

Ruling On Entering Haram Boundaries During Menstruation

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(Dawateislami)

Question

What do the noble scholars and jurists of Islamic law say about the following: A woman was traveling from Riyadh to Makkah to perform Umrah. When she reached the Miqat, her period began. Can she enter the bounds of Haram in this state? Since she cannot perform Umrah in this state, will Dam (expiation) become necessary upon her?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

A woman is permitted to enter the boundaries of Haram (حرم) during her menstrual period. However, if she is coming from outside the Miqat, she must make the intention of Ihram at the Miqat before entering the Haram. Entering the bounds of Haram without the intention of Ihram is not allowed. If she crosses Miqat without making the intention of Ihram, Dam (expiation) will become obligatory upon her. But if she returns to the Miqat, makes the intention for the Ihram of Hajj or Umrah, and recites Talbiyah (Labbaik), the Dam which had become obligatory will be waived. However, intentionally crossing the Miqat without Ihram will render her sinful, and she must repent.

Additionally, when she enters Haram by passing through the Miqat with the intention of Umrah, she will be required to perform Umrah. Simply paying the Dam will not suffice. She cannot exit Ihram without performing Umrah. However, during the menstrual period, she can't perform the Umrah. She must wait until she becomes pure (i.e her menstruation ends). Once she is pure, she will make Ghusl then perform Umrah.

It is Wajib for the one who is entering the Haram of Makkah to have the intention of the Ihram for Hajj or Umrah from the Miqat. Thus, it is stated in *Lubab Al-Manasik*:

وحكمها وجوب الاحرام منها لا حد النسكين وتحريم تاخيرها عنها لمن اراد دخول مكة أو الحرم

(Lubab Al-Manasik, Chapter of the Miqats, Section 1, p. 88, Publ. Dar Al-Kutub Al-Ilmiyah, Beirut)

It is stated in *Lubab Al-Manasik* and it's Sharah:

(من جاوز وقته غير محرم... فعليه العود) أى فيجب عليه الرجوع (الى وقت) أى الى ميقات من المواقيت (وان لم يعد فعليه دم... فان عاد) أى المتجاوز (سقط) أى الدم (ان لبي منه) أى من الميقات على فرض أنه احرم بعده، والا فلا بد ان ينوى ويلبى ليصير محرماً حينئذ

(Lubab Al-Manasik Ma'a Sharhihi, Chapter of crossing Miqat without Ihram, p. 94-95, Publ. Dar Al-Kutub Al-Ilmiyah, Beirut)

It is stated in *Bahar-E-Shari'at*:

ميقات کو واپس جا کر احرام باندھ کر آیا، تو دم ساقط اور مکہ معظمہ میں داخل ہونے سے جو اس پر حج یا عمرہ واجب ہوا تھا اس کا احرام باندھا اور ادا کیا، تو بری الذمہ ہو گیا۔

Translation: If one returned to the Miqat, tied the Ihram then returned, the Dam will be waived. If he ties the Ihram for the Hajj or Umrah which had become Wajib upon him because of entering Makkah then he offers it (the Hajj or Umrah), he will become free of the responsibility. (Bahar-E-Shari'at, Vol. 1, Sect. 6, p. 1191, Publ. Maktaba-Tul-Madinah, Karachi)

One cannot exit the ihram without offering the majority or complete Tawaf and there is no alternative. It is stated by Allamah Abu Al-Hasan 'Ala-Uddin Ali Bin Balban Farsi Hanafi رحمۃ اللہ تعالیٰ علیہ:

لو ترک اکثر طواف العمرة أو كله، وسعى بين الصفا والمروة ورجع الى اهله فهو محرم أبداً، ولا يجزئ عنه البدل

Translation: If one skips the majority or all the round of the Tawaf and performs Sa'ee between Safa and Marwa, then returns to his home, he will remain in the state of Ihram forever. No alternative will suffice for it. (Umdah Al-Masalik Fi Al-Manasik, Part 14 about offences, p. 525, Publ. Dar Al-Lubab)

وَاللّٰهُ اَعْلَمُ عَزَّوَجَلَّ وَرَسُوْلُهُ اَعْلَمُ صَلَّى اللّٰهُ تَعَالٰی عَلَیْهِ وَاٰلِهٖ وَسَلَّم

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

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