

Ruling of Performing 'Umrah During the Days of Hajj

Darulifta Ahlesunnat (Dawateislami)

Question

What do the noble scholars and jurists of Islamic law say about the following: What is the ruling on performing 'umrah during the days of Hajj (9, 10, 11, 12, 13 Zul-Hijjah al-Harām) for both Hājīs and non-Hājīs?

Answer

In the inquired situation, it is Makrūh Taḥrīmī, impermissible and a sin for both (Hājīs and a non-Hājīs) to enter the state of iḥrām for 'umrah between the 9th and 13th of Zul-Hijjah. Whoever entered the state of iḥrām during these days must exit iḥrām, perform qadā' of the 'umrah in the later days, and pay dam. However, if one entered the state of iḥrām during these days and performed the 'umrah, the 'umrah is valid, though he will be obligated to offer dam. It should be noted that the prohibition is for entering the state of iḥrām during these days, not the performance of the 'umrah itself. Therefore, if one entered the state of iḥrām before these days but performed the 'umrah within during these days, there is no sin upon this. However, it is Mustahab to perform 'umrah after these days have passed.

Regarding performing 'umrah during the five days (9th Zul-Hijjah to 13th Zul-Hijjah), it is stated in al-Sunan al-Kubrā Lil-Bayhaqī, Kitāb al-Āsār Li-Muḥammad, and al-Āsār Li-Abī Yūsuf (the following is cited from al-Āsār Li-Abī Yūsuf):

عن عائشة رضي الله عنها أنها قالت: لا بأس بالعمرة في أي أشهر السنة شئت، ما خلا خمسة أيام أو أربعة من السنة: يوم عرفة، ويوم النحر، وأيام التشريق

Translation: It is narrated that 'Āishah رضي الله تعالى عنها said: There is no issue in performing 'umrah during any month of the year, except five or four days: the day of 'Arafah, the day of Naḥr, and the days of Tashrīq. (Al-Āsār Li-Abī Yūsuf, Ḥadīth No. 531, p. 113, Publ. Dār al-Kutub al-'Ilmiyah, Beirut)

It is similarly stated in Sharḥ Wiqāyah, Majma' al-Anhur Sharḥ Multaqā al-Abḥur, al-Baḥr al-'Amīq, and al-Durr al-Mukhtār Ma'a Tanwīr al-Absār (cited from al-Durr al-Mukhtār):

(وجازت في كل السنة) وندبت في رمضان (وكرهت) تحريما (يوم عرفة وأربعة بعدها) أي كره إنشاءها بالأحرام حتى يلزمه دم، وإن رفضها، لا أداؤها فيها بالأحرام السابق

(Al-Durr al-Mukhtār Sharḥ Tanwīr al-Absār, p. 157, Publ. Dār al-Kutub al-'Ilmiyah, Beirut)

If one entered the state of iḥrām during these days, the ruling for them is to terminate the iḥrām, offer qadā' and pay dam. Sadr al-Sharī'ah, Muftī Amjad 'Alī A'zamī رحمه الله تعالى عليه wrote:

دسویں سے تیرھویں تک حج کرنے والے کو عمرہ کا احرام باندھنا ممنوع ہے، اگر باندھا تو توڑ دے اور اُس کی قضا کرے اور دم دے اور کر یا تو ہو گیا مگر دم واجب ہے۔

Translation: It is prohibited for the one who will perform ḥajj to enter the state of iḥrām for ‘umrah from the tenth till the thirteenth. If he had entered the iḥrām, he must terminate it, offer qadā’, and pay dam. But if he offered it, it will be valid but dam will remain wājib. (Bahār-E-Sharī‘at, Vol. 01 pt. 06, p. 1193, Publ. Maktaba-Tul-Madīnah, Karachi)

If one was already in the state of iḥrām and they performed ‘umrah during these days, there is no karahah (dislike), as stated in al-Baḥr al-‘Amīq:

قال صاحب السراج الوهاج: والمراد بکراهة العمرة في هذه الايام كراهة انشائها بالاحرام، اما اذا اداها بالاحرام سابق --- لا يكره

(Al-Baḥr al-‘Amīq, p. 2026, Publ. Mu‘assisah al-Rayyān)

It is stated in the book named ‘Rafīq al-Ḥaramain’:

عمرہ کا وقت پورا سال ہے مگر پانچ دن عمرہ کا احرام باندھنا مکروہ تحریمی ہے۔ اور اگر نویں سے قبل باندھے ہوئے احرام کے ساتھ ان (پانچ) دنوں میں عمرہ کیا، تو کوئی حرج نہیں اور اس صورت میں مستحب یہ ہے کہ ان دنوں کو گزار کر عمرہ کرے۔

Translation: ‘Umrah can be performed throughout the year but it is Makrūh Taḥrīmī to enter the iḥrām of ‘umrah during five days. If a person performed ‘umrah with the iḥrām that they had tied before the ninth (of Zul-Hijjah), there is no harm. However, it is Mustahab to perform ‘umrah after these five days have passed. (Rafīq al-Ḥaramain, p. 319, Publ. Maktaba-Tul-Madīnah, Karachi)

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.)

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