

TheSunniWay



4th Annual Fiqhi Seminar, Shar'i Council of India, Bareilly Shareef

Presided by Qazi-ul-Quzzat fil Hind, Mufti Akhtar Raza Khan

**DECREE: PERTAINING TO THE
DIFFERENCE IN TIMINGS AND
CAUSES OF THE SACRIFICE AT THE
PLACE OF THE CONSTITUENT AND
THE REPRESENTATIVE**

Translated by Mufti Zahid Hussain al-Qadiri

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JamiaturRaza, Bareilly Shareef

DECREE

The cause¹ of necessity for the sacrifice is the 'Days of Sacrifice'² and the time of fulfilment for a resident in a city is after the Salah of Al-Adha and for a resident in a village, it is after the break of dawn on the day of Sacrifice.

If the break of dawn on the day of Sacrifice has not occurred at the place of the constituent³ but morning has occurred at the place of the representative⁴ for the sacrifice, then, will the necessity be fulfilled if the representative does the sacrifice?

After thorough examination and scrutiny, we came to the decision that the sacrifice from the constituent is valid.

إِطْلَاقَ نصوصِ الفقهاءِ بأنَّ المعتبرَ مكانَ الذبيحِ لا مكانَ المالكِ ولصيانةِ أمورِ المسلمينِ

However, precaution is that the representative does the sacrifice at the time when the break of dawn has also occurred at the place of the constituent on the day of Sacrifice.

It is only Mufti Azeez Aalam that has disagreed and said that,

“It is necessary that the actual necessity (time) has occurred at the place of the constituent. If the time has occurred at the place of the representative and not at the place of the constituent, then the sacrifice from the constituent will not be valid”

If the sacrifice has been done based on testimony and later it is found that the testimony was invalid, then, the Salah and Sacrifice will both be ruled valid and Allah knows best.

¹ Causes – أسباب

² Days of Nahr (أيام النحر) – These are the days of Eid Al-Adhaa, from break of dawn on the 10th of Zi Al-Hijjah until Sunset on the 12th of Zi Al-Hijjah.

³ Constituent (موكل) – This is the owner of the sacrifice who has given authority to another to fulfil the order of sacrifice.

⁴ Representative (وكيل) – This is the agent or representative who has been given the authority by the constituent to do his/her sacrifice.