, preference will be given to whose head is larger than the other limbs in a proportionate measure because this is evidence of possessing great intelligence. If one's head is larger than his other limbs in an unsuitable manner, this is evidence of foolishness and deficiency in his temperament.

### **THEREAFTER, A MUQEEM WILL POSSESS THE RIGHT**

Thereafter, preference will be given to a muqeem over a musaafir. One view is that both are equal. It is apparent that if the jamaa'at consists of such people who are musaafir, this will have to be considered. This applies when there is sufficient time remaining. If there is not sufficient time remaining, it will not be permissible for a musaafir to follow a muqeem in a salaah that consists of four rakaats as is mentioned in detail further on.

## **ONE WHO PERFORMS TAYAMMUM DUE TO HADATH**

Thereafter, a free person will be given preference over a slave. Thereafter, one who performed tayammum due to hadath (something that nullifies wudhu) will be given preference over one who performed tayammum due to janaabat. It is possible that the reason for this is that hadath is a lesser impurity compared to janaabat. However, the opposite mas'alah is mentioned in منية المفتي "Muniyatul Mufti" I.e. one who makes tayammum due to janaabat will be given preference over one who makes tayammum due to hadath. It is possible that the reason for this is that his purity is stronger because it is in the level of ghusl and those things that nullify wudhu cannot nullify it.

### **IN THE END, LOTS WILL BE DRAWN**

When there is an argument and difference of opinion, no one besides the person who attains preference should be put forward for Imaamat. Attaining preference implies being the first to present one's claim in front of the judge and if everyone is equal even in this, lots will be drawn and it is apparent that all of this is based on priority and preference.<sup>1</sup>

Similarly, the first to come from those who are seeking knowledge will attain priority. If there is a difference of opinion and there is evidence, it will be

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<sup>1</sup>فتاوى شامى ج 1 ص 375

considered and if there is no evidence, lots will be drawn as will be done when all come at the same time. If the sheikh does not know who came first, he can give preference to whomsoever he desires because he has the choice not to even teach them. However, most of the Ulama are of the opinion that the one who comes first should be given preference and Ibn Katheer says it is masnoon because it is mentioned in a narration that an Ansaari came to ask Nabi ﷺ something. At that time, a Thaqafi Sahabi also came. Nabi ﷺ said, "Oh my Thaqafi brother! The Ansaari came before you to enquire about something. Therefore, sit down so that I may fulfill his necessity before I fulfill your necessity."<sup>1</sup>

From this it is known that this is the sunnat of Nabi ﷺ. There is no difference whether it is known who came first or it is not known. Yes, there is a difference when both come at the same time, i.e. if the sheikh knows, lots will be drawn otherwise he should give preference to whomsoever he wishes.

If all are equal, lots will be drawn or else the people will have a choice to choose whomsoever they desire. This difference of opinion will be apparent only until appointing the Imaam. Otherwise every person would perform salaah behind the Imaam he selects. However, jamaa'at will be repeated in such a situation. If the people appoint someone other than the best person as the Imaam,

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<sup>1</sup> رواه طبرانی فی الكبير ج 12، حديث 425 / وعبدالرزاق فی المصنف حديث 30

they would have done wrong. However, they will not be sinful.

If two people are equal in terms of knowledge and piety but one of them recites the Qur'aan better and the people appoint the other person as the Imaam, they would have done wrong and abandoned the sunnat. However, they will not be sinful because they would have appointed a pious person as the Imaam. This same ruling applies to governance and leadership. **However, since Khilaafat is Imaamat e kubraa, it will not be permissible to omit the best person for it.** The ummat of Nabi ﷺ are unanimous with regards to this.

### **THE HOST SHOULD GO FORWARD**

It should be known that the host and similarly the employed Imaam of the Masjid will always be more rightful for Imaamat than others even if someone who has more knowledge of the laws of the shari'at and someone who is a better Qaari are present. However, it will be preferable if he puts any visitor forward due to his knowledge and age. If any of the visitors go forward on his own, then too it will be permissible because it is apparent that the host will give permission to a visitor due to honoring and respecting him.

### **THE KING AND THE JUDGE HAVE AUTHORITY OVER EVERYONE**

If the king or judge is present, he should be put forward because they have authority over everyone.



However حدادی "Haddadi" has mentioned that the ruler will attain priority over the Imaam in the Masjid and this is not specified with the king who has authority over everyone and neither is it specified with that judge who has special authority of the laws of the shari'at, but the ruler is also like both of them and the employed Imaam is like the host in this mas'alah. The king will have priority, then the governor, and then the host even if the place is on rent and likewise the judge will be given preference over the Imaam of the Masjid.

### **THE PERSON WHO IS RENTING THE HOUSE IS MORE WORTHY**

One who borrows a house or one who rents a house will be given preference over the host because lending something to someone is making him the owner of the benefits of that thing and although the one who lends the item has the right to take it back, unlike the one who gives it on rent, the one who borrows it will possess the right of Imaamat until the one who lends it to him does not take it back and the discussion is with regards to this. The mas'alah has left its subject matter because when the owner takes the item back, the transaction of borrowing is no longer found.<sup>1</sup>

### **A SUMMARY OF THE DISCUSSION**

The person most rightful of Imaamat is the one who possesses the most knowledge with regards to

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<sup>1</sup>ردالمحتار ج 1 ص 376

the laws of salaah. I.e. he knows when salaah will be valid and when it will be invalid.

Furthermore, he abstains from open sin.

Thereafter, the one who recites the Qur'aan with Tajweed the best.

Then, the one who is the most pious.

Then, the one who had Imaan first.

Thereafter, the one who is elder. (When both are Muslims from birth.)

Thereafter, the one who possesses the best character.

Thereafter, the one who is the most handsome.

Then, the one with the noblest lineage.

Then, the one who wears the cleanest clothes.

If everyone is equal in these aspects, lots will be drawn if there is a difference of opinion among the people. And if there is no difference of opinion, they should appoint whomsoever they desire as their Imaam.

If the people are not pleased with even drawing lots, majority will be considered in appointing the Imaam. If majority select someone other than best as their Imaam, they would have done wrong. However, they will not be sinful.

This ruling applies when the king and host in whose house the people gather are not present and neither is the appointed Imaam present.

If they are present, the king will be given priority and then the host and likewise the appointed Imaam in the Masjid.

When the owner of the house and the person who is renting it are both present, the person who is renting it will be more worthy.<sup>1</sup>

### **THE RULING OF TAKING REMUNERATION FOR IMAAMAT**

According to majority of the fuqahaa (the Shawaafi, Hanaabil and former Ahnaaf), taking remuneration for Imaamat of salaah is not permissible because it is from those acts that are such that the intention of the one doing them is to perform ibaadat and attain proximity to Allaah. Other examples of such acts are calling out the adhaan and teaching the Qur'aan.

Nabi ﷺ has said:

إِقْرَؤُوا الْقُرْآنَ وَلَا تَأْكُلُوا بِهِ<sup>2</sup>

*"Recite the Qur'aan and do not make it a means of eating."*

Furthermore, the Imaam performs his salaah and whoever desires to follow him, follows him even if he does not make intention of Imaamat. If anything is dependent on his intention, it is the attainment of the virtue of jamaa'at and this is such a benefit which is specified to him. In addition, when a person performs any ibaadat and righteous deed, he does it for his own benefit.

Allaah سبحانه تعالی says:

مَنْ عَمِلَ صَالِحًا فَلِنَفْسِهِ<sup>3</sup>

*"Whoever does a good deed does so for his own benefit..."*

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<sup>1</sup>كتاب الفقه ج 1 ص 379  
<sup>2</sup>مسند احمد ج 3 حديث 428  
<sup>3</sup>سوره نحل آيت 97

Hence, one who does something for his own benefit cannot be worthy of receiving remuneration for it from others.<sup>1</sup>

### **THE RULING OF TAKING REMUNERATION ACCORDING TO THE MAALIKIYYAH AND LATTER AHNAAF**

According to the Maalikiyyah, it is permissible to take remuneration for adhaan only or for salaah performed together with calling out the adhaan whether the salaah is nafl or fardh. However, it is makrooh to take remuneration for salaah only.<sup>2</sup>

According to the latter Ahnaaf, the fatwa is that taking remuneration for teaching the Qur'aan or fiqh, Imaamat and adhaan is permissible and it is permissible to forcefully take the specified remuneration or the normal remuneration if the amount was not specified from the person who employs and Alim, Imaam or mu'adhin. **The proof for the permissibility is necessity and this necessity is due to the negligence and disregard of the matters of deen.**<sup>3</sup>

### **WHAT IS RECEIVED FROM THE PUBLIC TREASURY IS REGARDED AS KINDNESS AND A FAVOR**

These details are with regards to the remuneration. As far as taking a salary from the public treasury for

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<sup>1</sup>الموسوعة الفقهية ص 215 ج 6

<sup>2</sup>جواهر الاكليل ج 1 ص 37

<sup>3</sup>ابن عابدين 34،5

these acts is concerned, it is permissible according to all the fuqahaa because taking from the public treasury is regarded as kindness and a favor unlike taking remuneration which is connected to taking compensation. Furthermore, the public treasury is established for the benefits of the Muslims. Hence, using it for such a person whose benefit reaches the Muslims and of whom the Muslims are in need is from among these benefits and it will be permissible for this person to take it because he is worthy of it and it is like waqf for this person who is appointed to fulfill these benefits.<sup>1</sup>

In درمختار “Durre Mukhatar”, it is mentioned that it is makrooh to perform salaah behind one who performs Imaamat in lieu of remuneration in this manner that he performs Imaamat in lieu of the remuneration of one month or one year.

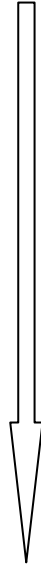
According to the latter Ahnaaf, the fatwa is that it is permissible to take remuneration for adhaan, Imaamat and teaching the Qur'aan due to the **necessity unlike taking remuneration for only reciting the Qur'aan and other righteous deeds in which this necessity is not found.**<sup>2</sup>

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<sup>1</sup>الموسوعة الفقهية ص 215 ج 6 ، وزارة الاوقاف(كويت)

<sup>2</sup>رد المحتار ج 1 ص 378

## **CHAPTER THREE**



**WHAT NOBLE TRAITS SHOULD  
THE IMAAM POSSESS?**

## **CHAPTER THREE**

### **WHAT NOBLE TRAITS SHOULD THE IMAAM POSSESS?**

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#### **WHAT ARE THE PREFERRED QUALITIES FOR THE IMAM?**

It is not appropriate for anyone to perform Imaamat when there is someone worthy of Imaamat present. Similarly, if there is someone better than him present, then too he should not advance for Imaamat. Umar رضي الله عنه said, "It is better for my neck to be cut off in expiation for a sin than to rule a nation in which Abu Bakr رضي الله عنه is present."

The Imaam should recite the Qur'aan with Tajweed. He should have a good amount of knowledge and he should be aware of the sunnats of Rasulullaah ﷺ because in a hadeeth it is mentioned, *"Hand over the matters of your deen to the fuqahaa, a'immah and Qurraa among you."*

#### **THE IMAAM IS YOUR REPRESENTATIVE IN FRONT OF ALLAAH**

Nabi ﷺ said:

لِيُؤَدِّنَ لَكُمْ خِيَارَكُمْ وَ لِيُؤْمِتْكُمْ فَرَأَوْكُمْ

*"The best among you should call out the adhaan and the qurraa among you should lead you in salaah."<sup>1</sup>*

Since the Imaam is your representative in front of Allaah, Rasulullaah ﷺ has mentioned this.

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<sup>1</sup>ترمذی حدیث 499

The Imaam should be righteous and learned and he should have the recognition of Allaah. He should also fear Allaah because he is responsible for the salaah of the muqtadis and the salaah of the muqtadis is dependent on him. He should exercise caution with regards to those things which will result in him carrying the burden of his sins and the sins of the muqtadis by him causing a deficiency and defect in the salaah. **Nabi ﷺ did not intend only those who memorize the Qur'aan by saying qurraa. Rather it refers to those who also practice upon the Qur'aan.**

The following is mentioned in the hadeeth:

إِنَّ أَحَقَّ النَّاسِ بِهَذَا الْقُرْآنِ مَنْ كَانَ يَعْمَلُ بِهِ وَ إِنْ كَانَ لَا يَقْرَأُهُ

*"The people most worthy of the Qur'aan are those who practice upon it even if they do not recite it."*

Many a times such a person memorizes the Qur'aan who does not practice upon it, is not mindful of the limits of the Qur'aan and does not refrain from those things that are prohibited. Hence, such a person is not intended and neither will he be honored in any way.

### **ONE WHO IS ACQUAINTED WITH THE RECOGNITION OF ALLAAH SHOULD BE APPOINTED AS THE IMAAM**

Nabi ﷺ said, *"One who regards those things that are prohibited in the Qur'aan as lawful does not believe in the Qur'aan."*<sup>1</sup>

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<sup>1</sup>ترمذی حدیث 2849



Hence, it is necessary for the people to appoint such a person as their Imaam who has attained the recognition of Allaah. If the people act contrary to this and they appoint someone else as their Imaam, they will continuously fall into disgrace, create a deficiency in their deen and become distant from the mercy of Allaah and Jannat. The mercy of Allaah descends upon those people who are mindful of their deen, safeguard their salaah, appoint the best person among them as their Imaam and follow Nabi ﷺ in this matter and by means of it acquire the pleasure of Allaah.

### **THE IMAAM SHOULD ABSTAIN FROM IRRELEVANT THINGS**

It is necessary for the Imaam to safeguard his tongue from criticizing people and backbiting about people. He should command the people to do good and he himself should do good, and he should prevent others from evil and he himself should refrain from evil. He should like good and those who do good, and he should dislike evil and those who do evil. He should be aware of the times of salaah and he should also adhere to these times. He should safeguard his belly and private parts. He should abstain from unlawful things. He should have a purpose for what he does and he should endeavor to acquire the pleasure of Allah instead of things of this world.

He should be forbearing and he should exercise great patience when afflicted with difficulties. He should overlook the evil of people. He should ignore

the one who speaks about him. If one acts ignorantly towards him, he should exercise patience. He should be kind to one who is bad to him.

### **THE IMAAM SHOULD OVERLOOK ALL BAD**

The Imaam should ignore all forbidden things. If he notices something that is worthy of being concealed, he should conceal it. If he sees anything that can cause disgrace to someone, he should hide it there and then. He should keep aloof from ignorant people and he should make du'aa for peace. He should be a means of giving comfort to people despite them troubling him and he should be extremely desirous of freeing himself from the slavery of people and he should realize that due to this, he has fallen into a great test which is extremely dangerous and holds great importance. He should be concerned about carrying the responsibility of Imaamat and he should understand the value, delicacy, importance, and welfare of Imaamat. He should be one who speaks less. However, he should discuss those things which are part of his objective. There should be a great difference between his lifestyle and the lifestyle of other people.

### **THE IMAAM WILL BE QUESTIONED WITH REGARDS TO THE MUQTADIS**

When the Imaam stands in the mihrab to lead the salaah, he should be mindful that he is standing on the place of the Ambiyaa عليهم السلام and the

Khulafaa e Raashideen and he is conversing with the Rabb of the universe. He should make an utmost effort with regards to perfecting the salaahs of the muqtadis behind him. He should keep the salaah brief by being considerate of the weakest muqtadi. He should regard himself to be weaker than the muqtadis and he should regard Imaamat as a test. He should be mindful of the fact that Allaah will question him with regards to his own salaah and the salaah of the muqtadis.

### **WHICH OTHER QUALITIES SHOULD THE IMAAM POSSESS?**

He should cry about his sins. He should be regretful and ashamed about his previous useless and deficient actions. He should not regard himself to be greater than the muqtadis. He should not be desirous of praises from people and he should not be worried about their criticism. He should not be known for lying. He should consume halaal. He should wear clean clothes and he should exercise humility with regards to his clothing. He should be humble and modest in society. No punishment for breaking the commands of Islaam should have been meted to him. He should not have a bad reputation among people. He should not taunt and mock his brother by the ruler. He should not expose the secrets of people and neither should he attempt to find out about the bad of people. He should not be extremely stern in acquiring his rights. He should not go forward for Imaamat in such a condition when there is haraam wealth in his belly and neither when he is

desirous of performing Imaamat. He should also not go forward for Imaamat when he is aware that he possesses jealousy, hatred, enmity, unfaithfulness, anger, malice, pride, or arrogance. Neither should such a person go forward for Imaamat who wants to murder someone, takes revenge for himself, satisfies his anger, dishonor a Muslim or deceives anyone from the Ummat of Nabi ﷺ.<sup>1</sup>

He should not cause any mischief, he should not be involved in mischief, and neither should he fuel the flames of mischief. Rather, he should assist the rightful people against those who are on falsehood verbally, physically, and emotionally. He should proclaim the truth even if it is bitter. He should not fear the criticism of those who criticize. He should not like the praises from people and neither should he be concerned about their criticism. He should not specify anything for himself while making du'aa, but he should rather keep his du'aas general and include himself and the muqtadis in it when he makes du'aa after salaah. If he makes a specific du'aa for himself, it would be unfaithfulness to the people. He should not give preference to one person over another. Yes, it is a separate matter if it is a learned person. Nabi ﷺ said that those people who possess foresight and intelligence should stay close to him.<sup>2</sup>

It should not be such that he stays close to the wealthy and remains distant from the poor.

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<sup>1</sup> غنية الطالبين، شيخ عبد القادر جيلاني ص 861

<sup>2</sup> مسند احمد حديث 4142

**IF THE MUQTADIS DISLIKE THE IMAAM,  
HE SHOULD STOP PERFORMING  
IMAAMAT**

It is not appropriate for the Imaam to perform Imaamat of such people among whom there is some people who dislike his Imaamat. If there are people who are in favor of his Imaamat and there are also such people who are not in favor of his Imaamat and those who are not in favor of his Imaamat are more than those who are in favor of his Imaamat, he should refrain from Imaamat and withdraw from the mihraab. **This applies to that situation when the disapproval of his Imaamat is based upon knowledge and the truth.** If it is based upon ignorance, falsehood, malice, or prejudice of a madh'hab, it will not be considered and he should continue performing Imaamat.

However, if there is fear of revolt being caused among the people due to it, he should stop performing Imaamat until reconciliation is created among them and they become happy.

**THE IMAAM SHOULD ASSOCIATE  
WITH PIOUS PEOPLE ONLY**

It is appropriate for the Imaam that he should not argue with others, take a lot of vows and curse people excessively. He should be pure from evil and allegations and he should not go to such places where evil is taking place. He should associate with the pious people only and it is not appropriate for him to have love for and connection with mischief

and mischief-makers, sins and sinners and leadership and leaders.

Rather, it is appropriate for the Imaam to tolerate the difficulties caused by people, to love them and endeavor to benefit them.

### **THE IMAAM SHOULD NOT ARGUE AND FIGHT FOR IMAAMAT**

It is appropriate for the Imaam not to debate, argue, and fight for Imaamat. It is narrated that the pious predecessors use to refrain from performing Imaamat and they used to put other people forward who were not like them as far as righteousness, nobility and piety is concerned and they used to do this out of the fear of them being deficient.<sup>1</sup>

### **THOSE THINGS THAT ARE MUSTAHAB FOR THE IMAAM**

In the following lines, it will be mentioned which things the Imaam should do after completing the fardh salaahs. Salaah can have one of two conditions. Either there will be sunan and Nawaafil salaahs after the fardh salaah or there will not be any sunan or Nawaafil after the fardh.

If there are no sunan or Nawaafil after the fardh salaah such as Fajr and Asr salaah, the Imaam has a choice to stand up or to remain sitting on his place and become engaged in du'aa. Since there are no sunan and Nawaafil after these two salaahs, there will be no harm in continuing to sit because it is narrated

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<sup>1</sup> غنية الطالبين ص 863

from Aa'ishah رضي الله عنها that Rasulullaah ﷺ used to remain on his place when he used to complete his fardh salaahs for the duration of this du'aa:

اللهم انت السلام و منك السلام تباركت يا ذا الجلال و الاكرام

**However, it is makrooh for him to remain sitting facing the qiblah.<sup>1</sup>**

### **IT IS A BID'AT FOR THE IMAAM TO SIT FACING THE QIBLAH AFTER SALAAH**

In one narration, it is mentioned that it is a bid'at for the Imaam to sit facing the qiblah after salaah because sitting in this position on the place of salaah will lead those who come for salaah afterwards into thinking that the Imaam is still in salaah as a result of which they will follow him whereas it is invalid for them to follow him.

Hence, the sitting of the Imaam is a means of the following of others being invalid. Therefore, he should not continue to sit. However, if there is no one sitting in front of him, he can sit facing the people because it is narrated **when Nabi ﷺ used to complete his Fajr salaah, he used to face the people and enquire if any of them saw a dream as he was in search of that dream in which the good news of the Conquest of Makkah was found.<sup>2</sup>**

### **BY FACING THE QIBLAH AFTER SALAAH A DOUBT ARISES**

If there is someone performing salaah in front of the Imaam, he should not face the people because it

<sup>1</sup>مسلم 932، ترمذی 275/276، ابن ماجه 914

<sup>2</sup>بخاری حدیث 129، ترمذی 2218

is makrooh for the face of a person who is in salaah to be facing the face of another person. It is narrated that Umar رضي الله عنه saw a person who was performing salaah while facing the face of another person. Umar رضي الله عنه whipped both of them and asked the person who was performing salaah if he is making a face his qiblah and he asked the other person if he is becoming the qiblah of salaah with his face.

If the Imaam desires, he should turn his face the other way because by changing direction, the doubt no longer remains just as how the doubt is removed by facing the qiblah.

There is a difference of opinion among the mashaa'ikh with regards to how the direction should be changed. Some of them have said the Imaam should face the qiblah to derive blessings.

Others have said that the Imaam has a choice to face towards the right or towards the left and this is the correct view because the actual object of facing another direction is to remove the doubt and it is achieved by both ways.

**THE IMAAM SHOULD MOVE FROM THE PLACE WHERE HE PERFORMS IMAAMAT AND THEN PERFORM HIS SUNNAT OR NAFL SALAAH**

If there is some sunnat salaah after the fardh salaah, it will be makrooh for the Imaam to sit and wait. This is narrated from the Sahabah رضي الله عنهم.



**It is narrated then when Abu Bakr رضي الله عنه and Umar رضي الله عنه used to complete their salaah, they used to stand up as if they were on a hot stone.**

Furthermore, this should be done because waiting would be a means of confusing those who are still coming to perform salaah. Hence, the Imaam should not wait, but he should stand up and move away from that place and then perform his nafl salaah because it is narrated from Abu Hurayrah رضي الله عنه that Rasulullaah ﷺ enquired, "*Are anyone of you unable to move little forward or back after completing salaah?*"<sup>1</sup>

It is also narrated that Abdullaah Bin Umar رضي الله عنه used to dislike that the Imaam should perform nafl salaah on that place because it is a means of confusing those who are still coming. Therefore, it is appropriate for the Imaam to move in order to remove the confusion or to increase his witnesses because it is narrated that on the Day of Qiyaamah, the place on which salaah was performed will testify in favor of the person who performed salaah on that place.<sup>2</sup>

### **THE IMAAM IS RESPONSIBLE**

What is the responsibility of the Imaam? What should he do? طبرانی "InTabrani" it is narrated that Nabi ﷺ said, "*One who performs Imaamat should fear Allaah and he should know that he is responsible and he shall be questioned with regards*

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<sup>1</sup>مسند احمد 9132، ابن ماجه 1417

<sup>2</sup>بدائع الصنائع ج 1 ص 394

*to his responsibility. If he performs Imaamat in a good manner, he will receive the same reward received by those who perform salaah behind him without the reward of those people being decreased. On the other hand, whatever deficiency occurs is the responsibility of the Imaam."*<sup>1</sup>

Hence, it is necessary for the Imaam to discharge his responsibility appropriately and to fear Allaah with regards to performing Imaamat because it is a matter that holds importance and a great responsibility.

### **BEING CONSIDERATE OF THE MUQTADIS**

How should the Imaam be considerate of the muqtadis in salaah and in which aspects should he be mindful of them? In a Saheeh hadeeth of Bukhaari and Muslim, it is narrated from Abu Hurayrah رضي الله عنه that Rasulullaah ﷺ said, "***When anyone of you lead the people in salaah, he should perform a short salaah because there are sick, weak and old people in the jamaa'at and when anyone of you performs salaah on his own, he should lengthen it how much ever he desires.***"<sup>2</sup>

This does not imply that short surahs should be recited in every salaah and the Tasbeeh in rukoo and sajdah should be recited less than thrice. Rather, it means that the Imaam should be considerate of the weak, old etc. people behind him and he should perform the salaah according to the demands of the

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<sup>1</sup>كنز العمال، مسائل امامت ص 25

<sup>2</sup>بخاری حدیث 662 – مسلم حدیث 717 – نسائی 814

time and he should be mindful of the manner in which Rasulullaah ﷺ used to lead the people in salaah because Rasulullaah ﷺ is the perfect example with regards to this matter and all other matters of deen.

It is narrated from Abu Waaqid رضي الله عنه that Rasulullaah ﷺ used to perform a short salaah when leading the people in salaah and he used to perform a lengthy salaah when performing salaah alone.<sup>1</sup>

In فتح القدير “Fathul Qadeer” the following is mentioned:

*"The Imaam should not perform a lengthy salaah when leading the people in salaah because Rasulullaah ﷺ has said that one who leads the people in salaah should perform a short salaah because there are sick old and weak people among the congregation. Salaatul Kusoof is exempted from this because it is sunnat to lengthen it to such an extent that the sun becomes clear and bright."*<sup>2</sup>

### **OBTAINING PERMISSION FROM THE RULER**

If there is a responsible and influential person present, it is appropriate for the Imaam to perform Imaamat with his permission. Likewise, when he is residing in any village, city, clan, or locality, he should lead the people in salaah with their permission. Similarly, if he is staying with a caravan or a huge gathering, he should perform Imaamat with their permission.

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<sup>1</sup>مسند احمد 20905

<sup>2</sup>مسند احمد 16460، 17225، مسلم 717، فتح القدير ج 1 ص 305

## THE MIHRAAB AND THE PLACE OF THE IMAAM

It is appropriate for the Imaam not to enter the mihraab in such a manner that he cannot be seen from behind. Part of him should remain out of the mihraab. Similarly, when he performs salaam, he should not remain in the mihraab. Rather, he should stand up and he should move and perform his sunan and Nawaafil salaah on one side of the mihraab because Mugheerah Bin Shu'bah رضي الله عنه narrates that Rasulullaah ﷺ said, "*The Imaam should not perform nafl salaah etc. on the place where he performs the fardh salaah.*"

**However, this is permissible for the muqtadi and he has a choice to perform salaah on that place or to move a little and perform salaah.**

## SAKTAH (PAUSING) BEFORE AND AFTER QIRAA'AT

The Imaam should make saktah twice: once when he commences the salaah and once when he completes the qiraa'at and before he goes into Rukoo so that he can take a breath properly and a stop can be heard in his qiraa'at and he does not join his qiraa'at with the takbeer of Rukoo. It is narrated from Samurah Bin Jundub رضي الله عنه that Rasulullaah ﷺ used to remain silent twice: When he used to commence the salaah and when he used to complete the qiraa'at.<sup>1</sup>

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<sup>1</sup>ابو داؤد حديث 661/660

## **RUSHING IN RECITING THE TASBEEHAAT**

When the Imaam performs rukoo, it is appropriate for him to recite the tasbeeh thrice and not to rush in reciting it. He should recite the complete tasbeeh thrice with composure and he should not be so fast that the muqtadis cannot join him as this will become a means of the salaah of the muqtadis becoming invalid as a result of which he will be sinful. Similarly, when he lifts up his head from rukoo and recites *سمع الله لمن حمده*, “Sami Allahu Liman Hamidahu” he should stand up straight and thereafter he should recite *ربنا و لك الحمد* “Rabbana wa Lakal Hamdu” without rushing so that the muqtadis can join him.

## **THE IMAAM SHOULD PERFORM EVERY POSTURE WITH COMPOSURE**

It is narrated from Anas Bin Maalik رضي الله عنه that when Rasulullaah ﷺ used to lift up his head from Rukoo, he used to remain standing until it was said that he has forgotten.<sup>1</sup> Similarly, he should perform sajdah with composure and he should sit **in between the two sajdahs so that the muqtadis can perform the postures of salaah with composure with the Imaam.** If one raises the objection that if the Imaam performs the postures of salaah with composure, the muqtadi will

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<sup>1</sup>بخاری حدیث 758، مسلم 726

precede the Imaam in performing the postures of salaah, it will not be considered.

If this is the continuous practice of the muqtadi, his salaah will become invalid otherwise when the muqtadi sees the Imaam adhering to this, he will become aware that it is the habit of the Imaam to perform the postures of salaah with composure and as a result he will perform every posture with composure and he will not precede the Imaam in performing the postures of salaah.

Furthermore, it is said that before the Imaam begins the salaah, it is better for him to warn the people about preceding him. If this is done, the possibility of the salaah of the muqtadis becoming invalid will no longer remain and this will be a means of the salaah of everyone being complete.

### **THE IMAAM IS RESPONSIBLE FOR THE SALAAH OF THE MUQTADIS**

In the hadeeth, the following is mentioned:

*"Every one of you is responsible and every one of you will be questioned about his subjects."<sup>1</sup>*

Hence the Imaam is responsible for the salaah of the muqtadis and he will be questioned with regards to it. The Imaam should supervise the salaah of the muqtadis and he should advise them. He should prevent them from preceding him in Rukoo and sajdah and he should teach them the correct

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<sup>1</sup>بخاری حدیث 2232

etiquettes and manner because he is supervising them. He will be questioned about his entire responsibility. He should complete his salaah with beauty and perfection so that the same reward given to the muqtadis may be given to him **because if he errs and is deficient in salaah, the Imaam will receive the same sin as them.**<sup>1</sup>

### **IT IS NECESSARY FOR THE IMAAM TO MAKE INTENTION OF MAKING IMAAMAT OF THE MUQTADIS**

The preferred view is that making an intention of following the Imaam is a condition for all the salaahs apart from Jummah salaah and Eid salaah. Since jamaa'at is a condition for these two salaahs to be correct, it will not be necessary to make intention of following the Imaam and the intention is found from the muqtadi in the beginning of salaah in reality or it is regarded as being found. If one begins salaah with the intention of performing salaah alone and thereafter he joins the Imaam in the middle of his salaah and makes intention of following him, his salaah will not be correct because the intention was not found in the beginning of salaah. Hence, it is not permissible for a munfarid to move into jamaa'at just as how it is not permissible for those who are performing salaah with jamaa'at to abandon jamaa'at and to begin salaah alone by making intention of

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<sup>1</sup>غنية الطالبين ص 868

leaving the Imaam except if any necessity arises like if the Imaam.

Imaam Abu Hanifah, Imaam Maalik, and Imaam Ahmed are unanimous with regards to this and Imaam Shaafi'ee disagrees. However, the Ahnaaf say that by the muqtadi moving into performing salaah alone, his salaah will become invalid but when he sits in qa'dah akheerah with the Imaam for the duration of tahsahud and then some necessity arises, he can make salaam on his own and leave the Imaam and if he makes salaam on his own without an excuse, his salaah will be complete but he will be sinful.

As far as the Imaam making an intention of Imaamat is concerned, he should make the intention in this way that, for example, he is the Imaam of Dhuhar or Asr salaah because making the intention is the condition for the salaah of the muqtadis to be correct. **If he is Imaam of females, it will be necessary for him to also make intention of leading them in salaah otherwise their salaah will be invalid and the salaah of the Imaam will be correct even if there is a woman in line with him.**<sup>1</sup>

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<sup>1</sup>كتاب الفقه ج 1 ص 369



## WITHOUT INTENTION, PARTICIPATION IN THE JAMAA'AT WILL NOT BE ESTABLISHED

In غنية الطالبين "Guniyatut Talibeen" it is stated that it is appropriate for the Imaam to make intention of Imaamat in his heart before commencing the salaah and it will be better if he also verbally utters this intention. In الموسوعة الفقهية "Al- Mausatul Fiqhiyya" it is written that the intention of Imaamat is a condition for the validity of the following of females if they are alone and it is such a salaah that consists of rukoo and sajdah.

This does not refer to Janaazah salaah. If a woman stands next to him and the Imaam does not make the intention of leading her in salaah, it will be no problem for the Imaam and his salaah will be correct. **However, the salaah of the woman will not be correct because joining the jamaa'at cannot be established without intention.**<sup>1</sup>

## THE IMAAM SHOULD STRAIGHTEN THE ROWS

The Imaam should look towards the right and the left and straighten the rows. In addition he should say, "Straighten your rows. Allaah will have mercy upon you. Stand straight. Allaah will become pleased with you." Furthermore, he should instruct them to stand close to one another, to straighten their shoulders and to fill the gaps until they are

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<sup>1</sup>مراقى الفلاح ج 1 ص 158، فتح القدير ج 1 ص 413، الموسوعة الفقهية ج 2 ص 207

standing shoulder to shoulder because their shoulders being separated from each other and the rows being crooked is a means of deficiency being created in the salaah and Shaytaan being present and standing with them in their rows.

In a hadeeth, it is mentioned that Rasulullaah ﷺ said, *"Straighten your rows, join your shoulders with each other and fill the gaps so that Shaytaan does not stand in between you like a lamb."*<sup>1</sup>

Furthermore, when Rasulullaah ﷺ used to stand up for salaah, he never used to recite takbeer until he looked towards the right and left, commanded the Sahabah رضي الله عنهم to straighten their rows and said,

*"Do not make your rows crooked as your hearts will become disunited."*<sup>2</sup>

In a hadeeth, it is mentioned that Nabi ﷺ saw a person whose chest was out of the row and told him, *"Straighten the rows by standing shoulder to shoulder otherwise Allaah will create disunity among your hearts."*<sup>3</sup>

In a narration of Bukhaari and Muslim, it is mentioned that Rasulullaah ﷺ said, *"Straighten your rows otherwise Allaah will create dissension among your hearts."*<sup>4</sup>

In another narration, it is mentioned that Rasulullaah ﷺ said, *"Straighten your rows in salaah*

<sup>1</sup>ابو داؤد حديث 570، مسند احمد 15875

<sup>2</sup>مسلم حديث 654 / ترمذی 211 – نسائی 798

<sup>3</sup>ترمذی حديث 210

<sup>4</sup>بخاری حديث 672 / مسلم 659

*because the rows being straight and correct is proof of the perfection of salaah."*<sup>1</sup>

It is narrated from Umar Bin Khattaab رضي الله عنه that when Rasulullaah ﷺ used to stand on the place of the Imaam, **he never used to recite takbeer until the person who was appointed to correct the rows used to come to inform him that the people had corrected their rows.**<sup>2</sup>

### **WHAT SHOULD THE IMAAM DO IN SALAAH?**

In which salaahs should the Imaam recite soft qiraa'at and in which salaahs and which rakaats should the Imaam recite loud qiraa'at? The Imaam should recite loud qiraa'at in the first two rakaats of Fajr, Maghrib, and Easha salaah and in the Witr salaah after it whether they are performed in their correct time or they are qadhaa and he should recite soft qiraa'at in the remaining salaahs. To recite soft qiraa'at in the salaahs in which qiraa'at supposed to be recited softly and to recite loud qiraa'at in the salaahs in which the qiraa'at supposed to be recited loudly is waajib according to the Ahnaaf and sunnat according to the remaining a'immah.<sup>3</sup>

### **SHORTENING THE SALAAH**

It is sunnat for the Imaam to shorten the qiraa'at and adhkaar in some of the postures of

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<sup>1</sup> دارمی 1235 / ابو داؤد 572 / ابن ماجه 983

<sup>2</sup> غنية الطالبين ص 865

<sup>3</sup> فتح القدير ج 1 ص 242، ابن العابدین ج 1 ص 358 – جواهر الاكليل ج 1 ص 49، مهذب ج 1 ص 81

salaah and to practice on the last stage of completion because the following is mentioned in the hadeeth:

*"When anyone of you lead the people in salaah, he should shorten the salaah because there are sick, weak and old people in the jamaa'at."*<sup>1</sup>

In a hadeeth, it is mentioned that Mu'aaz رضي الله عنه used to recite lengthy qiraa'at as a result of which Rasoolullah ﷺ told him, "Oh Mu'aadh! Do you desire to put the people into a revolt? You lead them in salaah by not considering the weakest among them."<sup>2</sup>

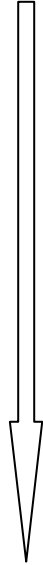
However, if he Imaam knows that the people prefer him to recite lengthy qiraa'at, it will not be makrooh to do so because the prohibition is due to them and they are happy. Similarly, it is makrooh for the Imaam to hasten to such an extent in performing the sunan and mustahabbaat that the muqtadis cannot perform it such as reciting the Tasbeeh thrice in Rukoo and sajdah and reciting the du'aa etc. in qa'dah akheerah according to the sunnat.<sup>3</sup>

<sup>1</sup>بخاری ج 2 حدیث 199 / مسلم ج 1 حدیث 341

<sup>2</sup>بخاری ج 2 حدیث 191 / مسلم ج 1 حدیث 329

<sup>3</sup>موسوعة فقهية ج 6 ص 213، المغنی ج 1 ص 236، المهذب ج 1 ص 102 - 103

## **CHAPTER FOUR**



**WHO IS WORTHY OF IMAAMAT?**

## CHAPTER FOUR WHO IS WORTHY OF IMAAMAT?

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### WHICH PEOPLE'S IMAAMAT IS CORRECT?

For whom is Imaamat correct? Briefly, the Imaamat of every sane, mature Muslims is correct. Hence, even the Imaamat of a slave, villager, blind person, illegitimate child and faasiq is permissible. This is the view of majority of the Ulama. **Imaam Maalik states that it is not permissible to follow a faasiq in salaah.** His proof is that Imaamat is something that is committed to the trust of a person and a faasiq is not a trustworthy person. Rather, he is an unfaithful person and therefore, his testimony is not accepted.

### PERFORM SALAAH BEHIND EVERY RIGHTEOUS AND SINFUL PERSON

Our proof is that in a hadeeth, Nabi ﷺ has said:

صَلُّوا خَلْفَ مَنْ قَالَ لَا إِلَهَ إِلَّا اللَّهُ

*Perform salaah behind one who said لا اله الا الله.*<sup>1</sup>

Similarly, in another hadeeth, it is mentioned that Nabi ﷺ said:

صَلُّوا خَلْفَ كُلِّ بَرٍّ وَفَاجِرٍ

*"Perform salaah behind every pious and sinful person."*<sup>2</sup>

This hadeeth was said with regards to Jumu'ah and Eid salaah because the leaders normally perform

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<sup>1</sup>ابو داود حديث 2533/594

<sup>2</sup>طبراني في الكبير

these salaahs and most of them are sinners. However, by taking the apparent words into consideration, this hadeeth can be used as our proof with regards to this mas'alah because the apparent words are considered and not the specific reason for the mention of the words.

That is why Abdullaah Bin Umar رضي الله عنه and other Sahabah and many Taabi'een performed Jumu'ah and other salaahs behind **Hajjaaj Bin Yusuf** whereas Haajjaaj was the greatest sinner of his time. **He was such a sinner that Umar Bin Abdul Azeez** رحمة الله عليه said, *"If the entire nation come with all their sins and we present Hajjaaj, then definitely he will surpass them."*<sup>1</sup>

### **PERFORMING SALAAH BEHIND A BI'ATI IS BETTER THAN PERFORMING SALAAH INDIVIDUALLY**

In شامى "Shami" it is mentioned that one who performs salaah behind a faasiq or bid'ati attains the virtue of jamaa'at because performing salaah behind these two types of people is better than performing salaah individually. However, such a person will not attain that perfection and virtue attained by performing salaah behind a pious, righteous Imaam because Nabi ﷺ has said:

مَنْ صَلَّى خَلْفَ عَالِمٍ تَقِيٍّ فَكَأَنَّمَا صَلَّى خَلْفَ نَبِيِّ

*"It is as if one who performed salaah behind a pious Alim has performed salaah behind a Nabi."*

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<sup>1</sup>بدائع الصنائع ج 1 ص 386

In his مستدرک "Mustadrak" Imaam Haakim has narrated the following hadeeth as marfoo:

*"If you desire that Allaah should accept your salaah, appoint righteous people as your Imaams because they are your representatives in front of Allaah."*<sup>1</sup>

### **THE IMAAMAT OF A BID'ATI AND ONE WHO FOLLOWS HIS DESIRES**

The Imaamat of a bid'ati and one who follows his desires is makrooh. Imaam Abu Yusuf mentions this. He says that heregards the Imaamat of a bid'ati and one who follows his desires to be makrooh because people are not happy with performing salaah behind such a person. As for whether it is permissible or not to perform salaah behind such a person, some of our masha'ikh have mentioned that it is not correct to perform salaah behind a bid'ati.

In one narration, it is reported that Imaam Abu Hanifah is not of the opinion that performing salaah behind a bid'ati is correct. The correct view is that if he is deviated and follows his desires to such an extent that he falls under the ruling of a Kaafir, it will not be permissible to perform salaah behind him and if his deviation does not reach the stage of kufr, it will be permissible but makrooh.<sup>2</sup>

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<sup>1</sup>رد مختار ج 1 ص 377  
<sup>2</sup>بدائع الصنائع ج 1 ص 386



### THE IMAAMAT OF A DEVIATED PERSON IS NOT PERMISSIBLE

In فتح القدير “Fathul Qadeer” it is mentioned that it is makrooh to follow a bid'ati in salaah.

In short, it is permissible to perform salaah behind every such person who performs salaah facing our qiblah and his bid'at and deviation does not reach such a stage that the ruling of kufr is passed against him. On the other hand, if one's bid'at and deviation reaches such a stage that he becomes a Kaafir such as the Jahmiyyah and Qadariyyah who regard the Qur'aan to be created and such as the Raafidhi who negate the Khilaafat of Abu Bakr رضي الله عنه, his Imaamat will not be permissible.<sup>1</sup>

### THE IMAAMAT OF A BID'ATI IS MAKROOH

In درمختار “Durre Mukhtar” it is mentioned that the Imaamat of a bid'ati whose beliefs is contrary to what is narrated from Nabi ﷺ and is due to rebelliousness and not due to a doubt, is makrooh. And the ruling of Kufr due to bid'at will not be passed against every such person whose qiblah is the same as our qiblah. **Hence, the ruling of Kufr will not even be passed against the Khawaarij who regard our blood and wealth as lawful and regard speaking ill of the Rasool as permissible and negate the qualities of Allaah and the fact that Allaah will be seen because these corrupt**

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<sup>1</sup>فتح القدير ج 1 ص 305

**beliefs are due to wrong interpretations and doubts.** The proof of not calling them Kuffaar is that their testimony will be accepted.

On the contrary, the ruling of Kufr will be passed against the Haddhaamiyyah. **If the Bid'ati negates some of those things that are from the necessities of deen, the ruling of Kufr will be passed against him. E.g. if he says that Allaah is a body like normal bodies or he negates the fact that Abu Bakr رضي الله عنه is a Sahabi, the ruling of Kufr will be passed against him and it will not be correct to follow him in salaah.**<sup>1</sup>

### **THE IMAAMAT OF A SLAVE IS MAKROOH E TANZIHI**

The Imaamat of a slave and even a freed slave is makrooh e tanzih. Allaamah Shaami states that the Imaamat of someone else besides a slave is more preferable according to him. Thereafter he says that it is makrooh e tanzih for a slave to go forward for Imaamat and it is makrooh e tanzih for the people to follow him. Hence, if anyone else apart from a slave can be followed in salaah, it will be better to follow that person and if no one else can be followed, following the slave in salaah will be better than performing salaah individually. Furthermore, the word معنق “Mu'taq” is used in its literal and figurative meaning. I.e. even if a slave is freed, but he was a slave taking the past into consideration. However, the metaphorical meaning is found in it

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<sup>1</sup> درمختار ج 1 ص 376

with generalization in this manner that a slave refers to one in whom the quality of slavery is found at any time whether it is found in the present or in the past. The reason for the Imaamat of a freed slave being makrooh is that one who is free from birth is more worthy of Imaamat than one who was a slave at any stage because the nurturing of a slave in the condition of slavery occurred while he was engaged in serving his owner due to which he was unable to gain an opportunity to acquire an education.<sup>1</sup>

In *بدائع الصنائع* "Badaius Sanae", it is stated that the Imaamat of a slave is permissible and the proof used is the narration of Abu Sa'eed, the freed slave of Banoo Usaid, in which he says, "At the occasion of my marriage, I invited a group of the companions of Nabi ﷺ. Among them, Abu Dhar, Hudhaifah, and Abu Sa'eed رضي الله عنهما were also present. The time of salaah approached and they pushed me forward for salaah. Hence, I led all of them in salaah whereas I was a slave as that time."

In another narration, the following is mentioned:

"Abu Dhar رضى الله عنه went forward to lead everyone in salaah and was told, 'You are going forward whereas you are in someone else's house.' They then pushed me forward and I led all of them in salaah whereas I was a slave at that time."

This hadeeth is well-known. In *كتاب المانون* "Kitabul Ma'zoon" Imaam Muhammad has mentioned it. In

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<sup>1</sup>ردمختار ج 1 ص 376

addition, Imaam Shaafi'ee has narrated it in his "Musnad" مسند from Ibn Juraij:

He says, "Abdullaah Bin Ubaidullaah Bin Abu Mulaikah has informed me that he, Ubaid Bin Umair, Masoor Bin Makhramah and many other people used to go to Aa'ishah رضي الله عنها from the top side of the valley and Abu Amr and the freed slave of Aa'ishah رضي الله عنها used to lead everyone in salaah whereas Abu Amr and the freed slave of Aa'shah were not free at that time. He says that they were the Imaam of Bani Mohammad Bin Abi Bakr and Urwah."<sup>1</sup>

### **IMAAMAT IS BASED UPON SUPERIORITY**

The logical proof is that the validity and invalidity of salaah is connected with the arkaan of salaah being performed and these people are able to perform these arkaan properly, but others are better than them because Imaamat is based upon superiority. That is why Nabi ﷺ used to lead others in salaah and no one used to lead him in salaah. Similarly, this was the condition of each of the Khulafaa e Raashideen during their era. People do not like to perform salaah behind a faasiq, a villager, a blind person, an illegitimate son, and other such people. Hence, the Imaamat of such people will be a means of less people coming for jamaa'at and this is makrooh.

In addition, the validity of salaah is based on knowledge and slaves are generally ignorant because

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<sup>1</sup>اعلاء السنن 108/4

they remain illiterate and do not get an opportunity to acquire knowledge due to being engaged with serving their masters. Imaam Shaafi'ee has said,<sup>1</sup> "When a slave is equal to someone else in knowledge and piety, both will be equal. In such a situation, it is not recommended according to me to perform salaah behind one instead of the other." He had used the hadeeth of Abu Sa'eed, the freed slave of Bani Usaid, which indicates towards the permissibility. However, causing less people to come for jamaa'at and being less in virtue compared to a free person leads to it being makrooh.<sup>2</sup>

### **THE IMAAMAT OF A BLIND PERSON IS ALSO MAKROOH E TANZIHI**

The Imaamat of a blind person is makrooh e tanzihii and approximately the same ruling applies to one who has weak eyesight in the day or night. The reason for the Imaamat of a blind person being makrooh is that he does not remain safe from impurities. However, if he is not a faasiq and he is the most learned person, his Imaamat will not be makrooh. In هداية "Hidayah" the reason mentioned for such people's Imaamat being makrooh is the great possibility of them being ignorant and shunned. The second reason, i.e. being shunned, demands that even if ignorance is not found, the too it will be makrooh.

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<sup>1</sup> الأم ج 1 ص 165، مغنى المحتاج ج 1 ص 240

<sup>2</sup> بدائع الصنائع ج 1 ص 387

However, there is a specific narration with regards to a blind person which is Nabi ﷺ appointing Abdullaah Bin Umme Maktoom and Utbaan رضي الله عنهما as his deputies in Madinah when both of them were blind because no one more righteous than them remained.<sup>1</sup> This proof is appropriate and due to it, the fuqahaa have sufficed on the exemption of a blind person.

A summary of the discussion is that the exemption of the most learned person applies specifically to a blind person. If the quality of knowledge is found in anyone else apart from my blind person, then too the ruling of that person's Imaamat being makrooh will still remain.

However, if the reason for the person's Imaamat being makrooh is not found, a villager will be better than a city dweller, an illegitimate son will be better than a legitimate son and a blind person will be better than one who is not blind and then the ruling will be the opposite. Possibly, the reason for this is that the jamaa'at will not dislike it if these people are put forward for Imaamat when they are better than others. Rather, they will dislike it if anyone else is put forward for Imaamat.

### **THE IMAAMAT OF A FAASIQ IS MAKROOH E TAHREEMI**

The fuqahaa have mentioned that the reason for the Imaamat of a faasiq being makrooh is that he does not give importance to matters of deen and he

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<sup>1</sup>ابوداؤد 595

is honored by putting him forward for Imaamat whereas it is waajib to degrade him according to shari'at. It is quite apparent that even if he is more learned than others with regards to the laws of the shari'at, then too the reason for his Imaamat being makrooh will not be removed because it is not known if he is performing Imaamat without purity. Hence, he is like that bid'ati whose Imaamat is makrooh in every circumstance.

In fact, the author of شرح المنية “Sharhul Munmiyyah” has gone to the extent of stating that his Imaamat is makrooh e tahreemi. Therefore, according to Imaam Maalik and according to one narration of Imaam Ahmed, it is not permissible to perform salaah behind him. For this reason, the commentator has stated that this exemption refers to one who is not a faasiq.<sup>1</sup>

In بدائع الصنائع “Badaius Sanae” Allaamah Kaasaani has written that the Imaamat of a blind person is permissible and he takes evidence the narration of Abdullaah Ibn Umm Maktoom رَضِيَ اللهُ عَنْهُ in which it is mentioned that when Nabi ﷺ went on an expedition, he appointed Abdullaah Ibn Umm Maktoom رَضِيَ اللهُ عَنْهُ as his deputy for leading the salaah in Madinah whereas Abdullaah Bin Umm Maktoom رَضِيَ اللهُ عَنْهُ was blind at that time.<sup>2</sup>

The reason for the Imaamat of a blind person being makrooh is that many times other people have to

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<sup>1</sup>فتاوى شامى ج 1 ص 376  
<sup>2</sup>طبرانى بحواله اعلاء السنن 4، ص 208

make him face the qiblah and in this manner he becomes dependent on others with regards to facing the qiblah and sometimes he turns away from the qiblah while in salaah. For this reason, when Abdullaah Bin Abbaas رضي الله عنه was losing his eyesight, he used to abstain from leading the salaah, and he used to say, "How can I lead you in salaah whereas you straighten me (make me face the qiblah)?"

Another reason for the Imaamat of a blind person being makrooh is that it is impossible for him to be completely pure from najaasat. Hence, it will be better for one who is not blind to lead the salaah. Yes, when there is no one better than a blind person in the Masjid, it will not be makrooh. For this reason, Nabi ﷺ appointed Abdullaah Bin Umm Maktoom رضي الله عنه as his deputy.<sup>1</sup>

### **THE IMAAMAT OF A VILLAGER (WHO IS IGNORANT)**

The Imaamat of a villager is makrooh e tanzihi. The same ruling applies to a turkaman (a tribe inferior to Turks). In Arabic, the word اعرابي "Araabi" is attributed to اعراب "Araab" This word does not have a singular or plural form. As it is mentioned in the Sihaah, this word is used for the Arab-villagers. The reason for the Imaamat of such a person being makrooh is the great possibility of ignorance.<sup>2</sup>

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<sup>1</sup>بدائع الصنائع ج 1 ص 387

<sup>2</sup>شامی ج 1 ص 376



In *بدائع الصنائع* “Badius Sanae” Allaamah Kaasaani has mentioned that the validity of salaah is based on knowledge and a villager is most likely ignorant as Allaah says:

الأعراب أشد كُفْرًا وَنِفَاقًا وَأَجْدَرُ أَلَّا يَعْلَمُوا حُدُودَ مَا أَنْزَلَ اللَّهُ عَلَى رَسُولِهِ

*The villagers (because of their hardened nature and being far from gatherings where knowledge is imparted) are extremely staunch in (committed to) kufr and hypocrisy and are more likely to be ignorant of the limits (of the Shari'ah) that Allaah has revealed to His Rasool ﷺ.*<sup>1</sup>

Furthermore, the word اعرابي “Araabi” (villager) is used for disgrace and contempt whilst the word عربى (an Arab) is used for praise.<sup>2</sup>

### THE IMAAMAT OF AN ILLEGITIMATE SON IS MAKROOH

The Imaamat of an illegitimate son is makrooh because he does not have a father to nurture him, teach him and educate him. Therefore, his Imaamat is makrooh due to the great possibility of ignorance and the dislike that people have or him performing Imaamat.<sup>3</sup> However, if he possesses knowledge and piety and there is no one more superior present, he will be more worthy of Imaamat than the others.

<sup>1</sup> سورة توبه آيت 97

<sup>2</sup> بدائع الصنائع ج 1 ص 386

<sup>3</sup> رد محتارج 1 ص 377

**THE IMAAMAT OF A YOUNG BEARDLESS  
LAD IS MAKROOH E TANZIHI**

The Imaamat of a young beardless lad is makrooh and apparently it is makrooh e tanzih. The reason for this is that there is a possibility of mischief. Does it still remain makrooh if the lad is the most learned of the people? The answer is that if the reason for it being makrooh is the fear of mischief as is apparent, then the ruling of it being makrooh will still remain. On the other hand, if the reason for it being makrooh is the great possibility of ignorance and dislike of the people, then the ruling of it being makrooh will no longer remain. A clean-shaven mature person for whom the people can get lust falls under the same ruling as a beardless lad.

Allaamah Sheikh Abdur Rahmaan Bin Esa Al Murshidi was asked about such a person who reached the age of twenty and passed the age when one's beard emerges but his beard did not emerge as yet. He was asked whether such a person falls under the ruling of a young beardless lad or not. (Especially when some hairs emerge on his chin from which it is known that this person is not keeping a complete beard.) He was also asked as to whether such a person will be considered as a complete man or not with regards to Imaamat. He replied that Allaamah Sheikh Ahmed Bin Yunus, who was from the latter scholars of the Ahnaaf, was also asked about this mas'alah and he gave the ruling of permissibility without it being makrooh and

similarly Mufti Muhammad Taaj ud Deen Qal'ee was also asked about it and he also provided the same response.<sup>1</sup>

### **THE IMAAMAT OF THOSE PEOPLE WHO HAVE AN EXCUSE**

The Imaamat of those people who have an excuse is makrooh. Examples of such people are an unsuitable foolish person, a paralytic, one who has leprosy when it spreads to the entire body, a drunkard, one who consumes interest, a tale-bearer, one who argues, one who has pride, one who has hypocrisy etc. **Allaamah Shaami has mentioned that the meaning of a foolish person is one who cannot deal according to the demands of shari'at or logic.** The Imaamat of one who does not limp is more preferable than the Imaamat of one who does limp. Similarly, the Imaamat of a leper, one whose private part is cut off, one whose limb is cut off, and one who withholds his urine or stool is makrooh. The reason is that people dislike these people. The restriction of the leprosy spreading for the Imaamat of a leper being makrooh is so that the ruling may become apparent.

Furthermore, the Imaamat of a paralysis, one whose limb is cut off, and one whose private part is cut off is makrooh also due to complete purity being impossible. A tale-bearer is one who back-bites with the intention of creating mischief. This is a major sin and it is haraam to accept what he says. A proud

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<sup>1</sup>رد مختار ج 1 ص 378

person is one who desires that people should see him whether he exaggerates or not in beautifying his noble deeds. One who has hypocrisy refers to one who exaggerates in beautifying his noble deeds. Hence, he is more specific than one who has pride.<sup>1</sup>

### **THE IMAAMAT OF ONE WHO STAMMERS IS NOT CORRECT**

The Imaam's speech should be so clear and correct that no change occurs in the pronouncing of letters. E.g. to recite غ instead of ر, to change س into ث, ذ into ز or ش into س or to mix up the qualities of the other letters. Such a person is termed as الثغ "Al-sagh" in Arabic. In Arabic, the word لثغ "Lasgh" means to change one letter into another letter. It is waajib upon such a person to correct his speech and as far as possible to endeavor to pronounce it letters correctly. If he is unable to pronounce the letters correctly even after making an effort, his Imaamat will not be correct.

### **IT IS CORRECT FOR ONE WHO STAMMERS TO LEAD OTHER PEOPLE WHO STAMMER IN SALAAH**

However, it will be correct for such a person to lead others who are like him in salaah. If one is deficient in the pronunciation of letters and he does not make an effort to correct his speech, then, let alone his Imaamat, even his salaah will not be correct. The Ahnaaf, Shawaafi, and Hanaabilah are

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<sup>1</sup>فتاوى شامى ج 1 ص 378

unanimous with regard to this ruling. However, the Ahnaaf also say that if it is possible for such a person to recite correctly from any place of the Qur'aan besides Surah Faatihah and he does recite from that place, his salaah will not be invalid because it is not fardh to recite Surah Faatihah according to the Ahnaaf. The Maalikiyah disagree with all the a'immah. They say that in such a situation, his Imaamat will always be correct. In the explanation of النسخ, "Al-sagh" such a person who incorrectly joins one letter into the next letter is also included. E.g. one changes اس into ات and joins it to the following ت like reading متقيم "Muttaqeeem" instead of مستقيم "Mustaqeeem" It is waahib upon such a person to make a proper effort to correct his speech. If after making an effort, he is still unable to pronounce the letters correctly, it will be correct for him to lead other people who are like him in salaah. If he does not make a proper effort to rectify his speech, then his salaah and Imaamat will both be invalid.

The Imaamat of one who repeats في in his speech and one who repeats ت in his speech is correct for those who are like them and according to the Shawaafi and Hanaabilah it is makrooh for those who do not have a speech problem. The Maalikiyyah are of the opinion that it is correct on a general basis. The Ahnaf say that the Imaamat of these two types of people is like the Imaamat of one

who is الثغ “Al-sagh” Hence, it will be correct for them to lead people who are like them in salaah.<sup>1</sup>

### THE FATWA IS THAT THE IMAAMAT OF ONE WHO STAMMERS IS NOT CORRECT

Allaamah Shaami has stated that the Imaamat of one who stammers is permissible for other people and there is also one narration of the impermissibility of his Imaamat. Most of the mashaa'ikh have said that such a person should not perform Imaamat and the Imaamat of who repeats ف in his speech is makrooh. However, there is more precaution found in the view of impermissibility. خير الرملى “Khairur Ramli” has passed ruling on this view and in his fataawa he has stated that the preferred view and the view upon which the ruling is passed is that the Imaamat of one who stammers is not correct for such people who do not stammer.

By the following poetry, he mentions this:

إِمَامَةٌ إِلَّا لَثَغَ لِلْمُغَايِرِ  
تَجُوزُ عِنْدَ الْبَعْضِ مِنْ أَكْبَرِ  
وَقَدْ أَبَاهُ أَكْثَرُ الْأَصْحَابِ  
لِمَا لِيغْيِرُهُ مِنَ الصَّوَابِ

*According to some mashaa'ikh, the Imaamat is one who stammers for those who do not stammer is correct. However most mashaa'ikh disagree and state that he should not perform Imaamat of those people who do not have a speech problem.*

<sup>1</sup>كتاب الفقه على المذاهب الاربعه ج 1 ص 365

إِمَامَةُ الْإِنْتِغِ لِلْفَصِيحِ فَاسِدَةٌ فِي الرَّاجِحِ الصَّحِيحِ

*The Imaamat of one who stammers for those who do not have a speech problem is invalid according to the preferred and correct view.*

### **IF THE STAMMER IS SLIGHT**

خير الرملی “Khairul Ramli” was also asked about the ruling if the stammer is slight. He replied by saying that our a'immah did not consider it and therefore salaah will be correct. The Shawaafi have explained that if the stammer is so slight that one only does not pronounce the letters clearly, it will cause no difference.<sup>1</sup>

### **THE IMAAMAT OF ONE WHO IS HUNCH-BACKED IS NOT CORRECT**

Among the conditions for the validity of Imaamat, one condition is that the Imaam should not be hunch-backed, I.e. his back should not be hunched to such an extent that he already reaches the stage of rukoo. If his back is bent until the stage of rukoo, it will not be correct for him to lead those who are not hunch-backed in salaah. However, it will be correct for him to lead those who are like him in salaah. This is the unanimous view of the Ahnaaf, Maalikiyyah and Hanaabilah. The Shawaafi disagree and state that it is correct for him to lead hunch-backed people and also such people who are not hunch-backed in salaah even if his back is so bent that it reaches the stage of rukoo.<sup>2</sup>

<sup>1</sup>رد مختار على الدر المختار ج 1 ص 391

<sup>2</sup>كتاب الفقه ج 1 ص 377

### THE IMAAMAT OF ONE WHO SMOKES CIGARETTES IS MAKROOH

Allaamah Shaami has narrated from Sheikh Amaadi that the Imaamat of one who consumes interest and one who regularly uses makrooh things is makrooh like one who smokes cigarettes, a smoking pipe etc.<sup>1</sup>

### THE IMAAMAT OF ONE WHO TRIMS HIS BEARD IS MAKROOH E TAHREEMI

The Imaamat of one who trims his beard is makrooh because it is haraam to trim, shave or keep the beard less than a fist and one who perpetrates a haraam is a faasiq.

Abu Hurayrah رضي الله عنه reports that Rasulullaah ﷺ said:

قَصُّوا الشَّوَارِبَ وَاعْفُوا اللَّحَى

*"Trim your moustaches and lengthen your beards."*<sup>2</sup>

In another narration, it is mentioned that Rasulullaah ﷺ said:

جُزُّوا الشَّوَارِبَ وَأَرْخُوا اللَّحَى خَالِفُوا الْمَجُوسَ

*"Trim your moustaches lengthen your beards and oppose the Zoroaster."*<sup>3</sup>

### ONE WHO TRIMS HIS BEARD IS A FAASIQ

In both the ahaadeeth, a command is issued for lengthening the beard and a command indicates

<sup>1</sup> ابن عابدين ج 5 ص 296 / الموسوعة الفقهية ج 10 ص 113

<sup>2</sup> مسند احمد حديث 6835

<sup>3</sup> مسند احمد



towards the aspect being waajib and **one who omits a waajib is a faasiq**. If such a person forcefully becomes the Imaam the people in charge of the Masjid appoint him as the Imaam and now the people cannot remove him from his post of Imaamat, they should search for a righteous Imaam in another Masjid. If they do not find another Imaam, they should not abandon jamaa'at, but they should perform salaah behind the faasiq and the responsibility and sin will be against those who appointed the faasiq Imaam.<sup>1</sup>

In امداد المفتين “**Imdadul Musftiyyeen**” it is mentioned that **one who trims or shaves his beard is a faasiq and committing a major sin and his Imaamat is impermissible**. Hence, it will be makrooh e tahreemi to perform salaah behind him. It will be necessary to degrade him and putting him forward for Imaamat is honouring him.<sup>2</sup>

In كفاية المفتى “**Kifayatul Mufti**”, it is mentioned that the Imaamat of one who shaves his beard is makrooh e tahreemi. However, if all the muqtadis also shave their beards, there will be no harm.<sup>3</sup>

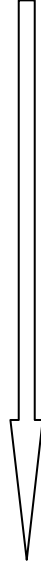
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<sup>1</sup> احسن الفتاوى ج 2 ص 360

<sup>2</sup> امداد المفتين ج 1 ص 261

<sup>3</sup> كفاية المفتى ج 3 ص 57

## CHAPTER FIVE



**WHOSE IMAAMAT IS CORRECT AND  
WHOSE IMAAMAT IS NOT CORRECT?**

## **CHAPTER FIVE**

### **WHOSE IMAAMAT IS CORRECT AND WHOSE IMAAMAT IS NOT CORRECT?**

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#### **WHAT IS THE RULING OF FOLLOWING AN IMAAM OF ANOTHER MASLAK?**

What is the ruling for a Hanafi to follow an Imaam of another maslak (e.g. a Shaafi'ee, a Hambali or a Maaliki)? It is makrooh to perform salaah behind an Imaam of another maslak such as a Shaafi'ee. However, Witr salaah is not makrooh if the Imaam is considerate in those masaa'il in which there is a difference of opinion. If the Imaam is not considerate, it will not be correct to follow him. If there is doubt, salaah will be makrooh.

Allaamah Shaami says that this is the relied upon and correct view. The researchers have given preference to it and the principles of the madh'hab also support it. Most of the mashaa'ikh say that if the Imaam is habitual of being considerate in those masaa'il in which there is a difference of opinion, it will be permissible to follow him and if he is not considerate, it will not be permissible to follow him. According to me, this is based on the opinion of the muqtadi and this is also the most correct view. Another view is that the opinion of the Imaam will be considered and one group of scholars practice upon this view.

In النهاية “Al- Nihayah” it is mentioned that this is to a greater extent within the range of possibility and

due to it, it will be correct to follow the Imaam even if he does not exercise caution. If he is considerate in the arkaan, conditions, and faraa'idh of the salaah, it will not be makrooh to follow him even if he is not considerate in the waajibaat and sunan. As far as following one who differs in the practical aspects of the shari'at is concerned such as following a Shaafi'ee, it is permissible provided that the muqtadi does not become aware of the Imaam committing some action that causes the salaah to become invalid according to belief of the muqtadi. There is no difference of opinion with regards to this. The difference of opinion is with regards to it being makrooh.

رسالة الابتداء في الاقتداء “Risaltul Ibtidai fil Iqtidai” Mullaah Ali Qaari has written that most of our mashaa'ikh are of the opinion that it is permissible when the Imaam keeps the cautious side in mind in those places where there are differences of opinion. If he does not, it will not be permissible. **This implies that it will be completely permissible and not makrooh to follow one who is considerate and it will be permissible but makrooh to follow one who is not considerate.**

The important places where he should be considerate are performing wudhu after doing cupping, vomiting etc. and it does not refer to those things that are sunnat according to them and makrooh according to us such as the takbeeraat when changing from one posture to another, reciting tasmiyyah loudly and softly etc. It is impossible to come out from the difference of opinion in these

aspects. Hence, everyone will practice on his own madh'hab in these aspects.

**IF THE IMAAM IS CONSIDERATE IN THE  
WAAJBAAT, IT WILL BE CORRECT TO  
FOLLOW HIM**

If it is known that the Imaam is considerate in the faraa'idh, sunan and waajibaat, it will not be makrooh to follow him and if it is known that he omits the three things mentioned above, it will not be correct to follow him. If it is not known if he is considerate or not, it will be makrooh to follow him because there are certain actions that are necessary not to be done according to us and they are sunnat according to Imaam Shaafi'ee.

Hence, it is apparent that the Shaafi'ee Imaam will do them. If it is known that the Imaam is not considerate in the waajibaat and sunan, it ought to be makrooh to follow him because if it becomes makrooh to follow him due to the possibility of him omitting a waajib, all the more reason it should be makrooh when it is established that he is omitting it. If it is known that the Imaam is not considerate only in the sunan, it will be correct to follow him because jamaa'at is waajib. Hence, it will be given preference over leaving out something that is makrooh e tanzih.

**IT IS PREFERABLE TO FOLLOW  
AN IMAAM OF ONE'S OWN MASLAK**

Allaamah Khair ud Deen has narrated from Ar'ramli Ashaafi'ee that he is of the opinion that it is

makrooh to follow an Imaam who is not of his maslak where it is possible to perform salaah behind another Imaam. Despite this, performing salaah in jamaa'at will still be more virtuous than performing salaah individually and one will attain the virtue of performing salaah in jamaa'at if he performs salaah behind such an Imaam.

The summary of the discussion is that following one who is considerate with regards to the faraa'idh is better than performing salaah alone when there is no other Imaam. If there is another Imaam, it will be better to follow the Imaam of one's own maslak.

**IF THERE ARE MANY JAMAA'ATS IN THE  
MASJID, A HANAFI SHOULD FOLLOW A  
SHAAFI'EE**

When there is more than one jamaa'at in the Masjid and the jamaa'at led by the Shaafi'ee Imaam is taking place first in the presence of a Hanafi muqtadi, it will be preferable for him to follow the Shaafi'ee and it will be makrooh for him to delay because according to us it is makrooh to have more than one jamaa'at in one Masjid. However, if the first jamaa'at consists of people who are not from the Masjid or it takes place in a makrooh way, it will not be makrooh to have another jamaa'at. If the Hanafi becomes engaged in performing sunnat salaah while the Shaafi'ee Imaam is leading the salaah so that he can wait for the Hanafi Imaam, this is forbidden because Nabi ﷺ has said that once jamaa'at commences, there is no salaah apart from the fardh

salaah.<sup>1</sup> And if the Hanafi remains sitting, then this is also makrooh because this is ignoring the jamaa'at. This applies when their jamaa'at is not makrooh according to the preferred view.

### **IT IS PREFERABLE TO FOLLOW ONE'S OWN IMAAM**

Similarly, in حاشيه مدنى "Hashiya Madani" it has been narrated from Sheikh Muhammad Akram and Sayyad Mohammad Ameen Meer Padshah and Sheikh Ismaa'eel Sherwaani that they have given preference to the view of performing salaah with the first jamaa'at being preferable. They say that Sheikh Abdullaah Al Afeef in his فتاوى العفيفية "Fatawa Al-Afifiyyah" narrates from Sheikh Abdur Rahman Al Murshidi that he said, **"Our Sheikh, Sheikh ul Islaam Mufti of the Haram Sheikh Ali Bin Jaarullaah Alhanafi, used to perform salaah with the Shawaafi due to their jamaa'at being first and I used to follow the Shawaafi with him."**

Allaamah Sheikh Ibraheem Albeiri used to differ and say that it is preferable to perform salaah individually if one does not find an Imaam of his own maslak on the basis that it is makrooh to follow the Shawaafi due to them not being considerate in the waajibaat and sunan. The student of Imaam Ibnul Humaam, Allaamah Sheikh Rahmatullaah Sindhi, also differed and said that there is precaution in not following them even if they are considerate.

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<sup>1</sup>مسلم حديث 1160، 1161

Similarly, Allaamah Mullaah Ali Qaari has stated, "If there is an Imaam of every madh'hab as in this era, it will be preferable for one to follow his own Imaam whether the jamaa'at takes place first or not. The general Muslims have recommended this and the people of the Haramain and Quds and the majority of Muslims in Egypt and Shaam have practiced upon this. Whoever differs with them will not be considered."

### THE OPINIONS OF THE FUQAHAA WITH REGARDS TO FOLLOWING AN IMAAM OF ANOTHER MASLAK IN SALAAH

Allaamah Shaami says, "My view with regards to following an Imaam of another maslak is that it is not makrooh provided he is considerate with regards to the faraa'idh because many of the Sahabah رضي الله عنهم and Taabi'een were Mujtahideen and they used to perform salaah behind one Imaam despite their views being different. If one is far from the rows of salaah waiting for the Imaam of his own maslak, he will not be considered to be ignoring the jamaa'at due to it being known that he intends to perform salaah with a more complete jamaa'at than that jamaa'at."<sup>1</sup>

In كتاب الفقه "Kitabul Fihi" the following is mentioned:

"One of the conditions for the validity of Imaamat is that the salaah of the Imaam should be

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<sup>1</sup>رد المحتار على الدر المختار ج 1 ص 379



correct according to the maslak of the muqtadi. If a Hanafi performs salaah behind such a Shaafi'ee Imaam who did not perform wudhu after the flowing of blood or a Shaafi'ee performs salaah behind such a Hanafi Imaam who touched a woman (and did not perform wudhu after that), the salaah of the muqtadi will be invalid in both situations because he is witnessing the invalidity of the salaah of his Imaam. The Shawaafi and Ahnaaf are unanimous in this mas'alah. However, the Hanaabilah and Maalikiyyah disagree with them."<sup>1</sup>

With regards to performing salaah behind a Shaafi'ee Imaam, the author of فتح القدير "Fathul Qadeer" has written the following:

"That Imaam who moves away from the qiblah, does not perform wudhu due to impurity emerging from any place apart from the front and back passages or does not wash semen which is more than the size of a dirham, his salaah will be invalid according to the correct view. If this is not the situation, his salaah will be valid. However, it will be makrooh according to one view. And if the Imaam touches a strange woman and thereafter does not perform wudhu, then following the Imaam will not be correct according to the correct view. It is like that person who opposes the estimated direction of the qiblah."<sup>2</sup>

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<sup>1</sup>كتاب الفقه ج 1 ص 366

<sup>2</sup>فتح القدير ج 1 ص 305

**ONE WHO IS PERFORMING FARDH  
SALAAH FOLLOWING ONE WHO IS  
PERFORMING NAFL SALAAH**

One of the conditions of Imaamat is that the condition of the Imaam should not be less significant than the condition of the muqtadi. Hence, it will not be correct for one who is performing fardh salaah to follow one who is performing nafl salaah. However, according to Imaam Shaafi'ee it would be correct. Similarly, it will not be permissible for one who has the ability of performing rukoo to follow one who does not have the ability of performing rukoo. It is permissible for one who is not wearing clothes to follow one who is naked and does not have clothes to cover his satr. The Ahnaaf and Hanaabilah agree with regards to this while the Shawaafi and Maalikiyyah disagree. One who is pure should not perform salaah behind one who is impure and does not have the ability to acquire purity. The Shawaafi, Ahnaaf, and Hanaabilah are unanimous with regards to this while the Maalikiyyah disagree.

Likewise, it is not permissible for one who can recite qiraa'at to follow one who cannot recite qiraa'at. One who is standing can follow that person who is sitting and has the ability to perform rukoo and sajdah. However, one who is standing cannot follow one who does not have the ability to perform rukoo and sajdah when the one who is standing has the ability to perform rukoo and sajdah. If two do not have the ability to perform rukoo and sajdah and both perform salaah by indications, it will be correct for one to

follow the other whether both are sitting, lying down or lying on their backs or one's condition is different to the other provided that the condition of the Imaam is stronger than the condition of the muqtadi. E.g. if the muqtadi is lying on his back and the Imaam is sitting, it will be correct to perform salaah.<sup>1</sup>

### **IT IS NOT CORRECT TO FOLLOW A MASBOOQ**

One of the conditions for Imaamat to be correct is that the Imaam should not be the muqtadi of another Imaam. E.g. if one person starts following the Imaam of the Masjid in the last two rakaats of Asr salaah and when he stands up after the Imaam makes salaam to complete the two rakaats that he missed, someone else comes and intends to follow him in Asr salaah. Will it be correct for this other person to follow him or not?

Similarly, if one person is performing salaah in the last row due to the crowd of those who are performing salaah and he cannot see or hear the movements of the Imaam and he follows one of the other people who are performing salaah behind the same Imaam, will it be correct or not?

The Ahnaaf fuqahaa say that it is not correct to follow a masbooq whether he made it for one rakaat with the Imaam or he did not.

If two people follow the Imaam and both are masbooq and after the Imaam performs salaam, one follows the other, the salaah of the muqtadi will be

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<sup>1</sup>كتاب الفقه ج 1 ص 371

invalid. However, if one depends on the other so that he recalls how many rakaats he missed and he does this without the intention of following the other person in salaah, both their salaah will be correct due to the connection with the original Imaam.<sup>1</sup>

### **THE SALAAH OF THE IMAAM AND THE MUQTADI SHOULD BE THE SAME**

One of the conditions of Imaamat is that the fardh salaah of the Imaam and the muqtadi should be the same. Hence, the salaah of one who is performing Dhuhar salaah will not be correct behind one who is performing Asr salaah and neither will the salaah of one who is performing Dhuhar salaah in its correct time be correct behind one who is performing qadhaa of Dhuhar salaah. Similarly, the salaah of one who is performing the qadhaa of Saturday's Dhuhar salaah will not be correct behind one who is performing qadhaa of Sundays Dhuhar salaah even though the salaah of both is qadhaa.

The Ahnaaf and Maalikiyyah agree with regards to this.

Similarly, it will not be correct to follow one who takes a vow if one's vow is not exactly the same as the Imaam. Yes, when the vow of the muqtadi is exactly the same as that of the Imaam, it will be correct for him to follow the Imaam. E.g. if one says that he vows to perform those two rakaats that soand so is vowed to perform, it will be correct for him to follow the other person.

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<sup>1</sup>كتاب الفقه ج 1 ص 366

Similarly, it will not be correct for one who vows to follow one who promises. Yes, there is no harm for one who promises to follow one who vows and for one who promises to follow someone else who promises.

Similarly, the fuqahaa state that after the salaah time expires, it will not be permissible for a musaafir to follow a muqem in a salaah that consists of four rakaats because after the time expires, two rakaats are fardh upon the muqtadi. Hence, the first qa'dah of the muqtadi is fardh. On the other hand, four rakaats are fardh upon the muqem Imaam. Hence, the first qa'dah of the Imaam will be sunnat. Consequently, this will lead to one who is performing fardh following one who is performing nafl and this is not correct.<sup>1</sup>

### **IT IS CORRECT FOR A MUQEEM TO FOLLOW A MUSAAFIR**

It is correct for a muqem to follow a musaafir whether the salaah is performed in its correct time or it is performed as qadhaa because the salaah of the musaafir whether performed in its correct time or as qadhaa remains the same and his qa'dah is fardh and the qa'dah of the muqtadi is nafl. Therefore, this leads one who is performing nafl following one who is performing fardh and this is completely correct. The only difference is that when the musaafir Imaam performs salaam after two rakaats, the muqem

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<sup>1</sup>كتاب الفقه ج 1 ص 377

muqtadi will not perform salaam because he is still responsible of performing the other half of his salaah which he has to complete. If the muqtadi muqem performs salaam with the musaafir Imaam, his salaah will not be valid. The muqtadi should stand up and complete the four rakaats because Nabi ﷺ has said:

أَتِمُّوا يَا أَهْلَ مَكَّةَ فَإِنَّا قَوْمٌ سَفَرٌ

*"O people of Makkah! Complete your salaah because we are musaafir."*<sup>1</sup>

### **A MUSAAFIR IMAAM SHOULD INFORM THE MUQEEM MUQTADIS**

After performing salaam, a musaafir Imaam should follow Nabi ﷺ by informing the muqtadis to complete their salaah because he is a musaafir. If the muqtadi does not miss any rakaat, qiraa'at will not be necessary upon him in the remainder of his salaah because he is responsible of completing the last two rakaats. Some of our mashaa'ikh say that qiraa'at is waajib upon him because they say that if he commits a mistake that necessitates sajdah sahw, sajdah sahw becomes compulsory. It is better for this to be used to proof the opposite because when sajdah sahw becomes waajib upon a munfarid, qiraa'at is also necessary upon him whereas qiraa'at is not necessary upon a munfarid in the last two rakaats.

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<sup>1</sup>ابو داؤد 1229، ترمذی 545

After the Imaam performs salaam, those who are muqeem should perform their salaah individually and if some of them follow others, the salaah of the Imaam will be complete and the salaah of the muqtadis will be invalid because they followed someone in such a situation when it was necessary for them to perform salaah individually. If the muqeem stands up to complete his salaah and then the Imaam makes intention of becoming a muqeem before he makes salaam, the muqeem should follow the Imaam if he had not yet performed sajdah of that rakaat and if he does not follow the Imaam and performs sajdah of that rakaat, his salaah will become invalid because his salaah with the Imaam will become four rakaats and until he has not consolidated the rakaat with salaah, he has not left the salaah of the Imaam.

If he consolidates his rakaat with salaah and thereafter the Imaam intends to become a muqeem, the muqtadi should complete his salaah and he should not follow the Imaam. If he does not continue completing his salaah and he follows the Imaam, his salaah will become nullified because he will be following the Imaam when it is necessary upon him to perform salaah individually.

**IT IS CORRECT FOR A MUSAAFIR  
FOLLOWING A MUQEEM BEFORE THE  
TIME OF SALAAH EXPIRES**

Similarly, when a musaafir follows a muqeem before the time of salaah expires and then the time

expires before the salaah is complete, his salaah will not become invalid. Although it is not correct for a musaafir to begin following a muqem after the time of salaah expires. However, when his following of the muqem is correct and he becomes dependent upon the muqem, he falls in the ruling of a muqem.

After the time of salaah expires, only two rakaats are necessary upon a musaafir. However, he has become a muqem here just as how he becomes a muqem by intending to become a muqem and only two rakaats is not necessary upon a muqem when the time of salaah expires.

If he sleeps behind the Imaam until the time of salaah expires and he wakes up after the time of salaah expires, he should complete four rakaats because a Madrid who falls asleep will complete the missed rakaats in such a manner that it is as if he is behind the Imaam and four rakaats becomes waajib upon this musaafir due to him following the Imaam and he still remains following the Imaam after the time of salaah expires. Hence, he remains the muqtadi of the Imaam. If a musaafir speaks after the time of salaah expires or before it expires, he should perform two rakaats according to us. Imaam Shaafi'ee disagrees.<sup>1</sup>

If a musaafir leads those who are muqeems and also those who are musaafir in the time of salaah and thereafter his wudhu becomes nullified and he appoints a muqem as his deputy for Imaamat, it

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<sup>1</sup> الأم ج 1 ص 182 الوجيز ج 1 ص 58



will be correct because he has the ability to complete leading the salaah of the Imaam. However, the salaah of those who are musaafir will not become four rakaats according to Imaam Abu Hanifah, Imaam Abu Yusuf, and Imaam Muhammad. According to Imaam Zufar, their salaah will become four rakaats because they have become the muqtadis of the muqem Imaam due to which the validity and invalidity of their salaah becomes connected with the salaah of this muqem Imaam and when a musaafir follows a muqem, his salaah becomes four rakaats.

If their salaah does not change to four rakaats, it will not be correct for those who are musaafir to follow a muqem because qa'dah ulaa is nafl for the Imaam and fardh for those who are musaafir. Hence, this will result in those who are performing fardh following one who is performing nafl as far as qa'dah is concerned. For this reason, it is not permissible for a musaafir to follow a muqem after the time of salaah expires.

The proof of Imaam Abu Hanifah, Imaam Abu Yusuf, and Imaam Muhammad is that the muqem becomes the Imaam by being appointed as the deputy due to necessity because the original Imaam is unable to complete leading the salaah. Hence, the deputy represents the original Imaam in the remaining portion of salaah. When a deputy does the work of the original person, it is as if he is the original person.

Hence, it is as if the people are following the musaafir. Based on this, their salaah will not become four rakaats and qa'dah Ulaa will be fardh upon the Imaam because he is completing the leading of the salaah for the musaafir by representing him. Similarly, if a musaafir is put forward and thereafter he intends to become a muqueem, the fardh of those who are musaafir will not change as we have mentioned above.

When the appointment of the deputy Imaam by the musaafir is correct, the deputy Imaam should complete the salaah of the musaafir Imaam which is two rakaats. The deputy will sit for the duration of tashahhud and he should not perform salaam because he is still responsible for performing the second half of his salaah due to being a muqueem. If he performs salaam, his salaah will become nullified. Therefore, he should appoint a musaafir to perform salaam for the others who are musaafir. Thereafter, the muqueem Imaam and the others who are muqueems should stand up and complete the remaining portion of their salaah individually because they are in the ruling of laahiqeen. And if the muqueems follow another muqueem, the salaah of the Imaam will be correct because he will be a munfarid in every condition and the salaah of those who follow him will be nullified because they have omitted what is fardh upon them. I.e. they supposed to perform salaah individually in this condition.

If during the time of salaah, a musaafir Imaam leads other people who are musaafir in salaah and after performing one rakaat, he intends to become a

muqeeem, he should perform four rakaats. Here the Imaam is the original Imaam and his salaah changes due to the intention of becoming a muqeeem. Hence, the salaah of the people will also change due to them following the Imaam unlike the previous instance because in that instance the Imaam is the deputy of the original Imaam and completing the salaah of the original Imaam.

If a musaafir leads those who are musaafir and also those who are muqeeems in salaah and after he recites tashahhud in the second rakaat, one musaafir mutadi speaks or stands up and walks away and then the Imaam intends to become a muqeeem, the salaah of the Imaam and the musaafir muqtadis who did not speak will change to four rakaats due to the intention being found in its correct place and the salaah of the musaafir muqtadi who spoke or stood up and walked away will be complete because he spoke in such a time that if his Imaam spoke at that time, the salaah would have not been nullified. Hence, the same ruling will apply to the salaah of the muqtadi.

However, if he speaks after the Imaam intends to become a muqeeem, his salaah will become nullified because his salaah changed to four rakaats due to the intention of the Imaam. Hence, his speaking is found in the middle of salaah due to which his salaah will become nullified. However, two rakaats will be necessary upon him according to us because he became a muqeeem because he became a muqeeem temporarily due to following the Imaam and he is no

longer following the Imaam due to the salaah becoming nullifying.<sup>1</sup>

**IT IS NOT CORRECT TO FOLLOW ONE WHO IS IN THE STATE OF HADATH AND ONE WHO IS IN THE STATE OF JANAABAT**

All fuqahaa agree that it is not correct to follow one who is in the state of hadath and one who is in the state of janaabat when the person is aware of this. If he is not aware and he finds out afterwards, the following of such a person in salaah will not be correct according to us. Imaam Shaafi'ee says that the demands of analogy is that just as how it is not correct to follow a Kaafir, similarly it is not correct to follow one who is in the state of hadath or janaabat. However, he says that he does not consider this analogical proof due to the following hadeeth:

Nabi ﷺ has said "that if one leads the people in salaah and then recalls that he was in the state of janaabat, he should repeat the salaah and the people should not repeat their salaah."<sup>2</sup>

**COMMANDING THE MUQTADIS TO REPEAT THEIR SALAAH**

Our proof is that Nabi ﷺ lead the Sahabah رضي الله عنهم in salaah. Thereafter, he recalled that he was in the state of janaabat and therefore he himself repeated his salaah and instructed the

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<sup>1</sup>بدائع الصنائع ج 1 ص 279  
<sup>2</sup>دار فطنى 1، 364 و كتاب الام 1، 167

Sahabah رضي الله عنهم to also repeat their salaah. Hence, they also repeated their salaah and Nabi ﷺ said that when one leads the people in salaah and thereafter recalls that he was in the state of janaabat, he himself should repeat the salaah, and the people should also repeat the salaah.<sup>1</sup>

A similar hadeeth is also narrated from Umar and Ali رضي الله عنهما. In الامالي “Al-amali” Imam Abu Yusuf has mentioned that one day Ali رضي الله عنه led the people in salaah. Thereafter, he recalled that he was in the state of janabat. Hence, he instructed the mu'adhin to announce and inform the people that Ameer ul Mu'mineen was in the state of janaabat and therefore they should repeat their salaah.<sup>2</sup>

Furthermore, here, the meaning of following is which will not be established due to takbeer e tahreemah not being possible with janaabat.

The proof which the Shawaafi mentioned refers to the condition before then salaah of the people becomes connected with the salaah of the Imaam as is narrated that when a masboq commences the salaah of the Imaam, he should first perform that portion of salaah which he missed and thereafter he should follow the Imaam as **Abdullaah Bin Mas'ood** رضي الله عنه or **Mu'aadh Bin Jabal** رضي الله عنه followed Nabi ﷺ and thereafter performed that portion of salaah which he missed. Hence, this became shari'at due to the approval of Nabi ﷺ.<sup>3</sup>

<sup>1</sup> دار قطنى 1، 364

<sup>2</sup> دار قطنى 1، 364

<sup>3</sup> بدائع الصنائع ج 1 ص 353

### **IT IS NOT PERMISSIBLE FOR A NAKED PERSON TO FOLLOW A NAKED PERSON**

It is permissible for a naked person to follow one who is wearing clothes because the muqtadi is following in the condition in which the takbeer e tahreemah of the Imaam takes place. In addition, the muqtadi is doing what the Imaam is doing. In fact he is doing more. Hence, this following will be accepted. Similarly, it is permissible for a naked person to follow a naked person because the conditions of both are equal and they are equal in the condition of three major. However, the naked people should sit and perform salaah with indicating. Bishr رضي الله عنه says that those who are naked should perform salaah while standing and with performing rukoo and sajdah. This is also the view of Imaam Shaafi'ee.<sup>1</sup>

### **IT IS NECESSARY TO PERFORM THOSE ARKAAN WHICH ONE IS ABLE TO PERFORM**

Their reasoning is that those who are naked are unable to complete the condition of covering their satr due to them not having clothes and they are able to perform the remaining arkaan of salaah. Hence, it is necessary upon them to fulfill those arkaan of salaah which they are able to do and they are not responsible for fulfilling those arkaan which they are unable to do. If they perform salaah while sitting,

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<sup>1</sup> الام 1، 61

they will be omitting many faraa'idh such as qiyaam, rukoo and sajdah and if they perform salaah while standing, they will be omitting only one fardh which is the concealing of the satr. Therefore, this form is preferable. In addition, the following hadeeth as proof:

Hadhrat Imraan Bin Husain رضي الله عنه reports that Rasulullaah ﷺ told them to perform salaah while standing if they have the ability to do so and if they do not have the ability to stand, they should perform salaah while sitting and if they do not have the ability to perform salaah while sitting, then they should perform salaah while lying on their sides.<sup>1</sup>

From this hadeeth, it is known that it is not permissible to perform salaah while sitting when one has the ability to stand. Our proof is the narration of Anas Bin Maalik رضي الله عنه in which it is mentioned that once the companions of Rasulullaah ﷺ travelled by sea when suddenly their ship wrecked and the people emerged in a naked state and they performed salaah while sitting with indicating.<sup>2</sup>

### **IT IS BETTER FOR A NAKED PERSON TO PERFORM SALAAH WHILE SITTING**

Ibn Abbas رضي الله عنه and Ibn Umar رضي الله عنه state that a naked person should perform salaah with indications while sitting.<sup>3</sup> This implies that performing salaah while sitting is preferable due to two reasons:

<sup>1</sup>بخارى 1050

<sup>2</sup>نصب الراية 1، 301

<sup>3</sup>مصنف عبد الرزاق ج 1 ص 583، 584

The first reason is that if one performs salaah while sitting, he will be omitting only the fardh of covering the satr and he will not be omitting any other fardh because he is performing the fardh of rukoo and sajdah by indicating and the fardh of qiyaam by sitting. Therefore, it is as if both fardh are kept in mind by performing salaah while sitting. Hence, it is better to perform salaah while sitting.

The second reason is that the concealing of the satr is the most important rukn of salaah due to two reasons:

1- The concealing of the satr is fardh in salaah and out of salaah and the rest of the arkaan of salaah are not like this because they are restricted to salaah only.

2- These arkaan of salaah are fulfilled by indicating in Nawaafil salaah even if one does not have an excuse and necessity. However, the fardh of the concealing of the satr never ever falls away without any necessity because it is an important fardh which has to be considered to the utmost degree.

Due to these reasons, we have prescribed performing salaah while sitting and indicating as preferable and better despite the fact that if one performs salaah while standing and performing rukoo and sajdah, then too the fardh will be fulfilled because even though one is omitting one fardh, three other arkaan are being completed (i.e. qiyaam, rukoo and sajdah). There is also a necessity to complete



these arkaan. Hence, one will be omitting the fardh of concealing his satr for a correct purpose.

From this entire discussion, we can conclude that the hadeeth of Imraan Bin Husain رضي الله عنه cannot be used as evidence because it is connected with having the ability and here one does not have the ability according to shari'at because concealing of the satr is fardh.

### **IT IS BETTER FOR THOSE WHO ARE NAKED TO PERFORM SALAAH INDIVIDUALLY**

If there is a group of naked people, it will be better and appropriate for them to perform salaah individually because if the Imaam stands in the middle of the congregation due to the people abstaining from seeing the satr of another person, he will be omitting the sunnat of standing in front of the jamaa'at. **Having salaah performed in jamaa'at is masnoon and when a sunnat cannot be fulfilled without committing a bid'at or leaving out another sunnat, it is not mustahab to fulfill it and, in fact, it becomes makrooh.** And if the Imaam stands in front and everyone are instructed to lower their gazes as is the view of Hasan Basri, then too the people will not be protected from an evil because the possibility of them lowering their gazes in such a manner that their gazes do not fall on the satr of the Imaam is low.

Furthermore, it is makrooh to keep one's gaze lowered in salaah. The author of قدوری "Qudoori" has explained that a muqtadi ought to look at a specific place in every condition so that just as how the limbs join in fulfilling these ibaadaat, the eyes also join and this cannot be achieved by one lowering his gaze. Hence, it is known that jamaa'at cannot be fulfilled without perpetrating a makrooh act. Therefore, they will not be responsible for jamaa'at.

Despite, this, if they do decide to perform salaah with jamaa'at, the best manner for their Imaam would be that he stands in between them so that their gazes do not fall on the satr of the Imaam. If the Imaam stands in front of them, then too it will be permissible. In this situation, their condition is like that of females. It is preferable for females to perform salaah individually and if they decide to perform salaah with jamaa'at, their Imaam should stand in the middle of them and if she stands in front of the jamaa'at, then too it will be permissible.<sup>1</sup>

**IT IS PERMISSIBLE FOR ONE WHO  
PERFORMS MASAH ON HIS KHUF TO  
FOLLOW ONE WHO PERFORMS MASAH  
ON HIS KHUF**

It is permissible for one washes his feet in wudhu to follow one performs masah on his khuff because performing masah on the khuff is a replacement of washing the feet and the replacement

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<sup>1</sup>بدائع الصنائع ج 1 ص 355

of something takes the place of the actual thing at the time of helplessness and difficulty. Hence, at the time of hadath, performing masah takes the place of washing in purifying the feet due to the difficulty of washing the feet especially for a musaafir. Therefore, it is as if the tahreemah of the Imaam occurred with those who washed their feet. Hence, it is correct for the muqtadis to base their tahreemah on the tahreemah of the Imaam.

Furthermore, the purity of the feet is attained when one washes it before he wears the khuff and the khuff prevents the hadath from penetrating to the feet. Hence, it is as if one who washes his feet is following one who washes his feet. Similarly, it is permissible for one who washes a limb to follow one who performs masah upon a bandage because it is the replacement and takes the place of washing. Hence, the meaning of following is established. It is permissible for one who performs wudhu to follow one who performs tayammum according to Imaam Abu Hanifah and Imaam Abu Yusuf and it is not permissible according to Imaam Muhammad.

### **IT IS PERMISSIBLE FOR ONE WHO IS STANDING TO FOLLOW ONE WHO IS SITTING**

It is permissible for one who is performing salaah while standing with rukoo and sajdah to follow one who is performing salaah while sitting with rukoo and sajdah according to Imaam Abu Hanifah and Imaam Abu Yusuf. Analogically, it is not

permissible. This is the view of Imaam Muhammad. The same difference of opinion is found with regards to the mas'alah of one who performs salaah while standing with indications following one who performs salaah while sitting with indications. It is impermissible analogically because Nabi ﷺ has said that after him no one should perform Imaamat while sitting (i.e. of those who are performing salaah while standing).<sup>1</sup> There is no difference of opinion with regards to the permissibility of such a performing Imaamat of those who are performing salaah while sitting. Furthermore, it is incorrect analogically because the condition of the muqtadi is higher than the condition of the Imaam and this it is impermissible for one with a higher condition to follow one with a lower condition just as how it is impermissible for one who is performing salaah with rukoo and sajdah to follow one who is performing salaah with indications and one who has the ability of reciting qiraa'at to follow one who cannot recite qiraa'at.

The reason for what we have mentioned is that the Imaam bases his tahreemah upon the tahreemah of the Imaam and the tahreemah of the Imaam takes place while he is sitting and not while he is standing. Hence, it is not possible for those who are performing salaah while standing to base their tahreemah upon this tahreemah just as how it is not possible for one who can recite qiraa'at and one who is performing salaah with rukoo and sajdah

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<sup>1</sup> دار قطنی ج 1 ص 398

to base their tahreemah upon one who cannot recite qiraa'at and one who is performing salaah with indications.

### **DURING HIS SICKNESS, NABI ﷺ LED THE SALAAH WHILE HE WAS SITTING**

The reason for not considering this analogy is that the last salaah that Rasulullaah ﷺ led was while he was well he was sitting and had a cloth wrapped around him and the Sahaba رضي الله عنهم followed him while they were standing.<sup>1</sup>

Thereafter, when his sickness became more severe and he became weak, he said, "Instruct Abu Bakr to lead the salaah." Aa'ishah رضي الله عنها asked Hafsah رضي الله عنها to inform Nabi ﷺ that Abu Bakr رضي الله عنه is extremely sensitive and when he stands on the place of Nabi ﷺ, he will not be able to control himself. Therefore, it will be better if he appoints someone else. When Hafsah رضي الله عنها mentioned this to Nabi ﷺ, he said, "You are from the provoking women of Yusuf عليه السلام. Instruct Abu Bakr to lead the salaah." When Abu Bakr رضي الله عنه commenced the salaah, Nabi ﷺ gained some consciousness and therefore emerged with the support of Ali رضي الله عنه and Fadhl Bin Abbas رضي الله عنه while his feet were slipping on the floor.

Nabi ﷺ entered the Masjid and when Abu Bakr رضي الله عنه perceived that Nabi ﷺ had come, he moved back. Nabi ﷺ went forward and led the salaah while

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<sup>1</sup>مسند احمد ج 3 ص 159 / طحاوی ج 1 ص 406

sitting. Abu Bakr رضي الله عنه began following Nabi ﷺ and the people were following Abu Bakr رضي الله عنه. I.e. on hearing the takbeer of Nabi ﷺ, Abu Bakr رضي الله عنه recited takbeer and on hearing the takbeer of Abu Bakr رضي الله عنه, the people recited takbeer.<sup>1</sup>

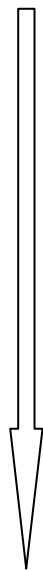
**From this last action of Nabi ﷺ, it is proven that one who is sitting can lead one who is standing in salaah.** Until no abrogation is proven, the permissibility of one who is sitting leading one who is standing in salaah will remain. Furthermore, when sitting takes the place of standing, it becomes the replacement of it just as how masah on the khuff is the replacement of washing the feet.<sup>2</sup>

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<sup>1</sup>بخارى باب الاذان حديث 687

<sup>2</sup>بدائع الصنائع ج 1 ص 256

## **CHAPTER SIX**



**A JAMAA'AT COMPRISING OF ONLY  
WOMEN AND THE IMAAMAT OF A  
FEMALE AND A CHILD**

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**A JAMAA'AT COMPRISING OF ONLY**  
**WOMEN IS MAKROOH**

A jamaa'at comprising of only women is makrooh because it is not void of the perpetration of a haraam which is the Imaam standing in the middle of the row. Hence, a jamaa'at comprising of only females will become makrooh just as how a jamaa'at of naked people is makrooh. Despite this, if females do perform salaah in jamaa'at, the Imaam should stand in the middle of the row because this is what is proven from Aa'ishah رضي الله عنها. This action of Aa'ishah رضي الله عنها will be regarded to be found in the initial stages of Islaam. Furthermore, immodesty is found in the Imaam going forward.

**MAKROOH REFERS TO MAKROOH E**  
**TAHREEMI IN THIS SITUATION**

In فتح القدير “Fathul Qadeer” Allaamah Ibne Humaam mentions that a jamaa'at comprising of only females necessitates the perpetration of a haraam act. This is a clear indication that in a jamaa'at of males, it is haraam for the Imaam not to go forward. In كافي “Kafi” it is mentioned that this is makrooh and this is also correct. It refers to makrooh e tahreemi. The reason for this is that Nabi ﷺ never ever omitted



going forward when performing Imaamat. He always went forward. This demands that it should be waajib and it is makrooh e tahreemi to omit a waajib. It is as if the author هداية "Hidayah" has metaphorically called it haraam. Hence, makrooh in the above-mentioned text of هداية "Hidayah" (a jamaa'at comprising of only women is makrooh) refers to makrooh e tahreemi.

**A JAMAA'AT COPRISING OF ONLY  
FEMALES IS LIKE A JAMAA'AT  
OF NAKED PEOPLE**

Thereafter, the author of هداية "Hidayah" has compared a jamaa'at comprising of only females to a jamaa'at of naked people. The demands of this comparison is that the thing from which the comparison is drawn should also be makrooh because these two aspects are likened to one another in one of two aspects: Either they are likened to one another in the fact that the Imaam should not go forward and this is waajib. Or they are likened to one another in immodesty and immodesty is found in the naked people to a larger extent compared to women because when a woman who is clad properly from her head to her feet goes forward for Imaamat, then too it will be regarded as makrooh when there is no immodesty apparently. So what will be the condition of a naked person whose nakedness is in front of everyone's eyes?

Then the ruling of a woman's going forward for Imaamat in the above-mentioned condition being makrooh is proven only due to the action of Aa'ishah

رضي الله عنها. She performed Imaamat by standing in the middle of the row. Definitely, she omitted the waajib of going forward due to another waajib upon which there is more emphasis. I.e. going forward would result in some immodesty or it would result in her imitating men or it would result in some other reason.

**IT IS CORRECT FOR WOMEN TO  
PERFORM JANAAZAH SALAAH IN  
JAMAA'AT**

It is evident that it is not makrooh for women to perform janaazah salaah in jamaa'at because this is a fardh and the Imaam not going forward is only makrooh. The situation would be such that they either fulfill the fardh together with perpetrating a makrooh act or they would omit a makrooh act together with omitting a fardh act. Hence, the first form, i.e. fulfilling a fardh together with perpetrating a makrooh act is waajib. However, in other types of salaah, a jamaa'at of females would remain makrooh because if the females perform Janaazah Salaah individually, then definitely one of them would complete first (and the fardh e kifaayah will be fulfilled) and then the salaah of the remaining women would be nafl whereas it is makrooh to perform nafl here. Hence, the completion of the salaah of one woman will be a means of nullifying the fardh salaah of the remaining women.

The statement that if the females do perform jamaa'at, the Imaam should stand in the middle is due to the fact that one of two things will occur: not going forward or immodesty and not going forward is better than immodesty. If the Imaam opts to forward, then too it will be correct. However, the demands of the above-mentioned explanation are that in this situation, she will be sinful.

### THE IMAAMAT OF AA'ISHAH رضي الله عنها

**The action of Aa'ishah رضي الله عنها is regarded to be done during the initial stages of Islaam.** Sarwaji says that this statement of the author of هداية needs to be reviewed because Nabi ﷺ remained in Makkah for thirteen years after Nabuwat as Imaam Bukhaari and Imaam Muslim have narrated. Then, he married Aa'ishah رَضِيَ اللهُ عَنْهَا and she went to stay with him in Madinah when she was nine years old and she lived with him for nine years.<sup>1</sup>

It is quite apparent that she performed Imaamat after she became mature. So how can it be claimed that it occurred in the initial stages of Islaam? However, it is possible that the initial stages of Islaam imply that this became abrogated and Aa'ishah رَضِيَ اللهُ عَنْهَا done this when the females used to be present for jamaa'at. However, taking the initial stages of Islaam to refer to being abrogated does not seem correct because in مستدرک حاکم "Mustadrak

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<sup>1</sup>بخاری 4739، 4761، مسلم 2550

Hakim” it is narrated that Aa'ishah رضي الله عنها used to call out the adhaan and iqamat and lead the women in salaah and stand in the middle of the row.

In كتاب الآثار “Kitabul Asar” of Imaam Muhammad, it is mentioned that Aa'ishah رضي الله عنها used to lead the women in salaah during Ramadhaan and she used to stand in the middle of them. It is also a known reality that Taraaweeh salaah took place in jamaa'at after the demise of Nabi ﷺ.

### **UMM E WARAQAH BEING INSTRUCTED TO LEAD THE PEOPLE OF HER HOUSE IN SALAAH**

Apart from this, it is also narrated in ابو داود “Abu Dawood” from Umm e Waraqah Bint Abdullaah Bin Haarih Bin Umair رضي الله عنها that at the occasion of the battle of Badr, she asked from Nabi ﷺ, "Grant me permission to join you in this battle. I will treat your wounds and it is possible that Allaah will grant me shahaadat." Nabi ﷺ instructed her to remain in her house and informed her that Allaah will grant her shahaadat. The narrator mentions that she was called 'Shaheedah (one who has attained martyrdom)' in her life. She was well-versed with regards to the Qur'aan. She sought permission from Nabi ﷺ to appoint a mu'adhin for her house who would call out the adhaan for her.

The narrator says that Umm e Waraqah رضي الله عنها had a male slave and female slave whom she promised freedom after her demise. One night, they quietly got up and strangled her with her own shawl

and they fled. In the morning, the Khalifah of the Muslims, Umar رضي الله عنه, announced that whoever is aware of these two people or sees them anywhere should bring them to him. They were caught and hanged. **They were the first people to be hanged in Madinah.** Then Imaam Abu Daawood narrates from Waleed Bin Jumay who narrates from Abdur Rahman Bin Khallaad who narrates from Umm e Waraqah that Rasulullaah ﷺ used to go to Umm e Waraqah and he appointed a mua'dhin for her and he commanded her to lead the people in her house in salaah. The narrator, Abdur Rahman, says that he saw the mu'adhin of Umm e Waraqah and says that the mu'adhin was extremely old.<sup>1</sup>

The above-mentioned narrations negate abrogation occurring.

#### **UMME WARAQAH GOT PERMISSION BEFORE THE ABROGATION OCCURRED**

With regards to Waleed Bin Jumay and Abdur Rahman Bin Khallaad who are narrators of the last narration mentioned above, Yahya Bin Qattaan states that they are 'majhool (unknown)' whereas Ibn Hibbaan has counted both of them from those who are reliable. One answer provided is that permission mentioned above for the Imaamat of the women refers to before abrogation. In addition, it is not necessary that the narration of Ibraheem Nakha'ee with regards to Aa'ishah رضي الله عنها leading women

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<sup>1</sup>ابوداؤد حديث 500

in salaah during Ramadhaan refers to leading the Taraaweeh salaah and this narration of Abu Daawood with regards to Nabi ﷺ Umm e Waraqah and instructing her to lead the people of her house in salaah does not necessitate that she continued leading them in salaah until the demise of Rasulullaah ﷺ. There is also a narration in مصنف عبدالرزاق “Musannaf Abdur Razzaq” narrated from Ibn Abbas رضى الله عنه that a woman should lead women in salaah and she should stand in the middle of them. The knowledge of Ibn Abbas does not demand that even now it is permissible according to the shari'at because the words of this narration implies that in a situation when females perform salaah in jamaa'at, the place of the Imaam can be stipulated. It is also possible that Ibn Abbas رضى الله عنه was not aware of the abrogation.

### **THE BEST SALAAH OF WOMEN IS THEIR SALAAH THAT IS PERFORMED IN A CORNER OF THEIR HOUSES**

Now after claiming that abrogation occurred, all that remains is to stipulate what abrogated it because the proof is incumbent after a claim. The reality is that apart from a narration of ابو داود “Abu Dawood” and صحيح ابن خزيمة “Sahi Ibne Khuzema” no other narration can be sued as proof for the abrogation occurring. The following is mentioned in the narration:

"The salaah performed by a woman in her partition is more virtuous than the salaah performed

by her in her chamber and the salaah performed by her in her chamber is better than the salaah performed by her in her house."<sup>1</sup>

Ibn Khuzaimah narrates that Rasulullaah ﷺ ,  
*"The salaah of a woman that is most beloved to Allaah is that salaah which she performs in the darkest place of her house."*

In one narration of Ibn Khuzaimah and Ibn Hibbaan, it is mentioned that the salaah of a woman that is most beloved to Allaah is that salaah which is performed right inside in the dark of her house.

It is apparent that jamaa'at is impossible in the chamber of a house. Similarly, there is no possibility for jamaa'at to occur right in a house or in a dark corner of a house. Even if these narrations are accepted to be proof of abrogation, then too they can only be proof for the abrogation of a sunnat and **leaving out a sunnat is makrooh e tanzihi and not makrooh e tahreemi and committing an act that is makrooh e tanzihi is doing something that is contrary to what is preferable...**<sup>2</sup>

### A JAMAA'AT OF FEMALES INDICATES TOWARDS IMMODESTY

In explaining this text of هداية "Hidayah" the author of كفاية "Kifayah" writes that the author of هداية "Hidayah" states that a jamaa'at comprising of only females is not void of perpetrating a haraam act

<sup>1</sup>ابوداؤدحدیث 483

<sup>2</sup>فتح القدیر ج 1 ص 307

and here a haraam act refers to immodesty the prohibition of which is clear in the Qur'aan.

Allaah says:

وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا

*They (women) must not expose (anything that reveals) their beauty (whether it is parts of the body, jewellery or clothing), except what becomes apparent of it (the outer garment which obviously cannot be concealed when a woman leaves her home).<sup>1</sup>*

Or it refers to the necessity of the Imaam omitting standing that occurs. This is also haraam because this is omitting the sunnat completely since Nabi ﷺ and no Sahabi did this.

Thereafter, the author of هداية "Hidayah" states that the parable of a jamaa'at comprising of women is a jamaa'at of naked people. Sheik ul Islaam says that if there is a jamaa'at comprising of naked people, they should perform salaah while sitting and indicate for the postures and they should not perform salaah with jamaa'at because these people cannot perform jamaa'at without the perpetration of a makrooh act. The reason for this is that if they perform salaah with jamaa'at, their Imaam will be forced to stand in the middle of the row so that the gazes of the other people do not fall on his satr and standing in the middle of the row is makrooh while jamaa'at is sunnat.

**Hence, omitting a sunnat is better than committing an act that is makrooh e tahreemi.** This

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<sup>1</sup>سورة النور 31



is the view of the Ahnaaf. Hasan Basri says that these people should perform salaah with jamaa'at because the Imaam standing in front of the row and the rest of the people lowering their gazes can perform this together with refraining from a makrooh act.<sup>1</sup>

### **IT IS IMPERMISSIBLE FOR FEMALES TO GO FORWARD FOR IMAAMAT**

It is impermissible for males to follow any female in salaah. Nabi ﷺ has said: *"Keep the women back from this place where Allaah has kept them behind.."*<sup>2</sup>

Hence, it is not permissible to put them forward for salaah.<sup>3</sup>

In كتاب الفقه "Kitabul Fiqhi" it is stated that it is impermissible for a female and such a hermaphrodite whose gender is difficult to be stipulated, to lead males in salaah. However, it is permissible for a female to lead females in salaah and for a hermaphrodite whose gender is difficult to be stipulated to lead females in salaah according to Imaam Abu Hanifah, Imaam Shaafi'ee, and Imaam Ahmed. The Maalikiyyah disagree with regards to this.<sup>4</sup>

In الموسوعة الفقهية "Al- Mausuatul Fiqhiyya" the following is stated:

"For leading males in salaah, it is a condition that the Imaam should be a male. It is not correct for

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<sup>1</sup>كفاية مع فتح القدير ج 1 ص 307

<sup>2</sup>مصنف عبد الرزاق ج 3 حديث 149

<sup>3</sup>فتح القدر ص 311

<sup>4</sup>كتاب الفقه ج 1 ص 363

a female to lead males in salaah. The fuqahaa are unanimous with regards to this.

Nabi ﷺ has said:

"Keep women back from what Allaah had kept them back."<sup>1</sup>

The instruction of keeping women back is proof of their Imaamat being prohibited. Apart from this, the marfoo narration of Jaabir رضي الله عنه is narrated in which it is mentioned that no woman should ever lead males in salaah.<sup>2</sup> Furthermore, a female leading males in salaah is a means of mischief.

### **FEMALES LEADING FEMALES IN SALAAH**

As far as the mas'alah of females leading females in salaah is concerned, majority of the fuqahaa (the Ahnaaf, Shawaafi and Maalikiyyah) hold the opinion that it is permissible. Their proof is the narration of Umm e Waraqah رضي الله عنهما in which it is mentioned that Nabi ﷺ granted her permission to lead the females of her house in salaah.<sup>3</sup>

However, the Ahnaaf are of the opinion that it is makrooh for a woman to lead the salaah because it results in a waajib or at least a mustahab being omitted as has been mentioned before. Hence, adhaan and Imaamat are both makrooh for females and in a situation when a woman becomes the Imaam, it is also makrooh for the woman to stand in

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<sup>1</sup>فتح الباری ج 1 ص 400

<sup>2</sup>ابن ماجه ج 1 حديث 343

<sup>3</sup>ابوداؤد ج 1 حديث 397

front. In such a situation, the woman should stand in the middle of the row for Imaamat.<sup>1</sup>

According to the Maalikiyyah, it is also not correct for a female to lead females in salaah whether the salaah is a fardh salaah or a nafl salaah. All the fuqahaa are unanimous that it is not correct for a hermaphrodite to lead males or other hermaphrodites in salaah because in thisthere is a possibility that the hermaphrodite is a female and the muqtadis are males. However, it is permissible but makrooh or completely permissible without being makrooh according to majority of the scholars for a hermaphrodite whose gender is difficult to be distinguished to lead females in salaah. According to the Maalikiyyah, this is also impermissible just as how it is always impermissible for a female to lead other females in salaah.<sup>2</sup>

The author of *بدائع الصنائع* “Badaius Sanae” writes the following:

*"It is not correct for a male to follow a female in salaah because a female does not possess the ability to lead males in salaah. Hence, the salaah of the female Imaam will not be existent for the males and it will not be possible for them to follow her. Similarly, it is not correct for males to follow a hermaphrodite whose gender is difficult to be distinguished because it is possible that this hermaphrodite is a female. Yes, it is permissible for a female to follow a female in salaah*

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<sup>1</sup>جواهر الاكليل ج 1 ص 78  
<sup>2</sup>الموسوعة الفقهية ج 6 ص 204

*because the condition of both is equal. However, it is more virtuous for them to perform salaah individually than to perform salaah in jamaa'at because jamaa'at has been abrogated for females."*

### **IT IS PERMISSIBLE FOR A FEMALE TO FOLLOW A MALE IN SALAAH**

It is permissible for a female to follow a male in salaah if the Imaam makes intention for leading her in salaah. According to Imaam Zufar, intention is not a condition. Imaam Hasan Bin Ziyaad narrates from Imaam Abu Hanifah that if a female stands behind the Imaam for salaah, it will be permissible for her to follow him in salaah even if the Imaam does not make intention of leading her in salaah. And if a female stands next to a male, then (in the situation when the male does not make intention) only the salaah of the female will become invalid and the salaah of the male will be valid and if the male makes intention of leading this female in salaah, then the salaah of the male will also become invalid.

This is the former view of Imaam Abu Hanifah and the reason for it is that when the female stands behind the male, her intention is to perform salaah and not to cause the salaah of the male to become invalid. Hence, in this situation, intention is not a condition. On the other hand, when the female stands next the male, then instead of performing salaah, her intention is to cause the salaah of the male to become invalid. Therefore, her intention will

cause her own salaah to become invalid. However, if the male makes intention of Imaamat, his salaah will also become invalid because he is responsible for the harm.

**IT IS PERMISSIBLE FOR A FEMALE  
TO FOLLOW SUCH A HERMAPHRODITE  
WHOSE GENDER IS DIFFICULT TO BE  
DISTINGUISHED**

Similarly, it is permissible for a female to follow such a hermaphrodite whose gender is difficult to be distinguished because if the hermaphrodite is a male, then it is permissible for a female to follow a male and if the hermaphrodite is a female, then too it is permissible for a female to follow a female. It is appropriate for the hermaphrodite to stand in front of the row and not to stand in the middle of the row so that if he is a male, his salaah will not become invalid due to standing next to a female. Similarly, it is necessary for him to make an intention of leading the females in salaah so that if he is a male, it will be correct for the females to follow him.

It is not permissible for such a hermaphrodite whose gender is difficult to be distinguished to follow another hermaphrodite whose gender is difficult to be distinguished because it is possible that the Imaam is a female and the male is a male and this will result in a male following a female.

Therefore, as a precautionary measure, they should not follow one another.<sup>1</sup>

**IT IS NOT PERMISSIBLE FOR A CHILD TO LEAD A MATURE PERSON IN SALAAH**

It is not permissible for males to follow an immature child in salaah because the salaah of the child is nafl and the salaah of one who is performing a fardh salaah behind one who is performing a nafl salaah does not take place. Taraaweeh salaah, the sunnat salaah of a salaah, Eid salaah according to one narration, Witr salaah according to Imaam Muhammad and Imaam Abu Yusuf, Salaatul Kusoof, Salaat ul Khusoof and Salaatul Istisqaa can be performed behind a child.

If one completes his salaah and then doubts if his salaah is complete or not, he should perform one or two more rakaats. If someone else follows him in this one rakaat or two rakaats, it will be permissible according to the masaa'ikh of Balkh whereas this one rakaat or two rakaats will be counted as nafl for the person who has doubt if his salaah is complete. Then too it will be correct for the muqtadi who is performing fardh salaah to perform salaah behind the Imaam who is performing nafl salaah. The mashaa'ikh of Balkh state that in the same manner; it will be permissible for one who is performing fardh salaah to perform his salaah behind a child.

However, our mashaa'ikh of Bukhaarah state that it is impermissible. Some fuqahaa have narrated

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<sup>1</sup>بدائع الصنائع ج 1 ص 352

the difference of opinion between Imaam Abu Yusuf and Imaam Muhammad with regards to following a child in those Nawaafil salaah that are not confined to any means and they have stated that according to their fuqahaa, it is completely impermissible to follow a child in the sunan salaah. There is no difference of opinion in this. However, Imaam Abu Yusuf does not grant permission to follow a child in those Nawaafil salaah that are not confined to any means. (An example of those Nawaafil salaahs that are confined to some means is Tayhiyyatul Masjid and an example of those that are not confined to any means is nafl salaah that is performed during any time.) On the other hand, Imaam Muhammad gives permission to follow a child in those Nawaafil salaahs that are not confined to any means. The preferred view is that of Imaam Abu Yusuf. Hence, it will not be correct to follow a child in any nafl salaah.

**THE NAFL SALAAH OF A CHILD HOLDS A  
LESSER DEGREE THAN THE NAFL SALAAH  
OF A MATURE PERSON**

The reason for this is that the nafl salaah of a child holds a lesser degree than the nafl salaah of a mature person. It is for this reason that if a child nullifies his nafl salaah, then there is no difference of opinion in the fact that qadhaa will not be waajib upon him. On the other hand, if a mature person nullifies his nafl salaah, it will be waajib upon him to perform qadhaa for that nafl salaah. **Therefore, it**

**will not be correct for one with a stronger condition to follow one with a weaker condition.**

As far as the mas'alah which the mashaa'ikh of Balkh based this mas'alah upon, is concerned, we say that since the salaah of the person who has doubt is not definitely nafl and this person will have to ponder if his salaah is complete or not, therefore, although it will be regarded as nafl for this person who has doubt if his salaah was complete, this doubt will not be regarded to be present and it will be regarded as fardh for the muqtadi. Therefore, it will be as if one who is performing fardh salaah is following someone else who is also performing fardh salaah. The salaah of a child behind a child will be correct because the salaah and condition of both is the same and it is not an issue of one with a stronger condition and one with a weaker condition.<sup>1</sup>

The author of *بدائع الصنائع* "Badaius Sanae" has written the following:

*"An intelligent child can lead immature children in Taraaweeh salaah. With regards to leading those who are mature in Taraaweeh salaah, there is a difference of opinion among the mashaa'ikh. Furthermore, an insane person and an unintelligent child who is immature are not capable of performing salaah. Hence, they are not capable of performing Imaamat."*<sup>2</sup>

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<sup>1</sup>فتح القدير ج 1 ص 311

<sup>2</sup>بدائع الصنائع ج 1 ص 388



## **A BRIEF GLANCE AT THE MAKROOHAAT OF IMAAMAT**

In the previous pages, the makroohaat of Imaamat has been discussed in detail. Now, it seems appropriate to cast a brief glance on these makroohaat:

If a blind person is not the most virtuous person, it will be makrooh e tanzih for him to lead the salaah. This same ruling applies to an illegitimate child.

It will be makrooh for an ignorant person to lead the salaah in the presence of a learned person whether the ignorant person is a villager or a city dweller.

It is also makrooh for a handsome beardless lad to lead the salaah if there is a possibility of mischief occurring even if he is the most learned person. If there is no possibility of mischief occurring among the people, there will not be any problem.

It is also makrooh for a foolish person who does not possess the ability to transact properly to lead the salaah.

It is also makrooh for a paralysis, a leper, and one whose spots of leprosy have spread to his entire body, one whose private part is cut off, one who is limping and one whose hand is cut off to lead the people in salaah.

It is also makrooh for one who takes remuneration for Imaamat to lead the salaah. However, if the one who dedicates the Masjid etc. for public charity adds the condition of remuneration, it will not be makrooh and this remuneration will be regarded as sadaqah or help.

If the maslak of the Imaam differs to the maslak of the muqtadi in the practical parts of the shari'at and the muqtadi has a doubt and thinks that the Imaam is not considerate with regards to those things that nullify the wudhu and salaah according to his maslak, the Imaamat of this Imaam will be makrooh. On the other hand, if the muqtadi does not doubt and he knows that the Imaam is considerate of the other masaalik, there will be no problem in his Imaamat. Similarly, if the muqtadi does not know anything with regards to the Imaam, then too his Imaamat will not be makrooh.

If the place where the Imaam stands is one cubit or more than one cubit higher than the place of the muqtadi or the place of the muqtadis is one cubit or higher than the place of the Imaam, it will be makrooh. It will not be makrooh if either of the places is less than one cubit higher than the other. Furthermore, it will only be makrooh when the Imaam is standing alone on his place. If there is one muqtadi or more with the Imaam, it will not be makrooh.

If the people dislike the Imaam due to some deficiency found in him, it will be makrooh for him to lead the salaah.

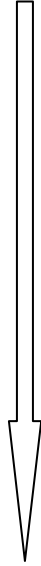
Similarly, a jamaa'at of females is makrooh e tahreemi even if it is a jamaa'at for Taraaweeh salaah. However, a jamaa'at of females will not be makrooh for Janaazah salaah. If they do perform salaah with jamaa'at, the female Imaam will stand in the middle of the females just as how naked people perform salaah. It is also makrooh for females to

come for salaah even if it is Jumu'ah salaah or Eid salaah. **It is also makrooh for them to attend a gathering in which a lecture is delivered at night.** It is permissible for them to attend such a gathering during the daytime provided they are safe from mischief. It is also makrooh for one male to perform salaah in jamaa'at with females when there is no other male and there is no mahram such as one's wife, sister etc.in the jamaa'at.<sup>1</sup>

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<sup>1</sup>كتاب الفقه ج 1 ص 381

## **CHAPTER SEVEN**



### **THE ACTIONS OF THE IMAAM AND THE MUQTADI**

## CHAPTER SEVEN THE ACTIONS OF THE IMAAM AND THE MUQTADI

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### THE MUQTADI FOLLOWING HIS IMAAM IN SALAAH

There are three forms of the muqtadi following his Imaam in the postures of salaah: تعقيب "Muqaranah" مقارنة: "Ta'aqeeb" and تراخى "Tarakhi".

#### "MUQARANAH" مقارنة

"Muqaranah" مقارنة means that the muqtadi follows the Imaam at the same time in this way that when the Imaam starts salaah, the muqtadi also starts salaah, when the Imaam performs rukoo, the muqtadi also performs rukoo, when the Imaam performs salaam, the muqtadi also performs salaam etc. If one goes into rukoo before the Imaam and he remains in rukoo until the Imaam performs rukoo, he will be regarded to have followed the Imaam and he will be regarded to be performing rukoo with the Imaam and this form will be regarded as "Muqaranah" مقارنة.

#### "TA'AQEEB" تعقيب

"Ta'aqeeb" تعقيب is that the muqtadi follows the Imaam after the Imaam performs a posture in such a manner that he performs the posture immediately after the Imaam performs it and

thereafter he remains together with the Imaam in the rest of that posture.

### “TARAKHI” تراخی

“Tarakhi” تراخی is that the muqtadi performs the posture after the Imaam performs the posture but he completes the posture before the Imaam goes into the next posture and joins the Imaam in the next posture.

### **IN THESE THREE FORMS, THE MUQTADI IS FOLLOWING THE IMAAM IN THE POSTURES OF SALAAH**

In these three forms, the muqtadi will be regarded to be following the Imaam in the postures of salaah. Hence, if the Imaam performs rukoo and the muqtadi performs rukoo with the Imaam or a little while after the Imaam goes into rukoo or some while after the Imaam goes into rukoo and he joins the Imaam in rukoo or after the Imaam comes up from rukoo and before he goes into sajdah, he will be regarded to have followed the Imaam in rukoo. These forms of following the Imaam are fardh in a fardh, waajib in a waajib and sunnat in a sunnat.

If the muqtadi omits following the Imaam in rukoo, his salaah will become nullified. E.g. if he performs rukoo before the Imaam and he lifts up his head from rukoo before the Imaam goes into rukoo and he does not perform rukoo with the Imaam or in a new rakaat after this, his salaah will be invalid because he did not follow the Imaam in a fardh. Similarly, if the muqtadi performs rukoo and sajdah before the Imaam, then the rakaat in which he does

this will not be counted and the second rakaat will be counted as the first rakaat and the third rakaat will be counted as his second rakaat and the fourth rakaat will be counted as his third rakaat. Hence, he will still have to perform one more rakaat after the Imaam performs salaam. If he does not perform it, his salaah will be invalid.

If the muqtadi does not follow the Imaam in du'aa e qunoot, he will be sinful because he will be omitting a waajib and if he does not follow the Imaam in the tasbeehaat of rukoo or sajdah, he will be omitting a sunnat .

### **IT IS NOT NECESSARY FOR THE MUQTADI TO FOLLOW THE IMAAM IN FOUR ASPECTS**

(1)If the Imaam intentionally performs an extra sajdah in salaah, it is not necessary to follow him.

(2)In the takbeeraat of Eid salaah, if the Imaam performs more takbeeraat than what is proven from the Sahabah, it will not be necessary to follow him.

(3)If the Imaam performs five takbeeraat instead of four in Janaazah salaah, it will not be necessary to follow him.

(4)If after qa'dah akheerah in a fardh salaah, the Imaam forgetfully stands up for another rakaat and he performs the sajdah of this rakaat, the muqtadi should perform salaam alone. However, if the Imaam does not perform the sajdah of this extra rakaat but he returns to qa'dah akheerah from

qiyaam, the muqtadi should perform salaam with him when he performs salaam.

If the Imaam stands up for an extra rakaat before qa'dah akheerah and he performs the sajdah of this rakaat, the salaah of the Imaam and the muqtadi will be invalid.

With regards to the discussion of following the Imaam in salaam and takbeer e tahreemah (when the muqtadi misses all or some of the rakaats), the author of كتاب الفقه "Kitabul Fihi" has written the following:

"It is necessary upon the muqtadi to follow the Imaam in salaam when the Imaam completes reciting the tashahhud. If the muqtadi recites tashahhud before the Imaam and he performs salaam before the Imaam, his salaah will be valid together with being makrooh e tahreemi provided this was done without any excuse .

**It is preferable for the muqtadi to perform salaam with the Imaam, not before the Imaam and not after the Imaam.** The ruling of performing salaam before the Imaam has passed. If one performs salaam after the Imaam, he will be omitting that which is preferable. However, if the muqtadi performs takbeer e tahreemah before the Imaam, his salaah will not be correct. It is correct for him to perform takbeer e tahreemah with the Imaam. If he performs it after the Imaam, he will be omitting the virtue of the time of takbeer e tahreemah".<sup>1</sup>

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<sup>1</sup>كتاب الفقه ج 1 ص 272



### **WHEN SHOULD THE IMAAM BE FOLLOWED AND WHEN SHOULD HE NOT BE FOLLOWED**

If the muqtadi joins the Imaam in tashahhud and the Imaam stands up before the muqtadi completes reciting the tashahhud or the Imaam performs salaam at the end of salaah before the muqtadi complete reciting the tashahhud, **the preferred view is that the muqtadi should complete reciting the tashahhud and if he does not complete it, then too it will be permissible.**

If the Imaam speaks before the muqtadi completes reciting the tashahhud, he should complete the tashahhud just as how he should do if the Imaam performs salaam .

If the Imaam intentionally breaks his wudhu before the muqtadi completes reciting the tashahhud, the salaah of the muqtadi will be invalid .

If the Imaam stands up from qa'dah ula for the third rakaat and some of the muqtadis forget to recite tashahhud, they should return to qa'dah, recite tashahhud and then follow the Imaam even if they fear missing the rakaat.

If the Imaam performs salaam before the muqtadi recites the du'aa or durood shareef after reciting the tashahhud, he should also perform salaam with the Imaam.

If the Imaam lifts up his head from rukoo or sajdah before the muqtadi completes reciting the tasbeehaat thrice, the correct view is that he should follow the Imaam and leave the tasbeehaat.

If the muqtadi lifts up his head from rukoo or sajdah before the Imaam, it will be appropriate for him to return and join the Imaam in rukoo or sajdah and this will not be regarded as two separate rukoos or sajdahs.

If the Imaam performs a lengthy sajdah and the muqtadi thinks that the Imaam is now in his second sajdah and therefore lifts up his head and goes back into sajdah, this will be regarded as his first sajdah whether he makes the intention of it being his first sajdah or not.

Similarly, the same ruling applies if the muqtadi makes intention of this been his second sajdah and of following the Imaam. If he only makes intention of this been his second sajdah, it will be regarded as his second sajdah. Hence, if the Imaam joins him in it, it will be permissible and if the muqtadi lifts up his head from the second sajdah before the Imaam places his forehead upon the ground, it will not be permissible and it will be incumbent upon him to repeat this sajdah. If he does not repeat it, his salaah will be invalid.

If the muqtadi performs a lengthy sajdah and the Imaam performs the second sajdah and thereafter the muqtadi lifts up his head and thinks that the Imaam is still in the first sajdah and he goes into sajdah again, this will be regarded as his second sajdah even though he only makes intention of the first sajdah because the intention does not correspond to the situation, i.e. it does not correspond to the muqtadis action and neither does it correspond to the Imaam's action.

**THERE ARE FIVE THINGS THAT THE  
MUQTADI SHOULD OMIT IF THE IMAAM  
OMITS THEM**

- (1) The takbeeraat of Eid salaah.
- (2) Qa'dah Ulaa.
- (3) Sajdah Tilaawat.
- (4) Sajdah Sahw.
- (5) Qunoot if there is fear of missing rukoo. If there is no fear of missing rukoo, he should recite qunoot and thereafter perform rukoo.

**NINE THINGS ARE SUCH THAT THE  
MUQTADI SHOULD PERFORM THEM IF  
THE IMAAM OMITS THEM**

Nine things are such that the muqtadi should perform them if the Imaam omits them. E.g.:

- (1) Raising the hands during takbeer e tahreemah.
- (2) Thanaa. The muqtadi should recite it even if the Imaam is reciting Surah Faatihah. However, if the Imaam is reciting the surah after Surah Faatihah, the muqtadi should not recite thanaa. This is according to Imaam Muhammad.
- (3) The takbeer of rukoo or sajdah.
- (4) The tasbeehaat of rukoo or sajdah.
- (5) Recitation of **سمع الله لمن حمده** "Sami Allahu Liman Hamidahu".
- (6) Recitation of tashahhud.
- (7) Salaam.
- (8) The takbeeraat of tashreeq.

If the muqtadi performs rukoo and sajdah before the Imaam in all the rakaats, he should perform one

more rakaat without qiraa'at. If the muqtadi performs sajdaha before the Imaam and the Imaam joins him in sajdah, it will be permissible.

However, it is makrooh for the muqtadi to do this.<sup>1</sup>

### **IF THE MUQTADI ADVANCES IN FRONT OF THE IMAAM, THE SALAAH BECOMES NULLIFIED**

It is incumbent upon the muqtadi not to advance in front of the Imaam. If he does go in front of the Imaam, Imaamat and salaah both become invalid. Imaam Abu Hanifah, Imaam Ahmed, and Imaam Shaafi'ee are unanimous with regards to this. However, the Maalikiyyah disagree. The reason for this is that those fuqahaa who stipulate the condition of the muqtadis not going in front of the Imaam exclude salaah that is performed around the Ka'bah from this ruling. They say that it is permissible for the muqtadi to go in front of the Imaam when salaah is performed around the Ka'bah. However, there is some detail in this according to the Shawaafi.<sup>2</sup>

If salaah is performed while standing, for the salaah of the muqtadi to be correct it is necessary that the last portion of his foot does not go in front of the last portion of the Imaam's foot. And if the salaah is being performed while sitting, it is necessary for the buttocks of the muqtadi not to go in front of the buttocks of the Imaam. If this does

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<sup>1</sup>فتاوى هندية عالمكبرى ج 1 ص 71

<sup>2</sup>كتاب الفقه ج 1 ص 367

happen, the salaah of the muqtadi will not be correct. However, if the muqtadi remains in line with the Imaam, his salaah will be correct and not makrooh according to Imaam Abu Hanifah, Imaam Ahmed and Imaam Maalik. The Shawaafi disagree with regards to it.

**IF THE PLACE IS THE SAME  
IT WILL BE PERMISSIBLE TO FOLLOW  
THE IMAAM**

The muqtadi should be aware of the actions of the Imaam whether it is by seeing, hearing or the means of someone else who is conveying the actions of the Imaam. However, if the place of the Imaam and the muqtadi differs, the salaah of the muqtadi will be invalid because the place of the Imaam and muqtadi being different invalidates the following of the Imaam whether the muqtadi is aware of the condition of the Imaam or not. This is the correct view. Hence, if one follows the Imaam of a Masjid from his house, and there is a road etc. that is a barrier between his house and the Masjid, it will not be correct for him to follow the Imaam due to their places being different.

And if his house is completely adjacent to the Masjid and there is nothing separating the two apart from the wall of the Masjid the salaah of the muqtadi is correct provided that the condition of the Imaam is not ambiguous to the muqtadi.

Similarly, if the muqtadi performs salaah on the roof of his house and his roof is completely adjacent

to the roof of the Masjid, then too it will be correct for him to follow the Imaam because in both these conditions the place of each is the same.

**IF THERE IS A ROAD BETWEEN THE  
IMAAM AND THE MUQTADI, IT WILL NOT  
BE CORRECT FOR THE MUQTADI TO  
FOLLOW THE IMAAM**

If the place of both is the same and it is spacious such as in a huge Masjid, it will be correct for the muqtadi to follow the Imaam provided that the condition of the Imaam is not ambiguous to the muqtadi whether he is aware of it by the voice of the Imaam or by hearing the voice of the person repeating what the Imaam says or by seeing the Imaam or by seeing the other muqtadis.

However, if one performs takbeer e threema just so that others can see, it will not be permissible to follow him because his salaah will not be correct. Hence, the salaah of those who follow his means of conveying what the Imaam is doing will also be invalid.

It is also permissible for a muqtadi to follow the Imaam in a spacious Masjid when between the Imaam and the muqtadi there is no such road on which a car can pass or such a river in which a big boat can sail. If any of these things is a barrier between the Imaam and the muqtadi, it will not be correct for the muqtadi to follow the Imaam. **The ruling of an open field is that if there is a gap equal to two rows between the Imaam and the muqtadi, it will not be correct for**

**the muqtadi to follow the Imaam.** This ruling of an open filed also applies to huge Masajid such as Baitul Muqaddas etc.<sup>1</sup>

### **FOLLOWING THE IMAAM IS SUFFICIENT**

In explaining the conditions for the permissibility of following the Imaam, the proficient author of بدائع الصنائع “Badaius Sanae” writes the following:

"According to us, it is necessary that the muqtadi does not go in front of the Imaam when following the Imaam. Imaam Maalik says that this is not a condition and following the Imaam is sufficient for the permissibility of the muqtadi to follow the Imaam. His proof is that following the Imaam only in salaah is necessary and the place of salaah is not part of salaah. Hence, it will not be necessary to follow the Imaam in the place of salaah. The example of this is when the Imaam stands at the Maqaam e Ibraheem at the Ka'bah and the people form rows around the Ka'bah, it is apparent that most of the people will be in front of the Imaam.

### **IF THE PLACE IS NOT THE SAME, IT IS NOT CORRECT FOR THE MUQTADI TO FOLLOW THE IMAAM**

The proof of the Ahnaaf is the following statement of Rasulullaah ﷺ:

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<sup>1</sup>كتاب الفقه ج 1 ص 368

لَيْسَ مَعَ الْإِمَامِ مَنْ تَقَدَّمَ

*"One who goes in front of the Imaam is not with the Imaam."*

The reason for this is that by the muqtadi going in front of the Imaam, the condition of the Imaam will be ambiguous to him or he will have to continuously look behind due to which he will not be able to follow the Imaam completely.

Furthermore, the place of salaah is included in the conditions of salaah and following the Imaam in salaah implies following him completely.

Hence, following him in terms of the place is also included in following the Imaam in salaah. For this reason, if there is a road or a river between the Imaam and the muqtadi, it will not be correct for the muqtadi to follow the Imaam due to the place not being the same.

On the other hand, when the Kaibab is performing salaah and one's face is facing the Imaam, he will not be said to be the qiblah of the Imaam. One will be said to be the qiblah of the Imaam when his back is facing the Imaam and this is not found here and likewise the condition of the Imaam and muqtadi is not ambiguous to him.

**FOR THE PERMISSIBILITY OR  
FOLLOWING THE IMAAM, IT IS  
NECESSARY FOR THE PLACE OF THE  
IMAAM AND MUQTADI TO BE THE SAME**

The place of the Imaam and muqtadi being the same is also a condition for the permissibility of



following the Imaam because following the Imaam in salaah demands that he should be followed completely and since the place is one of those things necessary for salaah, it will be necessary to follow me in the place also.

### **THE GAP BETWEEN THE IMAAM AND THE MUQTADI**

In addition, when the place of the Imaam and muqtadi is not the same, the condition of the Imaam becomes concealed from the muqtadi due to which it becomes difficult for the muqtadi to follow the Imaam. Therefore, if there is a public road on which people pass or a big river between the Imaam and the muqtadi, it will not be correct for the muqtadi to follow the Imaam because their places differ according to the public and according to reality.

The proof of this is one mawqoof and marfoo narration of Ibn Umar رضي الله عنهما:

Nabi ﷺ has said that if there is a river, road, or row of females between the Imaam and muqtadi, it will not be correct for the muqtadi to follow the Imaam. The size of a road that prevents the permissibility of the muqtadi following the Imaam is such a road upon which a donkey or mule carrying a cart or goods can pass. Sheikh Abu Nasr was asked with regards to it and this was his reply and this is mentioned in الفتاوى "Al-Fatawa".

When Imaam Abul Qasim Saffaar was questioned with regards to it, he replied that it should be of such a size that a camel can pass on it

and a big river refers to a river that cannot be crossed without a bridge or some other means like this. Imaam Surkhi has mentioned that a road refers to such a road upon which carriages pass and besides this road there is no other road and a river refers to such a river in which boats sail. A small river will take the place of a rivulet which does not prevent the permissibility of the muqtadi following the Imaam. If the rows are also formed on the road, it will be permissible for the muqtadi to follow the Imaam because the rows being formed on the road will prevent the road been a pass way for people and therefore it will not remain a road but it will become a place of performing salaah with regards to that salaah.

The same ruling applies to that river over which a bridge is constructed and the rows are formed on the bridge as we have mentioned above.

**THE WALL OF THE MIHRAAB DOES NOT  
PREVENT THE PERMISSIBILITY OF THE  
MUQTADI FOLLOWING THE IMAAM**

If there is a wall between the Imaam and the muqtadi, the permissibility of the muqtadi following the Imaam is mentioned in اصل "Asal" Imaam Hasan has narrated from Imaam Abu Hanifah that it will not be permissible and this has two forms:

If the wall is so small and low that everyone can climb upon it such as the wall of the mihraab, it will not prevent the permissibility of the muqtadi following the Imaam because this does not prevent

the muqtadi from following the place of the Imaam and it does not become a means of the condition of the Imaam becoming concealed.

If between the Imaam and muqtadi, there is such a long and wide wall which does not have any hole etc., it will not be prohibited for the muqtadi to follow the Imaam. If there is a window.....etc. in the wall by means of which the condition of the Imaam can be seen, then all the fuqahaa are unanimous that it will be permissible. The same ruling applies to a big wall that has an opened door, window etc. If a big wall does not have any of these things, then there are two narrations with regards to the ruling:

According to the first narration it will be said that it is not permissible for the muqtadi to follow the Imaam because the condition of the Imaam is ambiguous to the muqtadi due to which it is impossible for him to follow the Imaam.

According to the second narration, it will be permissible for the muqtadi to follow the Imaam and this becomes apparent from the salaah that is performed in Makkah when the Imaam stands by the Maqaam e Ibraheem and some people stand on the other side of the Ka'bah. The wall of the Ka'bah is between them and the Imaam and no one prevents them from this. Hence, this is proof of permissibility and if there is a row of females between the two, this will prevent the validity of following the Imaam.

## **IT IS CORRECT TO FOLLOW THE IMAAM WHILE STANDING UPON THE ROOF OF THE MASJID**

If one follows the Imaam in the end of the Masjid whereas the Imaam is inside the mihrab, it will be permissible because the confines of the Masjid are in the ruling of one place despite the distance. If one stands upon the roof of the Masjid and follows the Imaam from there and he is behind the Imaam or in line with the Imaam, it will be permissible as it is narrated from Abu Hurayrah رضي الله عنه that he was following the Imaam while standing upon the roof of the Masjid whereas the Imaam was in the Masjid.

Furthermore, the roof of the Masjid is dependent on the Masjid and **the ruling that applies to the original thing also applies to the thing that is dependent upon the original thing.** Hence, it is as if it is also the inside of the Masjid. This ruling applies when the condition of the Imaam is not ambiguous to the muqtadi. If the condition of the Imaam becomes ambiguous to him, it will not be permissible.

And if the muqtadi stands in front of the Imaam, it will not be permissible due to the following of the Imaam not being found just as how it is not permissible for the muqtadi to go in front of the Imaam inside the Masjid.

Similarly, if one's roof is adjacent to any part of the Masjid and there is no road etc. between the two and he follows the Imaam from there, it will be

permissible according to us.<sup>1</sup> According to the Shawaafi, it will not be permissible<sup>2</sup> because he has omitted the place of salaah without any necessity.

### **THE ROOF OF THE MASJID IS DEPENDENT UPON THE MASJID**

The proof of the Ahnaaf is this that if his roof is adjacent to the roof of the Masjid, it becomes dependent upon the roof of the Masjid and due to it being dependent to the roof of the Masjid, it is in the ruling of the Masjid. Hence, it is as if the one who is on the roof is following the Imaam in the Masjid. This ruling applies when the condition of the Imaam is not ambiguous to the muqtadi.

If one follows the Imaam from outside the Masjid while the Imaam is in the Masjid, it will be permissible if the rows are adjacent till him and it will not be correct if the rows are not adjacent until him because due to the rows being adjacent, that place becomes connected to the Masjid. This ruling applies when the Imaam is performing salaah inside the Masjid. If the Imaam is performing salaah in an open filed and there is a space of two or more rows between the Imaam and the people, it will not be

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<sup>1</sup>In a narration of بخارى "Bukhari" it is mentioned that رضي الله عنها Aa'ishah says that Rasulullaah ﷺ used to perform salaah at night in his room and the wall of his room was small. Hence, on seeing Nabi ﷺ, the people began performing salaah with him. In the morning, they mentioned this. The next night, Nabi ﷺ done the same thing. Hence, the people got up and began performing salaah with him. This happened twice or thrice after which Nabi ﷺ remained sitting and never went out.

<sup>2</sup>الام ج 1 ص 98 - 99

correct to follow the Imaam because this will be in the ruling of a public road or a big stream which are means of causing the place not to remain the same.

It is mentioned in فتاوى “Fatawa” that Abu Nasr was asked if a gap between the muqtadis and Imaam who performs salaah in a wide field will prevent the permissibility of following the Imaam. He replied that is the gap is not so big in which a row can fit, the salaah will be correct.

### **THIS FORM IS PERMISSIBLE BUT MAKROOH IN THE EID-GAAH**

Thereafter, he was asked about the ruling when one is performing salaah in the Eid-gaah. He replied that the same ruling that applies to the Masjid applies to the Eid-gaah.

If the Imaam is performing salaah in a double-storey And the people are at the bottom or he is at the bottom, and the People are at the top it will be permissible but makrooh. The reason for the permissibility is that being a follower of the Imam does not end and therefore there is no cause of the condition of the Imaam becoming concealed from the muqtadi and the reason for it being makrooh is that there is a doubt of it being two different places.

### **IT IS NOT CORRECT TO PERFORM SALAAH ALONE IN A ROW ACCORDING TO THE MUHADDITHEEN**

According to most of the fuqahaa, the muqtadi standing behind the Imaam alone in a row will not

prevent the permissibility of the muqtadi following the Imaam. The muhadditheen among whom Imaam Ahmed Bin Hambal is included, are of the opinion that it is prohibited. Their proof is that Nabi ﷺ said that the salaah of one who stands alone behind a row is not correct.<sup>1</sup>

It is narrated from Waabisah that Nabi ﷺ saw a person performing salaah on one side and he told him, "*Repeat your salaah because the salaah of one who is alone behind a row is not correct.*"<sup>2</sup>

### **IT IS CORRECT TO PERFORM SALAAH ALONE BEHIND A ROW ACCORDING TO THE AHNAAF**

The Ahnaaf say that the salaah will be permissible. Their proof is the narration of Anas Bin Maalik رضى الله عنه. He says, "Rasulullaah ﷺ made me and an orphan stand behind him and made my mother, Umm e Sulaim رضى الله عنها, stand behind us."<sup>3</sup>

Rasulullaah ﷺ has thus approved for Umm e Sulaim رضى الله عنها to stand alone behind a row. This hadeeth also proves that a female standing next to a male in salaah nullifies the salaah of the male because Nabi ﷺ made Umm e Sulaim رضى الله عنها stand behind the other two people despite the prohibition of performing salaah alone behind a row. From this it is known that Nabi ﷺ done this due to protecting the salaah of two males.

<sup>1</sup>مسند احمد ج 4 حديث 303، ابن ماجه 1003

<sup>2</sup>مسند احمد ج 4 حديث 228، ابوداؤد 682

<sup>3</sup>مؤطا امام مالك ج 1 حديث 153

In one narration, it is mentioned that Abu Bakr رضي الله عنه entered the Masjid while Nabi ﷺ was in rukoo and he recited takbeer and performed rukoo and in that condition he slowly joined the row. When Nabi ﷺ completed the salaah, he said, "May Allaah increase your enthusiasm. However, do not do it again." Or he said, "Do not repeat your salaah." Hence, Nabi ﷺ had approved of the permissibility of following the Imaam while performing salaah alone behind the row. The proof of this is that if one is aware that the person standing next to him is in the state of hadath, then too all the fuqahaa agree that his salaah will be correct even though in reality he is standing alone behind the row. The hadeeth that apparently negates the salaah being correct is regarded to be negating the salaah being perfect and the command to repeat the salaah is shaadh (rare) and even if it is proven, then too there is a possibility that between the muqtadi and the Imaam some action that prevents the permissibility of following the Imaam occurred.

In fact, there is an indication towards this in the hadeeth because in the hadeeth the prohibition of reading salaah on one side is mentioned.

However, according to the Ulama of the Ahnaaf, the ruling is that if there is a space remaining in the row, one should fill it and then recite takbeer and it is makrooh to stand alone behind a row without any necessity.



### **IF ONE WALKS TO THE EXTENT OF MORE THAN ONE ROW, HIS SALAAH BECOMES NULLIFIED**

If one is performing salaah by standing alone and then he walks to join the row, it is narrated from Muhammad Bin Salamah رضي الله عنه in فتاوى "Fatawa" that if one walks to the extent of one row, **his salaah will not become nullified and if he walks more than this, his salaah will become nullified.**

Similarly, when a masbooq stands up to complete what he missed, he goes forward so that the people do not pass in front of him. Hence, if he walks forward to the extent of one row, his salaah will not become nullified and if he walks more than this, his salaah will become nullified.

This is the view of Faqeeh Abul Laith and this is the ruling whether one is in a Masjid or a field. If one walks to the extent of one row and then he stands, his salaah will not become nullified.

Some of our fuqahaa have stipulated the distance of the place of sajdah and others have stipulated the distance of two rows. Hence, if one walks more than this distance, his salaah will become nullified.<sup>1</sup>

### **THE PLACE OF THE IMAAM AND THE MUQTADI**

If there are three people apart from the Imaam, the Imaam should stand in front of them. This is

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<sup>1</sup>بدائع الصنائع ج 1 ص 364

proven from Nabi ﷺ and it is the practice of the ummat. Hadhrat Anas Bin Maalik رَضِيَ اللهُ عَنْهُ says, "My grandmother, Mulaikah رَضِيَ اللهُ عَنْهَا, invited Nabi ﷺ for meals. Nabi ﷺ said, 'Stand up. I will lead you people in salaah.' Hence, Nabi ﷺ made me and an orphan stand behind him and he made my mother, Umm e Sulaim رَضِيَ اللهُ عَنْهَا, stand behind us."

Furthermore, it is appropriate for the Imaam to stand in such a manner that he is distinguished from the others and one who comes should not be confused with regards to whether it is possible for him to follow the Imaam and this is only possible by the Imaam standing in front.

### **WHEN THERE ARE THREE PEOPLE THE IMAAM SHOULD STAND IN FRONT**

If the Imaam stands in between the people or on the right or left side of the row, it will be permissible but there will be a sin for this because the permissibility is connected to the arkaan and the arkaan are being fulfilled and the sin is due to omitting a sunnat e mutawaatirah and the Imaam is in such a condition that it is not possible for one who comes to follow the Imaam.

In fact, this is a means of nullifying the following of the Imaam.

Similarly, if there are two people apart from the Imaam, the Imaam should stand in front of them. This is mentioned in ظاهر الرواية "Zahiru Riwayah" It is narrated from Imaam Abu Yusuf that the Imaam should stand in between the two because it is

narrated from Abdullaah Bin Mas'ood رضي الله عنه that he led Alqamah and Aswad رضي الله عنهم in salaah and he stood in between them and remarked. "Nabi ﷺ used to do this with us."<sup>1</sup>

The proof of the Ahnaaf is that Rasulullaah ﷺ led Anas رضي الله عنه and an orphan in salaah and he made them stand behind him and this is also the view of Ali and Ibn Umar رضي الله عنهما.

The statement in the above-mentioned hadeeth 'Nabi J used to do this with us' is added from Ibn Mas'ood and it is not mentioned in most of the narrations. Hence, it is not proven and the action of Ibn Mas'ood رضي الله عنها is regarded to be done due to a lack of space. Ibraheem Nakha'ee, who was well aware of the maslak and condition of Ibn Mas'ood رضي الله عنه, says that if the extra portion is proven, it will mean that Nabi ﷺ done so due to a lack of space.

**When two narrations are apparently contradicting each other, the one that is according to logic will be given preference.** Hence, the Imaam should stand in front. We have mentioned the reason for it, i.e. the condition of the Imaam should not be ambiguous to the people, and it should be possible to follow him.

However, if the Imaam does stand in the middle, it will not be makrooh because a narration conforming to it is present and the interpretation is connected with ijtihaad.

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<sup>1</sup> مسلم حديث 831

## A CHILD SHOULD ALSO STAND ON THE RIGHT OF THE IMAAM

If there is a male or an intelligent boy with the Imaam, he should stand on the right of the Imaam because **Abdullaah Bin Abbaas** رضي الله عنهما has mentioned, "Once, I spent the night by my maternal aunt, Maymoonah رضي الله عنها, so that I could observe the salaah that Rasoolullaah ﷺ performs at night.

Nabi ﷺ woke up and said:

نامت النجوم و غارت العيون و بقی الحی القيوم

*"The stars have disappeared and the eyes have slept and the Being Who Is Ever Living and the Maintainer of everything"*

Then he recited the last verses of Surah Aal Imraan, i.e. from الآية: *إن في خلق السموات والأرض*<sup>1</sup> Thereafter, he went to a water bottle that was hanging and performed wudhu and commenced his salaah. I also performed wudhu and stood on the left of Nabi ﷺ. Nabi ﷺ caught hold of my ear (according to one narration, it is mentioned that Nabi ﷺ caught hold of his hair) and moved me from behind him to his right. I returned to where I was. Nabi ﷺ repeated what he had done and this happened a third time. When Nabi ﷺ completed the salaah, he asked, 'O lad! What prevented you from standing on the place where I made you stand?' I replied, 'You are the Rasool of Allaah. It is not appropriate for anyone to stand in line with you.'

Nabi ﷺ made said:

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<sup>1</sup> سورة بقره آیت 164

اللَّهُمَّ فَفِّهْهُ فِي الدِّينِ وَعَلِّمَهُ التَّأْوِيلَ

*'O Allaah! Grant him understanding of deen and teach him interpretation.'*<sup>1</sup>

### **IT IS BETTER FOR THE MUQTADI TO STAND ON THE RIGHT OF THE IMAAM**

Nabi ﷺ making Ibn Abbaas ؓ stand on the right proves that it is better for the muqtadi to stand on the right of the Imaam when there is one person apart from the Imaam.

Similarly, it is narrated from Hudhaifah that he stood on the left of Nabi ﷺ and Nabi ﷺ made him stand on the right.<sup>2</sup>

### **THE TOES OF THE MUQTADI SHOULD BE BY THE HEELS OF HE IMAAM**

In ظاهر الرواية "Zahiru Riwayat" it is mentioned that when the muqtadi stands on the right of the Imaam, he should not remain behind the Imaam. It is narrated from Imaam Muhammad that it is appropriate for the toes of the muqtadi to be in line with the heels of the Imaam and the general people commonly practice this.

If the muqtadi is taller than the Imaam and his sajdah is in front of the Imaam's sajdah, there will be no problem **because the place where he stands is considered and the place where he performs sajdah is not considered.** Similarly, if the muqtadi

<sup>1</sup>مسند احمد ج 1 حديث 266

<sup>2</sup>مجمع الزوائد ج 1 حديث 179

is standing in the row behind the Imaam and due to being tall, his sajdah is in front is in front of the Imaam's sajdah, it will be permissible.

If the muqtadi stands on the left of the Imaam, then too it will be permissible **because the permissibility is connected to the arkaan** and because Ibn Abbas رضي الله عنه and Hudhaifah رضي الله عنه were standing on the left of Nabi ﷺ in the beginning of salaah and Nabi ﷺ approved of the way they were following him. However, it is makrooh because Nabi ﷺ made Ibn Abbaas رضي الله عنه and Hudhaifah رضي الله عنه stand on the right.

### **IF THE MUQTADI STANDS ON THE LEFT OF THE IMAAM, HE WILL BE SINFUL**

If the muqtadi stands behind, it will be permissible. However, will it be makrooh? With regards to this, there is no mention of it being makrooh narrated from Imaam Muhammad and there is a difference of opinion among the mashaa'ikh with regards to it. Some mention that it is not makrooh because one who stands behind the Imaam stands on the right. Hence, this will not be abandoning a sunnat unlike one who stands on the left. Others say that it is makrooh because this person is in the ruling of one who is performing salaah alone behind a row and Nabi ﷺ has said that the salaah of one who is standing alone behind a row is not correct<sup>1</sup> and something that is prohibited has

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<sup>1</sup>ابن ماجه 1003

to at least be makrooh. This difference of opinion arises from the following words of Imaam Muhammad:

"If he performs salaah behind the Imaam, it will be permissible. Similarly, if he stands on the left of the Imaam, he will be sinful."

Some have said the sin is connected with the second of the two mentioned actions. Others have said that it is connected with both the actions. This is correct because they are connected to one another.

### **IT IS NECESSARY TO MAINTAIN THE CORRECT ORDER IN THE ROWS**

If there is a female with the Imaam, he should make her stand behind him because a female being next to him will nullify his salaah.

The same ruling applies when there is a hermaphrodite whose gender is difficult to be distinguished because there is a possibility of the hermaphrodite being a female.

If there is a male and a female or a male and an eunuch with the Imaam, he should make the male stand on his right and he should make the female or the eunuch stand behind him.

If there are two males and a female or an eunuch with the Imaam, he should make the two males stand behind him and the female or eunuch stand behind the two males.

If there are many males, females, children, and eunuchs with the Imaam and they intend to form rows for jamaa'at, the rows of the males should be

closest to the Imaam, then the rows of children, then the rows of eunuchs, then the rows of females and then the rows of girls who are close to puberty should be formed. The same order should be maintained if the janaazah of a male, female, boy, eunuch, female, and a girl who is close to puberty are together at one place and the same order should be maintained if these people are martyred and buried in one grave due to a necessity.<sup>1</sup>

In كتاب الفقه “Kitabul Fiqhi” it is mentioned that it is appropriate for the Imaam to stand in the middle of the people and if he stands on the right of left, he will be sinful due to abandoning a sunnat.<sup>2</sup>

### **THE MOST VIRTUOUS PLACE FOR A MUQTADI**

If the muqtadi is a male, he should stand as close as possible to the Imaam because Nabi ﷺ has said that the best row of the males is the first row and the worst row of the males is the last row.<sup>3</sup>

If all the places in terms of being close to the Imaam are equal, he should stand on the right of the Imaam because Nabi ﷺ used to prefer the right in good matters.<sup>4</sup>

When the muqtadis stand in the row, they should stand straight and stand shoulder to shoulder because in a hadeeth it is mentioned that Rasulullaah

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<sup>1</sup>بدائع الصنائع ج 1 ص 392

<sup>2</sup>كتاب الفقه ج 1 ص 383

<sup>3</sup>مسلم ج 1 حديث 326

<sup>4</sup>مسند احمد ج 6 حديث 94، بخارى حديث 5380



ﷺ said, "Straighten the rows and stand shoulder to shoulder."<sup>1</sup>

### **A FEMALE SHOULD NOT GO FORWARD TO FILL A GAP**

It is appropriate for the most virtuous of the people to stand in the first row so that they can fulfill the responsibility of Imaamat in the situation of the Imaam's wudhu becoming nullified. The first row is more virtuous than the second row and the second row is more virtuous than the third row and so on until the last row. If there is a gap in a row, then the person who desires to fill that gap should be eligible to stand in that row. Hence, in order to fill a gap in a row, it is not permissible for a woman to go further than the place on which she is permitted to stand according to shari'at because she is not eligible to stand in that row.

However, boys are on the same level of males when a row is incomplete. Therefore, it will be better for them to complete a row if there are no other males to complete the row. Imaam Ahmed, Imaam Shaafi'ee, and Imaam Maalik are unanimous with regards to this.

However, the Ahnaaf disagree and state that if there is only one boy among the people, he should be joined to the row of males and if there are more than one boy, they should be made to stand in a

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<sup>1</sup>بدائع الصنائع ج 1 ص 393

separate row and a row of the males should not be completed by them.

### **THE ROW SHOULD BE RECTIFIED BEFORE SALAAH**

When the people stand up for salaah, it is appropriate for them to straighten the rows, fill the gaps and stand shoulder to shoulder. When anyone comes for salaah and find the Imaam in rukoo and there is a gap in the end of a row, he should not recite takbeer e tahreemah while he is out of the row. Rather, he should fill the gap and then recite takbeer e tahreemah even if he misses the rakaat in doing so and it is makrooh for him to recite takbeer e tahreemah out of the row.

Similarly, if there is a gap in the other rows, he should fill it and then commence the salaah otherwise it will be makrooh. If there is no gap in any of the rows, he should commence his salaah behind the last row and if there is no fear of amal e katheer (the occurrence of an action excessively), he should pull back one person from the row in front so that this will become a new row. If there is fear of amal e katheer, he should not do this. If he performs salaah alone behind the row, it will be makrooh.

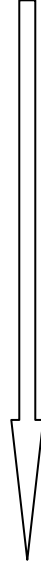
When a muqtadi is in salaah and he notices a gap in front of him, it will be better for him to walk to the extent of one row to fill the gap. If the muqtadi is in the second row and he notices a gap in the first row, it will be permissible for him to fill it.

However, if he is in the third row and he notices a gap in the first row, he should not walk to fill it. If he does walk, his salaah will become nullified because this is **amal e katheer and amal e katheer nullifies the salaah.**<sup>1</sup>

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<sup>1</sup>كتاب الفقه ج 1 ص 383

## **CHAPTER EIGHT**



### **THE RULING OF APPOINTING A DEPUTY IN SALAAH**

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#### **THE DEFINITION OF APPOINTING A DEPUTY IN SALAAH AND THE WISDOM OF ITS PERMISSIBILITY**

In the terminology of the fuqahaa, appointing a deputy in salaah implies that the Imaam or a muqtadi appoint an appropriate person as the deputy of the Imaam due to the reasons mentioned further on so that this deputy can complete the salaah in place of the Imaam. E.g. if the Imaam performs one or two rakaats or less than this or more than this and then such an excuse arises that prevents him from completing the salaah, e.g. he suddenly becomes sick or his wudhu becomes nullified or any other thing that prevents him from continuing the salaah occurs, then in such a situation it will be correct for the Imaam to appoint one of the muqtadis as the Imaam so that he may complete leading the salaah for the rest of the muqtadis.

If the Imaam does not do it, then the muqtadis should select someone among them and appoint him as the deputy of the Imaam without speaking and turning away from the qiblah.

One may object by asking why should this be done and logically it is easier for the salaah to become nullified and some other appropriate person

to lead the salaah when any excuse arises during salaah. The answer to this will be that salaah holds great importance in the shari'at. Hence, when one commences salaah and stands to converse with his Rabb with humbleness and humility, he should protect this position until he completes the salaah. Therefore, if he forgets something in salaah, he should perform it and perform sajdah sahw and the object is only to ensure that the salaah is performed in a perfect manner after commencing it.

Since it is from those actions that are incumbent according to the shari'at, it is not appropriate for any type of negligence and deficiency to occur in it.

### **THE REASONS FOR APPOINTING SOMEONE AS A DEPUTY OF THE IMAAM**

The reasons for appointing someone as the deputy of the Imaam in salaah are as follows:

If the Imaam's wudhu unintentionally becomes nullified. E.g. if blood flows from his body or he passes wind, or some impurity emerges from his body while leading the people in salaah.

However, if such hadath occurs that prevents the salaah from continuing or the Imaam's satr becomes revealed etc. for the duration of one rukn of salaah, the salaah of the Imaam and the muqtadi will become nullified and it will not be correct to appoint a deputy in such a situation. E.g. if the Imaam laughs loudly, becomes insane, becomes unconscious etc, it will not be permissible to appoint a deputy.

However, if the Imaam is unable to recite the necessary amount of qiraa'at, it will be permissible to appoint a deputy.

If due to the blockage of urine and stool, the Imaam is unable to perform rukoo and sajdah, he should not appoint a deputy because it is possible for him to perform salaah while sitting and the muqtadis can perform salaah while standing behind him in that condition. This is the opinion of Imaam Abu Hanifah.

When there is fear of some harm or loss of wealth, the Imaam should not appoint a deputy. Rather, he should break the salaah and the muqtadis will have to begin the salaah all over again.<sup>1</sup>

### **THE RULING OF APPOINTING A DEPUTY IN SALAAH**

It is appropriate to appoint a deputy to complete the salaah. Therefore, if the Imaam or muqtadis do not appoint any deputy and none of them go forward as the deputy, the salaah will become nullified and they will be doing something that is contrary to that which is preferable by repeating the salaah. However, the condition is that there is enough time to perform the salaah again. If there is not enough time, it will be waajib to appoint a deputy. According to the fuqahaa, this mas'alah does not differ for Jumu'ah salaah etc.

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<sup>1</sup>كتاب الفقه ج 1 ص 394

If the Imaam appoints someone as the deputy and the muqtadis appoint someone else as the deputy, salaah will be correct behind the deputy appointed by the Imaam.

If one of the muqtadis goes forward without being appointed as the deputy and completes leading the people in salaah, it will be permissible. However, if the Imaam and the muqtadis do not appoint any deputy and neither does anyone go forward without being appointed as the deputy and the people complete their salaah on their own, everyone's salaah will be null and void.<sup>1</sup>

### **THE CONDITIONS FOR THE VALIDITY OF APPOINTING A DEPUTY**

**There are three conditions for the validity of appointing a deputy:**

#### **THE FIRST CONDITION**

Before appointing the deputy, the Imaam should not leave the Masjid in which he is leading the salaah. If he leaves the Masjid, it will not be correct for him and neither for the muqtads to appoint a deputy because he leaving the Masjid will nullify everyone's salaah.

#### **THE SECOND CONDITION**

The deputy should be eligible to perform Imaamat. If one who is ignorant and cannot recite

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<sup>1</sup>كتاب الفقه ج 1 ص 395



qiraa'at or an immature child is appointed as the deputy, everyone's salaah will become nullified.

The manner of appointing a deputy is that the Imaam should place his hand on his nose and go back while bending down as if his nose is bleeding profusely. Although this is contrary to reality, the wisdom in it is that the order and arrangement and general etiquettes of salaah are protected.

### **THE THIRD CONDITION**

The conditions of performing 'binaa' upon the salaah that is being performed should be found completely. If these conditions are not found, the salaah will become nullified and it will not be correct to appoint a deputy.

**There are eleven conditions for performing binaa upon salaah:**

- (1) The hadath should occur unintentionally.
- (2) The hadath should be from one's body. If any impurity that prevents the validity of salaah is found, it will not be permissible for one to perform binaa.
- (3) The hadath should be such that it does not result in ghusl becoming waajib such as ejaculating due to one's thoughts.
- (4) The hadath should not be rare such as laughing aloud, unconsciousness and insanity.
- (5) The Imaam should not perform any rukn with the hadath and neither should he walk with the hadath.

(6) One should not do anything that is contrary to salaah such as purposely allowing hadath to occur after it occurs unintentionally.

(7) One should not do any unnecessary thing such as going far for water despite water being present near.

(8) Without an excuse, one should not wait for the duration of a rukn.

(9) It should not be apparent that one was in the state of hadath before commencing the salaah.

(10) If one is a saahib e tarteeb (one upon whom observing the correct order of salaahs is incumbent), he should not recall having any outstanding salaah.

(11) The muqtadi should not complete the salaah on another place. If the Imaam or muqtadi breaks his wudhu, it is necessary for him to return after performing wudhu and perform salaah with the Imaam. If one is a munfarid, he will have a choice to complete his salaah in that place or in another place.<sup>1</sup>

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<sup>1</sup>كتاب الفقه ج 1 ص 397

## **CHAPTER NINE**



## **SAJDAH SAHW**

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### **SAJDAH SAHW**

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#### **THE MEANING OF SAJDAH SAHW IN ARABIC**

In Arabic, sajdah is used for any form of humbling oneself whether it is by placing one's forehead on the ground or by any other indication of humbling oneself such as obedience and submission.

Sahw in Arabic means to forgetfully leave out something. When سها فلان "Saha Fulanun" is said, it means that so and so forgetfully left out something. However, when سها عن كذا "Saha An Kaza" is said, it means that one intentionally left out something. Hence, literally, there is a difference between سها فلان "Saha Fulanun" and سها عن كذا "Saha An Kaza"

#### **LITERALLY, THERE IS NO DIFFERENCE BETWEEN نسيان "NISYAN" AND سهو "SAHW"**

However, there is no difference between نسيان "Nisyan" and سهو "Sahw". The fuqahaa do not differentiate between نسيان "Nisyan" سهو "Sahw" and شك "Shak". According to them, نسيان "Nisyan" سهو "Sahw" and شك "Shak" are all used for the same meaning. However, they differentiate between ظن "Zann" and these three words. They say that ظن "Zann" is having an inclination towards one side. Hence, when one has an inclination towards something, it will; be said that he has ظن "Zann". On the contrary, سهو "Sahw" نسيان

“Nisyan” and شك “Shak” are used when one does not have any inclination to one side.

### **THE MEANING OF SAJDAH SAHW IN THE TERMINOLOGY OF THE FUQAHA**

In the terminology of the fuqahaa, the meaning, place and intention of sajdah sahw is as follows:

"The ulamaa of the Ahnaaf say that sajdah sahw refers to this, that the person who is performing salaah performs salaam to the right hand side only and then he performs two sajdahs and recites tashahhud after the two sajdahs and after reciting tashahhud, he perform salaam. If he does not recite tashahhud, he will be omitting a waajib. However, his salaah will be correct. After the tashahhud of sajdah sahw, it is necessary to perform salaam.

If he does not perform salaam, he will be omitting a waajib. The first salaam due to which salaah ends will not be sufficient because the sajdah sahw ends it just as how the last tashahhud before salaam ends. However, one should recite du'aa and durood shareef in the last tashahhud before salaam and according to the preferred view, he should not recite both of this at the time of sajdah sahw.

Some scholars have stated that as a precautionary measure he should also recite durood shareef and du'aa at the time of sajdah sahw.

He should perform salaam only to the right and perform sajdah sahw. According to the correct view, by performing salaam to both sides, sajdah sahw falls away. If one intentionally does this, he

will be sinful due to omitting a waajib and if he forgetfully performs salaam to both sides, sajdah sahw will no longer remain waajib upon him and he will not be sinful and he will not have to perform the sajdah sahw because forgetting the sajdah sahw causes it to no longer remain waajib.

Similarly, if he one intentionally or unintentionally does any such thing in salaah that prevents the validity of salaah, then too sajdah sahw will fall away. If one intentionally omits a waajib, rukn etc., of salaah, sajdah sahw will not be waajib because due to intentionally omitting a waajib of salaah, salaah will be correct and one will be sinful and sajdah sahw will not be waajib.

And if one intentionally omits a rukn, the salaah will become nullified and sajdah sahw will not make amends for the deficiency. **Therefore, according to the Ahnaaf, sajdah sahw becomes waajib only due to forgetting and sajdah sahw will not be performed due to intentionally omitting a waajib or a rukn.**

### **THE INTENTION OF SAJDAH SAHW**

Is it necessary to make intention for sajdah sahw. There is a difference of opinion among the fuqahaa with regards to this. Some state that intention is not necessary for sajdah sahw because sajdah sahw is stipulated in the shari'at in order to fulfill the deficiency that is found in fulfilling a waajib of salaah and it is not necessary to make

intention for every part of salaah. Hence, it will also not be necessary to make intention of sajdah sahw.

Others say that intention is necessary because it is also salaah and salaah is not correct without intention. Hence, just as how intention is necessary for sajdah tilaawat and sajdah shukr, similarly intention is also necessary for sajdah sahw because all of these are like salaah. So just as how intention has to be made for salaah, it will be necessary also for these types of sajdahs. This second view is clearer and there is more precaution found in practicing upon it.<sup>1</sup>

### **THE REASONS FOR SAJD AH SAHW**

The following are the reasons for sajdah sahw becoming waajib according to shari'at:

#### **THE FIRST REASON**

**To add or miss one rakaat or more.** An example of adding a rakaat is if one performs four rakaats of Dhuhr salaah and then stands up for the fifth rakaat and after lifting up his head from rukoo, he becomes aware of the fact that this is his fifth rakaat, he should end the salaah by performing salaam before sitting down and it will be preferable and better for him to sit and then perform salaam. However, in both of the above-mentioned conditions, it will be necessary for him to perform sajdah sahw. An example of missing a rakaat is if

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<sup>1</sup>كتاب الفقه ج 1 ص 399

one becomes convinced that he performed only three rakaats of Dhuhar salaah after he sits, it will be necessary for him to stand up for the fourth rakaat and thereafter recite tashahhud and durood shareef and then perform sajdah sahw in the manner that was mentioned before. However, when one has doubt in salaah with regards to how many rakaats he has performed, one will find himself in one of two conditions: either he sometimes experiences doubt but it is not his habit or he is habitual of experiencing doubt. If he very rarely experiences doubt and he is not habitual of experiencing doubt, he should nullify his salaah and perform it all over again. It will be necessary for him to nullify it with an action that is contrary to salaah and it will not be sufficient for him to nullify it just by an intention. It is known that it is waajib to nullify the salaah with the word of salaam. In this situation, it will be necessary for him to sit and then perform salaam.

If he performs salaam while standing, it will be correct but he will be doing that which is not preferable. If he is habitual of experiencing doubt in salaah, he should not nullify his salaah but he should practice upon the thought towards which is more inclined. E.g. if while performing Dhuhur salaah, one experiences doubt in the third rakaat with regards to whether he performed three rakaats or four rakaats, he should consider the thought towards which he is more inclined.

If he is more inclined towards the thought that he is in his fourth rakaat, it will be waajib upon him



to sit, recite tashahhud and durood shareef, and thereafter perform salaam and sajdah sahw. And if he is more inclined towards the thought that he is in his third rakaat, it will be waajib upon him to complete his fourth rakaat and similarly to recite tashahhud and durood shareef and after salaam, to perform sajdah sahw in the manner mentioned before. The above-mentioned ruling applies when one is performing salaah alone.

However, when one is the Imaam and he experiences doubt and a muqtadi convinces him that he has performed one rakaat less or more, it will be necessary upon him to practice upon the opinion of the muqtadi.

If there is a difference of opinion between the Imaam and the muqtadi and all the muqtadis are unanimous that the Imaam has performed three rakaats whereas the Imaam claims that he is convinced that he has performed four rakaats, then he will consider that in which he has conviction and he will not repeat the salaah.

However, if one of the muqtadis or more than one hold the same opinion as the Imaam, the view of the Imaam will be considered.

If the Imaam has doubt and some muqtadis are convinced of salaah being completed while others have doubt, it will be necessary upon those who have doubt to repeat their salaah.

However, if the Imaam has doubt of salaah not being complete, it will be necessary for everyone to repeat the salaah. Yes, if everyone is convinced of

salaah being complete, it will not be necessary for them to repeat the salaah.

If one of the muqtadis is convinced about the salaah not being complete while the Imaam and the rest of the people have doubt, it will be preferable and better to repeat the salaah as a precautionary measure if there is enough time. If there is not enough time, they should not repeat the salaah. This ruling applies when a righteous person informs them.

If someone else apart from the muqtadis informs them after salaah that only three rakaats of Dhuhr salaah was performed and there is doubt with regards to whether he is speaking the truth or not, the salaah should be repeated as a precautionary measure. If two righteous people say that only three rakaats were performed, their view will be considered and the doubt will not be considered.

However, if the person who gives the information is not righteous, his information will not be accepted.

If there is doubt with regards to the intention or takbeer e tahreemah or while performing salaah one doubts with regards to whether hadath occurred or impurity is on him and this is the first time he is experiencing the doubt, it will be necessary for him to nullify the salaah, remove the doubt and repeat the salaah.

However, if he is habitual of experiencing this doubt, he should not worry about it and he should complete his salaah.

If doubt occurs after salaah, it will not cause any harm.

### **THE SECOND REASON**

**Forgetting about qa'dah akheerah which is fardh and standing up.** The ruling of such a situation is that one should return from qiyaam and sit for the duration of tashahhud, perform salaam and then perform sajdah sahw because this is qa'dah akheerah and it is fardh. If one continues his salaah and performs sajdah before sitting, his salaah from lifting up his head from sajdah will become nafl and he should add a sixth rakaat to it. If this occurs in Asr salaah, one should not perform sajdah sahw according to the correct view because by the salaah changing to nafl, sajdah sahw no longer remains waajib. On the other hand, if the salaah is a nafl salaah, one will have to perform sajdah sahw.

And it will be necessary in every condition to repeat that fardh salaah which became nafl.

### **THE THIRD REASON**

**Forgetting about qa'dah ulaa which is waajib and not fardh.** If in a fardh salaah, one forgets about qa'dah ulaa, i.e. in the second rakaat, he stands up instead of sitting, his salaah will be correct and sajdah sahw will not be waajib upon him if he recalls before standing up and he sits down. If he recalls after standing up straight, he should not return for tashahhud. If he does return, his salaah will become nullified according to some scholars

because sitting for the first tashahhud is not fardh and qiyaam is fardh.

Hence, one will be engaged in nafl and omitting a fardh for something that is not fardh which nullifies the salaah.

However, the actual ruling is that one's salaah will not become nullified by doing this because he is not omitting qiyaam which is fardh but he is merely delaying it.

An example of this is if one forgets to recite a surah and performs rukoo, his rukoo will become nullified and he will return to qiyaam and recite a surah and his salaah will be correct and sajdah sahw will be waajib upon him due to delaying a rukn or a fardh. This ruling applies when one is a munfarid or the Imaam.

However, if one is a muqtadi and he stands up while the Imaam sits for tashahhud, it will be waajib upon him to also sit because sitting is necessary upon him due to following the Imaam.

#### **THE FOURTH REASON**

**Performing a rukn before another rukn or performing a rukn before a waajib.** An example of the first situation is to perform rukoo before fardh qiraa'at. I.e. one performs takbeer e tahreemah, recites Thanaa, and thereafter forgetfully performs rukoo before qiraa'at. When he realizes he has done this, it will be necessary for him to return to qiyaam and recite qiraa'at and thereafter to repeat the rukoo and to perform sajdah sahw in the manner

mentioned before. If he does not realize while he is in rukoo, that rakaat will be regarded as void and it will be waajib upon him to add one more rakaat before salaam and to perform sajdah sahw after salaam.

An example of the second situation is if one performs rukoo before reciting qiraa'at of a surah. The above-mentioned ruling will apply. I.e. if he recalls while he is in rukoo, he should lift up his head from rukoo, recite a surah, and perform rukoo again. And if he does not recall while he is in rukoo, he should perform sajdah sahw after salaam.

### **THE FIFTH REASON**

#### **To omit any of the following eleven waajibaat:**

(1) Reciting Surah Faatihah. If one omits the entire Surah Faatihah or most of it in any of the first two rakaats, sajdah sahw will be waajib. If one omits less than most of it, sajdah sahw will not be waajib **because the ruling that applies to the entire thing also applies to majority of the thing.** There is no difference in this ruling for the Imaam and the muqtadi.

Likewise, if one omits the entire Surah Faatihah or most of it in any of the rakaats of nafl salaah or Witr salaah, sajdah sahw will be waajib.

(2) To join a surah or three short verses or one long verse that equals to three short verses with Surah Faatihah. If one does not recite anything or one recites a short verse, sajdah sahw will be waajib upon him.

If one recites two short verses, he should not perform sajdah sahw because the ruling of the entire thing applies to majority of the thing.

If one forgets to recite Surah Faatihah or a surah and performs rukoo and then remembers, he should return and recite the surah that he forgot to recite and if he had forgotten to recite Surah Faatihah, he should repeat the surah after reciting Surah Faatihah. Thereafter, he should repeat the rukoo and he should perform sajdah sahw.

If one forgets to recite du'aa e qunoot in Witr salaah and he bends down for rukoo and thereafter recalls, he should not return for reciting du'aa e qunoot. However, sajdah sahw will also be waajib upon him. If he does return for reciting du'aa e qunoot, the rukoo will not be rejected and sajdah sahw will also be waajib upon him.

If one forgetfully recites Surah Faatihah twice, sajdah sahw will also be waajib upon him because he has delayed the surah that has to be recited after Surah Faatihah.

If one recites the surahs after Surah Faatihah in the incorrect order, e.g. if one recites Surah Duha in the first rakaat and he recites Surah A'la in the second rakaat, sajdah sahw will not be waajib upon him **because observing the correct order in surahs is from the waajibaat of the order of the Qur'aan and not from the waajibaat of salaah.**

Similarly, if one delays rukoo from the ending of the surah by remaining quiet before performing rukoo,

sajdah sahw will also not be waajib upon him. This happens often when a Shaafi'ee is the Imaam.

(3) To specify the qiraa'at in the first two rakaats of fardh salaah. If one recites qiraa'at only in the last two rakaats or one recites qiraa'at in the second and third rakaat, sajdah sahw will be waajib upon him. However, nafl and Witr salaah are contrary to this.

(4) To observe the correct order in that action which is repeated in a rakaat, i.e. in sajdah. If one forgetfully performs one sajdah and then stands up for the second rakaat and then performs the two sajdahs of the second rakaat and also adds the sajdah that he forgot in the first rakaat, his salaah will be correct and sajdah sahw will be waajib upon him because he has omitted a waajib, i.e. observing the correct order.

However, it will not be necessary upon him to repeat the first sajdah.

As far as not observing the correct order in those actions that are not repeated in a rakaat is concerned such as performing takbeer e tahreemah and then commencing salaah and then performing rukoo and then lifting up one's head from rukoo and reciting Surah Faatihah and a surah, his rukoo will be regarded as void and it will be necessary upon him to perform rukoo again after qiraa'at and he should perform sajdah sahw due to the addition of the first rukoo.

(5) Having composure in rukoo and sajdah. If one forgetfully omits this composure, sajdah will be waajib upon him and this is the correct view.

(6) Qa'dah Ula whether it is in a fardh salaah or a nafl salaah. Qa'dah Ahkeerah is fardh. Hence, if one omits qa'dah ula and stands up completely for the third rakaat, he should continue his salaah and perform sajdah sahw afterwards because because he has omitted qa'dah which is waajib.

(7) Reciting tashahhud. If one forgetfully omits it, he should perform sajdah sahw. Whether he omits it in qa'dah ula or qa'dah akheerah, the ruling is the same, i.e. he should perform sajdah sahw.

(8) Reciting du'aa e qunoot in Witr. Hence, if one does not recite it and omits it before rukoo, sajdah sahw will be waajib upon him.

(9) To recite takbeer for reciting du'aa e qunoot. Hence, if one forgetfully omits it, sajdah sahw will be necessary upon him.

(10) Reciting takbeer for the rukoo of the second rakaat of Eid salaah. Sajdah sahw will be waajib due to omitting it because it is waajib contrary to takbee e tahreemah.

(11) For the Imaam to recite qiraa'at softly in those salaahs in which qiraa'at has to be recited softly and to recite qiraa'at loudly in those salaahs in which the qiraa'at has to be recited loudly. Due to omitting this, sajdah sahw will be waajib. This ruling does not apply for du'aa, thanaa etc. because if one recites any of these loudly, he should not perform sajdah sahw.



**There is no difference for a fardh and nafl salaah with regards to the details that are mentioned above.<sup>1</sup>**

### **THE RULING OF SAJDAH SAHW**

According to the correct view, sajdah sahw is waajib. Due to omitting it, one will be sinful. However, his salaah will not be null and void. It will be waajib when the time is correct for salaah. Hence, if immediately after completing Fajr salaah, the sun rises whereas sajdah sahw is waajib upon one, sajdah sahw will no longer remain waajib upon him because time does not remain for salaah. Similarly, if before sunset, the sun changes into redness whereas one is still in Asr salaah.

If after salaam, one commits such an action that is contrary of salaah, e.g. intentionally nullifying one's wudhu, speaking and leaving the Masjid after salaam due to which one cannot make 'binaa', sajdah sahw will no longer remain waajib. However, when sajdah sahw no longer remains waajib due to one committing an action contrary to salaah, it will be waajib upon him to repeat the salaah.

Sajdah sahw becomes waajib upon an Imaam and a munfarid. However, sajdah sahw will not be waajib upon a muqtadi when he commits something that necessitates sajdah sahw while following the Imaam. If the Imaam commits something that necessitates sajdah sahw, it will be necessary upon

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<sup>1</sup>كتاب الفقه ج 1 ص 403

the muqtadito follow the Imaam in performing sajdah sahw when the Imaam performs sajdah whether the muqtadi is a **mudrik (one who does not miss any rakaat)** or a masbooq. If the Imaam does not perform sajdah sahw, it will no longer remain waajib upon the muqtadi and it will not be waajib to repeat the salaah.

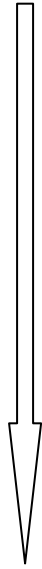
However, if the Imaam omits it by intentionally committing something that is contrary to salaah, it will be waajib upon the muqtadi to repeat the salaah just as how it will be waajib upon the Imaam to repeat the salaah.

**It is preferable to omit sajdah sahw in Jumuah salaah and Eid salaah when there is a huge crowd so that the muqtadis do not get confused.<sup>1</sup>**

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<sup>1</sup>كتاب الفقه ج 1 ص 409

## **CHAPTER TEN**



**MISCELLANEOUS MASAA'IL**

## CHAPTER TEN

### MISCELLANEOUS MASAA'IL

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#### THE LAWS PERTAINING TO A MUDRIK AND A LAAHIQ

A mudrik is one who performs the entire salaah with the Imaam and **a laahiq is one who after following the Imaam**, misses all the rakaats or some of the rakaats due to an excuse such as one's wudhu becoming nullified, a huge crowd, Salaatul Khauf or one is a muqem who is following a musaafir or one misses all the rakaats or some of the rakaats after following the Imaam without any excuse in this manner that one precedes the Imaam in rukoo or sajdah due to which he will have to perform qadhaa of one rakaat.

The ruling of a laahiq is that he would be like a normal muqtadi, i.e. he will not recite qiraa'at or perform sajdah sahw, and his fardh will not change with the intention of becoming a muqem. Unlike a masbooq, a laahiq will commence with completing the rakaats that he missed and thereafter if there is a possibility of joining the Imaam, he will follow the Imaam otherwise not.

If one sleeps in a rakaat, he should complete it without qiraa'at and thereafter he should perform the rakaats that he missed if he is also a masbooq. If he does it contrary to this, it will be correct. However, he will be sinful due to omitting the correct order.

### THE RULINGS OF A MASBOOQ

**A masboq refers to one who follows the Imaam and joins the jamaa'at after the Imaam has performed all the rakaats or some rakaats.** The ruling that applies to him is like the ruling that applies to a munfarid. Hence, he will recite Thanaa, ta'awwudh, and qiraa'at. Even if he recites qiraa'at with the Imaam, it will not be counted because it is makrooh to do that.

**However, he is like a muqtadi in four rulings:**

(1) It is not permissible to follow him in salaah.

(2) All the fuqahaa agree that he should recite the takbeeraat of tashreeq.

(3) If he recites takbeer with the intention of commencing his salaah again and nullifies his salaah, he will be in the ruling of one who is performing salaah from the beginning and nullifying his first salaah.

(4) If he stands up to complete the rakaats which he missed whereas a sajdah sahw is waajib upon the Imaam, it will be necessary for him to return and join the Imaam. If he does not, it will be necessary for him to perform sajdah sahw at the end of salaah.<sup>1</sup>

**In short, there are four types of muqtadis:**

(1) A mudrik.

(2) A laahiq.

(3) A masboq.

(4) One who is a laahiq and a masboq.

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<sup>1</sup>در مختار ج 1 ص 402

## **THE DIFFERENCE BETWEEN A LAAHIQ AND A MASBOOQ**

As far as a mudrik is concerned, he cannot be a laahiq and a masbooq. This view is based on a mudrik being defined as one who performs the entire salaah with the Imaam, whether he follows the Imaam from takbeer e tahreemah or from the rukoo of the first rakaat, until he sits in qa'dah akheerah with the Imaam, whether he performs salaam with the Imaam or before the Imaam.

However, in النهرفائفق "Al-Nahrul Faique" it is narrated that according to the definition of a mudrik, a mudrik is one who joins the salaah at the beginning. Hence, he can also be a laahiq. Based on this, it is said that a muqtadi will either be a mudrik or a masbooq and each of the two can either be a laahiq or not. It should be remembered that this difference between a laahiq and a mudrik is with regards to the technical definition because there is no difference between the two as far as the literal meaning is concerned.<sup>1</sup>

## **ERRING IN QIRAA'AT**

This is based on principles in which there is a difference of opinion. One should not think that this is not based on any principles. In fact, if one learns these principles, he will know that every branch is based on and extracted from a principle and he will be able to extract those branches that are not mentioned here.

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<sup>1</sup>درمختار ج 1 ص 402، تلخیص

One can err in the a'raab (punctuation). I.e. in the haraakaat and sukoon. Omitting a tashdeed and omitting a madd or adding a tashdeed or adding a madd is also included in this.

Or one can err in the letters such as reciting one letter in place of another letter, adding a letter, omitting a letter, or not observing the correct order of the letters of a word.

According to the latter scholars, the principle is that if one makes such a mistake that changes the meaning in such a manner that to belief it is kufr, the salaah will become nullified in all instances whether it is in the Qur'aan or not.

However, when the changing of the sentence can be distinguished due to complete waqf and even if it is not such a change in the meaning and it is not found in the Qur'aan and the meaning is far from the actual meaning and it changes dramatically, then too the salaah will become nullified such as reciting هَذَا الغُبارُ "Hazal Ghubaru" instead of هَذَا الغُرَابُ "Hazal Ghurabu" Similarly, when it is not found in the Qur'aan and is meaningless such as سرائل "Sarail" instead of سرائر "Sarair" and similarly if it is a sentence found in the Qur'aan and the meaning does not change dramatically, the salaah will become nullified according to Imaam Abu Hanifah and Imaam Muhammad and there is more precaution found in this view.

Some masha'ikh state that the salaah will not become nullified due to the general public being

involved in this to a great extent and this is also the view of Imaam Abu Yusuf.

If it is not found in the Qur'aan but the meaning does not change such as reciting قيامين "Qayyameena" instead of قوامين "Qawwameena" the opposite difference of opinion applies.

When the meaning does not change dramatically, salaah will not become nullified if the word is found in the Qur'aan and this is the view of Imaam Abu Yusuf. Imaam Abu Hanifah and Imaam Muhammad state that if there is conformity in the meaning, the salaah will not become nullified.

### **ERRING IN THE E'RAAB WILL NOT CAUSE THE SALAAH TO BECOME NULLIFIED**

The latter ulamaa such as Ibn Muqaatil, Ibn Salaam, Ismaa'eel Zaahidi, Abu Bakr Balkhi, Ibn Fadhl, Hindwaani, and Halwaani are unanimous that erring in the e'raab will not cause salaah to become nullified in all instances even though believing in what is recited is Kufr because most people cannot differentiate between the different e'raab.

Qaadhi Khan has mentioned that there is more vastness found in the view of the latter scholars and there is more precaution found in the view of the former scholars.

If the mistake is due to changing one letter into another letter and it is possible to differentiate between the two without difficulty, everyone agrees that salaah will become nullified. E.g. to recite ط in place of ص such as reciting طالحات "Talihat" instead



of صالحات “Salihat” And if it is possible to differentiate between the two with difficulty such as ض and ظ or س and ص, **most of the ulamaa state that salaah will not become nullified due to majority of the people being involved in it.**

And some have considered the difficulty and non-difficulty in differentiating between two letters and some have considered the two letters been from a close makhaarij and not been from close makhaarij. However, a mas'alah cannot be derived from any of these things. Hence, it will be better to practice upon the view of the former scholars because their principles are such that masaa'il can be derived from them and **there is more precaution found in their view.**<sup>1</sup>

#### **INTENTIONALLY ERRING NULLIFIES THE SALAH ACCORDING TO ALL THE FUQAHA**

In the footnotes of نور الايضاح “Nurul Ezah” it is stated that with regards to qiraa'at, the principle according to Imaam Abu Hanifah and Imaam Muhammad is that a mistake nullifies salaah whether the meaning changes dramatically or not and whether the word is found in the Qur'aan or not and Imaam Abu Yusuf states that if the word is found in the Qur'aan, the salaah will not become nullified in all instances whether there is a dramatic change in the meaning or not and if the word is not found in the

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<sup>1</sup>رد المحتار ج 1 ص 424

Qur'aan, the salaah will become nullified and the e'raab will not be considered.

This difference of opinion applies when the wrong word is recited due to a mistake and forgetting.

### **ERRING IN THE E'RAAB**

Omitting a tashdeed or reciting a tashdeed where it not supposed to be recited, reciting idghaam where there is no idghaam or omitting idghaam is also included in this. **If the meaning does not change due to it, the salaah will not become nullified according to all the fuqahaa.**

### **IF THE MEANING DOES NOT CHANGE, THE SALAAH WILL NOT BECOME NULLIFIED**

And if the meaning does change, then the salaah will become nullified according to Imaam Abu Hanifah and Imaam Muhammad whereas it will not become nullified based on the view of Imaam Abu Yusuf because he does not consider e'raab and the ruling is on this view. The latter fuqahaa (among whom Muhammad Bin Muqaatil, Muhammad Bin Salaam, Ismaa'eel Az Zaahid, Abu Bakr Sa'eed Balaji, Ibnul Fadhl, Hindwaani and Halwaani are included) are unanimous that in all circumstances the salaah will not become nullified due to a mistake in the e'raab even though believing what is recited is kufr because most people cannot differentiate **between the different e'raab and by making it necessary for them to recite the correct e'raab,**

**we will be putting then in difficulty whereas difficulty is removed according to the shari'at.**

In نوازل "Nawazil" it is mentioned that in no circumstance will it cause the salaah to become nullified and the ruling is also passed on this view. This view is appropriate when the mistake is due to not being aware or it is intentionally made and there is no major change in the meaning such as reciting الرحمن علي العرش استوى instead of a dhammah. However, if intentionally such a mistake is made due to which the meaning changes dramatically or which is a belief of Kufr, then the salaah should at least be nullified and the ruling is passed upon the view if Imaam Abu Yusuf.

As far as omitting a tashdeed is concerned, the latter fuqahaa state that it will not cause salaah to become nullified in any circumstance without any exception and this is the preferred view because omitting a madd, or a tashdeed is in the level of erring in the e'raab. The ruling of adding a tashdeed is the same as the ruling of omitting a tashdeed. Similarly, the same ruling applies to adding idghaam or omitting idghaam. The above-mentioned masaa'il are all of the same type.

**IF THERE IS A CHANGE IN THE MEANING,  
THE RULING IS THAT SALAAH WILL NOT  
BECOME NULLIFIED**

**Erring in waqf and starting:** If there is no change in the meaning, the former and latter

scholars are unanimous that the salaah will not become nullified. However, if the meaning changes, there is a difference of opinion and the ruling is that salaah will not become nullified in every condition. This is also the view of most of our latter fuqahaa because people and especially the general folk will be put in difficulty by paying consideration to waqf and wasl and difficulty has been removed. If one omits waqf in the entire Qur'aan, then too his salaah will not be nullified according to us.

As far as reciting some words part by part such as reciting ال and making waqf on the ل or ح or م when reciting الحمد or reciting العا و when العاديات و supposed to be recited and making waqf on the ع due to one losing his breath or forgetting and thereafter he completes the remaining of the word or moves on to another verse, most of the fuqahaa state that even if the meaning changes, the salaah will not become nullified due to the necessity and the general folk being involved in this to a great extent and this is the correct view.

### **IF THE WORD IS NOT A WORD FROM THE QUR'AAN, SALAAH WILL BECOME NULLIFIED**

If one letter is recited in place of another letter and the word is a word of the Qur'aan and the meaning does not change due to it, the salaah will not become nullified like to recite اِنَّ الظَّالِمُونَ "Innaz Zalimoon" with a dhammah on the و or to recite وَ الْاَرْضِ وَ مَا نَحَاها

“Walarza wama Dahahaa” in place of وَالْأَرْضِ وَمَاطِحَاهَا  
 “Walarza wama Tahahaa”.

If the word is not from the Qur'aan and the meaning does not change due to it, the salaah will be nullified according to Imaam Abu Yusuf whereas Imaam Abu Hanifah and Imaam Muhammad state that the salaah will not be nullified. E.g. to recite قِيَامِينَ بِالْقِسْطِ “Qayyameena Bil Qisti” instead of قَوْمِينَ بِالْقِسْطِ “Qawwameena Bil Qisti” or to recite دَوَّارًا “Dawwaraa” instead of دَيَّارًا “Dayyaraa”.

If the word is from the Qur'aan and the meaning changes, the opposite difference of opinion applies here. E.g. to recite وَأَنْتُمْ خَامُونَ “Wa antum Khamidoona” instead of وَأَنْتُمْ سَامُونَ “Wa antum Samidoona”.<sup>1</sup>

### THE MERCY OF ALLAAH BEGINS DESCENDING ON THE IMAAM

In a hadeeth, it is mentioned that Nabi ﷺ has said:

خَيْرُ بُقْعَةٍ فِي الْمَسْجِدِ خَلْفُ الْإِمَامِ ، وَإِنَّ الرَّحْمَةَ إِذَا نَزَلَتْ بَدَأَتْ بِالْإِمَامِ ثُمَّ  
 يُمْنُهُ ثُمَّ يُسْرَهُ ثُمَّ تَتَغَاصُّ الْمَسْجِدَ بِأَهْلِهِ

*"The best place in the Masjid is the place behind the Imaam for indeed when the Mercy of Allaah descends, it begins descending on the Imaam, then to his right, then to his left, and then it spreads over all the people in the Masjid."*<sup>2</sup>

<sup>1</sup>نورالايضاح باب زلة القارى ص 88  
<sup>2</sup>كنز العمال حديث 20519

## ONE SHOULD NOT RAISE OBJECTIONS AGAINST THE IMAAM AND NOT CRITICIZE HIM

Jaabir Bin Samurah رضي الله عنه has mentioned that the people of Kufah complained to Umar رضي الله عنه with regards to Sa'd Bin Waqqaas رضي الله عنه not leading them in salaah properly (I.e he performs the salaah very fast). When Umar asked him about it, he replied, "I lead them in salaah just as how Nabi ﷺ used to lead the people in salaah. In the first two rakaats, I recite a surah and in the last two rakaats, I do not recite a surah." Umar رضي الله عنه remarked, "This is what I thought about you (i.e. that you lead them in salaah according to the sunnat)."<sup>1</sup>

**Commentary:** Raising objections against one's elders and especially against those who are one's elders in terms of Deen is an extremely detested and disgraceful matter. It is a devilish act. If we raise objections against the righteous people, how will we benefit from them? It will result in us being independent of and displeased with deen. There is no room for raising objections against them and criticizing them. Yes, with respect, we may hold a different opinion than their opinion.<sup>2</sup>

## NOT HAVING AN IMAM IS A SIGN OF QIYAAMAT

If the general public does not value the a'immah and make them the target of criticism and objections,

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<sup>1</sup>مصنف ابن عبدالرزاق ص 261 ج 2

<sup>2</sup>شمانل كبرى ص 363 ج 2

it is very likely that the ulamaa will refrain from performing Imaamat and a suitable Imaam will not be found or Imaamat and in a hadeeth, it has been stated that this is a sign of Qiyaamat.

It is narrated from Sallaamah Bint Hur رضي الله عنها that Rasulullaah ﷺ said:

إِنَّ مِنْ أَشْرَاطِ السَّاعَةِ أَنْ يَتَدَافَعَ أَهْلُ الْمَسْجِدِ لَا يَجِدُونَ إِمَامًا يُصَلِّيُ بِهِمْ

*"One of the signs of Qiyaamat is that the people in the Masjid will fight and they will not find anyone to lead the salaah for them."*<sup>1</sup>

### THE IMAAM PLAYING WITH HIS GARMENT AND BEARD IN SALAAH

Some a'immah are seen to play with their clothes and beard in salaah whereas the following is mentioned in the hadeeth:

إِنَّ اللَّهَ كَرِهَ ثَلَاثًا: الْعَيْثُ فِي الصَّلَاةِ، وَالرَّفَثُ فِي الصِّيَامِ، وَالضَّحْكَ فِي الْمَقَابِرِ.

*"Allaah dislikes three things: playing in salaah, swearing while fasting and laughing in the cemetery."*<sup>2</sup>

### THE IMAAM LOOKING AROUND WHILE IN SALAAH

Some a'immah are also seen to look around. Being conscious of the following statement of Rasulullaah ﷺ will Insha Allaah and assist them in leaving out this evil habit:

Aa'ishah رضي الله عنها says, "I asked Rasulullaah ﷺ about looking around in salaah. He replied that it is attack of Shaytaan on the salaah of people.

<sup>1</sup> ابوداود ص 86

<sup>2</sup> شامى ص 599، ج 1 / فتاوى رحيمية ج 4 ص 374

Anas رضي الله عنه reports that Rasulullaah ﷺ told him, "Oh son! Beware of looking around in salaah. Looking around in salaah is destruction."

It is narrated from Jaabir رضي الله عنه that Rasulullaah ﷺ said, "When a person stands in salaah, Allaah تعالى turns His attention towards him. When he looks around, Allaah asks, 'O son of Adam! To whom are you turning your attention towards? Who is better than Me?' Whenever a person looks around, Allaah repeats this. When one does this for the third time, Allaah completely turns His attention away from him."<sup>1</sup>

It is narrated from Anas رضي الله عنه that Rasulullaah ﷺ said an angel announces that if one who is performing salaah knows Who he is conversing with, he will not look around.<sup>2</sup>

It is narrated from Abu Hurayrah رضي الله عنه that Rasulullaah ﷺ said, "When a person stands for salaah, he stands in front of Allaah and when he looks around, Allaah says, 'To whom are you turning your attention towards? Who is better than me? Turn your attention towards Me. O son of Adam! I am better than whom you are turning your attention towards.'"<sup>3</sup>

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<sup>1</sup>الترغيب و الترهيب ج 1 ص 209

<sup>2</sup>عمدة القارى ج 5 ص 311

<sup>3</sup>الترغيب و الترهيب ج 1 ص 209



**THE IMAAM RECITING QIRAA'AT SOFTLY  
IN A SALAAH IN WHICH THE QIRAA'AT  
SOULD BE RECITED LOUDLY**

By forgetfully reciting three verses softly in a salaah in which the qiraa'at supposed to be recited loudly, sajdah sahw becomes waajib.

Similarly, the same ruling applies to reciting the qiraa'at loudly in a salaah in which the qiraa'at supposed to be recited softly.

If one recites Surah Faatihah softly in a salaah in which it supposed to be recited loudly, he should recite it loudly and perform sajdah sahw. If he does not recite it loudly and only recites the surah loudly and performs sajdah sahw, then too the salaah will be correct.<sup>1</sup>

**AN IMAAM PERFORMING IMAAMAT  
IN TWO PLACES**

If there are two Imaams so that one Imaam leads some people in salaah and the other Imaam leads other people in the same salaah, it will be makrooh. If the purpose of keeping two Imaams is that one will sometimes lead the salaah and if there is a necessity, the other one will lead the salaah, it will be permissible.<sup>2</sup>

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<sup>1</sup>مسائل امامت ص 178

<sup>2</sup>مسائل امامت ص 50

### **IT IS NOT NECESSARY FOR THE MU'ADHIN TO STAND BEHIND THE IMAAM**

It is not necessary for the mu'adhin to stand behind the Imaam because it is not permissible for anyone to specify a place in the Masjid. If the mu'adhin desires to be close to the Imaam, he should come before the other people otherwise he should call out the iqaamat from wherever he gets a place. **There is no condition for the iqaamat to be called out from behind the Imaam or from the first row.**<sup>1</sup>

### **ONE'S GAZE FALLING ON SOME WRITING IN SALAAH**

If one's gaze falls on some writing while in salaah and he understands it, his salaah will not become nullified because this is not the action of the one performing salaah but he unintentionally understands it. Generally, one's gaze falls on writing and he understands it. Hence, the ulamaa say that such a thing should not be placed in front of one who is performing salaah **because it is necessary to refrain from doubtful things and according to the correct view, the salaah will be correct.**<sup>2</sup>

### **THE IMAAM WARNING THE MUQTADIS BEFORE SALAAH**

Before commencing the salaah, the Imaam should explain to the muqtadis that they should not perform any posture before him but they should let

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<sup>1</sup>مسائل امامت ص 160

<sup>2</sup>اشرف الايضاح شرح نور الايضاح ص 137

him perform the posture and then they should follow him because Allaah will become displeased and they will spoil their salaah if they perform any posture before him.

The Imaam should continuously advice and explain the muqtadis not to haste in rukoo, sajdah, and the other postures of salaah because the Imaam is in charge of them and the Imaam will be questioned about them.

The Imaam should also perform his salaah properly. If he is deficient in the salaah, then just as how the muqtadis will be punished for the sin, similarly the Imaam will be punished for spoiling the salaah of the people due to his faults and negligence.<sup>1</sup>

### **THE IMAAMAT OF THOSE WHO REFUTE THE HADEETH IS NOT CORRECT**

The Qaadi'aanis, who refute the hadeeth, are Kuffaar. It is not correct to perform salaah behind them. **The gair-muqallids whom you call Ahl e Hadeeth are not Ahl e Hadeeth in reality. It is makrooh to perform salaah behind them.** A Hanafi Imaam should be appointed as the Imaam. The Imaamat of the sect who refute the hadeeth is also not correct. The ulamaa have ruled that they are Kuffaar.<sup>2</sup>

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<sup>1</sup> غنية الطالبين ص 871

<sup>2</sup> فتاوى دارالعلوم ج 3 ص 174

### THE IMAAMAT OF ONE WHOSE WIFE DOES NOT OBSERVE PARDAH IS MAKROOH

If the Imaam's wife does not observe pardah according to the shari'at and he does not prevent her from being without pardah and he is pleased with her action and there is someone better than him, it will be makrooh to appoint him as the Imaam **because such a person is a faasiq according to the shari'at.** If he prevents her from not observing pardah and she does not listen, his Imaamat will not be makrooh.<sup>1</sup>

### THE IMAAM SHOULD ABSTAIN FROM UNLAWFUL SUSTENANCE

Ibn Abbas رضي الله عنه reports that Rasulullaah ﷺ said, "One angel of Allaah announces during the night at Bait ul Muqdas that no fardh or nafl of one who consumes haraam is accepted.

Abdullaah Bin Umar رضي الله عنه reports that Rasulullaah ﷺ said, "A person purchased a cloth for ten dirhams and from it nine dirhams was halaal and one dirham was haraam (ninety percent was halaal and ten percent was haraam), then no ibaadat of his will be accepted until that cloth is on his body.

After narrating this hadeeth, Abdullaah Bin Umar رضي الله عنه placed his two fingers in his ears and remarked:

صمّتا إن لم يكن النبي صلي الله عليه وسلم سمعته يقوله

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<sup>1</sup>فتاوى محمودية ج 7 ص 45

"May I be deaf if I did not hear Nabi ﷺ saying this."<sup>1</sup>

In one hadeeth, it is mentioned that Nabi ﷺ said the following:

يَأْتِي عَلَى النَّاسِ زَمَانٌ لَا يُبَالِي الْمَرْءُ مَا أَخَذَ مِنْهُ ، أَمِنَ الْحَلَالَ أَمْ مِنَ الْحَرَامِ

*"Such an era will dawn upon people that a person will not worry if he acquires wealth from lawful means or unlawful means."*<sup>2</sup>

### **BEFORE COMMENCING THE SALAAH, THE IMAAM SHOULD ANNOUNCE THAT CELLPHONES SHOULD BE SWITCHED OFF**

Before commencing the salaah, the a'immah should sometimes announce that cellphones should be switched off. Nowadays, the announcement of straightening the rows is made in many places whereas there is no necessity for it nowadays. During the era of Nabi ﷺ, there were now lines to mark the rows. Therefore, there was a necessity to make an effort for the rows to be straightened. Nowadays, there is a necessity of announcing that the cellphones should be switched off and the trousers should be kept above the ankles.

By pondering over the ahaadeeth, it is known that it was the blessed habit of Nabi ﷺ to make some announcement before and after salaah according to the necessity. E.g. before commencing salaah, he used to stress upon the straightening of the rows and

<sup>1</sup>رسائل المرغوب ج 1 ص 216

<sup>2</sup>مشكوة باب الكسب وطلب الحلال، كتاب البيوع

he never used to commence the salaah without the rows being straightened.<sup>1</sup>

**In a hadeeth of ابو داؤد “Abu Dawood” it is mentioned that Nabi ﷺ looked towards the right and told the people to stand straight and correct their rows. Then he looked towards the left and said the same thing.**

Similarly, while on journey, he used to announce the following after salaah:

يَا أَهْلَ الْبَلَدِ صَلُّوا أَرْبَعًا فَإِنَّا قَوْمٌ سَفَرٌ

*"O people of the city! Perform four rakaats. We are musaafireen."*<sup>2</sup>

### **THE IMAAM SHOULD ABSTAIN FROM PLAYING, WATCHING AND LISTENING TO THE COMMENTARY OF FRUITLESS SPORT**

The a'immah should also abstain from playing football etc. and watching and listening to the commentary of these games. Being engaged in these things is not appropriate for the position of Imaamat. In response to a question pertaining to this, Hadhrat Maulana Abdul Raheem Saheb Laachpori wrote the following:

"Hence. It is not befitting for one who has been appointed to the lofty position of Imaamat to become engaged in this type of bad and useless games, be interested in it and listen to the commentary of it. By doing so, one will be imitating those who are negligent of Allaah and the dignity of

<sup>1</sup>مشكوة ص 98 باب تسوية الصفوف

<sup>2</sup>ابوداؤد ص 180، باب متى يتم المسافر

the Imaam will decrease in the sight of people. If one intends to exercise and strengthen his body, other lawful means should be adopted. If one is so engrossed in cricket that his salaah becomes qadhaa and he misses jamaa'at, then such a game will be completely impermissible and a means of open sinning and it will be makrooh e tahreemi to appoint such a person as the Imaam:

وَفِيهِ إِشَارَةٌ إِلَى أَنَّهُمْ لَوْ قَدَّمُوا فَاسِقًا يَأْتُمُونَ، بِنَاءً عَلَى أَنَّ كَرَاهَةَ تَقْدِيمِهِ  
كَرَاهَةٌ تَحْرِيمٌ

*"In this, there is an indication towards the fact that if the people appoint a faasiq as the Imaam, they will be sinful based on the ruling that it is makrooh e tahreemi to appoint such a person."*<sup>1</sup>

### RECITING THE KALIMAH ON COMPLETING THE DU'AA

In some places, it is the practice to recite Kalimah Tayyibah when the hands are passed over the face after the completion of the du'aa. Is this proven in the shari'at?

In احسن الفتاوى "Ahsanul Fatawa", it is mentioned that apart from reciting durood shareef and 'Aameen', nothing else is proven to be recited at the end of du'aa.

Hence, the practice of reciting Kalimah Tayyibah when passing the hands over the face is bid'at just as how if after eating or reciting the Qur'aan, someone recites Kalimah Tayyibah instead

<sup>1</sup>كبيرى ص 479، فصل فى الامامة، فتاوى رحيمية ج 7 ص 278

of the du'aas that are narrated, everyone will regard this to be an addition to deen and a bid'at.<sup>1</sup>

### **FIFTEEN GUIDELINES FOR AN IMAAM**

In his renowned book المدخل “Al- madkhal” Ibn Ameer ul Hujjaaj writes the following:

(1) It is appropriate for the Imaam to perform Imaamat only for acquiring the pleasure of Allaah. He should not seek any praise. Worldly comfort; or distinguished position in lieu of Imaamat.

(2) If the people are unhappy (due to a shar'i excuse), he should stop performing Imaamat.

(3) It is appropriate for the Imaam to completely observe the times of salaah.

(4) It is appropriate for the Imaam to abstain from laughing and joking in abundance.

(5) The Imaam should abstain from strolling in the bazaar without a necessity, sitting in the streets and shops without a necessity and those things that are inappropriate for his position.

(6) The fear of Allaah should be present in the heart of the Imaam and he should also possess knowledge and compassion.

(7) It is also necessary that the Imaam does not regard himself to be more superior and better than the muqtadis and to possess the fear and consciousness of his responsibility.

(8) It is extremely necessary for the Imaam to abstain from bid'at.

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<sup>1</sup> احسن الفتاوى ج 1 ص 374



(9) It is appropriate for the Imaam to discourage the inscribing of Qur'aanic verses etc. on the building of the Masjid and mihrab and the walls of the qiblah.

(10) It is appropriate for the Imaam to prevent others from all types of evil according to his capacity. Although it is necessary upon everyone to prevent others from evil, there is more emphasis placed on the Imaam being responsible.

(11) It is appropriate for the Imaam's garment to be white because the virtue of it is proven in the shari'at.

(12) If the Imaam holds the staff for the khutbah, it is appropriate for him to hold it with his right hand.

(13) When the Imaam ascends the pulpit for delivering the khutbah, he should commence ascending with his right foot.

(14) It is appropriate for the Imaam not to recite the tasbeeh in rukoo and sajdah and the du'aas in and after salaah loudly. This is sunnat.

(15) It is appropriate for the Imaam to move from his place after completing the salaah. I.e. he should change his appearance so that one who comes for salaah does not have doubt with regards to whether the Imaam is still in salaah.

He should also move from his place to perform his sunan and nawaafil.<sup>1</sup>

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<sup>1</sup> المدخل ج 2 ص 374 - 384

## **A REQUEST TO THE A'IMMAH**

If the honorable a'immah do not understand any mas'alah from the masaa'il mentioned in this book or they encounter another mas'alah, they are requested to enquire about it from another aalim.

**Translated and Edited by  
A.H.Elias (Mufti)  
May Allaah be with him  
1436--2015**

### **ABOUT THE BOOK**

This book comprises of ten chapters in which the conditions and laws of Imaamat, who has the first right of Imaamat, taking remuneration for Imaamat, the morals and qualities of the Imaam, those people whose Imaamat is correct and those people whose Imaamat is incorrect, those people whom it is permissible to follow in salaah, those people whom it is not permissible to follow in salaah and those people whom it is makrooh to follow in salaah, a jamaa'at comprising of women only, the Imaamat of a female and a child, the actions of the Imaam and the muqtadi, the mas'alah of appointing a deputy, sajdah sahw and other important masaa'il are discussed.

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- (9) مسند امام احمد بن حنبل ابى عبد الله (المتوفى 231 هج)
- (10) مسند امام محمد بن ادريس شافعى (المتوفى 204 هج)
- (11) مصنف ابن ابى شيبه عبد الله بن محمد (المتوفى 235 هج)
- (12) سنن دار قطنى ابو الحسن على بن عمر (المتوفى 285 هج)
- (13) مصنف عبد الرزاق ابى بكر بن همام صنعانى (المتوفى 211 هج)
- (14) سنن ابى داود طيالسى سليمان داود (المتوفى 204 هج)
- (15) فتح البارى شرح صحيح البخارى حافظ بن حجر عسقلانى (المتوفى 852 هج)
- (16) اعلاء السنن شيخ ظفر على عثمانى (المتوفى 1394 هج)
- (17) شرح معالى الآثار ابى جعفر احمد بن محمد بن سلام طحاوى (المتوفى 321 هج)
- (18) المصباح المنير فى غريب شرح الكبير رافعى احمد بن على المقرئ (المتوفى 770 هج)
- (19) روضة الطالبين ابى زكريا يحيى بن شرف النووى الشافعى (المتوفى 268 هج)
- (20) المغنى على المختصر الخرقى ابى محمد عبد الله بن احمد بن محمد شهير يابن قدامة (المتوفى 620 هج)
- (21) جواهر الاكيل شرح مختصر خليل لصالح عبد السميع الازهرى الابى
- (22) غنية الطالبين امام عبد القادر جيلانى (المتوفى 561 هج)
- (23) كنز العمال فى سنن الاقوال و الافعال علاء الدين على المتقى (المتوفى 975 هج)
- (24) مراقى الفلاح شرح نور الايضاح
- (25) المهذب فى الفقه الشافعى ابى اسحاق شيرازى الفيروز ابادى (المتوفى 476 هج)
- (26) الاختيار لتعليل المختار عبد الله بن محمود بن مودود موصلى الحنفى
- (27) الأم امام محمد بن ادريس الشافعى (المتوفى 204 هج)
- (28) الوجيز امام غزالى (المتوفى 505 هج)
- (29) نصب الرابة فى تخريج احاديث الهداية ابى محمد عبد الله بن يوسف الزيلعى (المتوفى 862 هج)
- (30) مغرب فى ترتيب المعرب ابى الفتح ناصر بن عبد السعيد بن على المطر زى (المتوفى 610 هج)

- (31) مجمع لزوائد و منبع الفوائد للهيشمى (المتوفى 807 هج)
- (23) تاج العروس من جواهر القاموس سيد محمد مرتضى حسين زبيدى
- (33) موسوعة فقهية لوزراء الاوقاف و الشؤون الاسلامية - الكويت
- (34) ردالمختار على الدرالمختار علامة ابن عابدين هاشمى (المتوفى 1252 هج)
- (35) ردالمختار على الدرالمختار علامة علاء الدين حصكفى (المتوفى 1088 هج)
- (36) كتاب الفقه على المذاهب الاربعة عبد الرحمن حريرى
- (37) بدائع الصنائع فى ترتيب الشرائع امام علاء الدين ابى بكر الكاسانى (المتوفى 587 هج)
- (38) حجة الله البالغة حضرت شاه ولى الله محدث دهلوى (المتوفى 1176 هج)
- (39) اركان اربعة مفكر اسلام مولانا سيد ابو الحسن على حسنى ندوى (المتوفى 1420 هج)
- (40) فتح القدير لكمال الدين بن همام (المتوفى 871 هج)
- (41) كفاية مع فتح القدير مولانا جلال الدين
- (42) فتاوى هندية (عالمكبرى) على مذهب امام ابى حنيفة نعمان لجماعة من علماء الهند
- (43) مسائل مامت مولانا محمد رفعت قاسمى دار العلوم ديوبند

