

Ruling on Jokingly Calling Someone a Hindu?

Darulifta Ahlesunnat (Dawateislami)

Question

What do the noble scholars and jurists of Islamic law say about the following: If one jokingly says, "Living with the Hindus, you have also become a Hindu" to another person, what is the ruling on this?

Answer

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ
الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اَللّٰهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

In relation to the one who calls a Muslim a kāfir becoming a kāfir themselves, the jurists have mentioned two cases. **First case:** If one calls a Muslim a kāfir with belief, i.e., he believes in his heart that this person is actually a non-Muslim, even though there is no aspect of Kufr in him, the speaker himself will become a kāfir. This is because, considering a Muslim to be a kāfir, in reality, is considering Islām to be kufr, and the one who considers Islām to be kufr becomes a kāfir. **The second case:** If a Muslim calls another Muslim "kāfir" as an insult, while not believing in his heart that the person is actually a kāfir, such a person does not become a kāfir himself; however, he will be a grave sinner.

As for the statement mentioned in the question, a person generally does not intend to consider them a kāfir. Instead, his intention is just to say that this person has adopted the habits, practices, and the style of kāfirs because of staying with them. Therefore, if a person jokingly calls a Muslim a kāfir without believing in his heart that he is actually a kāfir, he himself will not be declared a kāfir. This is because calling someone else a kāfir makes that person a kāfir himself when he believes in his heart that he is a kāfir, when in reality there is no aspect of kufr in that person. But this is not the case here; hence, the one who said such will not be declared a kāfir, as is the ruling of the person who says this as an insult to someone, i.e., he is not declared a kāfir. Moreover, saying this to anyone as a joke is impermissible and ḥarām.

Shaykh-e-Muḥaqqiq, Shāh 'Abdul-Ḥaq Muḥaddith Dehlwī رحمه الله تعالى عليه writes in *Lam'āt al-Tanqīh Fi Sharḥ Mishkāt al-Masābīh*:

إذا قال بقصد الكذب والسب من غير اعتقاد بطلان دين الاسلام، فقد يوجه

Translation: Without believing that the religion of Islām is false, if a person calls someone a kāfir as a lie or to insult him, it will be interpreted (i.e., the one who said it will not be declared a kāfir). (Lam'āt al-Tanqīh, Chapter of safeguarding the tongue, Vol. 08, p. 142, Publ. Dār al-Nawādir, Damascus)

Muftī Aḥmad Yār Khān Na'īmī رحمه الله عليه writes in *Mir'āt al-Manā'ijh Sharḥ Mishkāt al-Masābīh*:

مسلمان کو کسی عقیدہ اسلامیہ کی وجہ سے کافر کہنے والا یا ایسے مسلمان کو جس کا اسلام یقینی قطع ہو کہنے والا خود کافر ہے، بطور گالی کافر کہنے (والا) سخت گنہگار ہے۔

Translation: The one who calls a Muslim a kāfir due to an Islamic belief or calling a Muslim who is certainly and definitely a Muslim a kāfir makes the person a kafir

himself. The one who calls someone a kāfir as an insult makes him a grave sinner. (Mir'āt al-Manājīh, Vol. 06, p. 356, Publ. Na'imī Kutub Khānā, Gujrāt)

The one who calls another Muslim a kāfir becomes a kāfir himself. The reason for this is due to believing that a Muslim is a kāfir, which results in "considering Islām to be kufr". But this truly only happens when he believes the person he is addressing is a kāfir, but in reality, there is no aspect of kufr in him. However, if he said this as an insult, he would not become a kāfir. Thus, it is stated in *Radd al-Muhtār 'Alā al-Durr al-Mukhtār*:

وفي الذخيرة المختار للفتوى أنه إن أراد الشتم ولا يعتقد كفرا لا يكفر وإن اعتقده كفرا فخطابه بهذا بناء على اعتقاده أنه كافر يكفر؛ لأنه لما اعتقد المسلم كافرا فقد اعتقد دين الإسلام كفرا

Translation: It is mentioned in al-Zakhīrah that the Mukhtār Lil-Fatāwā (the chosen opinion according to which Fatawa are given) is that if one intended to insult (by calling someone "kāfir") but does not believe that he is a kāfir, he will not become a kāfir. But, if he believes that he is a kāfir and addresses him as "kāfir" due to this belief, he will become kāfir himself because when he believed that the Muslim is a kāfir, he actually believed that Islām is kufr. (Radd al-Muhtār 'Alā al-Durr al-Mukhtār, Vol. 06, p. 111, Publ. Dār al-Ma'rifah, Beirut)

It is stated in Al-Fatāwā Al-Hindiyah:

والمختار للفتوى في جنس هذه المسائل أن القائل بمثل هذه المقالات إن كان أراد الشتم ولا يعتقد كافرا لا يكفر، وإن كان يعتقد كافرا فخطابه بهذا بناء على اعتقاده أنه كافر يكفر

(Al-Fatāwā Al-Hindiyah, Vol. 02, p. 278, Publ. Dār al-Kutub al-'Ilmiyah, Beirut)

If one calls a person a kāfir with an interpretation in mind, the one who said this will not become a kāfir, as is stated in *Barīqah Maḥmūdiyyah Fī Sharḥ Tarīqah Muḥammadiyah* regarding one interpretation:

وفي الروضة عن التتمة قال لمسلم يا كافر بل تأويل كفو وإن بتأويل كفران نعمة لا كذا في الفيض

(Barīqah Maḥmūdiyyah Fī Sharḥ Tarīqah Muḥammadiyah, Vol. 03, p. 176, Publ. Al-Halbi)

Sadr al-Sharīah Muftī Muḥammad Amjad 'Alī A'zamī رحمه الله عليه writes in *Bahār-E-Sharīat*:

کسی مسلمان کو کافر کہا تو (کہنے والے پر) تعزیر ہے۔ رہا یہ کہ قائل خود کافر ہو گا یا نہیں؟ اس میں دو صورتیں ہیں: اگر اسے مسلمان جانتا ہے تو کافر نہ ہوا، اگر اسے کافر اعتقاد کرتا ہے، تو خود کافر ہے کہ مسلمان کو کافر جانتا، دین اسلام کو کفر جانتا ہے۔

Translation: If one calls a Muslim a kāfir, he will be given ta'zīr (punishment decided by the judge). As for whether or not the one who said such will become kāfir himself, there are two cases. If he believes that the person is a Muslim, he himself does not become a kāfir. But if he believes that the person is a kāfir, he himself is a kāfir, as considering a Muslim to be a kāfir is considering Islām to be kufr. (Bahar-e-Sharīat, Vol. 02, pt. 09, p. 408, Publ. Maktaba-Tul-Madīnah, Karachi)

وَاللّٰهُ اَعْلَمُ عَزَّ وَجَلَّ وَرَسُوْلُهُ اَعْلَمُ صَلَّى اللّٰهُ تَعَالٰى عَلَيْهِ وَاٰلِهٖ وَسَلَّمَ

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

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