

Shar'i Ruling About The Money Taken At The Time Of Girl's Nikah Besides Mahr And Dowry?

Darulifta Ahlesunnat

(Dawateislami)

Question

What do the scholars of Islam and the Muftis of Shari'ah say regarding the following matter:

In some areas, the father or guardian of the girl demands a huge amount of money in exchange for the Nikah of their daughter. This amount is separate to the Mahr and Jahez [dowry], and is not given to the daughter but is taken by the father/guardian themselves in return for giving away their daughter. What is the Shar'i ruling regarding this issue? Please explain. (Questioner: Mumtaz (Tharparkar, Sindh))

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

The demand of money for giving one's daughter away in Nikah, and the act of giving one's daughter away for Nikah in exchange for this money is impermissible and Haram, as it is bribery. Our Beloved Rasool صَلَّى اللهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ has cursed the one taking and the one giving a bribe. Thus, it is narrated by Sayyiduna Abdullah Bin 'Amr رَضِيَ اللهُ عَنْهُ that 'لعن رسول' Rasoolullah صَلَّى اللهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ cursed both the one who gives a bribe and the one who takes a bribe.' (AbuDawood, vol.2, pp.148)

In another Hadees our beloved Rasool صَلَّى اللهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ has said, 'وما من قوم يظهر فيهم الرشا الا اخذوا' And there is no nation in which bribery becomes widespread, except that they are afflicted with terror.' (Mishkat, vol.2, pp.656)

Hakeem-ul-Ummat Mufti Ahmad Yar Khan Na'eemi رَحِمَهُ اللهُ عَلَيْهِ has stated, 'It means the one who takes the bribe is filled with terror and the nation who takes bribes is also afflicted with the fear of other nations, just as these days we are now frightened of disbelievers.' (Mirat-ul-Manajih, vol.5, pp.338)

It is stated in 'Aalamgeeri, 'خطب امرأة في بيت اخيها فابى ان يدفعها حتى يدفع دراهم فدفع وتزوجها يرجع بما دفع لانها رشوة' If a proposal of marriage was sent for a woman living at her brother's home but her brother refused the proposal unless he was given some Dirhams (silver coins), and then that person gave the Dirhams and got married to the woman, he should take the given Dirhams back as it was bribery.' (Aalamgeeri, vol.4, pp.403)

A'la Hazrat Imam Ahmad Raza Khan رَحِمَهُ اللهُ عَلَيْهِ has said, 'If the person giving the money gives it so that the other person gets him married out of greed for the money, then it is bribery and both giving and taking it is impermissible and Haram. Similarly, if the guardians of the woman say, 'Give us such and such amount of money, and then we will

marry her off to you, otherwise we will not', as is prevalent amongst of ignorant villagers following who have been influenced by disbeliever Hindus, this is also bribery and Haram. (Fatawa Razwiyyah, vol. 12, pp. 284; summarised)

Along with sincerely repenting in the court of Allah, it is also necessary to return the amount taken for this purpose. While explaining this statement of Bahr-ur-Raiiq, (لو خطب 'امرأة في بيت أخيها فابي الاخ الا ان يدفع اليه دراهم فدفع ثم تزوجها كان للزوج ان يسترد ما دفع له If a proposal of marriage was sent for a woman living at her brother's home but her brother refused the proposal unless he was given some Dirhams (silver coins), and then that person gave the Dirhams and got married to the woman, the husband can take that money back') Allamah Muhaqqiq Ibn-e-'Aabideen Shami رَحْمَةُ اللهِ عَلَيْهِ has said in Minhat-ul-Khaliq, 'اي قائما اوها لكالانه رشوة كذا في البزازية' it means that whether he still has the Dirhams or has consumed it (it can be taken back in either case) as it was a bribe. It is stated like this in Fatawa Bazzaziyyah. (Minhat-ul-Khaliq Ma' Bahr-ul-Raiiq, vol. 3, pp. 324)

A'la Hazrat Imam Ahmad Raza Khan رَحْمَةُ اللهِ عَلَيْهِ has said while replying to a similar question; 'This amount that was fixed (as an exchange for the Nikah) is merely a bribe and is Haraam, neither the food got by this is permissible, nor is charity by it, nor is donating it for the construction of Masjid, rather it is obligatory to return it to the person it was taken from. (Fatawa Razwiyyah, vol. 23, pp. 538)

وَاللّٰهُ اَعْلَمُ عَزَّوَجَلَّ وَرَسُوْلُهُ اَعْلَمُ صَلَّى اللهُ تَعَالَى عَلَيْهِ وَاٰلِهِ وَسَلَّمَ

Answered by: Mufti Fuzail Raza Attari



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



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