



مفتى محمد يوسف دنكا
Mufti Muhammad Yusuf Danka

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

لحمد لله حمد الشاكرين، والصلاة والسلام على المبعوث رحمة للعالمين، وهادياً للناس أجمعين.
صلاةً وسلاماً دائماً إلى يوم الدين، وآله وصحبه ومن تبعهم بإحسان، وسلم تسليماً كثيراً، أما بعد:

The Shari'ah Limit for Zakat on whom it is Rightfully Due

The Deficiencies of Charitable Organisations in Fulfilling the Zakat Donations

أحكام مصارف زكوة – التوزيع عن فساد التوزيع

﴿ إنما الصدقات للفقراء والمساكين والعاملين عليها والمؤلفة قلوبهم وفي الرقاب والغرمين وفي سبيل الله وأبن السبيل فريضة من الله ﴾

Allah ﷻ has stated in the Holy Qur'an: 'As-Sadaqat (Zakat) is only for the poor, the needy and those employed to collect the funds, and to attract the hearts of those who have been inclined towards Islam; and to free the captives; and for those in debt; and for Allahs Cause, and for the wayfarer; it is a duty imposed by Allah ﷻ and Allah is All-Knower, All-Wise.' (Surah 9. At-Taubah, v60)

In the above verse of the Qur'an, Allah ﷻ describes the correct manners and limits wherein Zakat can be utilised. Rasulallah ﷺ and the Companions ﷺ did not discharge the Zakat money from the national treasury (Baitul Maal (بيت المال) on anything other than the 8 groups mentioned above. The proof of this is that there is a narration found in Sunan Abu Dawood and Daaraqutni from Sayyidina Ziyad bin Harith Sadaeey ﷺ who relates that he was present in the company of the Prophet ﷺ when a person entered the gathering and asked a few questions of Rasulallah ﷺ. He ﷺ replied: 'the responsibility of distributing Sadaqah (Zakat) has not be granted to any Prophet or non-Prophet. Instead, Allah ﷻ Himself has stipulated 8 manners in which it is to be discharged. You are able to discharge your Zakat to any of those 8 groups you wish.' (Tasfir Qurtabi vol8, p168)

There are numerous references in the Qur'an to Sadaqah, it has been used to refer to Nafil charity in a general manner. The Fard Sadaqah (Zakat) has been referred to in the same manner, but limited to 8 groups where it can be legitimately discharged. Whereas Nafil Sadaqah can be discharged in any manner one wishes.

In the present age, there are many Islamic charities which have made the discharging of Zakat general within the Ummah and without restriction. The situation is such that those who are liable to pay Zakat are not aware of which avenues it should be discharged in and those discharging on the behalf others, particularly Islamic foundations and charities, do not utilise the Zakat money collected in the specific 8 groups mentioned in the Qur'an. There is a trend to generalise the term 'Fe-Sabee-Lillah' to mean anything and everything to do with assisting the Muslims. If this was truly the case, there would be no reason for the Qur'an to mention 8 groups by name. Neither is there any proof of Zakat being used in a general manner in the time of Rasulallah ﷺ and the Companions ﷺ.

There are instances where Zakat money is collected to build hospitals, pharmacies and schools etc where there is no distinction between the rich and poor using this service. It has even come to a point where Zakat is being openly collected on TV channels to fund the TV channel itself. If Zakat is utilised in this manner, it is not considered to be legitimately discharged. In light of the Qur'an, Sunnah and actions of the Pious Predecessors, it is not permissible in the Shari'ah.

The 8 Groups Who Have a Right to Receive Zakat

1. **The Poor (Fuqara)** and (2) **The Needy (Al-Masakeen)** والمساكين: These two groups are mentioned primarily, however, there is a little difference in their meaning. The Faqeer is that person who has a little wealth, but it falls below the level of Nisaab*, the Misqeen is that person who has nothing to his name. The Qur'an has granted both of these the right to receive Zakat money. That person who is poor but able to earn his livelihood is also permitted to obtain Zakat, but cannot ask for it himself from others. If he is offered it, he can readily accept it. It is more commendable to discharge Zakat amongst the Faqeer and Misqeen on one's own family, those stipulated by Shari'ah, then to religious institutions where the poor and orphans of the Ummah are studying (e.g *Islami Madrasah, Darul Uloom*). From this, Zakat is discharged on the poor and assistance is also given to help the propagation of Deen.

(* Nisaab equates to 52.5 tolas = 21.6 ounce or 612.35g of silver)

هي تملك المال من فقير مسلم غير هاشمي ولا مولاه بشرط قطع المنفعة عن المملك من كل وجه لله تعالى (كنز على هامش البحر جلد1/ 596)

3. **Those that collect the funds** والعاملين عليها: These are individuals appointed by the Islamic government to collect the money for Zakat and deposit it in the national treasury. These people will remain busy in performing this service throughout the year, therefore the Shari'ah has allowed for their needs also to be fulfilled by providing a salary for them using the money collected for Zakat. The discharging of Zakat will be performed the moment the funds are handed to the collector. What salary should be given to the collectors of Zakat? The order for this is, they will be given an amount equivalent to their efforts and needs in discharging this responsibility. (Ahkamul Qur'an vol3, p123/ Badi'us Sana'I, vol2, p44)

ولا يعطى أجر الجزار من الأضحية ، لقوله عليه السلام لعل تصدق بجلالها وخطامها ولا تعط أجر الجزار منها شيئا – متفق عليه (هداية كتاب الأضحية 434/4) وفى كتاب الفقه على المذاهب الأربعة : والعامل هو الذى نصبه الإمام لأخذ الصدقات والعشور فيأخذ بقدر ما عمل. (621/1)

Those Who Go Out to Collect Funds For Islamic Charities, Foundations and Institutions are Not Eligible to be Given the Funds of Zakat to Fulfil their Needs and Necessities

Nowadays, many Islamic charities pass the Zakat money onto the collectors who are employed by them on a salary. It should be noted that, in this manner Zakat will not be discharged. The second weakness is that the money of Zakat is collected and at times kept in the bank for a number of years. The money of Zakat collected by those people who are not appointed by the Islamic government (*Amir-ul-Mumineen*) does not get discharged until it is handed over to the poor, needy or those who have been described in the verse of the Qur'an. Those people, who, due to not knowing the requirements for discharging Zakat properly, hand it to the Islamic charities, could be utilising the wrong means to fulfil their Zakat payments. It is not permissible for the Islamic charities to receive or utilise the money of Zakat to pay the wages of their employees. (*Ma'ariful Qur'an, vol 4, p399*)

رحمه الله (587 هجرى): والعاملين عليها فهم الذين نصبهم الإمام بجباية الصدقات. (44/2)

In the money of Zakat, apart from the poor and needy, there is also the right of poor orphans. If this is utilised in the wrong manner, the Qur'an warns that using the wealth of the orphans in an inappropriate manner is akin to filling one's stomach with fire;. (*s4:v10*)

Working on a Salary Collecting Zakat on a Commission Basis

There is also a common practice in this present age of collecting Zakat on a commission basis. This is completely prohibited in the Shari'ah, of which common people do not have knowledge and the Islamic charities are taking advantage of. (*Ahsanul Fatawa vol7, p276/ Fatawa Mahmoodia vol4, p274*)

The Charities will follow the principles and guidelines of the country where they are operated, but will not view their set up primarily in light of the Qur'an and Sunnah. It should be in the forefront, that the collection of Zakat and its utilisation, is a form of worship and needs to be discharged in the correct manner and avenues as set out in the Shari'ah.

The money of Zakat or Sadaqah should not be taken from individuals by force, due to Islamic charities seeking higher commission payments, at times, their employees will go to great lengths to accumulate the largest collection they can to maximise their commission payments. The monthly salary of employees that work for charities cannot be fulfilled using the funds collected for Zakat or Waajib Sadaqah (*Sadaqa-tul-Fitr etc*) this has already been explained. However, it can be paid through funds collected as Nafil Sadaqah or Lillah, there is no harm in this.

Together with this, it should be noted, that Zakat payments made to charities, in some instances, do not get used in their full amount. Many a time, organisations admit to using a certain percentage of the funds, at times a considerable percentage collected to supplement their running costs and expenditure/ overheads without justification. If this is done through Zakat funds, then a person's Zakat will not be fully discharged, and the funds will be used in an illegitimate way. The full amount of funds that were therefore donated and collected for the poor do not reach them. And the rights of certain poor people due to this are usurped unlawfully.

The Qur'an warns against usurping the rights of the poor and orphans in grave terms, likening it to filling one's stomach with the hellfire. The Prophet ﷺ also stated in a Saheeh Hadeeth: 'I cannot assist you in any manner in the hereafter if you usurp the rights of another person.'

In the UK, a donation in kind or gift aid is also provided by the government in many instances for charitable donations. In light of this, there should be sufficient funds (aside from the legitimate Zakat donations) for organisations to cover their expenses without having to utilise the Zakat portion.

Where there is no Islamic government, and no Shari'ah system for utilising Zakat funds, every person should ensure that their Zakat reaches the correct categories of people by sending the funds directly to orphans, the poor or Darul Uloom or Madrassas where poor children and orphans study.

4. To attract the hearts of people towards Islam والمؤلفة قلوبهم: From this category it is assumed that Zakat can be discharged to both Muslims and non-Muslims. However, the reality is somewhat different. It is well known that in a portion of the time of Prophethood, there was permissibility for this due to a specific reason. Systematically, as the Muslims obtained greater physical and political strength, this situation was then not relevant. The order for this was also abrogated. For this reason, some jurists state that this ruling has been removed altogether, from them are; Umar ibn Khattab رضي الله عنه, Imam Hasan Basri, Imam Sha'bi, Imam Abu Hanifa and Imam Malik رضي الله عنه. Certain scholars hold the opinion that the order has not been abrogated but merely suspended and is relevant only to the prevailing conditions. Imam Qurtubi رحمه الله states: 'the Zakat that was given for reconciliation of the hearts was only for the Muslims, no other faiths were involved.' (*Mariful Qur'an vol4, p401*)

The compulsory Zakat that was given, even in the major part of the time of Rasulullah ﷺ was given only to Muslims. Tafsir Mazhari has clearly mentioned: 'it is found in Jami Tirmidhi and Saheeh Muslim; the Prophet ﷺ

gave charity to Safwan ibn Umayyah, one of the leaders of Makkah when he was not a Muslim. This wealth was not from the portion appointed to Zakat but was from the booty/spoils of war of the Muslim treasury. *(Tasfir Ibn Kathir/ Mariful Qur'an vol4, p402)*

Anas رضي الله عنه related that Rasulullah صلى الله عليه وسلم gathered the people of Ansar and stated: 'The Quraish have recently entered Islam and they have experienced a life of hardship and difficulty, I wish to assist them in some manner to reconcile their hearts. I wish to attract them to the beauty of Islam. Would it not please you that people take wealth to their houses and you take Allah and His Rasul صلى الله عليه وسلم with you?' The Ansar replied: 'Verily, we are happy with this.' that Rasulullah صلى الله عليه وسلم stated: 'If people were to go on one path and the Ansar chose another path. I will adopt that path that the Ansar chose to travel.' *(Saheeh Bukhari)*

From this Hadith it is clear that Fard Zakat that is given for reconciliation of the hearts is for new Muslims or those weak in practice to increase the love of Islam in their heart and encourage them. It is unfortunate that many new Muslims enter Islam in this present age and the wealthy from the Muslims are not attentive to their financial needs. There are many charitable organisations for whom this category of receipt for Zakat donations is non-existent and unaccounted for. In many countries where charities are seeking to distribute Zakat donations, the governments either usurp the donations or use them for non Muslims. It has even been witnessed that the donations for Zakat in certain countries are given to the oppressors of minority Muslims.

The monetary contributions that were given to the Non Muslims in the time of Rasulullah صلى الله عليه وسلم was voluntary charity and not to discharge the Fard Zakat

In the time of Rasulullah صلى الله عليه وسلم, the leaders of Makkah expelled the Prophet صلى الله عليه وسلم and his companions through oppression and harshness that cannot be imagined, from the city of their birth. At this time there was an intense famine in Makkah, to the extent that people were forced to eat carrion and garbage to survive. The Muslims were not blessed with a great deal of wealth at this time, even so, through their mercy Prophet صلى الله عليه وسلم collected and sent 500 Dinars (gold coins) to the leaders of Makkah (Abu Sufyan and Safwan) to be used to feed the people, who ultimately were responsible for their exile. *(Raddul Mukhtar, vol 3, p302)*

It is clear that in this time the Muslims themselves were in hardship and struggle, therefore Zakat would not have been compulsory upon them. However, through the compassion of humanity, voluntary charity was offered to the non-Muslims instead.

5. **To Free the Captives** : The fifth category refers to those who are enslaved and have an agreement with their masters to buy their freedom for an agreed sum. Zakat may be given to such people in order that they may buy their freedom. The payment of Zakat has to be given to the one enslaved to then pay forward to their master. By allowing this, Islam helped remove many people from the shackles of bondage to freedom in society.
6. **Those in Debt** والغرمين: those whose funds do not meet the Nisaab of eligibility to receive Zakat after settling their debt. Some jurists also stipulate that the debt should not have been incurred through unlawful activity or extravagance, so that the debtor is not encouraged in his unlawful conduct. For example: being involved in interest, alcoholism, extravagance in life or a loan taken for a cultural wedding celebration etc...
7. **In the path of Allah** سبيل (*Fe-sabe-lillah*): It is the majority opinion that this is either restricted to members of the armed forces and their necessities or according to the opinion of Imam Muhammad Shaybani مه; he includes donations to allow the one who does not have the necessary means to undertake the obligatory Hajj pilgrimage. *(Ma'ariful Qur'an, vol 4, p406-409/ Mabsut Sarkhsi vol3, p10)*

وأما في سبيل الله فقال مالك رحمه الله: في سبيل الله مواضع الجهاد والرباط وبه قال أبوحنيفة رحمه الله وقال غيره الحجاج والعمار وقال الشافعي رحمه الله هو الغازي - (بداية المجتهد جلد 1 / 277)

In the Holy Qur'an and Sunnah where only the word 'سبيل الله' *Fesabelillah* is found it means for the armed forces and those in the service of protecting Islam. It is for this reason also that the unanimous opinion of the Sahabah, Tabi'een رضي الله عنهم and the scholars of the past and present age that this category is specifically for those in the armed forces and protecting the Muslim lands. Even after this level of clarity and opinion, there are many in this day and age who utilise Zakat for their own purpose and benefit; claiming to use in 'the path of Allah'. To do so is completely against Islam and not permissible, for example: to run a TV channel, to fund a building without making a poor person responsible (*تمليك Tamleek*), purchase a building for the charity, paying wages for employees, obtaining vehicles for charity work etc. These cannot be funded with Zakat payments as the intention of the donor to discharge his Zakat will not be discharged by utilising their funds in this manner.

It should also be noted that the meanings of the words Salah, Saum, Hajj etc cannot merely be defined by translating them from a dictionary. We have to understand them through the actions of Rasulullah صلى الله عليه وسلم and the Companions رضي الله عنهم. In the same manner the word 'Fesabelillah' cannot be redefined to apply an all encompassing spectrum to serve Islam and the Muslims in any way possible. In this manner too, for the discharging of Zakat, the Muslims need to understand and adopt the ways of Rasulullah صلى الله عليه وسلم and Sahabah رضي الله عنهم to ensure the obligation is

discharged correctly. To use the words of Islam for a purpose other than what it is intended for is a sign of distorting the meaning and teachings of the religion. This leads to being a form of lying and deceiving.

Abu Umamah رضي الله عنه related that the Prophet ﷺ stated: 'There can be many habits that can be present in a believer. However, being deceitful and lying is not from amongst those.' (*Masnad Ahmad/Sunan Baihaqi*)

This is also a means of preventing many poor people from obtaining their rightfully due Zakat payment, and those that lead others to believe Zakat is discharged in this manner are also liable for blame and fault.

People use Deen as an umbrella term to obtain Zakat donations 'Fesabilillah'; the work of Deen has to be performed in accordance with the pleasure of Allah and manner of the Prophet ﷺ and his Companions رضي الله عنهم. When somebody is performing actions in direct conflict to this how can it then be regarded as an effort of Deen?

Hadhrat Haji Imadulullah Muhajir Makki رحمته الله stated: 'To obtain worldly wealth in the manner of the worldly people is not as harmful as seeking worldly wealth in the image and guise of the Deen.' It is unfortunate that in this day and age many Charities seek out news of when and where a natural disaster has taken or will take place to allow them to carry out a donation drive.

Many a time charities obtain donations through showing images of poor and unfortunate people in various parts of the world. Yet, the money they obtain is not always used in the areas they promote, but in other means and avenues instead. For this reason, it is important that prior to discharging Zakat the donor should ascertain how their donations will be utilised by their chosen charity. In certain instances, donations are gathered and numerous individuals are told that the same building or the same well has been installed by them. It is not enough for one to claim that 'our responsibility is to discharge our Zakat which we did on handing over the donation, it is up to them how they choose to use it.' This is completely wrong, it should be personally verified that the Zakat donation will be used in the correct manner, in accordance with the Shari'ah and Sunnah. If a charity is bound to take a percentage of the donations for miscellaneous expenditure, then the donors should donate this percentage voluntary and make sure it is not taken out of the Zakat payment they have made.

Hadhrat Sheykh-ul-Islam Rasheed Ahmed Ganghohi رحمته الله stated: 'Our purpose is not to run a Madrasah but to attain the pleasure of Allah. Even teaching in the Madrasah is for the pleasure of Allah, therefore every action of ours will be in accordance with the Shari'ah and Sunnah. If our donations are low in level, we will work within the capacity it allows and not look further.'

Charities in this day and age prefer to use funds gathered by donations to advertise their organisation on billboards, TV promotions, by printing leaflets, t shirts, caps etc as a marketing tool to become 'well-known' and create an image in the community and societies they serve/work within. This is wastage and usurping the donations meant for the poor.

Allah ﷻ has stated in the Holy Qur'an: 'And those are the set limits of Allah. And whosoever transgresses the set limits of Allah, then indeed he has wronged himself' (*s65, v1*)

8. The eighth category "wayfarer" refers to the traveller وأبن السبيل who does not have access to funds up to the level of the quantum of eligibility, even though he may be affluent when at home. Such a person may receive Zakat to satisfy his needs en route and return home safely.

It is clear from the above, that the primary purpose of Zakat is to alleviate poverty and extreme hardship by distributing Zakat revenues amongst the neediest in society. It is only the state appointed officials charged with collecting Zakat revenues on behalf of the leader of the Islamic state who are an exception to this. The remaining categories comprise those individuals who are actually or effectively poor and destitute.

Sincere advice: I seek your forgiveness for the direct manner in which this matter has been relayed. This is an important matter that is affecting the Ummah systematically. In every country there should be an Islamic organisation which is chaired by sincere Scholars that oversee the actions and principal of Islamic charities. The same manner in which the charity commission oversees that the correct practice and procedures of their respective countries. Every charity should be monitored and be liable to report to this committee of scholars. InshAllah this will be beneficial in ensuring that Zakat is collected and discharged correctly and will no doubt assist in removing the poverty and difficulties of the poor amongst the Muslims firstly and correct the actions and state of the Ummah generally.

May Allah ﷻ forgive us for our shortcomings in fulfilling the obligations of the Deen, may Allah ﷻ accept our efforts in propagating the message and allow us to perform all actions sincerely for the pleasure of Allah ﷻ. آمين
Ameen!

والله وحده هو المسؤول والمستعان وهو الهادي إلى سبيل الخير والسلام .
محمد يوسف دُنْكَا (كان الله له)

Mufti Muhammad Yusuf Danka
Croydon Masjid & Islamic Centre
08- Jamada-Al-Akirah- 1434HA/ 19- April- 2013.