A Muftis objection to public Access being a Precondition for the Validity of the Jumu'ah salaah

Q: Salaah-535: Today I have received as a gift a copy of the third volume of Fataawaa Raheemiyyah. I have left aside all other reading have completed, three-quarters of the book in the past 24 hours. It has greatly augmented my knowledge. May Allaah reward you abundantly for it.

In one of the Fatwas, you have stated that the people aboard a ship anchored at the Bombay harbour, ought to perform salaah in full because they are still within the borders of their city and are therefore still not Musaafirs. They may however not perform the Jumu'ah salaah on board because as long as they cannot freely leave the ship and others are not free to board, the condition of Idhn Aam (free access for all) is not found, which is one of the preconditions for the Jumu'ah salaah to be valid.

A look at Shaami indicates that the Jumu'ah salaah is Fardh (obligatory) for them and that their salaah ought to be valid on the ship because the condition of Idhn Aam applies any when the Jumu?ah salaah is performed at one venue only. Free access is therefore a condition so that no person misses the Jumu'ah salaah. Nowadays when the Jumu'ah salaah is performed at so many venues' the condition does not apply and the Jumu'ah salaah ought to be Fardh (obligatory) for these people on condition that the other preconditions are found. Therefore. even if others are denied access, they may freely perform their Jumu'ah salaah elsewhere. This is very possible in Bombay.

I have seen the same thing in Fataawaa Daarul Uloom (VoL.5 Pg.106), stating that the Jumu'ah salaah is Fardh (obligatory) for these people. By the grace of Allaah, your knowledge is not at all deficient and it may well be that the opinion and proofs of Allaama Shaami RAH. and Hadhrat Mufti Sahib RAH. are not convincing enough in your opinion.

Answer: Dear Moulana Sahib. It is several days now that I have received Your latter. I am extremely grateful that you have studied the third volume of Fataawaa Raheemiyyah so well and have cast a secondary glance at the ruling concerning free access to the place where the Jumu'ah salaah is performed. By the grace of Allaah, the Fatwa needs no correction and is correct.

The reasoning of Allaama Shaami RAH. often differs from those of the commentators and his understanding of Idhn Aam not being a precondition when there are other venues for the Jumu'ah salaah is questionable. The precondition of Idhn Aam is general and this conforms perfectly with the mindset of the Shari'ah.

The Jumu'ah salaah is an extremely important act of worship in Islaam and one of Islaam's hallmarks. It is not like the other salaahs and requires certain conditions for it to be valid. Some of these conditions are:

1. The salaah needs to be performed in a large city. A small town is not sufficient because it

does not have the necessary grandeur.

2. The permission of the Ameer is necessary and without it. Zuhr will be necessary

3. It is performed only during the of Zuhr. If performed afterwards, only Zuhr can be performed

4. It will not be valid without the Khutbah

5. Because performing it individually does not lend to its grandeur, it must be performed only in Jamaa'ah

6. Idhn Aam is another of the preconditions. This means that it should be a public activity that is not done in private and secrecy. Restricting public access (people's coming and going) conflicts with this condition of Idhn Aam. It is for this reason that the Jumu'ah salaah cannot be performed in a prison. No one has ever indicated that the Jumu'ah salaah is not allowed in prisons only when there are no other venues in the city for the Jumu'ah salaah. Is the Jumu'ah salaah then not performed in places where there is a prison? The Jumu'ah salaah certainly takes place there in these places. This denotes that the condition of Idhn Aam is general and applicable across the board; regardless of whether the Jumu'ah salaah takes place at other venues or not.

Take note of the following Fatwa by Hadhrat Mufti Azeezur Rahmaan RAH. which conflicts with others.:

"Q: salaah-536: Public access is restricted to a particular fortress because of which it is said that the Jumu'ah salaah is not valid there. Will it be valid outside the fortress where the public is not restricted?

Answer: Idhn Aam is certainly a precondition for the validity of the Jumu'ah salaah. The Jumu'ah salaah will therefore not be valid in such a fortress where all Musallis are not permitted entry. This is evident from Durrul Mukhtaar and Shaami.

This Fatwa conforms with what has been stated in Fataawata Raheemiyyah. Why would Hadhrat Mufti Azeezur Rahmaan RAH. issue such a Fatwa when performing several Jumu'ah salaahs was common during his time?

Mufti A'zam Hadhrat Mufti Kifaayatullaah RAH. writes in his Ta'leemul Islaam that Idhn Aam is also a precondition for the Jumu'ah salaah. He explains that this refers to free public access without hindrance so that whoever wishes to attend may do so. The Jumu'ah salaah will therefore not be permitted in a place where only certain people are allowed entry and others are excluded. Hadhrat Mufti Sahib RAH. issued this general Fatwa knowing well that the Jumu'ah salaah is often performed at several venues. He has not stated any exception to the rule.

Imaam Ahlus Sunnah wal Jamaa'ah Hadhrat Moulana Abdush Shakoor RAH. also does not specify any exceptions when he writes, "The Jumu'ah salaah is to be performed publicly with access to all. It cannot be performed in a special place in privacy. Performing the Jumu'ah

salaah at several venues was common during Hadhrat Moulana's time as well.

Hakeemul Ummah Hadhrat Moulana Ashraf Ali Thanwi RAH. writes, "The Jumu'ah salaah is to be performed publicly with access to all. It therefore cannot be performed in a special place in privacy. The salaah will not be valid if performed in a place where the public is denied access or in the Masjid when the doors are shut. Again, it must be noted that performing the Jumu'ah salaah at several venues was common during Hadhrat Moulana's time.

Sheikhul Islaam Hadhrat Moulana Husayn Ahmad Madani RAH. also makes it clear that the Jumu'ah salaah is not permitted in prisons because of the absence of Idhn Aam.
Hadhrat Moulana Sayyid Muhammad Mia RAH. who was the SheikhulHadith and Chief Mufti of Madrassah Ameeniyyah in Delhi also writes, "Establishing the Jumu'ah salaah is a hallmark of Islaam and needs to be performed publicly. It will therefore not be valid even if the king has it performed in his palace but behind closed doors. It needs to be performed with Idhn Aam and it is because of this that it is not allowed in prisons. The marginal notes of the same text states that Idhn Aam refers to having the Jumu'ah salaah at a place where any person can reach and will not be valid at a place where only some people are allowed and others are denied access. While the Jumu'ah salaah is not Waajib (compulsory) for prisoners and even if they perform the Jumu'ah salaah in the prison, it will not be valid.

Hakeemul Ummah Hadhrat Moulana Ashraf Ali Thanwi RAH. also states in his Imdaadul Fataawaa (Vol.1 Pg.383) that the Jumu'ah salaah is valid only when Idhn Aam is found, otherwise not.

Note the following references:

1. Umdatur Ri'aaYah

2. Kabeeri (Pg.518)

3. Majaalisul Abraar (Pg.595-596)

4. Rasaa'ilul Arkaan (Vol.1 Pg.115-116)

5. Bahrur Raa'iq (Vol.2 Pg.151)

6. Fataawaa Aalamgeeri (Vol.1 Pg.95)

7. Naf?ul Mufti was Saa'il Pg.105

8. Khulaasatul Fataawaa (Vol.1 Pg.210)

9. Tahtaawi alaa Durril Mukhtaar (Vol.1 Pg.547)

10. Maa Laa Budda Minhu (Pg.55)

11. Fat'hul Qadeer (Vol. 4 pg.22)

12. Inaayah (Vol.2 Pg.22)

13. Tahtaawi alaa Maraaqil Falaah (Pg.296)

14. Sharhun Niqaayah (Vol.1 P5.125)

15. Badaai'us Sanaa'i (Vol.1 Pg.269)

All of the above references make it clear that Idh n Aam is a necessary precondition and the Jumu'ah salaah will not be valid even if the king has the Jumu'ah salaah hosted in his palace or fortress. This is despite the fact that the Jumu'ah salaah will naturally be taking place at the king's Jaami Masjid. The text of Badaai'us Sanaa'i clearly speaks about the salaah taking place at two venues and the text of Rasaa'ilul Arkaan maker it clear that the basis of the Jumu'ah salaah is for the public.

This ought to answer your objection. And Allaah knows best what is most correct.

Fatawa Rahimiyyah vol.2