

The Issues related to *Hajj* & '*Umrah*'♦

Hajj and '*Umrah*' comprise a very important mode of worship in Islam and the Shariah lays down very elaborate regulations for performing them. However, the exponentially increasing number of pilgrims, the emergence of modern means of transportation and use of modern technology in the performance of *Hajj* and '*Umrah*', has posed several questions before the Islamic theologians and scholars. The Tenth Seminar of the Islamic Fiqh Academy has attempted to address to these pressing questions and reached to the following conclusions.

- 2.1 *Hajj* happens to be an extremely important pillar of Islam. It is incumbent upon every capable person to perform it once in his lifetime. Normally, the *Hajj* pilgrims have to undergo travels and hardships on the long and treacherous journey and bear huge expenses. Precisely, that is why, Allah has assured great rewards for it. Moreover, Prophet Muhammad (pbuh) has compared this mode of worship with a kind *Jihaad*. The *Hajj* pilgrims, therefore, should bear these hardships and the tiring, thinking them to be a boon for themselves. While performing *Hajj*, people should take precautions in all aspects as far as possible and on those issues which is where the scholars have a divided opinion (and often contradictory at times), some of them suggesting a bit liberty and some asking for a bit constraint, then under such circumstances, such a mode of action should be adopted which would be correct and apt according to both approaches. One must also avoid lethargy and indolence while performing this great worship.
- 2.2 It is obligatory upon persons living out side the limits of *Meeqaat* and also upon those living in Makkah or Hil to don the prescribed robe called *Ihraam* if they move to Makkah with the intension of *Hajj* and '*Umrah*' or otherwise.

In the present scenario, there are a lot of people like traders, office workers, taxi-drivers and people engaged in other professions to enter the *Haram* frequently even more than once a day. The rules mentioned above, definitely, creates enormous problem for these people. Therefore, they should be allowed to enter the *Haram* without the mandatory obligations of sporting an *Ihraam*.

- 2.3 Those people who are the inhabitants of Makkah itself or are staying there are *Muqeems*. Thus, they are not required to perform '*Umrah*' during the months of *Hajj*. A person, who has to perform *Hajj* this year and intends to perform *Hajj* this year, should avoid going out of *Meeqaat* during the months of *Hajj*. However, if he is compelled to go outside being a trader, an office-goer or

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because of his own professional obligations, then he should follow the above-mentioned Clause 2 and restrain from donning *Ihraam* while entering *Meeqaat* and performing '*Umrah*.

Muqeem in Makkah means the people who have settled down in Makkah properly before the *Hajj* months or staying there for at least one year.

- 2.4 The international pilgrims who perform *Tamattu* (performance of minor pilgrimage along with the major one) can perform the '*Umrah* in addition, before donning the *Ihraam* for *Hajj*.
- 2.5 These days, the *Hajj* pilgrims, generally, do not venture out themselves towards *Rami Jamraat* on lame excuses or, sometimes, without any adequate reason. Rather, they depute others as their deputies. Almost all the scholars are unanimous that under such a circumstance an important obligation of *Hajj* remains unfulfilled. In fact, this sort of deputisation of other persons for *Rami* is not reliable from the Shariah point of view and people who do so are under obligation to compensate it by sacrificing an animal. Nevertheless, people who are incapable to make it to the *Jamaraat* being physically weak, senile or patients can obviously nominate other people as their deputies.
- 2.6 A milling crowd itself is not a reasonable ground. A plausible and better solution to it would be, if a person is incapable of going and performing *Rami* in such a milling crowd during the rainy season (as prescribed by the Prophet (pbuh) he/she may also perform the same in the *Jawaaaz* (justifiable) period after that season or even in the *Karaahat* (abomination) period if there is some serious problem. Evidently, it would not be unbecoming and abominable at all for him/her.
- 2.7 According to decisive pronouncements of Hanafi school, it is imperative to fulfill the obligations on the 10th Zilhijjah according to the following order: *Rami*, *Zabh* (to sacrifice according to the Islamic tenets) and *Halaq* (Sharing of head): The *Hajj* pilgrims should see that they follow this particular order as much as possible. Nonetheless, there is, of course, room for following the words and actions of other scholars and people in case of extreme temperature, the milling crowd and the distance of the slaughtering place, etc. Hence, the *Dam* (punitive sacrifice) would not be obligatory even if these obligations were fulfilled in contrast to the prescribed order.
- 2.8 Hundreds and thousands of *Hajj* pilgrims visit Makkah during the *Hajj* season from all over the world and perform the *Hajj*.
 - (a) The responsibility for management of the entire *Hajj* programme lies with the Government of Saudi Arabia. *Hajj* is a collective form of worship. It is necessary to perform it in a systematic manner following the rules of Shariah. Apparently, it is indeed impossible to look after the lodging,

fooding, health and security of life and property of thousands of people without a proper, systematic and coordinated approach. In such a situation, the Government of Saudi Arabia imposes a number of administrative restrictions so that the number of pilgrims could be regulated and they may be provided with better care. It is mandatory upon all the pilgrims to adhere to the administrative obligations laid down by the Government of Saudi Arabia. It falls under *Amr-bil-M'aruf* (Exhortation for Virtues), which needs to be followed strictly. Hence, if the resident Muslims in Saudi Arabia are refused the permission to perform *Hajj* every year as per the rules and regulations laid down by the Government of Saudi Arabia, then such a restriction is imperative according to Shariah.

- (b) Furthermore, if a person violates these restrictions, dons *Ihraam* and enters *Meeqaat*, and is caught later on and the security personnel make him return back, the situation would demand a similar course of action as in the case of a *Muhassar-anil-Hajj* (One who is restrained from performing) from the Shariah angle, which means that he is supposed to perform a punitive sacrifice (*Dam*). The moment he gives a *Dam* within the boundaries of *Haram*, he would immediately become free from the restrictions with regard to *Ihraam*.

2.9 In case of a *Hajj-e-Badal* (*Hajj* in Exchange), according to the rules of Shariah, the *Hajj-e-Ifraad* ought to be performed as per the general principle. However, the one who intends to perform the *Hajj-e-Badal* should explain the details to the one who wants to get the *Hajj-e-Badal* performed and finally seek his permission for a *Hajj-e-Tamattu* or an absolute *Hajj*. If due to some reason he fails to get the permission for the same, then since the *Hajj-e-Tamattu* is performed normally, even the person who wants to get the *Hajj-e-Badal* performed would also have performed the *Hajj-e-Tamattu*. Therefore, keeping in view the customs and traditions, the entrusted person is allowed to perform *Hajj-e-Tamattu*. Under these circumstances, he will have to don *Ihraam* for 'Umrah on behalf of the *Aamir* (orderer). Moreover, the expenses incurred in the *Dam-e-Shukr* would also be borne by the *Aamir*.

2.10 In case, a woman happens to undergo the menstruation cycle, or puerperal hemorrhage before the *Tawaaf-e-Ziyaarat* (ritual circumference for sighting Kabah) and finds herself incapable of cleansing herself as per her pre-planned schedule and performing the *Tawaaf-e-Ziyaarat*, she should try her level best under such a situation, to prolong and postpone her journey schedule so that she might cleanse herself, perform the *Tawaaf-e-Ziyaarat* and then return back to her home. However, if the efforts on her part go in vain and the journey cannot be postponed further before the cleansing, then she can perform *Tawaaf-e-Ziyaarat*. This *Tawaaf-e-Ziyaarat* would, of course, be valid in the eyes of Shariah and she will be considered as completely permissible. Nonetheless, she

would have to sacrifice a *Budnah* (big animal) as *Dam* for her impurity, within the boundaries of *Haram*.

- 2.11 In a situation where the husband of a woman expires during the *Hajj* journey and she has not put on *Ihraam* as yet and it is possible for her to return back to her place, then she should go back to her place and complete *Iddat* (probation period). However, if she has already put on *Ihraam* and the journey back home is fraught with difficulties, she may perform *Hajj* and *'Umrah* during the *Iddat* period.
- 2.12 If the Pilgrim reaches Makkah in a way that the *Hajj* commences before his a fortnight-long stay and he goes to *Minaa*, then he will be considered a wayfarer. He should curtail (*Qasr*) prayers having four *Rakats*.
- 2.13 Usually, the three *Rakats* of *Witr* prayers are offered with two *Salaams* in the Arab world. There is room for *Hanafites* to offer *'Witr'* prayers led by such an *Imam*. Alternatively, the Hanafi followers may not say "*Salaam*" after two *Rakats* when the *Imaam* offers the three *Rakats* of *Witr* prayers followed by two *Salaams* and should stand up along with the *Imaam* for the third *Rakat*.