

# The Shar'ī Status of Nikāh

Nikāh ki Shar'ī Haythiyyat

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## Introductory Remarks

Hafiz Dr Salāh-ud-Dīn Ahmad Siddiquī

Khalifah of Muslih-ul-Ummat Maulānā Wasī-ullāh

رحمۃ اللہ

The booklet ‘The Sharī Status of Nikāh’ has taken root in the hearts of many people for some time now. Definitely, they will be taking benefit from it. In addition, it was printed a second and third time. When seeing this, we were greatly pleased because it will be a means of enlivening the Sunnah in this time of fitnah, and will bring great reward. This booklet will be a means of continuous charity for the author and a means of high stages in the hereafter. In this world, every reader will be forced to look at it with praise. Inshā Allāh.

This booklet is worthy of being distributed at every Nikāh gathering so that more and more people can benefit and people will learn the important rulings of Nikāh in accordance to the Sharī’ah and Sunnah.

Dr Salāh-ud-Dīn Ahmad Siddiquī

Wasiabad, Ilahabad

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

## Preface to the First Edition

It is my practice that on the occasion of a Nikāh, I mention a few advises. The general people and the 'Ulamā' like the words that are mentioned on this occasion. Therefore, we felt that this should be compiled in a booklet so that the readers can learn the Dīnī aspects of regarding Nikāh. It is not surprising if this creates the call to practice and begin to carry out these advices. Nikāh is a Shar'ī matter. Blessings and goodness will come into it when it is done within the parameters of the Sharī'ah and the Sunnah.

I feel this effort and service to Dīn as my good fortune and dedicate it to my father, Sultan Ahmad Khan, Hadrat Maulānā Shah Wasī-ullāh رَحْمَةُ اللهِ and Hadrat Maulānā Shah Muhammad Ahmad Partābgharī رَحْمَةُ اللهِ. This is because it is through their teaching and nurturing that I have acquired the way and ability to write. May Allāh سُبْحَانَہٗ وَتَعَالٰی shower them with His mercy and bless them with a position in Jannat-ul-Firdaus. May He accept this effort. Āmīn

Muhammad Qamr-uz-Zamān Ilahabādī

27 Ramadhān 1408

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

## Preface to the Second Edition

The Sharī Status of Nikāh is a booklet that was written about sixteen years ago. Two editions have been published. The people liked this work and continue to ask for it.

For some time, some of the scholars have requested that it be published again. Subsequently, it was edited and additions were made to it. A number of rulings and Ahādīth were also added.

Maulānā Muftī Zayn-ul-Islām gave us beneficial counsel and provided assistance. Similarly, Maulānā Nawār Ahmad had a look at it and gave beneficial counsel and added to it. Maulānā Maqsūd Ahmad and Maulānā Firoz ‘Ālam also assisted. May Allāh accept all their efforts and make it a means of benefit for them in the hereafter. Āmīn

Muhammad Qamr-uz-Zamān Ilahabadi

20 Rajab 1424

18 September 2003

## Masnūn Khutbah of Nikāh

الحمد لله نحمده ونستعينه ونستغفره ونؤمن به ونتوكل عليه ، ونعوذ بالله من شرور أنفسنا ومن سيئات أعمالنا ، من يهده الله فلا مضل له ومن يضلل الله فلا هادي له ، وأشهد أن لا إله إلا الله وحده لا شريك له ، أشهد أن محمدا عبده ورسوله ، صلى الله عليه وآله وأصحابه وأزواجه وسلم .

أما بعد ، فأعوذ بالله من الشيطان الرجيم ، بسم الله الرحمن الرحيم ،

يايها الناس اتقوا ربكم الذي خلقكم من نفس واحدة وخلق منها زوجها وبث منهما رجالا كثيرا ونساء واتقوا الله الذي تسائلون به والارحام إن الله كان عليكم رقيبا

يايها الذين آمنوا اتقوا الله حق تقاته ولا تموتن إلا وأنتم مسلمون

يايها الذين آمنوا اتقوا الله وقولوا قولا سديدا يصلح لكم أعمالكم ويغفر لكم ذنوبكم ومن يطع الله ورسوله فقد فاز فوزا عظيما

وقال النبي صلى الله عليه وسلم : النكاح من سنتي فمن لم يعمل بسنتي فليس مني

## Translation

O people, fear your Rabb Who created you from a single soul and then created from it a pair and spread out from them many men and women, fear Allāh, in Whose name you ask one another and fear with regards to family relations, indeed Allāh watches over you.

O people of īmān, fear Allāh, as He ought to be feared and do not pass away except as Muslims.

O you who believe, fear Allāh and speak correctly, Allāh will correct your deeds and forgive your sins. Whoever obeys Allāh and His Rasūl, he has indeed acquired great success.

Think, in these three verses, Allāh سُبْحَانَكَ وَتَعَالَى has instructed to fear him (adopt taqwā). This is indication to the great importance of this matter. Nikāh is a binding pact between a man and woman and it has rights and etiquettes. It will be fulfilled correctly according to its right and the lives of the couple can become beautiful when the hearts of the spouses have taqwā. This is because taqwā is the real fountainhead of recognition and fulfilment of rights.

Therefore, on the occasion of Nikāh, and afterwards, the families should give due consideration to taqwā. If this is not the case, then differences and discord will arise.

### Du'ā after Nikāh

بارك الله لكما وبارك عليكما وجمع بينكما في خير

May Allāh bless you and may He send blessings upon you and may He keep you together in goodness

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

نُحْمَدُهٗ وَنُصَلِّیْ عَلٰی رَسُوْلِهِ الْکَرِیْمِ

قال النبي صلى الله عليه وسلم : النكاح من سنتي فمن لم يعمل بسنتي فليس مني . ابن ماجه

Rasūlullāh ﷺ said, “Nikāh is from my Sunnah. Whoever does not practice upon my Sunnah, he is not from me.” (Ibn Mājah)

Friends, this is a Nikāh gathering. Hence, it is appropriate to mention a few things about Nikāh. One is that we explain something from our own side. The second way is that we present the words of Rasūlullāh ﷺ before you. It is clear that this second way will be more beloved to us. This should be the case because we believe in the truthfulness and purity of Rasūlullāh ﷺ. There is no possibility of his words being false. This is because everything he said was from divine revelation and there is no doubt in it. It is correct and definite.

This is why on one occasion, Imām Mālik رَحْمَةُ اللهِ stood in front of the Raudah Aqdas and said, “There is none amongst us except he rejects and he could be rejected, except the person of this grave.” Every statement of his is worthy of acceptance, there is no question of rejection.

Subsequently, a clear proof of him being beloved is that every statement or action of his has been taken by some Imām or group. For example, one Imām says that *āmīn* should be recited aloud in *Salāh*; another Imām says that it should not be recited aloud. One Imām lifts his hands and the other does not. In this way, there are many rulings of this nature.

Look at the comprehensive nature of the advice of Rasūlullāh ﷺ. It has the praise of *Nikāh* and encouragement for it. Moreover, there is warning for leaving it out without any cause or reason. It is not only a national custom or general habit, but it is praiseworthy. Rasūlullāh ﷺ crowned it by saying that it is part of his *Sunnah*. He took it to the level of the stars and gave it the status of being an act of obedience and worship, not just a custom or habit.

Therefore, just as the *Nikāh* day is generally a day of happiness, in the same way, it is a day of cheerfulness because through this deed, one has the good fortune of practising on a *Sunnah*. Therefore, we should be grateful to Allāh ﷻ for granting us the divine ability to do an act of worship.

However, one must bear in mind that *Islām* likes balance and moderation in everything. Therefore, on the occasion of a marriage, one should not trespass the

limits of the Sharī'ah, i.e. one should never do anything contrary to the Sharī'ah because definitely this will be a means of the anger of Allāh سُبْحَانَهُ وَتَعَالَى and Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ.

Be fair and see, on the occasion of a wedding, our families are happy and because of going against the Sharī'ah and the Sunnah, Allāh سُبْحَانَهُ وَتَعَالَى and Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ become displeased, so how can there be blessings in the marriage and how can mercy descend?

Understand it in this way; if a person performs the Sunnah of Fajr according to the Sunnah way, then definitely he will get reward. However, if he does it contrary to the Sunnah way, then there is no question of reward and getting the closeness of Allāh سُبْحَانَهُ وَتَعَالَى. It will be a means of sin and the displeasure of Allāh سُبْحَانَهُ وَتَعَالَى. In the same way, understand Nikāh. One will get reward for doing it according to the Sunnah of Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ, otherwise not.

Therefore, if you will conduct the Nikāh according to the Sunnah, then definitely there will be goodness and blessings in the relationship. Through these blessings, the families will be positively affected and there will be love and unity established, otherwise the relationship

will not last and soon it will break, we seek the protection of Allāh.

Listen, in our religion, if a person will conduct the marriage properly and leaves out unnecessary expense, then the other nations will start to envy and they will see how easily and simply the marriage is done. It will not be surprising that they will accept Islām because generally these people have become straitened with their ways, as we see and hear daily.

It is surprising that in this day and age of advancement, there are some people who say that Islām has fallen short with regards to the rights of women. The reason for this is that these people are not even aware of the basics of Islām, or they have enmity and hatred for Islām. This has blinded them. Leave aside confessing to the good traits of Islām, they do not stop speaking against Islām, we seek the protection of Allāh.

Therefore, there is a need for the Muslims to learn about the good characteristics of Islām and enliven it through their deeds. They must study the foundational books of Islām and spread them so that these teachings can reach others and their incorrect thoughts can be removed.

However, what is cause for regret is that when do we get the chance to buy these books and study them? At the same time, the Muslims have hundreds to spend on stories and novels. They waste hours away in this literature that destroys their character. In fact, they spend thousands on the television and are seen preparing their families to be fuel for the fire. When this is the condition of the Muslims, what question is there of complaining about others?

Therefore, listen to the complete and perfect teachings of the religion of Islām. The same religion about which the enemies of Islām say that Islām has fallen short with regards to the rights of women. Allāh سُبْحَانَهُ وَتَعَالَى says, ‘For women are rights just as there are upon them, in accordance to the Sharī’ah’.

This means that in terms of rights itself, men and women are equal. However, because there is a clear difference between them in ability, that is why men have been made leaders over women so that the system of the house can be run well.

Allāh سُبْحَانَهُ وَتَعَالَى says, ‘Men have been appointed guardians over women because Allāh has given virtue to some over the others.’

It is clear that Allāh سُبْحَانَهُ وَتَعَالَى is the Creator of both, men and women. He created the ability in them both.

In accordance to this knowledge, Allāh سُبْحَانَهُ وَتَعَالَى has given men a higher position of authority, so what scope is there to argue and complain?

The masters of a certain field are able to test the ability of a student in an examination of a few minutes. They accord a position to the person in accordance to this. Everyone accepts this. So Allāh سُبْحَانَهُ وَتَعَالَى, Who is All-Aware and All-Knowing, how can He not know what ability lies in a person and what work he can do?

‘What, does He not know Who He created?’

Now, study the comprehensive nature of the Islāmic Sharī’ah. It has not left the men free to rule, that he can treat the women how he wants, but it has restricted him to an excellent way and conduct. Allāh سُبْحَانَهُ وَتَعَالَى says, ‘and live with them in a good way.’

Through this, Allāh سُبْحَانَهُ وَتَعَالَى has notified that one should protect and guard one’s spouse with love and affection. Love and affection is included in the purport of governing over them, i.e. there should be no oppression and excessiveness.

Therefore, ponder and think. You will understand that ‘men have been appointed guardians over women’ is a perfect reflection of the Sharī’ah, and ‘live in a good way with them’ is the beauty of the Sharī’ah. Similarly,

‘men have been appointed as guardians over women’ is the excellent administrative system and ‘live in a good way with them’ is good conduct.

Therefore, as long as these things are in the homes and society, i.e. excellent administration and good conduct, there will be goodness and reform. When the law is broken, then to even think of peace, harmony, tranquillity, and good conditions is useless. Therefore, the entire world that is seeking safety and peace is bound to adopt the straight religion. And Allāh gives ability.

Hence, the Muslims must first understand these teachings, implement them so that they can be blessed with reform and when seeing this, others will be inclined towards Islām.

## The Relationship Type between Husband & Wife

Allāh سُبْحَانَهُ وَتَعَالَى says, ‘they are clothing for you and you are clothing for them’.

Now let us see a brief explanation of this verse:

1. The most outstanding aspect of clothing is that it covers the body of a person. In exactly the same

way, the husband and wife cover the sexual desires of each other.

2. The second angle is that it is beauty. By means of clothing, man beautifies himself. He steps into the field of civilization with it. Think, this will be acquired to a greater degree by a man from a woman and by a woman from a man.

Subsequently, if a man is deprived of a wife, then he becomes like a traveler. Similarly, if a woman stays without a husband, then all her feelings die. It is the link between a man and a woman that causes the different aspects of life to come about, which we see.

3. The third angle of clothing is that it protects a person from heat and cold, and from danger and the blow of the enemy. In terms of character, the same exists of a woman for a man and of a man for a woman. A pious person said, ‘Tie the amulet of your wife at home and on journey so that you will be protected from the attacks of Shaytān and Nafs.’

See, in this verse, how comprehensively has Allāh سُبْحَانَهُ وَتَعَالَى explained the position of women being beauty and adornment for a person. In fact, in terms of need, she has been made similar

to a male. It is not only that the women need the men, but the men also need the women.

Therefore, the opposition who say that Islām falls short regarding the rights of women, what else can be said to them besides the fact that their insides are spoilt. Do they not know that Rasūlullāh ﷺ ended the custom of burying daughters alive? Did he not totally forbid suicide? He gave a share to the women from the property of her parents, he made it compulsory upon the husband to give maintenance and it gave her freedom in her wealth to spend it in whichever permissible avenue she wishes?

### Twenty-three Advices

1. The parents must give special consideration to Dīn and good character when choosing the daughter-in-law or son-in-law. Yes, if they look at the lineage, beauty and so on, then it will be light upon light.
2. It is not permitted for the boy to show greed and desire for wealth by asking for Jehez and other property. Similarly, it is not correct for the girl's

family to exaggerate in and show-off in giving the Jehez. This is because this causes heartbreak to the poor and they feel straitened to get their children married. In fact, there are many children who remain unmarried because the parents cannot give the Jehez.

3. There are other functions held by way of custom. These are only customs of the people and have no standing in the Sharī'ah. Therefore, it is better to leave it out. If there is waste involved, then the evil of it is clear, as is generally seen. It is difficult to differentiate between the function of a Muslim and a non-Muslim nowadays.

Hadrat Maulānā Badr-e-Alam Madanī رحمۃ اللہ علیہ in Tarjumān-us-Sunnah mentions a Hadīth and then explains, ‘There are many customs at weddings today. They have the status of permissibility if they are done with balance and moderation. In addition, they should not be beyond the limits of the Sharī'ah. On the joyous occasion, if the object is to show joy, then a person can get reward. However, there are very few people who remain in a balanced and moderate way on occasions of happiness and grief. They turn permitted things into forbidden things. What is worse, they go about saying that

they did not step beyond what was permitted, whereas they do not know by stepping slightly beyond the limits of the Sharī'ah, the permitted things became forbidden.<sup>1</sup>

4. The Nikāh should be announced. It is Masnūn to have it in the Masjid. It is praiseworthy to consider having it in Shawwāl and on a Friday.
5. One must listen attentively to the Khutbah of Nikāh. If a scholar gives advice, then prepare to listen. In the same way, the Nikāh gathering is like a gathering of Dhikr and due to the Dhikr of Allāh and Rasūlullāh صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, it brings goodness and blessings.
6. During the Nikāh, it is not correct to take pictures and videos. This causes the divine mercy to leave the gathering. Allāh سُبْحَانَهُ وَتَعَالَى says, 'indeed the mercy of Allāh is close to the good doers.'
7. After the Nikāh, one should distribute dates. However, the etiquette of the Masjid must be adopted. If this is not possible, then suffice on giving it out. Sugar must not be brought into the

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<sup>1</sup> Tarjumān-us-Sunnah vol.1 p.325

Masjid. If it falls, it causes the Masjid to be soiled. There are many people who do not adopt the proper etiquette. They cause a noise and disturbance in the Masjid.

8. After spending a night with one's spouse, it is Masnūn to feed a Walīmah to one's family and friends.<sup>1</sup> Walīmah is established from the Sunnah. Therefore, it is good to give it in accordance to one's ability. If a person does not have the ability, then it will suffice to feed a few people. The intention in Walīmah should be to please the hearts of one's brothers and to follow the Sunnah. The Walīmah in which the poor do not participate and is done only for show and fame, there will be no goodness and blessing in it. In fact, it will cause the displeasure and anger of Allāh.<sup>2</sup>
9. The husband should arrange accommodation and maintenance for the wife. He should treat her kindly and gently. If he is troubled by her deficient understanding, he must adopt tolerance and teach her softness.

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<sup>1</sup> Tirmidhī

<sup>2</sup> Zād-ul-Ma'ād, Beheshti Zewar

10. In the matters of the house, one must consult the children, especially in matters of marriage. In this way lies winning their hearts and will cause love and affection.
11. It is the responsibility of the husband to arrange for education and nurturing of his wife and children. He should teach them the rulings of Salāh and fasting. He should stop them from wrongs, like cinema, television etc. In the same way, he must stop them from reading shameless books. Allāh سُبْحَانَهُ وَتَعَالَى says, 'O you who believe, save yourselves and your families from the fire.' Under this verse, Sayyidunā 'Alī رَضِيَ اللَّهُ عَنْهُ said, 'Save them from the fire by means of education and nurturing.' Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ explained this, 'Obey the commands of Allāh and stay away from disobedience. Command your children to carry out the commands and stay away from the prohibitions, that will be a means of them and you being saved from the fire.' 'Indeed Allāh will question every shepherd about his flock, whether he protected it or destroyed it. A person will be asked about his household.'
12. The wife should give due importance to obedience of the husband so that the husband will remain happy. This is because Rasūlullāh

صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ said that whichever woman passes away when her husband is happy with her, she will enter Jannah.<sup>1</sup>

13. The husband and wife must give due consideration to serving their parents. Due to the new relationship, they must not forget the old one. Similarly, it is necessary to fulfil the rights of the other family members.
14. The husband must not flare up and issue divorce, especially thrice at once. He must stay away from it. The wife must not request divorce upon every small matter. This is because they both will regret and the household and children will suffer. The non-Muslims get the chance to laugh at Islām.
15. On the wedding occasion, there is wastage of food and appreciation is not shown. There is no permission for this.
16. One should sit on the floor in accordance to the Sunnah and eat. However, generally nowadays people eat at tables and chairs, against the Sunnah. The elite of the Ummah must especially

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<sup>1</sup> Tirmidhī

stay away from this. This innovation has taken root amongst the Muslims where they stand and walk around and eat. They feel this to be fashion. It is clear that this is not the way in Islām. The matter is that the enemies of Islām, amongst whom are some in our garb, accept all of this without hesitation. They start doing things like this, even if it is against Islām and the Sunnah, they do not worry. Hence, eating in this way is against the Sunnah. Another result of this is that there are many weak people who cannot even reach the place where the food is served. They return home hungry. What kind of invitation is this? What is surprising is that this method is chosen by those people who are referred to as clever in society. However, I say that the intelligence that is used against the Sharī'ah and the Sunnah, one should cry over it.

17. Women must give due importance to Pardah. When Pardah is not observed, there is great fitnah that comes about. Rasūlullāh ﷺ said, “Women are to be covered. When she comes out uncovered, Shaytān beautifies her.”<sup>1</sup>

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<sup>1</sup> Tirmidhī

18. On wedding occasions, women beautify themselves with make up and dress scantily and participate in mixed gatherings, apply perfume, mendhi etc. All these are severe sins. Rasūlullāh ﷺ has cursed some of these. If a woman does some of these things, her Salāh and fasting is not accepted. If she applies nail polish, the Wudhū' is not done. Allāh forbid, if she passes away whilst her hands has nail polish, then even the Ghusl for her body will not be done. May Allāh save us.

Worship of fashion is against the teachings of Islām. It is also detrimental to the health. A European thinker says that the fashion world has deceived us. Make up was to beautify women. But the harm that it causes it probably not matched by anything else. Battles have changed the environment. However, I understand that the harm is less in comparison to the harm of make up.

19. This is an age of fitnah. Therefore, one must adopt Pardah from one's brother-in-law. In short, the beauty of a woman is in her remaining covered. Staying with modesty and shame is her perfection of religion. Where is there honour in hanging around the marketplaces, becoming the

adornment of filthy literature and being eyed at by the filthy people? The honour of a woman is that she feels her hut is like the kingdom of Sulaymān. Yes, we now learn from the newspapers that the women in some advanced countries feel it a matter of pride to walk on the same level as men. They are not aware of the harms and the men are also shocked. If the effects come about, then these developed nations will become an admonishing lesson for all.

20. The parents must also adopt pious ways because their piety affects the children, especially the mother. Subsequently, by reading the biographies of the pious, we learn that their mothers were pious, like Hadrat Muslih-ul-Ummat رَحْمَةُ اللَّهِ، Maulānā Muhammad Ilyās رَحْمَةُ اللَّهِ، Maulānā Muhammad Zakariyya رَحْمَةُ اللَّهِ، Qārī Tayyib رَحْمَةُ اللَّهِ، and Maulānā Abul Hasan 'Alī Nadwī رَحْمَةُ اللَّهِ.

21. The parents must teach their children about fulfilling the rights of the spouse. This is because it is seen that in some places, the Sunnah of Nikāh is done, but they do not realise the importance of the rights of the spouses. This causes problems. In fact, some parents teach

their children things against Islām. Due to this, they are spoilt.

22. The less expense there is in a Nikāh, the more blessings there will be. Sayyidah Ayesha رَضِيَ اللهُ عَنْهَا narrates that Rasūlullāh صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ said, “The greatest amount of blessings in Nikāh will be that one in which the expense is the least.”<sup>1</sup>
23. When stipulating the Mahr, a large amount should not be requested that the husband cannot give. The object should not be pride. Also, one should not stipulate a small amount, which shows very little appreciation for the girl. Sayyidunā ‘Umar رَضِيَ اللهُ عَنْهُ once said, “O people, do not exaggerate in the Mahr amounts for women because if this was a matter of pride in the world, and a matter of taqwā in the hereafter, then Rasūlullāh صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ would have adopted it, whereas he stipulated his Mahr and that of his daughters at five hundred Dirhams.”<sup>2</sup>

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<sup>1</sup> Mishkāt p.268

<sup>2</sup> Mishkāt p.277

## Virtues of Nikāh

Sayyidunā Anas رَضِيَ اللَّهُ عَنْهُ narrates that Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ said, “When a person marries, he completes half of his Dīn. He should fear Allāh in the other half.”<sup>1</sup>

Sayyidunā Abū Umāmah رَضِيَ اللَّهُ عَنْهُ narrates that Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ said, “A person cannot acquire anything better after taqwā than a pious wife. If the husband commands her with something, she obeys. When the husband looks at her, she pleases him. If the husband takes an oath on something, the wife fulfils it. If the husband goes somewhere, the wife looks after herself and the wealth of the husband.”<sup>2</sup>

Sayyidunā Abū Hurayrah رَضِيَ اللَّهُ عَنْهُ narrates that Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ said, “When you get the message of Nikāh for your daughter to a person whose religiousness and character pleases you, then accept. If you do not do this, there will be corruption and trials on earth.”

Sayyidunā Abū Hurayrah رَضِيَ اللَّهُ عَنْهُ narrates that Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ said, “There are three people

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<sup>1</sup> Mishkāt p.268

<sup>2</sup> Mishkāt p.268

whose help Allāh has taken it upon himself. One is the person who wants to marry in order to acquire purity.”<sup>1</sup>

Sayyidunā ‘Abdullāh Ibn ‘Amr رَضِيَ اللهُ عَنْهُ narrates that Rasūlullāh صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ said, “Everything in the world has been created in order for you to take benefit from it, the best of these things is a pious wife.”

Sayyidunā Abū Hurayrah رَضِيَ اللهُ عَنْهُ narrates that four things should stand as a means of preference in marrying a woman. Wealth, lineage, beauty and religiosity. Give preference to religiosity.

## Types of Nikāh

### Fard

According to the Ahnāf, if a person is overpowered by desire and he is convinced that without Nikāh, he is going to get involved in adultery, then it will be Fard to marry.

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<sup>1</sup> Mishkāt p.268

## Wājib

If a person has overpowering desire, and he is convinced that he will not get involved in adultery, then it will be Wājib to do Nikāh.

In the cases of Fard and Wājib, the condition is that he is the owner of the Mahr and maintenance. If he does not have Mahr and maintenance, then it will not be sinful to leave Nikāh. Such a person should fast in abundance. Through this, a condition of balance will be created in his desire.

Sayyidunā ‘Abdullāh Ibn Mas’ūd رضي الله عنه narrates that Rasūlullāh صلى الله عليه وسلم said, “O group of youth, whoever has the ability to marry, he should do so because his gaze will remain low through it and he will acquire purity. The person who does not have the ability to marry, he should fast in abundance, as it will break his desire.”<sup>1</sup>

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<sup>1</sup> Mishkāt p.267

## Sunnah Muʾakkadah

During times of balance, i.e. a person has the ability to have relations and he can pay the Mahr and maintenance, then it is Sunnah Muʾakkadah to do Nikāh. He will be sinful for leaving it out.

### Worship

If a person marries with the intention of staying away from adultery and increasing his progeny, he will get reward. This is such a form of worship that has been in existence from the time of Sayyidunā Ādam عَلَيْهِ السَّلَامُ and will remain until Qiyāmah. This worship will remain in Jannah.<sup>1</sup>

### Makrūh

If a person has a harsh nature due to which there is fear that he will oppress his wife, then in such a case it is Makrūh to marry.

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<sup>1</sup> Imdād-ul-Fatāwā vol.2 p.250

## Harām

If there is conviction that a person will oppress his wife due to his harsh nature, then it will be Harām to marry.<sup>1</sup>

## Permission

The close guardian of the girl, like her father, should take permission from her, 'I am giving so and so, son of so and so in your Nikāh for this amount of Mahr.' If there is a cash amount and an amount to be given later, then it must be clarified. If an unmarried girl remains silent upon this, or she cries, or says 'yes', then this will be her permission. However, if someone besides the close guardian takes permission, then it is necessary for the girl to clearly give verbal permission. Similarly, if a woman is being married a second time, then it is necessary to give verbal permission.

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<sup>1</sup> Mazāhir e Haq vol.3 p.106

## The Fundamentals and Conditions of Nikāh

There are two fundamentals of Nikāh:

1. Ījāb
2. Qabūl

The Nikāh will not be done without these two.

Concerning Nikāh, whoever from the man, woman, or guardian says, ‘I have married you’, then this is Ījāb in the Sharī’ah. Whoever says that he/she has accepted, this will be Qabūl. Yes, the condition is that two males or one male and two females must bear witness, and the Nikāh is not for a restricted time.

### Du’ā when in Seclusion

Sayyidunā Ibn ‘Abbās رَضِيَ اللهُ عَنْهُمَا narrates that Rasūlullāh صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ said, “When any of you wants to go close to his wife, then he should say, (بِسْمِ اللَّهِ اللَّهُمَّ جَنِّبْنَا الشَّيْطَانَ وَجَنِّبِ الشَّيْطَانَ مَا رَزَقْتَنَا). If a child is born from this relation, then Shaytān will not cause harm to the child.

## Mahr

The amount that is compulsory upon the man in lieu of Nikāh and being in seclusion is called Mahr.

According to the Sharī'ah, this is necessary and binding on the husband. The Nikāh will be correct if the Mahr amount is not mentioned, but in such a case, it will be necessary to give the Mahr Mithl.

Mahr Sharī: At least ten Dirhams. There is no limit to the maximum amount.

Mahr Fātimī: Rasūlullāh ﷺ stipulated the Mahr of Sayyidah Fātimah رَضِيَ اللَّهُ عَنْهَا at five hundred Dirhams. According to some scholars, this is 1.528 kg of silver. Some say that it is 1.750 kg. This is the preferred view.<sup>1</sup>

This is called Mahr Fātimī. This is what Rasūlullāh ﷺ gave to most of his wives and stipulated for his other daughters.

Mahr Mithl: The Mahr Mithl of a girl will be the Mahr amount of the girl's paternal relatives that are of the same rank in beauty, wealth and in terms of the time.

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<sup>1</sup> Fatāwā Rahīmiyyah

The Mahr Mithl is the original right of the girl. When giving the Mahr, one should make the intention of it. It is better if given cash. This is called Mu’ajjal (with a ‘ayn). The amount promised to be given later is called Mu’ajjal (with a Hamzah).

### Talāq

Sayyidunā Ibn ‘Umar رَضِيَ اللهُ عَنْهُ narrates that Rasūlullāh صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ said, “The most disliked of the permitted things to Allāh is Talāq.”<sup>1</sup>

Sayyidunā Thaubān رَضِيَ اللهُ عَنْهُ narrates that Rasūlullāh صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ said, “The woman who seeks a Talāq without any severe need or cause, and wants separation, she will not get the fragrance of Jannah.”<sup>2</sup>

If a severe need arises where the husband and wife cannot get along, then with great thought and understanding, he should issue only one or two Talāq during her clean period. It is a severe sin to issue three divorces at once.

In the case where one or two Talāq were issued, if the husband feels that the condition can become better and he wants to take her back, then he has this right. It is

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<sup>1</sup> Mishkāt p.283

<sup>2</sup> Mishkāt p.283

sufficient for him to say this verbally. It is better if he says it in front of two people. If he does not take her back (make rujū') and the 'iddat passes, then the man and woman have the choice to make a new Nikāh. However, the divorced woman has the choice after the 'iddat expires, to marry another person.

One must bear in mind that one should never utter three divorces because, after this, the man and woman will have to go through Halālah if they want to establish contact again. The bad nature of this is known to all. If there is a need, one can enquire from the 'Ulamā'.

### Three Types of Talāq

#### Talāq Raj'ī:

If the husband issues one or two Talāq in clear words (Sunnah is that one should be issued during the clean period and the second in the second clean period), if they get together again, then a new Nikāh is not necessary. He can take his wife back within the 'iddat period. However, if the husband issues a Talāq and remains on it, then when the 'iddat expires, the Nikāh will break and the woman will be separated.

#### Talāq Bā'inah:

After the 'iddat of Talāq Raj'ī passes, the wife will become Bā'inah. Similarly, if he issued a Talāq in unclear or vague terms, or by indication, then if he intended Talāq through those words, then Talāq Bā'in will occur. The Nikāh is totally broken through this. It will not be permitted for the woman to stay with him without a new Nikāh.

Talāq Mughallazah:

After one or two Talāq, if the husband issued the third, then the Talāq will be Mughallazah.

According to the four Imāms, it will not be permitted for the woman and man to get together, except after Halālah.

One can refer to the 'Ulamā' for the details of the rulings on rujū' and halālah.

## Mutual Rights of Husband & Wife

Sayyidunā Abū Sa'īd Khudrī رضي الله عنه narrates that Rasūlullāh صلى الله عليه وسلم passed by some women on the occasion of 'īd-ul-fitr or 'īd-ul-adha and said, "O women, give charity in the path of Allāh. I have been informed and shown that a large group of women are in Jahannam." The women said, "Why is this?" Rasūlullāh صلى الله عليه وسلم said, "This is because you criticize and curse

in abundance and you are ungrateful to your husbands.”

Sayyidunā Abū Hurayrah رَضِيَ اللَّهُ عَنْهُ narrates that Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ said, “A Muslim should not have hatred and enmity for his wife. If he dislikes a habit in his wife, then he will like another habit of hers.”<sup>1</sup>

Sayyidah Ayesha رَضِيَ اللَّهُ عَنْهَا narrates that Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ said, “The most perfect believer is he whose character is the best and he is soft and compassionate to his spouse.”<sup>2</sup>

Sayyidah Ayesha رَضِيَ اللَّهُ عَنْهَا narrates that Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ said, “The best of you is he who is best to his wife, and I am the best to my wives.”<sup>3</sup>

Sayyidunā Abū Hurayrah رَضِيَ اللَّهُ عَنْهُ narrates that Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ was asked, “Which woman is the best?” Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ said, “That woman, when her husband sees her, he is pleased, she obeys the husband in matters of obedience and she does not use herself or her wealth in anything that will cause his displeasure.”

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<sup>1</sup> Mishkāt p.280

<sup>2</sup> Mishkāt p.282

<sup>3</sup> Mishkāt p.281

Sayyidunā Jābir رَضِيَ اللهُ عَنْهُ narrates that Rasūlullāh صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ said, “There are three people whose Salāh Allāh will not accept, nor will any of their good deeds be accepted. One is a slave that fled from the home of his master, until he returns. Secondly, the woman whose husband is displeased with her. Thirdly, the intoxicated person, until he becomes sober.”<sup>1</sup>

Sayyidunā Anas رَضِيَ اللهُ عَنْهُ narrates that Rasūlullāh صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ said, “When a woman is punctual with the five Salāh, she keeps the fast of Ramadhān protects her private parts, obeys her husband, then there is permission from Allāh for her to enter from whichever door of Jannah she likes.”<sup>2</sup>

Sayyidunā Hakīm Ibn Muʿāwiyah Qurashī رَضِيَ اللهُ عَنْهُ narrates from his father, “I once asked Rasūlullāh صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, “O Rasūl of Allāh, what is the right of our wives upon us?” Rasūlullāh صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ said, “The right of your wife is that you feed her what you eat, you clothe her of what you wear, you do not speak ill to her, if things reach the point where you have to hit her, then do not hit on the face. Stay away from her if you want

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<sup>1</sup> Mishkāt p.283

<sup>2</sup> Mishkāt p.281

to reprimand her, stay away from her within the house.”<sup>1</sup>

## Rights of the Wife upon the Husband

1. Good character
2. To tolerate her difficulty as much as possible
3. To adopt a moderate and balanced way, i.e. one should not have bad thoughts unnecessarily, nor should one be totally negligent
4. One should adopt a balanced way in spending, i.e. one should not be stingy, nor should one waste
5. One should learn the rulings of Haydh, teach them, emphasize Salāh and forbid innovations
6. To fulfil her desires according to need
7. Not to do coitus interruptus without permission
8. Not to issue talāq if there is no necessity
9. To provide accommodation that is sufficient

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<sup>1</sup> Mishkāt p.281

10. To let her family meet her, not stop them for no reason
11. Not to disclose details of intimate relations
12. If there is a need to discipline her, then one should be balanced in it. (I feel that in this time, if softness will do, then one should adopt it.)

### Rights of the Husband upon the Wife

1. To obey his instruction in every matter, on condition that it is not a sinful thing
2. Not to request maintenance that is beyond his ability
3. Not to allow anyone to enter the house without his permission
4. Not to leave the house without his permission
5. Not to give anyone anything from his wealth without his permission
6. Not to perform Nafī Salāh and keep Nafī fasts without his permission
7. If he calls to have relations, then one should not refuse if there is no Sharʿī excuse

8. Not to look down upon one's husband if he is poor or does not look good
9. If one sees the husband doing something against the Sharī'ah, then one should stop him respectfully
10. One should not call him by his name
11. One should not complain of the husband in front of anyone
12. One should not speak too much, i.e. have a loud mouth in front of him
13. One should not clash with his family<sup>1</sup>

Note: If the spouses consider each other and think of fulfilling the rights of each other, then definitely the life at home will be beautiful and joyous. This will affect the children and the entire family positively. Similarly, if every individual of the house will take responsibility to correct the social life, it will not be surprising if it has good effects in the whole world.

Note: One should study Beheshti Zewar of Maulānā Ashraf 'Alī Thānwī رَحْمَةُ اللهِ for the rulings on Nikāh,

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<sup>1</sup> Imdād-ul-Fatāwā vol.2 p.186

birth, ‘Aqīqah and related matters. One can also check our work, Tarbiyat e Aulād kā Islāmī Nizām.

We make du’ā’ that may Allāh سُبْحَانَهُ وَتَعَالَى accept this booklet through His grace and mercy and may He grant the Ummah the divine ability to practice on the rulings and guidance that it teaches.

Muhammad Qamr-uz-Zamān Ilahabadi

20 Rajab 1424

18 September 2003

## Translator's Note

By the grace of Allah سُبْحَانَهُ وَتَعَالَى, translation completed on 29 Dhul-Hijjah 1439, 9 September 2018. All praise is due to Allah سُبْحَانَهُ وَتَعَالَى for blessing us with the opportunity to translate this work. May Allah سُبْحَانَهُ وَتَعَالَى accept from the author and translator and take this work worldwide for the guidance of humanity, Amīn.

As with all endeavours, there are bound to be perfections and shortcomings. The perfections are from Allah and the shortcomings from us.

Kindly feel free to provide constructive feedback at [ghazali.in.motion@gmail.com](mailto:ghazali.in.motion@gmail.com)

Abdullah Moolla, Azaadville