

Until when Can the Intention for a Qada' Fast be Made?

Darulifta Ahlesunnat (Dawateislami)

Question

What do the noble scholars and jurists of Islamic law say about the following: An Islamic sister has some remaining qada' (missed) fasts that she wants to make up. She wants to know about the following:

- (1) Until when can the intention of a qada' fast be made?
- (2) If one has a few remaining fasts from the previous Ramadan and the next Ramadan begins, should they make up the qada' fast first or keep the fasts of the current Ramadan?

Answer

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

(1) To keep the qada' (missed) fast, the intention of fasting must be made at night or precisely at the time when Fajr begins. The intention made after this time will not suffice for this fast.

(2) If one has some remaining qada' fasts of Ramadan and the next Ramadan begins, it is necessary to keep the fast of the current Ramadan first. It would be impermissible and haram to make the intention of the qada' fasts at that time. But even if one made the intention of keeping a qada' fast, even then, the fast would count for the current Ramadan, and they would be sinful due to their intention. The qada' fast of the previous Ramadan can only be kept after this Ramadan.

The evidence is mentioned below:

Regarding the time for making the intention of a qada' fast, it is stated in Tuhfah al-Fuqaha', Kanz and its explanation Tabyeen (the following text is from Tabyeen):

(وما بقي لم يجز إلا بنية معينة مبيتة) أي ما عدا ما ذكرنا من الأنواع لم يجز إلا بنية معينة مبيتة من الليل وهي قضاء رمضان والكفارات والنذر المطلق إذ ليس لها وقت متعين لها فلم يتعين لها إلا بنية من الليل أو بنية مقارئة لطلوع الفجر فلم تصح بنية من النهار

(Tabyeen al-Haqa'iq Sharah Kanz al-Daqa'iq, Vol. 1, p. 316, Publ. Bulaq, Cairo)

It is stated in Bahar-e-Shari'at:

تھنائے رمضان اور نذر غیر معین اور نفل کی تھا۔۔۔ ان سب میں عین صبح جمعے وقت یا رات میں نیت کرنا ضروری ہے اور یہ بھی ضروری ہے کہ جو روزہ رکھنا ہے، خاص اس معین کی نیت کرے اور ان روزوں کی نیت اگر دن میں کی تو نفل ہوئے۔

Translation: Qada' of Ramadan, Nazr Mu'ayyan, and qada' of a nafl fast... the intention for these fasts must be made precisely at the time of true dawn or at nighttime. It is also necessary to make the intention of the specific fast they want to keep. If the intention of these fasts is made during the daytime, the fast will be regarded as nafl. (Bahar-e-Shari'at, Vol. 1, Pt. 5, p. 971, Publ. Maktaba-Tul-Madinah, Karachi)

Regarding giving precedence to 'ada' fast over qada' fast, it is stated in Nahr al-Fa'iq, al-Durr al-Mukhtar, and Majma' al-Anhur (the following words are of Majma' al-Anhur):

(فان اخره) ای القضاء (حتی جاء) رمضان (آخر قدم الاداء) علی القضاء بالاجماع لانه وقته

(Majma' al-Anhur Sharh Multaqa al-Abhur, Vol. 1, p. 250, Publ. Dar Ihya' al-Turas al-'Arabi)

It is stated in Radd al-Muhtar:

الظاهر الوجوب لما مر أول الصوم من أنه لو نوى النفل أو واجبا آخر يخشى عليه الكفر، تامل

(Al-Durr al-Mukhtar Ma'a Radd al-Muhtar, Vol. 3, p. 465, Publ. Quetta)

If one made the intention of keeping a qada' fast, even then, the fast of the current Ramadan would be fulfilled. It is stated in Nur al-'Idah Wa Maraq al-Falah:

(فان جاء رمضان آخر) ولم يقض الفائت (قدم) الاداء (على القضاء) شرعاً حتى لو نواه عن القضاء لا يقع الاعن الاداء كما تقدم

(Maraq al-Falah Sharh Nur al-'Idah, p. 259, Publ. Maktabah al-'Asriyah)

It is stated in Tabyeen al-Haqa'iq:

صام رمضان الثاني لانه في وقته وهو لا يقبل غيره ثم صام القضاء بعده لانه وقت القضاء

(Tabyeen al-Haqa'iq Sharah Kanz al-Daqa'iq, Vol. 1, p. 336, Publ. Bulaq, Cairo)

It is stated in Bahar-e-Shari'at:

حکم یہ ہے کہ عذر جانے کے بعد دوسرے رمضان کے آنے سے پہلے قضا رکھ لیں۔۔۔ اور اگر روزے نہ رکھے اور دوسرا رمضان آگیا تو اب پہلے اس رمضان کے روزے رکھ لے، قضا نہ رکھے، بلکہ اگر غیر مریض و مسافر نے قضا کی نیت کی جب بھی قضا نہیں بلکہ اُسی رمضان کے روزے ہیں۔

Translation: The ruling is that the qada' should be kept once the 'uzr has ended and before the following Ramadan... And if one didn't keep the fast and the next Ramadan arrived, they should first keep the fast of this Ramadan and not the qada' fast. If a non-ill and non-traveler made the intention of keeping the qada' fast, the qada' will not be fulfilled, but instead this fast of the current Ramadan will be fulfilled. (Bahar-e-Shari'at, Vol. 1, p. 1004, 1005, Publ. Maktaba-Tul-Madinah, Karachi)

وَاللّٰهُ اَعْلَمُ عَزَّ وَجَلَّ وَرَسُولُهُ اَعْلَمُ صَلَّى اللّٰهُ تَعَالٰى عَلَيْهِ وَاٰلِهٖ وَسَلَّم

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

Answered By: Mufti Muhammad Qasim Attari

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