

1. Muftahed's power of judgment court.

① Two types of rights (حقوق)

② حق (Own property) ^{حق}, House, bank, car etc.

③ حق (Substituted property) currency (not same rule)

Ulema say, haram to take own property (if judgment by non-Muq.)
but legal bay al-Nak haram but doubtful (شك) but if it is
substituted property haram to take.

- Not Islamic govt. matters should go to Muq. for judgment - واجب
(Kajika kafai to have at least one Muq. in our society/city)

Mani oppressed - Muq. not in power to enforce his judgment
any way is to go to qalam, other than Muq. - allowed to go
to established courts.

- judgment made in favor of own property - no problem

- if awarded substituted property, can take but haram to use
it unless permission is granted by Muq. or his rep.

④ Once Muq. gives judgment - واجب to accept - can't go to another
Muq. & appeal - Not even other Muq. can override even if
he knew that judgment was not right or in error.

⑤ Muq. passes judgment per Shariat - we know for sure that it is
wrong (eg) - Not allowed to challenge judgment neither accept -
wants to resist or buy go to the rightful owner.

⑥ The above is 100% sure, we must accept judgment.

⑦ No concept of Appeal in Islam - High Court Supreme Court - Muq.
judgment final. - More than one Muq. - Petitioner will select ^{his right to}

2. AHTIAT: To do thing which is haram eg olden washed one or three

① doubt is prayer complete & repeat ② knows not haram but doesn't

know sunnat, mahrab or mubah - do it ④ knows not Wajib but

know mahrab or mubah stay away.

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- 3. - two types of Ahkrat - ① Some has to do twice ^{1 case prayer} ② Herd ^{method} part.
- 4. One who is doing Taqlee or Ejlhid can also do Ahkrat if they want to. eg. Ejlhid for kash or kash for kash - not necessary if wants to do Ahkrat.
- 5. At one place impossible to do Ahkrat - Najs to fast, wats to fast - father say no - hard thing fast but also haram to disobey parents. Now how to conflict b/w Wejib & haram - Wejib to do E or A T.
- 6. Some Ulama - can't do Ahkrat if one can find out what is req'd and some say allowed - Now what to do. - Wejib first to do Taqleed or E ad ask if he allowed it. - Can't escape from E or T.
- 7. TABLEED: "One who doesn't know follow/accept one who knows & has complete knowledge of that thing." - We don't know what are the rules of Qura & hadith so we should ask one who is expert - Do Taqleed.
- 9. Best way to find out our resp. / order of Allah is Ejlhid. not possible for everyone - not much interest in religion - can't be possible to run society.
- 10. Islam gave another way - for you science - devote their life and learn and others to do their Taqleed.
- 11. Things in which Taqleed is Allowed - Doctors, engineers - Mujtahid - Taqleed to follow what they say. which orders - personal suggestion/ideas - No. only castles for his research of Qura and hadith.
- 12. Taqleed only in one part out of four parts of religion.

- ① No T in Wale Deen - necessary to understand - at least one reason.
- ② Necessary things - Prayer, fast, Haj, Nikah - all are cap.
- ③ Mujtahid - Things invented by Religion Taqleed - where present for higher - Abtan. eg. Wine in haram
- ④ Taqleed in all other things besides this 3. is wajib.

only do what Allah made us do in Quran next week.

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A568

احتیاط - احتیاط - تقییر

Other powers of Muftihood 1, 2 & 3 in type A567.

4. Two types of right (حق)

- a) مال خاص (Our ^{مال خاص} property) ^{House, Book, Shop, car etc.}
- b) مال عام (Substituted property) currency (not the same note)

Ulama says that to take his own property is also haram (because of judgment by non-muftahed) but K914 say that it is not haram but is ^{شک} doubtful but if it is مال عام (substituted thing) is haram.

If there is not even Islamic government, ^{even he doesn't have power} Momin should go to the Muftihood in that area and obey/follow his judgment. This is wajib as prayers, khums, fasting is wajib even though there is no Islamic government.

(Misconception among people that One Muftihood is done is not enough - no Muftihoods are needed in every area to solve problem among people hence it is wajib kefar for each area to have atleast one Muftihood).

Now if a momin is oppressed, his right is violated and he wants his right back, justice to be done and he is living in a area where he can only get his right back by going to some one else besides the Muftihood (every place except Iran), first it was wajib for him to go to Muftihood but because of society he knows that by going to Muftihood he will not get his right back. He is allowed to go to where/who ever he got his right back even though he has to go to Zuleen (go to police or courts). Now if the judgment is made in your favour and you get the ^{مال خاص} same thing back

than there is no problem but if you are awarded substituted property etc. than it is ~~ha~~ it you can take that but it is haram to use it until permission is given by Muftihood or his rep. so one has to go first to Muftihood or his rep. and ask his permission - this is not normally done in our society.

5. Once a Muftihood has given his decision / judgement ^(according to shariat and with good intent) then it is wajib to accept this judgement, and hence it is not allowed for either party to go to another Muftihood and appeal again similarly not allowed for another Muftihood to pass another order or judgement regarding that case even though the other Muftihood knows that judgement was wrong (eg the other Muftihood knows that the witnesses were not Adal but the first Muftihood knew them as Adal).

6. Now if the Muftihood passes decision / judgement honestly and according to Shariat but we (as a common ^{person} ~~man~~) know ^{from} our personal knowledge that the judgement was wrong. eg. Dispute b/w two people X & Y. about the ownership of a house, they go to Muftihood and Y produces two witnesses and the decision is made that house belongs to Y we know that even though these two witnesses are okay adal but in this one case they lied and hence judgement was wrong, we are sure house belongs to X. So one knows this judgement is wrong, he is not even allowed to go against the Muftihood, ^{challenge} ~~he will have to~~ but at the same time he will for his personally will not accept the judgement and if he wanted rent or buy the

house he will have to get the permission of 'x' even though 'y' has the property.

- 7) This was taken one was 100% sure, if he has only doubt then he will just follow the Mufti's judgement and accept it and don't pay attention to his doubt.
- 8) As you heard once the Mufti gives judgement - one has to accept it and there is no appeal, no concept in Islam of high court or Supreme Court. Mufti's judgement is final. Now if in one area there are more than one judge and we know that if we go to anyone of them judgement will be final (even if he is small Mufti - not even K9K can give judgement against it - ^{one} and not even appeal to him is possible). Now is there a rule who chooses the Mufti, which Mufti to go to? - The rule is that the one who sues (petitioner) has the right to pick a Mufti. One who claims that his right was violated, he has the right to choose the Mufti.

These were the duties ^{powers} of Mufti, it all started to form our discussion of that three ways to know the ~~is~~ our responsibilities and follow religion. Iqbal - as you heard one who becomes Mufti will follow according to his Iqbal - second was Ahlat to do the harder thing e.g. cloth can become pale by washing once but some saw has to be washed three times - one who does Ahlat has to wash it three times, doubt in prayers one M. Sup

that doubt is recast complete this prayers also and then repeat again, another one says finish your prayers where doubt occur and start all over. - Dhtriat is that to follow the herd and i.e. complete the prayers and also repeat again - Don't know we know's not haram but devil know it is sunnat or Mubarak or Mubrah - do it, know our wajib but don't know mabru sun or mubrah, stay away from it.

Two types of Dhtriat 1) Some thing has to do twice - less prayers. 2) Only has to do once but follow the hard method. Now one who is doing Taglead or doing Ighhad both have right to do Dhtriat if they choose to do so. Can do research and find out is it less or not, not necessary if decides to do Dhtriat mindfully can find out what KSI say but not necessary if wants to Dhtriat. Okey.

But one time a case can come when he cannot / impossible to do Dhtriat e.g. if one does naja/koran to fast ^{and fast} and then his has father or if wife husband does not allow, give doesn't give permission, doubts in this case naja is acceptable or not - hard thing to fast but at the same time dischay parents is haram - Now what to do - conflict b/w haram and wajib, not possible to do Dhtriat (Bright of moon example), in this cases it is wajib for one to do who does Dhtriat to either do Ighhad or do Taglead.

Another thing - Some Mughthib are of the view that cannot do Dhtriat when one can find out what is

Dhtriat is also disputable
accnt -

thing to be done, what is the order then why do
 Ahtrat and hence not allowed to do Ahtrat
 and some myths are of the view that it is
 allowed to do Ahtrat — Now here if one wants
 to do Ahtrat then it is wajib on him to first
 do Taqleed or Ighhad and then ask his Mufti
 if he allows + you to do Ahtrat then go ahead
 and do Ahtrat — in other word no one in
 this world can do deeds without doing either
 Ighhad or Taqleed.

TAQLEED — Arabic word. ^{Rasib - Urdu enemy competitor}
^{Rasib - Arabic - Supplier}
 Malayisa - Haji of Hajj (3 times Haji) ^{isais - Khams}

Taqleed has four meanings in Arabic — first 3 not good
 4th meaning is "One who doesn't know follow/accept
 one who knows / has a complete knowledge of that thing".
 One who doesn't know ask one who knows — We don't
 know what are the rules for us in Quran and Hadees
 so we should ask / follow one who knows completely
 about this subject in another words do his taqleed
 So the best way to find out our responsibilities or
 orders of Allah is this that we make ourselves as
 educated / well versed in Quran and Hadees that we
 have capability to find out the orders of Allah for
 Quran and Hadees : But this is very hard for everyone
 to do because most people don't have that much interest
 in religious education and the other reason is that
 if everyone starts learning this then the society can't be
 green, there will be no professional, labors, etc. Hence

Islam has been generous and given us another way and that is that from each community / society few people go / devote their time & life and learn Quran and hadees and then let others know what are the orders of Allah ^{or} our responsibility towards Allah — this is called Taqleed.

Things in which Taqleed is called allowed.

As you heard that those who don't know ask one who knows — and just as one who knows medicine is called doctor, enquiry called engineer similarly one who knows religion ^{is} called Mufti. So Taqleed means to follow what Mufti says, to accept his orders / his conclusions. Which orders? which conclusion? If he says my personal suggestion / ideas is this or this is what the law should be in my opinion? In this case we will not follow him or accept his orders. We want to know what are the orders for us in the light of Quran and Hadees and when he comes to conclusion that from my research in Quran and hadees this is what I conclude? then are what the orders are? That we will accept so Iqleed and Taqleed is to follow those orders which are presented in the light of Quran and Hadees only.

1. Now scholars have said that Taqleed is in only one part out of four parts of religion —
 1) How Taqleed is Usode deen. — Necessary to understand / know without doing Taqleed — how?
 Aka lehee sauff' Dait do anyones Taqleed but

logically or by the help of reason believe in Usole deen.
 If you say that God is one then you should have a reason why? If you say God is Adeel. You should have a reason why? If you say there is Prophetic Annamut, Iyamat then you should have a reason for this beliefs. Not necessary to have a philosophical or scientific reason - Any brief reason by which one gets completely satisfied and starts believing in it because of that reason. If one says my teacher said, my parents, friend, Alim, Khatib said that is why I believe / have faith in this then that is wrong. But if one reads or once hears some ones reason on Usole deen and understood and agrees with that reason then it is okay - you are not accepting what he is saying but you are agreeing because it makes sense. - If all these things are seen cannot come into existence without someone creating it? So per A. Kahar one should/Wajib to have atleast one reason for each Usole deen. If one doesn't have, he is ~~isn't~~ doesn't become kafir, he is still muslim but he committed sin as it was wajib and he didn't do it. So one who just believes in Usole deen but don't have any reason then he is muslim but he has committed sin, gave up wajib. A. Kahmani says that is enough to just have certainty ^{qiyas} in Usole deen whether one has any reason or not - One says I am certain that God exist ^{I'm} - then is he is muslim and is Adeel. So not having reason is not he didn't commit

2. Besides this we see Usale deen. Besides these

2. Besides this the rest of religion (Furudaa?) in this these things which are necessary for religion

i.e. these things which all muslims believe in

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and majority of the muslims know of / have knowledge about it even though they are not

religions — In these things there is no tagheed

of prayers, fasting, haj, urkash. these things

all muslims believe in. ~~they~~ everyone believes

they may differ in its method or duration etc. but

all muslims believe in that thing — In these things

also tagheed is not allowed. Now if one

Muhyeed ad deen Fjhal and says that 'Ede'

after divorce is not wajib we will not believe

him & accept this because every muslim even he

knew that in Islam there is Ede Quraan says so.

We will reject this and say you have given the

order by yourself and not from Quraan & hades

we would not want to know what you think but

what Quraan & hades say. But remember this

that these things which the muslim world ever consider

part of Islam, it is possible that certain things are

common & everyone thing it is part of religion in

one community or country eg. wearing cap while

praying — in Pakistan and not anywhere else.

— in this there will be tagheed. In summary

in these things there is tagheed is haram because Muhyeed

One who gives orders is saying as his opinion.

3. Third thing in which taqlid is not necessary. 'Mujtahat': — Mujtahid if he gives fatwa on such things which were invented by religion then we will accept/follow his orders, but if he gives orders of fatwa on things which are not invented by religion — that thing will still exist without religion. Eg. in this case there is no taqlid.

Eg. Mujtahid gives fatwa that 'Ulline is haram'. Okay — Now if we see that in a glass there is some liquid which looks like wine — now if Mujtahid comes then A. Kohmeri comes and says that this thing is glass is wine — It is not necessary for us to accept/follow/believe his order in this case. Why. The fatwa that "Ulline is haram" we have to accept this as a law/order/rule but when he says this thing in the glass is wine then his words have the same weight as any other aadul person says about that thing i.e. his saying is equal to one aadul's witness. To accept fatwa is wajib for the Mujtahid where taqlid we do.

If we know for sure that in fact that is wine in the glass then it is haram, but if we are not sure whether that liquid which looks like wine is wine or not then if even if A. Kohmeri says his opinion is just like any other aadul. So to implement that fatwa, here we can disagree if you want to.

Eg. Mujtahid says that I saw the moon of Eid.

Eg. Kraft Cheese is haram to eat — fatwa dead animals hij is haram to eat.

Upon you to
believe in his
fatwa or not

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E.g. Clatti is urine falls - najees - the cloth - najees is not. These things urine, Clatti - left cheese & are not entered by najees. So in this third thing also Taghleed is not necessary.

All other things besides this, one it is wajib on one to do taghleed, if one doesn't do taghleed and all his deeds are haram and void.

Why did it necessary for taghleed? Why did Allah made us depending on the Ulama? - No firm.

Q9A

1. Wajib on Mus'keed to give judgement of his life, property or honor. In case of emergency.