

# Can the Fidyah for the Salah and Fast of the Deceased Father Be Given to his daughter?

Darulifta Ahlesunnat

(Dawateislami)

## Question

What do the noble scholars and jurists of Islamic law say about the following: A few days ago, Zaid's father passed away. He wants to pay Fidyah (compensation) from his wealth for the Salah and Fast of his late father. Can he give this Fidyah to his sister (who is the deceased's daughter) if she is eligible to receive Zakah?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

In the enquired scenario, Zaid cannot give the Fidyah of his late father's Salah and Fasts to his sister. If he does, it will not be fulfilled, even if she is eligible to receive Zakah.

The explanation of this issue is that the recipients of Fidyah are the same as those eligible for Zakah, Fitrah, and other Wajib Sadaqah (obligatory charity). Just as all other Wajib Sadaqah cannot be given to one's antecedents (such as parents, paternal or maternal grandparents, and their parents etc.) or descendants (such as children, grandchildren, etc.), Fidyah also cannot be given to them. Since this Fidyah is being given on behalf of the father, it cannot be given to his descendants, (meaning his daughter, who is Zaid's sister). However, apart from this Fidyah, Zaid can support his Zakat-eligible sister through his own Wajib or Nafl Sadaqat, as helping relatives is double the reward.

The recipients of Fidyah are the same as those eligible for Zakah, Fitrah, and other Wajib Sadaqat, as stated in *Radd Al-Muhtar 'Ala Al-Durr Al-Mukhtar*:

(مصرف الزكوة والعشر) هو مصرف أيضا صدقة الفطر والكفارة والنذر وغير ذلك من الصدقات الواجبة

كما في القهستاني

Translation: The recipients of Zakah and 'Ushr are also the recipients for Sadaqah Al-Fitr, Kaffarah, Nazr, and other Wajib Sadaqat, as stated in Al-Quhustani. (Radd Al-Muhtar 'Ala Al-Durr Al-Mukhtar, Vol. 3, Chapter of eligible recipients, Pg. 333, Publ. Quetta)

Regarding giving Wajib Sadaqat to one's antecedents and descendants, it is stated in *Al-Fatawa Al-Hindiya*:

ولا يدفع الى اصله، وإن علا، وفرعه، وإن سفلى كذا فى الكافى

Translation: One cannot give Zakat to their antecedents (no matter how generations above) or their descendants (no matter how many generations below), as stated in Al-Kafi. (Al-Fatawa Al-Hindiya, Vol. 1, Pg. 188, Publ. Dar Al-Fikr, Beirut)

Regarding spending on relatives, Malik Al-Ulama Allamah Kasani Hanafi رحمه الله عليه (d. 587AH / 1191 CE) writes:

اما صدقة التطوع فيجوز دفعها الى هؤلاء والدفع اليهم أولى لان فيه أجرين أجر الصدقة وأجر الصلة

Translation: However, Sadaqah Nafilah can be given to one's antecedents and descendants. In fact, it is better to do so because it carries a double reward, one for giving charity and the other for maintaining family ties. (Bada'i Al-Sana'i, Vol. 2, Pg. 50, Publ. Dar Al-Kutub Al-Ilmiyyah, Beirut)

Sadr Al-Shari'ah Mufti Muhammad Amjad Ali A'zami رحمه الله عليه (d. 1367 AH / 1947 CE) writes:

اپنی اصل یعنی ماں باپ، دادا دادی، نانا نانی وغیرہم جن کی اولاد میں یہ ہے اور اپنی اولاد بیٹا بیٹی، پوتا پوتی، نواسا نواسی وغیرہم کو زکوٰۃ نہیں دے سکتا۔ یوہیں صدقہ فطرونذرو کفارہ بھی انہیں نہیں دے سکتا۔ رہا صدقہ نفل، وہ دے سکتا ہے، بلکہ بہتر ہے۔

Translation: One cannot give Zakah to their antecedents, such as parents, grandparents etc. whose lineage he is from, nor to their descendants, such as sons, daughters, grandsons, and granddaughters etc. Similarly, Sadaqah Fitr, Nazr (charity due from oath), and Kaffarah (expiation) also cannot be given to them. However, Nafl Sadqah, (voluntary charity) can be given to them, and in fact, it is even better to do so. (Bahar-e-Shari'at, Vol. 1, Sect. 5, Pg. 927, Publ. Maktaba-Tul-Madina, Karachi)

A question was asked to A'la Hazrat, the Imam of Ahl As-Sunnah, Imam Ahmad Raza Khan رَحْمَةُ اللهِ تَعَالٰی عَلَيْهِ (d. 1340 AH / 1921 CE):

زید متوفی پر متعدد روزے باقی ہے، اگر ان کا فدیہ دینا چاہیں، تو اس کے مستحق کون کون اشخاص ہیں؟ سید کو دے سکتے ہیں یا نہیں؟  
اقربا میں جو لوگ غریب ہیں ان کو دینے کا حکم ہے یا نہیں؟

Translation: Zaid has passed away while having multiple missed fasts. If Fidyah is to be given on his behalf, who are the eligible

recipients? Can it be given to Syed or not? Are we commanded to give it to poor relatives or not?

To this, he responded:

مصرف اس کا مثل مصرف صدقہ فطر و کفارہ یمین و سائر کفارات و صدقات واجبہ ہے، بلکہ کسی ہاشمی، مثلاً شیخ علوی یا عباسی کو بھی نہیں دے سکتے۔ غنی یا غنی مرد کے نابالغ فقیر بچے کو نہیں دے سکتے، کافر کو نہیں دے سکتے، جو صاحب فدیہ کی اولاد میں ہے، جیسے بیٹا بیٹی، پوتا پوتی، نواسا نواسی، یا صاحب فدیہ جس کی اولاد میں، جیسے ماں باپ، دادا دادی، ناننانا، انہیں نہیں دے سکتے، اور اقربا، مثلاً بہن بھائی، چچا، ماموں خالہ، پھوپھی، بھتیجا، بھتیجی، بھانجا، بھانجی، ان کو دے سکتے ہیں، جبکہ اور موانع نہ ہوں۔

Translation: The recipients of Fidyah are the same as those eligible for Sadaqah Al-Fitr, Kaffarah for oaths, and other Wajib Sadaqah. In fact, it cannot be given to any Hashimi, such as a Sheikh Alawi or an Abbasi. It also cannot be given to a wealthy person or the non-baligh (pre-pubescent) child of a wealthy man, even if the child is poor. It cannot be given to a non-Muslim. It cannot be given to the children of the one for whom Fidyah is being offered, such as the sons, daughter, grandchildren, or whose lineage said person is from, such as mother, father, paternal and maternal grandparents. However, it can be given to other relatives, such as siblings, uncles, aunts (paternal and maternal), nephews, and nieces, provided there are no other disqualifying factors. (Fatawa Razawiyah, Vol. 10, Pg. 528, Publ. Raza Foundation, Lahore)

وَاللّٰهُ اَعْلَمُ عَزَّوَجَلَّ وَرَسُوْلُهُ اَعْلَمُ صَلَّى اللّٰهُ تَعَالٰی عَلَیْهِ وَاٰلِهٖ وَسَلَّم

(Allah Almighty knows best and His Messenger صَلَّى اللّٰهُ عَلَیْهِ وَاٰلِهٖ وَسَلَّم knows best.)

**Answered By:** Mufti Muhammad Qasim Attari

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**Dar-ul-Ifta Ahlesunnat (Dawat-e-Islami)**



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