

The Islamic Concept Of Animal Slaughter

Qazi Mujahidul Islami Qasmi

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Foreword

Moderation and balance are the greatest hallmarks of Islamic Shariah. Islam neither advocates excess nor scarcity in the issues pertaining to human life. It neither allows a person to become the slave of his instincts nor does it strangulate the natural needs and physical necessities of a human being.. Islam provides a system of the welfare and well being of the mankind instead of enslaving and jeopardizing its very existence. Therefore, these inimitable qualities of balance, harmonization with the nature, logical explanations for its injunctions and attaching due weightage to wisdom and rationale in all the matters are its unique hallmarks.

Food and nutrition are fundamental requirements of human life. However, certain religions consider material advancement and consumption even slightly beyond the bare survival level as bad and unethical. Furthermore, some of them have presumed these worldly pursuits as an impediment in the course towards the Almighty. Surprisingly enough, on the second extremity, some religions and systems of life refused to have any restrictions or boundations. Man was placed at the highest echelons and thus, everything was made permissible and subservient to him.

Taking the human psyche into consideration, Islam has encouraged economic pursuits. The Holy Qur'an has termed the wealth as "blessing" (2:215) and a "bounty" (62:10). Moreover, Islam has allowed all those nutritional foods that are required for the growth and existence of the human body. It not only allows consumption of vegetarian food but also allows non-vegetarian foods, as both of them are necessary for sustaining and strengthening the human body. However, some foodstuffs may have a harmful effect on the human beings –

both physically as well as spiritually. For example, some vegetal substances are known to have an intoxicating effect, while certain animals possess barbaric and shameless tendencies. If such plants and animals are allowed for human consumption, they tend to have a morally adverse impact on the consumers. Thus, Allah the Almighty has prohibited the consumption of such kind of food substances, nevertheless, there have been no restrictions on those food substances which are a part of the natural nutritional requirements whatsoever, but the harmful ones have not been permitted at all.

Similarly, it is also true that some constituents of animal body are harmful and therefore, not fit for human consumption. For example, the blood, which circulates throughout the human body. Therefore, the specific instructions, which have been provided about the slaughtering of animals, are based upon two aspects. One, that the blood should drain out completely from the slaughtered animal's body. Secondly, many peoples of the world have been associating the slaughter of animals with religious traditions and beliefs. It has also taken the repugnant form of sacrifices to deities and polytheism (Shirk). Therefore, this act of slaughtering needs to be linked with *Tawheed* (unity of Allah) rather than Shirk. A visible form could be reciting the name of *ALLAH*, the Creator and the Sustainer whilst slaughtering the animal. The basis and fundamental aspect of all instructions pertaining to slaughter is this itself.

In this perspective, the Holy *Quran* and the *Hadith* have provided relatively more detailed guidance on the issue of animal slaughter. The jurists have also comprehensively elaborate these guidelines. The contemporary era is the era of science and technology. Machines have facilitated a lot of tasks of man and have thrown up a number of issues relating to animal slaughter. Like in other fields, a number of state-of-the-art machines and technologies have emerged to facilitate

animal slaughter and perform the requisite functions post-slaughter. Certain countries have mechanized and automated their animal slaughtering industry with provisions of state-owned slaughterhouses to carry out the tasks speedily with efficiency. In this regard, the seventh seminar was held under the aegis of the Islamic Fiqh Academy (India) at Bharuch, Gurarat during Dec 2, 1994 and Jan 2 1995, wherein this subject occupied prominence amongst the ones chosen for discussion.

The seminar received 105 research papers, which are under publication. A record number of around 300 scholars participated in the discussion and debates with great enthusiasm. The great Fiqih-ul-asr (the Jurist of our time), Qazi Mujahidul Islam Qasmi had a distinct methodology of conducting such scholarly seminars. Initially, he used to analyze the specific issue deeply himself and then let it open for a general debate amongst the scholars in a comprehensive manner. The efforts were always directed towards reaching a consensus view, however he never tried to enforce his own opinion. In case there more than one view on any particular issue, both the sides of the discussion in the seminar were presented and weighed against each other, as was the procedure adopted by the celebrities of yore in case of a clash of opinions.

By the grace of *Allah* 17 volumes based upon the selected research papers presented in the seminars of the Academy have already been published. These compilations have been much acclaimed in the entire Indian Subcontinent, albeit the Urdu-speaking world.

After translating in Urdu, all the 40 volumes of the great *Fiqhi* encyclopaedia, “Al-Mausua al-Fiqhiya” published from Kuwait, the Academy has embarked upon another programme

of preparing separate literature on the *Fiqhi* issues, which have already been discussed in the seminar.

It is earnestly hoped that the readers would draw the maximum possible benefits from this valuable endeavour. It would thus have a ripple effect with the circles of blessings getting enlarged by leaps and bounds. May *Allah* accept the humble efforts of the Academy and bless it for perpetuity. May *Allah* hold us firm on Islam and cause the endeavours of this Academy to be a fountainhead of His everlasting blessings upon its founder and architect Qazi Mujahidul Islam Qasmi.

May *Allah*, the Almighty, Accept My Supplications.

Khalid Saifullah Rahmani

A humble servant

Of

The Islamic Fiqh Academy

Delhi (India)

February 10, 2005

A Brief Introduction

In the Name of Allah - the Most Merciful, the Most Compassionate

Food and nutrition has a very important place in the human life. Food is not only essential for physical development of human being but in fact it is vital for survival itself. It also plays an important role in the formation of human nature, temperament and morality; therefore, all the religions have placed great importance on the issue of permissibility and prohibition regarding the foodstuff.

Islam has provided superb and pious standards to every aspect of human life through various commands. In the same manner it has also taken into consideration piety, purity and cleanliness while providing instructions for prohibition and permissibility of food stuff as the use of such food articles not only augments physical purity but also adds to spiritual upswing.

For these purposes, the *Shariah* contains guidance on the foodstuff especially those obtained from animals so that they guarantee health for the body, well being of the human nature and sublimity of soul and morality.



Animal Food and Islam: Some Basic Issues

The Basis of Permissibility and Prohibition

1. There are numerous verses in the Holy Qur'an, and the traditions of the Holy Prophet (SAW) explaining that the foodstuff made permissible for human consumption are pure and pious, and those which are harmful and unclean have been prohibited. Therefore, the basis of permissibility and prohibition is purity and cleanness; the Holy Qur'an says:

“They ask thee what is
Lawful to them (as food).
Say: Lawful unto you
Are (all) things good and pure:”
(Holy Qur'an 5: 5)

“He allows them as lawful what is good
(And pure) and prohibits them
From what is bad (and impure)”
(Holy Qur'an 7: 157)

“O ye who believe!
Eat of the good things
That We have provided for you”
(Holy Qur'an 2: 172)

“Say who hath forbidden
The beautiful (gifts) of God,
Which He hath produced For His servants?
And the things, clean and pure
(Which He hath provided) For sustenance?”
(Holy Qur'an 7: 32)

A *Hadith* in the *Kitabul Ahkam* of *Sahih Bukhari* says that the part of the human body which decomposes first is the stomach,

therefore, a person who can arrange for clean food should always do so.

2. The Holy Qur'an and the *Ahadith* tell quite explicitly that Allah has permitted all the pure things while the forbidden are the impure.

Here it should be clear that the Holy Qur'an and *Hadith* besides enunciating the principle also mention that such and such foodstuff is permissible and such and such is prohibited. We shall discuss in the following chapters about such specific foodstuff, which have been definitely permitted or prohibited by the *Shariah*. The foodstuffs categorically permitted or prohibited by the *Shariah* are no longer a matter of debate. Application of human reasoning in respect of the purity or impurity of such stuff is no longer necessary. Their permissibility or prohibition cannot be based upon such reasoning; they are as they have been declared by the *Shariah*.

However, the permissibility or the prohibition of the foodstuffs which have not been specifically mentioned by the *Shariah* shall be subjected to the test of purity and cleanness on the principle laid down by the *Shariah* in this regard. On this basis, its permissibility or non-permissibility shall be determined.

Vegetarian and non-vegetarian foods

3. Eatables are, generally, of two types:

First type of foodstuffs are those which are not obtained from living beings, rather they are obtained from plants & vegetation like fruits, vegetables and grains etc. They are called vegetarian foods.

4. Regarding vegetarian foods, the *Shariah* has not imposed much restriction on their consumption. They may be consumed in a permissible manner. Under this category,

consumption of wine and such other intoxicants has been prohibited. The Holy Qur'an says:

“O ye who believe!
Intoxicants and gambling,
(Dedication of) stones,
And (divination by) arrows,
Are an abomination, -
Of Satan's handiwork:
Eschew these (abominations),
That ye may prosper.
(Holy Qur'an 5: 93)

Umar (R.A.)¹ has narrated that the Holy Prophet (P.B.U.H.)² has said that every intoxicant is a wine and every wine is unlawful. (*Kitabul Ashraba: Sahih Muslim*)

5. The second type of foodstuffs are those, which are obtained from living beings such as animals, birds etc. These are called non-vegetarian foods. They are different from the vegetarian foods in many ways. Such food is obtained by killing a living creature. Secondly, many internal parts of such creature are not fit for consumption as they contain many impurities and unclean matters. Besides, many outer parts like horns, nails, hair, etc are also not fit for consumption. Such complications are not there in vegetarian foods.

6. The Islamic *Shariah*, thus, made some provisions regarding the methods for consumption of non-vegetarian foods. It may be said that the *Shariah* has laid down some essential conditions for the permissible consumption of meat of the animals. Non-fulfilment of these conditions shall render its consumption unlawful and prohibited.

¹ May Allah Be Pleased With him

² Peace Be Upon Him

***Halal* (Lawful) and *Haram* (Unlawful) non-Vegetarian Food**

7. First and foremost thing about the permissibility and the prohibition of non-vegetarian food is that consumption of some animals has been specifically permitted while that of others has been declared *haram*. Various verses of the Holy Qur'an, and *Ahadith* have identified various animals as *halal* or *haram*. Some of these verses are mentioned below:

“O ye who believe!
Fulfil (all) obligations.
Lawful unto you (for food)
Are all beasts of cattle?
With the exceptions named: But animals of the chase
Are forbidden while ye
Are in the Sacred Precincts
Or in the state of pilgrimage.”
(Holy Qur'an 5 : 1)

“Lawful to you is the pursuit
Of water-game and its use
For food.”
(Holy Qur'an 5 : 96)

“The sacrificial camel
Is We have made for you
As among the signs from Allah: in them is (much)
Good for you: then pronounce
The name of Allah over them
As they line up (for sacrifice):
When they are down
On their sides (after slaughter),
Eat ye thereof, and feed
Such as (beg not but)
Live in contentment.”
(Holy Qur'an 22: 36)

“Say: ‘I find not

In the Message received
By me by inspiration
Any (meat) forbidden
To be eaten by one
Who wishes to eat it,
Unless it be dead meat,
Or blood poured forth, Or the flesh or swine, -
For it is an abomination-
Or what is impious, (meat)
On which a name has been
Invoked, other than Allah's.”
(Holy Qur'an 6 : 145)

“Forbidden to you (for food)
Are: dead meat, blood,
The flesh of swine, and that
On which hath been invoked
The name of other than Allah;
That which hath been Killed by strangling,
Or by a violent blow,
Or by a headlong fall,
Or by being gored to death;
That which hath been (partly)
Eaten by a wild animal;
Unless ye are able
To slaughter it (in due form);
That which is sacrificed On stone (altars).”
(Holy Qur'an 5: 3)

Several *Ahadith* also deal with some *haram* animals and birds.

Holy Prophet (P.B.U.H.) has declared domesticated donkeys as *haram* (unlawful). (*Kitabul Say'd: Sahih Muslim*)

Holy Prophet (P.B.U.H.) has declared as *haram* the animals who prey by their teeth, and the birds who prey by their claws. (*Kitabul Say'd: Sahih Muslim*)

Two types of dead and two types of blood have been declared as lawful; fish and locust are such dead while liver and spleen are such blood. (*Behaqi Bab fil Mata'im wal Masharib*)

Haram Animals

8. According to the aforementioned verses of the Holy Qur'an and *Ahadith*, the animals listed below have been declared as *haram*.

i. Dead: The animals and birds which die naturally are prohibited as the *Shariah* has declared dead as *haram*. A dead body is regarded absolutely *haram*. The Holy Qur'an has also specifically described various types of dead as *haram*. These are as under:

a. *Munkhaniqah*: The animals which die of suffocation for example if its neck gets strangled or is choked by a rope or a cloth, and it dies of suffocation.

b. *Mauquzah*: The animal which dies of beatings by some stick, etc.

c. *Mutaraddiyah*: The animal which falls down and succumbs to death for example an animal which falls down into a well and dies away.

d. *Natihah*:: The animal which is killed by another animal's goring.

e. *Ma-akal-as-sab'*: The animal which is killed by any beast of prey.

All the aforementioned categories of dead animals are *haram* and therefore prohibited.

ii. Flowing blood: Flowing blood, called *masfooh* in Arabic, is prohibited; therefore, it is not permissible to drink the blood of an animal.

iii. Pork: Pig has been declared as *haram* (unlawful) by the *Shariah*; therefore consumption of pork is *haram*.

- iv. The slaughtered or sacrificed animal on which the name of a deity other than Allah has been invoked. The Holy Qur'an has expressly prohibited consumption of meat obtained from the animals sacrificed in the name of "deities" other than Allah, or sacrificed to please a jinn or some other supernatural being. Such animals shall remain *haram* even if Allah's name is invoked at the time of sacrificing the animal for the simple reason that the animal, itself, was offered to please a deity other than Allah. Likewise if the name of a deity other than Allah is invoked at the time of sacrificing an animal, consumption of the meat of such an animal shall also be rendered as *haram*. Such animals have been classified as "*ma u'hillah-li-ghairillah.*"

Another type of animals is "*ma zubiha -alan-n-nasabi*". This category of animals includes the animals which are offered to a deity, idol or a "sacred" place and then sacrificed. Such animals are also *haram*.

The difference between the two categories is that the animals included in the first category are offered to a deity other than Allah and are sacrificed to seek his or her pleasure; while animals placed in the second category are sacrificed before an idol or place of the false god.

The animals falling in either categories are *haram* (unlawful).

- v. Domestic donkeys: Domestic donkeys have been declared *haram* in the *Hadith* of the Prophet Muhammad (P.B.U.H.); therefore, consuming the meat of a domestic donkey is prohibited.
- vi. Animals which kill their prey by their claws: As per the principle set by the *Hadith* all those wild animals which kill their prey by their claws like lion, tiger, leopard, wolf etc. are *haram*.

- vii. Crawling animals, insects and rodents: for examples snakes, scorpions, ants, insects, rodents etc.
- 9. However, there are four exceptions to the above-listed *haram* animals. According to these exemptions two animals- fish and locust- have been made *halal* even if they are dead. According to Hanafi School of Islamic jurisprudence, a dead fish is *halal* provided it is not “*taafie*.” The “*taafie*” is a fish, which dies a natural death in the water, and floats on the water surface upside down. Such a fish is *haram* as it has been said in a *Hadith*:

“Do not eat one which dies in water and gets overturned.” (*Abu Dawood: 4/165*)

Another exception has been made regarding two types of bloods: Liver and Spleen. Though liver and spleen are made up of blood still it is *halal* to eat them, as they are not flowing blood.

Halal Animals:

All the clean and pure animals and birds are *halal* except those which are *haram*. Such animals are: camel, cow, ox, buffalo, sheep, goat, etc; while examples of some *halal* birds are: chicken, duck, sparrow, pigeon, etc.

Halal and Haram Animals: Different Opinions:

- 10. Beside the above-listed *halal* and *haram* animals, there are many other animals the permissibility and prohibition of which have been differed by the jurists. Such animals are being discussed hereunder:
 - i. The horse: Imam Shafii, Imam Malik, Imam Ahmad, Imam Abu Yusuf and Imam Muhammad (R.A.) have declared the horse as *halal* and

according to them meat of a horse is *halal*. But Imam Abu Hanifa and some of the jurists of Maliki School of Islamic jurisprudence have declared eating of horse meat as *makrooh* (disapproved). (*Ibne Abidin 9/442*)

- ii. *Iguana:*
- iii. *Badger:* In the opinion of Imam Abu Haneefa, consumption of iguana and badger is *haram* while Imam Ahmad and Imam Shafii go for their being *halal*.
(Ibn-e-Abi'deen: 9:443; Al-Majmoo': 9:11; Al-Mughni: 11:82)
- iv. *Sea Animals:* According to Imam Abu Hanifa all sea animals except fish are *haram* as these are unclean and all unclean animals are *haram* as per the Holy Quran. According to him, fish alone is *halal* by the *hadith*.

According to an opinion of the Imam Shafaii's School of Islamic jurisprudence all sea animals-both live and dead- are *halal* except frog as the Holy Qur'an has allowed hunting and consumption of sea animals. As per another opinion of the Shafii's School of Islamic jurisprudence all those animals of the sea having resemblance with the *haram* animals of the land shall also be regarded as *haram*. In the same manner all those animals of the sea having resemblance with the *halal* animals of the land shall also be regarded as *halal*.

According to the Schools of Islamic jurisprudence pertaining to Imam Malik and Imam Ahmad (R.A.A.) all the sea animals except frog are *halal*. The basis for unlawfulness of the frog is that as per a *Hadith* of Prophet Muhammad (P.B.U.H.), killing of frogs has been prohibited; had the frog been

halal, its killing would not have been prohibited. (*Al Mughni* 11/85, *Al Majmua* 9/30)

- v. Amphibia like tortoise, frog, crocodile, crab: In the opinion of Imam Abu Haneefa, all of them are *haram*. Imam Shafii has the similar opinion while according to Imam Ahmad the crocodile and frog are *haram*; tortoise may be consumed after slaughtering but crabs are allowed without being slaughtered methodically. (*Al-Mughni*: 11:85; *Al-Majmoo'* :9:30)

Rules for Consumption of *Halal* Animal Foods

11. Contrary to the consumption of vegetarian food, certain procedure has been provided in the *Shariah* for consumption of non-vegetarian food. Abidance of these procedures is mandatory for making the meat of such animals as *halal* for eating. In case of non-compliance, the food shall not remain *halal*.

12. There are three pre-requisites to make the animal food *halal*.

First condition relates to the process of slaughter itself. What is the real connotation of slaughter? Which body parts are required to be cut during slaughter? When the process of slaughter, is said to be accomplished? What equipments or weapons ought to be used for slaughter? What specific methods of slaughtering should be adopted for specific animals? And how many types of slaughtering methods are there? These conditions need to be complied with.

Second condition relates to the slaughterer as to who are legally eligible for slaughtering and who are not?.

Third condition relates to reciting *Basmalah* i.e. pronouncing “In the name of Allah, the Most Merciful, the Beneficent”, at the time of slaughtering the animal. The condition specifies as to who can pronounce *Basmala*? What is its significance?

When *Basmalah* is to be pronounced? and how *Basmalah* is to be recited in a continuous process of slaughter? etc.

13. Current advancement in the fields of science and technology has also resulted in the development of slaughtering machines for providing food to the ever growing human population at a cheaper cost. Besides, in order to accelerate the slaughtering process and for various other conveniences, animals are stunned before being slaughtered.

To what extent the principles of Islamic *Shariah* are fulfilled in the process of slaughtering the animals by machines, and making them unconscious before their slaughter? Which of these processes are acceptable and to what extent? What is the status of the meat obtained through this processes in terms of *halal* or *haram*?

All these are important issues. In order to seek Islamic guidance on these issues, we need to have detailed information about the stunning processes as well as the particulars of the slaughtering process.

14. An attempt is being made here to examine the significance of slaughtering, types of slaughter, *Basmalah*, stunning before its slaughter and mechanical slaughtering. All these five issues are being dealt with here separately.



Chapter 1

The Slaughtering (*Zabih*) Process

1. In the slaughtering process, two things are important. First is the method and the veins to be severed, and the second one is the tools used for slaughtering the animal.

Methods of Slaughter

The method of slaughtering an animal differs as per the control over the animal i.e. methods of slaughter of an animal under control and that of the animal which is hunted and remains out of control, are different.

First type of slaughter is called “controlled slaughter” while the other type of slaughter is called "uncontrolled slaughter.

Controlled and Uncontrolled Slaughters

2. Basically there are two types of slaughters. The animals which are under control, whether they are domestic animals like cow, sheep, goat, buffalo, ox, camel etc. or wild animals like deer, white antelope etc; which have been tamed, are the subject matter of controlled slaughter.

Slaughter of those animals which are not under the control of any person, whether they are domestic animals which have jumped away from the control or the wild *halal* animals, fall under the category of uncontrolled slaughter.

In a controlled slaughter, some specified veins located at specific body parts are cut while in an uncontrolled slaughter the animal is injured by any sharp weapon, no matter, what part of the body is wounded.

Methods of Controlled Slaughter

3. An animal under the human control is the subject matter of the controlled slaughter. In such a slaughter, the body parts of the animal to be cut are throat (*halaq*) and a small-

depressed part of the neck on its lower side immediately at the point where neck joins the body (*lubbah*).

According to a *Hadith*, Prophet Muhammad (P.B.U.H.) had asked Badeel Bin Warqah (R.A.) to go to the streets of Madina and announce that body parts of the animal for slaughter are *halaq* and *lubbah*. (*Darqutani 4/283*)

The Second Caliph, Umar (R.A.) had also made similar announcement on the matter. According to *Sunan Al Behaqi (9/278)*, Umar (R.A.) announced publicly that in case of a controlled slaughter, the body parts of the animals to be severed are *halaq* and *lubbah*.

Controlled slaughters are of two kinds: *zabih* and *nahr*.

Difference between *Zabih* and *Nahr*

4. There are two body parts which are cut for slaughter: *halaq* and *lubbah*. *Halaq* is the body part of the animal located between *lubbah* and both the grinders. A *lubbah* is a small depressed part of the neck on its lower side immediately at the point where neck joins the body.

Cutting the veins of the throat i.e. *halaq* by a sharp weapon is called *zabih* while letting the animal bleed to death by piercing its *lubbah* with a spear is called *nahr*.

Actually these two methods of controlled slaughters have been provided for different types of animals so that the slaughtering process is least painful for them, and blood of the animals is completely drained out of their bodies.

In case of small-necked animals like goat, sheep, cows, buffaloes, etc. the method of *zabih* has been desired while for long-necked animals like camels, ostrich, etc. the method of *nahr* has been recommended.

In the Holy Qur'an, the word *zabih* has been used for slaughtering a cow.

“And remember Moses said

To his people: “Allah commands
That ye sacrifice a heifer.”
(Holy Qur’an 2: 67)

The Holy Qur’an uses the word *nahr* for slaughtering a camel.
“Therefore to Thy Lord Turn in Prayer And Sacrifice.
(Holy Qur’an 108:2)

The use of different methods of slaughtering by *zabh* and *nahr* is, however, only recommendatory. It is not mandatory. Therefore, it is perfectly legitimate to adopt *nahr* instead of *zabh* in case of cows and buffaloes as well.

In the process of *zabh*, the animal is laid on the ground facing the Holy Ka’aba and certain specified veins are severed while in the process of *nahr*, the animal facing the Holy Ka’aba is made to stand on three legs, one of its left legs tied. In this state a spear or some other long, sharp weapon is used for piercing its *lubbah* to let the animal bleed to death.

According to a *Hadith*, Prophet Muhammad (P.B.U.H.) and his holy companions (R.A.) used to adopt *nahr* in case of slaughtering a *badana* (big animal like camel, etc.) in such a manner that it stood on its three legs and its left leg was tied. (Abu Daood: Kitab-ul-Manasik)

Veins To Be Severed During Slaughter

5. For conducting a *zabh*, four veins of the animals are required to be severed. These veins are; the respiratory duct, food pipe and two jugular veins. The animal shall be considered to have been validly slaughtered if all or most of them are severed. If veins of the animal are not severed; no *halal* slaughter will take place.

According to a *Hadith*, Prophet Muhammad (P.B.U.H.) is reported to have disallowed *Shareeta-tush-Shaitan*. *Shareeta-tush-Shaitan* is an animal the skin of which has been cut during the process of slaughter and the veins have not been severed.

According to a *Hadith*, Prophet Muhammad (P.B.U.H.) has disallowed *Shareeta-tush-Shaitan*. Ibne Isa has added in his reported *Hadith* that *Shareeta-tush-Shaitan* is such an animal the skin of which is cut while the veins are intact during slaughter and the animal is left to die. (*Abu Dawood Bab-ul-Mubaalagah Fil zabh*)

6. All the Islamic jurists agree that the best and perfect way of slaughter is that all the four veins are severed however there is difference of opinion regarding the minimum number of veins necessary to be cut to render the animal *halal*. According to Shafii and Hanbali Schools of Islamic jurisprudence completely cutting the respiratory duct and the food pipe, wholly, is sufficient to make the meat *halal* as cutting of these ducts causes death. According to Maliki School of Islamic jurisprudence, cutting of respiratory vein and both the jugular veins is necessary to make the slaughter complete. Therefore, all the schools of jurisprudence agree unanimously that the slaughter has been defined quite widely and severing of all the veins and ducts has not been considered necessary.

Imam Abu Hanifa has, thus, said that cutting of any three of the four veins is sufficient because ‘most’ is considered as ‘all’. Imam Abu Yusuf has clarified these three veins as the respiratory duct and the duct carrying food and any one of the jugular veins. Imam Muhammad has considered the cutting of the most part of all these veins as essential to complete the slaughter. (*Mausua Fiqhia 21/178*)

The veins to be cut in the *nahr* are the same as the *zabh*. Allama Ibne Abidin Shami has written the following regarding the veins to be severed during *nahr* and *zabh*:

Cutting the lower part of the neck near the chest is *nahr* while cutting the upper part of the neck just below the grinders is *zabh*. (*Radd-ul-Mukhtar 9/439*)

In means that the veins are same in both the methods, however, spots of severance are different.

Likewise, the difference of opinion regarding the cutting of veins in *zabih* also exists with regard to *nahr*. However, Maliki School which considers severance of respiratory duct and both the jugular veins necessary in *Zabih*, is of the opinion that in *Nahr* hitting *lubbah* with a spear with such a blow that the animal dies is sufficient irrespective of the fact whether these veins are severed or intact. According to this school of Islamic jurisprudence there lies a vein just behind the *lubbah* which is connected to heart. An animal dies if this vein is severed. (*Mausua Fiqhia* 21/99)

Methods of Uncontrolled Slaughter

7. Uncontrolled slaughter is employed when cutting of specific parts of an animal is not possible because of lack of control over it. In such a situation, causing injury to any part of the animal in such a manner that blood flows out of the body shall be sufficient to make it *halal*.

An uncontrolled slaughter has been defined in *Durr-al- Muktar* in the following words:

“Injuring any part of the body and making the blood flow out (of animal’s body) is necessary for slaughter.” (*Durr al Muktar* 9/424)

In *Mausua Fiqhia* the same thing has been said in the following words:

“In case of lack of control over the animal causing injury to any part of its body is an uncontrolled slaughter.” (*Mausua Fiqhia* 21/2000)

The expression uncontrolled slaughter is synonymous to, the words “*say’d*” (game) and “*aqr*” (causing injury). Therefore, hunting with the help of a trained animal or by an arrow in such a manner that *Basmalah* is recited at the time of hunting and the hunted animal is injured and its blood flows out, then eating the flesh of such an animal is *halal*. It is necessary that the animal gets injured, and its blood flows out. It is immaterial

whether the animal is hunted with the help of a trained animal or by an arrow, stone or any other weapon. However, if the animal does not get injured and it dies merely due to a shock; in such a situation the animal is not *halal* and its meat cannot be consumed. It has been reported in a *Hadith* that if an animal is hit by the width of the arrow and dies; such an animal is “*waqeez*” and it is not lawful to eat its meat.

“I asked the Prophet Muhammad (P.B.U.H.) regarding arrow; he (P.B.U.H.) replied: when the animal is hit by its sharp edge you can consume it but if the animal is hit by its width and dies; it is “*waqeez*”, do not eat it.

8. The uncontrolled slaughter can be applied to those domestic animals also who go out of control and cannot be slaughtered by either *zabh* or *nahr*, for example, a domestic animal goes out of control and cannot be caught and brought under control, or a domestic animal attacks any person and there is no way to escape from it, or a domestic animal falls into a well or deep pit and it is not possible to bring it out or go down to perform a controlled slaughter; in all such situations the uncontrolled slaughter method can be employed and flesh of such an animal shall be *halal*.

An incident has been narrated in the *Hadith*. During a journey a camel went out of control; there was no horse, one holy companion (R.A.) shot an arrow and injured the camel; Holy Prophet Muhammad (P.B.U.H.) said that in such situations; act likewise.

“We received camels and goats as booty. When a camel out of them went out of control; one person stopped that camel by shooting an arrow; Prophet Muhammad (P.B.U.H.) said: ‘even among the domestic animals some are out of control like the wild animals; if any such an animal overpowers you, you can act likewise.’”

9. By the definition itself it is clear that uncontrolled slaughter is allowed only in the situations when controlled slaughter is not possible. In other words, desired and recommended method of slaughter is the controlled one. It is,

therefore, *Halaq* and *Lubbah* are, basically, the body parts meant for slaughter. However, as the Islamic *Shariah* is quite flexible, it has been provided that in the situations when controlled slaughter is not possible, any part of the animal body may be injured to make the blood flow out of the animal body so that the meat is cleansed and purified for consumption.

In the same manner if during the process of hunting, an animal comes under the control alive after getting injured, it shall be necessary to cut specified veins of the body by subjecting it to the controlled slaughter since the animal has come under the control and it is now possible to resort to *Zabih*?

It has been reported in a *Hadith* that if you let loose your hunter dog after reciting *Basmalah* and that the dog catches the prey and you get the hunted animal alive, in such a situation you must resort to *Zabih*.

“When you let loose your dog, recite *Basmalah*, and if the dog catches hold of the animal and you get it alive, you should slaughter (*zabih*) it.” (*Muslim: Kitabu Say'id*)

10. When resorting to the uncontrolled slaughter during hunting, it must be ensured that the hunted animal dies of the injury inflicted by the weapon used for the purpose. Therefore it shall not be lawful to consume the game when it falls into water after getting hurt by the arrow shot by the hunter as it is doubtful that whether the game has died of the injury caused by the arrow or due to its fall into water. It has been said in the *Hadith*:

“When you shoot your arrow; say *Basmalah*, when you see that it has been killed, eat it except when you find it fallen into water as you do not know whether it has died (due to injury caused) by your arrow or by its fall into water.” (*Muslim: Kitabu Say'id*)

Similarly when another dog is found with the game along with the hunting dog of the hunter; it is not lawful to eat the meat of the prey as one may not be sure that which dog has killed the

game as *Basmalah* had been recited by the hunter at the time of letting his own dog on the game only. There is a *Hadith*:

“Narrator says: I let loose my dog on the game; afterwards I see that another dog is also holding the game along with my dog; I did not know which dog had actually killed the game? Prophet Muhammad (P.B.U.H) said: then you must not eat (meat of the game); you had said *Basmalah* only on your dog, not on the other dog.” (*Muslim: Kitabul Say’d*)

Slaughtering Instruments

11. Slaughtering is one of the essential pre-requisites of *halal* slaughters. The instrument used for slaughter must be sharp-edged and should be capable of making blood of the animal flow out.

In this connection some guidelines have been mentioned in the *Hadith*. These guidelines also shed light on the materials which cannot be used as the instrument for slaughtering. *Sahih Muslim* contains a *Hadith* reported by Rafeh bin Khadeej (R.A.):

“Narrator says: O Prophet of Allah! We shall be facing enemies tomorrow and we do not have knives with us; Prophet Muhammad (P.B.U.H.) said: act fast, (a tool) which makes the blood flow out and on which *Basmalah* has been said, eat them, except teeth and nails, I tell you that teeth is a bone and nails are knives of Abyssinians.”

According to another *Hadith*, Prophet Muhammad (P.B.U.H.) told to *Ummul Mu’min* Ayesha (R.A.):

“O Ayesha! Bring a knife; then said: sharpen it on the stone.” (*Muslim: Kitabul Adhahi*)

Another *Hadith* tells us about slaughtering in a better way and sharpening of knives; it has been said:

“Allah has ordained for adopting a better way of doing everything; therefore, when you kill, kill skilfully; when you

slaughter, slaughter skilfully. You should sharpen your knives and give relief to the slaughtered one.” (*Muslim: Kitabul Say’d*)

12. All the above *Ahadith* make three things quite clear:

First, the slaughtering instrument must be sharp-edged. The instrument for slaughtering is actually a knife. The *Hadith* uses the word “*al mudyah*” which means knife but it is not necessary that it should always be made up of iron. Rather it has been made clear as a matter of principle that it should be capable of making the blood flow out of the animal’s body. The instrument may be made up of iron, bronze, copper, glass, stone, wood, etc. but it should be sharp enough to cut the body and make blood flow. It shall be lawful to use all such instruments for slaughtering.

Secondly, there are certain materials, which cannot be used for slaughtering. As per the guidance of *Hadith*, there are two things, which cannot be used as slaughtering instruments; one is “teeth” and another is “nails”. The rationale of the prohibition has been made clear by Prophet Muhammad (P.B.U.H.) himself. He has said that a tooth is a bone while nails are knives of Abyssinians.

Such a rationale elucidated by Prophet Muhammad (P.B.U.H.) makes it abundantly clear that any type of bone or anything made up of a bone cannot be used as a slaughtering instrument.

The apparent reason behind the prohibition of using teeth, nails and bones as slaughtering instruments, seems to be their bluntness.

Thirdly, the process of slaughtering must be least painful. It is ordained to slaughter the animal in a comfortable and least painful manner in such a way that death of animal takes place quickly and its blood flows out completely.

13. It is generally agreed that teeth, nails and bones should not be used for slaughtering. Therefore, a nail whether it is of a human being or of an animal, pure or impure, and according to the majority of Islamic jurists, whether separated or attached with the body, cannot be used for slaughtering. Similarly teeth and other bones, whether of humans or animals, pure or impure, separated or attached with the body, cannot be used for slaughtering.

The Hanafi School makes one exception to this general rule of prohibition. According to this school of Islamic jurisprudence,

animal slaughtered by nails or teeth, in such a way that these are transfixed into the body of the slaughtered animal, shall be considered as *haram*, however, if it is separated from the slaughtered body; the slaughter shall be *halal* though such a slaughter is *makrooh*. The rationale of the distinction is based upon a *Hadith* which provides that anything capable of making the blood flow out can be used as a slaughtering instrument and the prohibition mentioned in the *Hadith* necessarily imply a situation when these are transfixed into the body. In such a situation the animal is slaughtered by bodily pressure of the slaughtering body and not by the sharp edge of the nail or teeth, therefore, such animal shall be considered as “*mun’khaneeqah*”. The reason behind the undesirability but permissibility has been stated to be that slaughtering the animal in this manner violates the instruction of performing slaughter in a comfortable and least painful manner. (*Fatehul Qadeer 506*)

Imam Malik (R.A.A.) too has made some exception to this rule. Though he has reported many traditions in this regard, however, the most famous among them is that it is lawful to slaughter by bone but slaughter by teeth is unlawful. (*Nawawi Sharah’ Muslim: Kitabul Adhahi*)

14. The guidance contained in the above mentioned *Ahadith* make it explicitly clear that killing an animal due to blow, pressure, etc instead of cutting by a sharp-edged instrument shall not be lawful. Some of such instances of killing animals have been mentioned in the Holy Qur’an as *haram* (unlawful). Since many other forms of slaughtering the animals might have come into existence, therefore, as a principle it had been stated “*ma anhara al-dama*” (anything which may cause the blood flow out: *Muslim: Kitabul Adhahi*) can be used as a slaughtering instrument.

Therefore, a principle has been formulated that slaughter can be done by any instrument which may cause death by cutting and making the blood flow out of the slaughtered body and that the death caused by any blow or pressure shall render it *haram*.



Chapter 2

The Slaughterer

Eligibility for Slaughter

1. Permissibility of non-vegetarian food is also dependant upon eligibility of the slaughterer. The slaughter to be Islamically valid requires that the person slaughtering the animal must fulfil certain conditions to make him eligible to perform the slaughter. There are two prerequisites:

- a) The person performing the slaughter must belong to any of the three known revealed religions i.e. Islam, Christianity or Judaism. In other words the person must have monotheistic belief (unity of God) whether he or she is a Muslim, a Christian or a Jew who have been called “the People of the Book” by the Holy Qur’an. Allah has said in the Holy Qur’an:

“The food of the People of the Book
Is lawful unto you
And yours is lawful Unto them.”
(Holy Qur’an 5: 5)

- b) He or she must possess at least such sagacity that he/she may recite *Basmalah* and understand the process of slaughter. In other words, either the person should be sane and major or if the person is a minor then he/she must possess so much sagacity that he /she is able to understand the slaughtering process. (*Hidaya 4/418*)

Slaughter by the Christians and the Jews

2. Slaughter by a Muslim is lawful. The slaughter by a person belonging to “the People of the Book” has also been made *halal* by the Holy Qur’an. However, there are many people belonging to the Christianity and the Judaism who openly announce their atheism and openly demonstrate by their actions and statements that they no longer belong to these

religions. The question is: whether the slaughter by such persons shall be *halal*?

Here another question arises: whether the slaughter by the Christians and Jews shall be *halal* in each and every situation? Shall the slaughter also be *halal* even if they slaughter an animal, which has been declared *haram* by Allah. Whether the slaughter shall also be *halal* even if they resort to any method, in stark contradiction of the Islamic way of slaughtering, for example, shooting the animal by bullets instead of severing the specified veins; or burning the body parts of the animal with the help of electricity; or causing blood to flow out of a body part other than those specified by the *Shariat*? In other words, what shall be the status of a slaughtered animal if it is slaughtered, though otherwise lawful, contrary to Islamic way of slaughter? We have tried to deal with such questions here.

Contemporary Christians and Jews

3. As per the Holy Qur'an an animal slaughtered by the "People of the Book" is *halal*. The People of the Book mean those people who possess a divine book confirmed by the Holy Qur'an. The majority of Islamic jurists agree that the Christians and Jews are the people of the Book. Therefore, those people of our times who call themselves as the Christians and Jews shall be considered as "the People of the Book" and the animals slaughtered by them shall be considered *halal*. Besides, the people in respect of whom it can be said with certainty that they are non-believers or atheists; the animals slaughtered by them shall be *haram*.

Umar (R.A.) and Ali (R.A.) had cited this reason while declaring the slaughtered animals of Arab Christians as *haram*. Umar (R.A.) had said: These people are not the "People of the Book" and the animals slaughtered by them are not *halal* for us. (*Sunan Al Behaqi 9/216*)

Ali (R.A.) had said regarding Nusara Bani Taghlab: "They have not adopted anything of their religion except drinking." (*Sunan Al Behaqi 9/218*)

The Process of Slaughter by the People of the Book

4. There are certain pre-requisites for the permissibility of slaughter of animal by a person belonging to the People of the Book. The animal slaughtered by a person belonging to the People of the Book shall be *halal* to the Muslims. If a person slaughters an animal like pig, dog, etc. which are *haram*; the animal shall not become *halal*. Besides, it is also necessary that the animal is slaughtered as per the Islamic procedure of slaughter. The Islamic procedure of animal slaughter has already been discussed in preceding pages. If the animal has been slaughtered by any other method like electric shock or bullet then it shall not be *halal* for the Muslims. To make a slaughtered animal *halal* for the Muslims, it is necessary that the specified veins to be severed during the process of slaughter must also be cut by the person belonging to the People of the Book as is required in case of a slaughter by a Muslim.

World renowned body of Islamic jurisprudence, the Islamic *Fiqh* Academy, Jeddah, ruled on the issue in the following words: “The animal slaughtered by the People of the Book is lawful as per the *Shariah* provided it is slaughtered as per the method given by the *Shariah* irrespective of whether the *Basmalah* had been recited on it or not.”

Slaughtering by Woman and Child

5. The animal slaughtered by any sane and sagacious Muslim is *halal*. It is clear that the slaughter by such a small child who does not possess proper understanding of the slaughtering process is not reliable. In the same manner, the animal slaughtered by an insane person is also not reliable.

The slaughter by a Muslim woman is also valid as that of by a male Muslim provided it is done in accordance with the procedure provided by the *Shariah*.

Here it should also be made clear that the animal slaughtered by a person who is no longer a Muslim is also *haram*. The animals slaughtered by the Qadianis, both the Ahmadis and Lahoris, are *haram* for the Muslims. Similarly, animals slaughtered by an apostate are also *haram*.

Chapter 3

Recitation of *Basmalah*

Recitation of *Basmalah* i.e. reciting “*Bismilla hir Rahma-nir Raheem*” is the third most important condition of a valid slaughter.

1. Reciting *Basmalah* i.e. pronouncing Allah’s name at the time of the slaughter is mandatory. Animal slaughtered in the name of anybody other than Allah is absolutely *haram*. It has been stated in the Holy Qur’an:

“So eat of (meats)
On which Allah’s name
Hath been pronounced,
If ye have faith
In His signs.”
(Holy Qur’an 6: 118)

“Eat not of (meats)
On which Allah’s name
Hath not been pronounced:
That would be impiety.”
(Holy Qur’an 6: 121)

There is no disagreement over the fact that the animal slaughtered in the name of anything other than Allah is *haram*. However, the issue arises about the status of a slaughter when Allah’s name is not recited. We shall examine this issue here.

Forgetting the Recitation of *Basmalah*

2. The animal slaughtered without reciting *Basmalah* is *halal* (lawful) provided it is an omission by mistake. It has been said in the *Hadith* that Allah does not hold accountable for the actions and omissions done by mistake or forgetfulness.

“Allah has forgiven mistakes, forgetfulness and acts done under compulsion by the people of my *ummah*.” (*Ibne Maaja: Abwabul Talaq*)

Now the issue is whether this shall also be applicable in case of a person who deliberately omits reciting the name of Allah.

Deliberate Non-recitation of *Basmalah*

3. If the deliberate omission of the recitation of *Basmalah* is with a view to denigrate it; it is a detesting act, therefore, the animal slaughtered in such a manner is *haram*. According to the majority of jurists, even if the deliberate omission is not with intent to denigrate *Basmalah*, the animal so slaughtered shall be *haram* for the simple reason that Holy Qur'an has stated that the recitation of *Basmalah* is mandatory and incumbent. Besides, there are several *Hadith* which emphasise recitation of *Basmalah* at the time of slaughter, and Holy Qur'an has prohibited the consumption of an animal on which *Basmalah* has not been recited.

Shafii School of Islamic jurisprudence is a bit lenient on this issue. According to this school, recitation of *Basmalah* is not *wajib* (incumbent) but only an emphasized *Sunnah*. Therefore, even if recitation of *Basmalah* is omitted deliberately, the animal so slaughtered shall not be *haram* (unlawful) but it shall be *makrooh* (unapproved). (*Sharah Muslim Nawawi: Kitabul Say'd wal zabaaih*)

Imam Shafii had before himself a *Hadith* according to which *Ummul Mumineen* Ayesha (R.A.) asked Prophet Muhammad (P.B.U.H.) that the people use to send meat to us while we do not know whether *Basmalah* was recited at the time of slaughter or not? Prophet Muhammad (P.B.U.H.) replied: you should recite *Basmalah* and eat (the meat.) (*Al-Bukhari: Kitabuz-Zabaaih-was-say'd*)

4. Setting a rule on the issue, Islamic *Fiqh* Academy (India) has said: "It should be clear that the majority of jurists have considered recitation of *Basmalah* as *wajib* (incumbent) and Imam Shafii (R.A.) has considered it a *Sunnah*. Regardless of *Basmalah* being *wajib* or *Sunnah*, it is expected that a Muslim does not deliberately omit recitation of *Basmalah*

during slaughter, therefore, we are not bound to make enquiries as to whether recitation of *Basmalah* has been deliberately omitted or not during a slaughter done by any Muslim. Hence, the animal slaughtered by a Muslim should be considered *halal*. (*Aham Fiqhi Faisle: 82*)

The Time and Place of Recitation of *Basmalah*

5. The recitation of *Basmalah* during the process of slaughter is *wajib* in such a manner that the animal to be slaughtered is known and certain, and there should not be long interval between the recitation and the slaughter. It shall, therefore, be necessary to recite *Basmalah* during every slaughter separately. If there are many animals to be slaughtered then recitation of *Basmalah* too shall be multiple. Similarly if by one process of slaughter many animals are slaughtered then recitation of *Basmalah* only for once shall be sufficient.

At the time of recitation of *Basmalah*, the animal to be slaughtered should be before the slaughterer. If the *Basmalah* is recited before one set of animals with the intention of slaughtering them while actual slaughter is performed on another set of animals; in such a situation the slaughtered animals shall not be *halal*. Similarly if the *Basmalah* is recited over a herd of animals and anyone of them is slaughtered, the animal shall not be *halal*.

Giving a Helping Hand in the Slaughtering Process

6. If there is a participation, in the process of slaughter, by more than one person for example, a weak person holds the knife and another person assists him by putting his hands on his hand or knife, in such a situation both the persons should recite *Basmalah*. However, when there is no participation in the process of slaughter and other people only provide help by holding the animal by its legs, head, etc., in such a situation it shall not be necessary for the persons providing help in controlling the animal to recite *Basmalah*.

Chapter 4

Stunning Before Slaughter

1. The basic guidance provided by the *Shariah* regarding the slaughter are three: “*Inhar-e-dam*” i.e. causing the blood to flow out of the animal’s body, the slaughterer must either be a Muslim or one belonging to the People of the Book, and the animal should be slaughtered in the name of Allah. Therefore, if a person of monotheistic belief cuts *halaq*, *lubbah* & two jugular veins of the animal and causes the blood to flow out, that animal is *halal*. However, the Islamic *Shariah* has provided certain etiquettes in addition to the above basic directives; adherence to these etiquettes shall make the act of slaughter better and desirable.

Etiquettes of Slaughter

2. Reducing the pain of the animal to be slaughtered as well as making the blood flow out of the animal are the etiquettes of a slaughter. The acts aimed at reducing the pain of the animal are as under:

- a) The knife should be sharp-edged;
- b) The knife should not be sharpened in the sight of the animal;
- c) The animal should not be brought by pulling it forcibly, rather it should be brought with ease and should make it lie comfortably;
- d) No animal should be slaughtered before another animal;
and
- e) The animal should be slaughtered immediately after making it lie on the ground.

The etiquettes provided to make the blood flow out of the body of slaughtered animal are as under:

- a) The animal should be left to cool down for some time;
and

- b) The animal should not be slaughtered from the rear side of the neck.

All these etiquettes have been comprehensively summed up in the following *Hadith* wherein it has been said:

“Whenever you slaughter; slaughter properly.” (*Muslim: Kitabul Say’d*)

Allama Kaasaani has narrated this guidance as a principle in his book *Bada-e-ul-Sanae’*:

“The basic (principle) of slaughter is that the method to be adopted should be convenient and comfortable for the animal and what is comfortable for the animal; shall be regarded as a suitable method.”

Slaughter by Machines

3. The method of slaughter which caused least pain to the animal and guarantees the purity of meat has been in use in the past. However, new methods of slaughter have been invented with the progress of science and technology. In order to meet the growing human needs and reduce dependence on human resources, various types of machines have been invented for slaughtering the animals. Expensive human resources, and for many other reasons, some of the developed countries have started using machines for slaughtering the animals.

Reason Behind Stunning the Animal

4. Slaughtering the animal by machines had a problem as how to control the animal. The slaughtering machines had been made to perform in a definite and rigid manner while it was necessary that the animals, which were to be slaughtered, too act as per the process and requirements of the machine.

This was found to be difficult. Therefore, it was thought that the animal should be made unconscious immediately before the slaughter and the slaughter should be done in the state of unconsciousness.

Various methods of stunning were adopted to overcome this problem. In case of bigger animals, rubber bullets, and sometimes even real bullets, hitting on the head, etc. were used to cause unconsciousness. Application of electric shock to the animals has also been used for this purpose. This method has been used in case of small, medium as well as big animals. Electric voltage is adjusted in such a way that if the animal is not slaughtered within a few minutes, it gains consciousness. The voltage used in this method is anywhere between 70-120 volts so that the animal does not die of the electrical shock.

The *Shariah* Stand vis-a-Vis Stunning

5. Here question arises as to what is the stand of Islamic *Shariah* on the issue of stunning before slaughtering an animal by the application of electric shock or hitting on its head, etc? Whether the animal slaughtered after stunning shall be *halal*?

The benefits of stunning before the slaughter are as under:

- a) It causes the slaughtering process faster;
- b) The process is less painful for the animal; and
- c) The application of electric shock causes blood of the animal to rush towards its brain, which helps in making the blood flow out of its body to the maximum.

Above discussion makes it clear that a living animal is difficult to be controlled, consequently the process of slaughter by machines shall not be smooth and fast if the animal is not made unconscious. Besides, it has also been found that slaughtering of animals after stunning does not cause any impediment in making the bleeding as complete as possible.

However, there are two issues, which need to be considered. First, is it really so that the animal feels less pain during the application of electric shock, and secondly, is it really a fact that the electric shock applied to the animal only causes unconsciousness and not the death itself?

Death in the State of Unconsciousness

6. Islamic *Shariah* has absolutely prohibited the meat of animal, which had died before its slaughter. Generally the animal is slaughtered immediately after the application of electric shock i.e. in a state of unconsciousness. According to the experts and eyewitnesses the electric shock only causes unconsciousness and does not cause death of the animal. It has also been said that if the animal is not slaughtered immediately, it may regain full consciousness.

We have no means to test the claim that the slaughter of the stunning animal is less painful. The animals cannot tell us the difference in the pains suffered. Here we should also consider the fact that the electric shock itself causes some pain and thereafter, the animal undergoes the pains of being slaughtered.

In such a situation, we should keep in mind that Allah, the Creator of one and all is Omniscient. He has ordained that the animals should be slaughtered in a less painful way. It was all possible to ask the Muslims to stun the bigger animals with a blow on their heads to render them insensible before slaughtering them. However, no such instruction was given, therefore, it seems that the slaughter of an animal in a state of consciousness is the better method of *zabih*.

7. Above discussion makes it clear that slaughtering of unconcious animals is not desired. However, if such a practice is prevalent at some places then the meat of the animal shall be *halal* provided it is ensured that the animal does not die before its slaughter. In other words, the stunning methods should be such that the animal loses its sensibility only and does not die.

Islamic *Fiqh* Academy (India) has taken this view in its seminar on the issue. The resolution adopted by the Academy says: "If such a practice is prevalent at some place and the animals are being slaughtered after rendering them unconcious, and if it is ensured that electric shock or other methods used cause a state of unconciousness for a brief period only and does not cause death and it is ensured that the electric voltage has been so carefully adjusted that the shock administered by it is

capable of nothing but a temporary loss of consciousness only; in such a situation the animals slaughtered in this manner shall be *halal*. (*Important Fiqh Decisions/Islamic Fiqh Academy, India*)

Decision of the Rabita's *Fiqh* Academy

8. Mecca-based Islamic *Fiqh* Academy of the Rabita Al-Aalam-e-Islami has also adopted the same stand on the issue. It says that application of high shock to the animal before its slaughter amounts to inflicting pain on it which is prohibited in Islam.... If the electric shock is so light and negligible that it does not cause pain to the animal, and the same is applied with the purpose of reducing the pain and resistance during its slaughter; it is not prohibited as per *Shariah* for the sake of convenience. (*Rabita Academy Ke Fiqhi Faisle: 191*)

Decision of Islamic *Fiqh* Academy of Jeddah

9. Islamic *Fiqh* Academy, Jeddah, has deliberated upon this issue at length. It says that the natural way of slaughtering an animal is that it should be slaughtered without causing unconsciousness as the Islamic method of slaughtering is ideal with all its associated etiquettes and conditions which involve kindness and minimum pain to the animal to be slaughtered...If the animals are slaughtered after stunning; the meat of such animals shall be *halal* only after ascertaining that animals do not die before their slaughter.... According to the experts, electric wires should be attached to both the sides of the head or forehead of the animal, electric voltage should be kept between 100-400 volts, and its frequency between 0.75-1.0 amperes for the goats and between 2.0-2.5 in case of cows, and the shock is applied for 3-6 seconds...It is not permissible to use pointed needle pistols bullets, hammer or blowing as per the English method nor it is

permissible to cause unconsciousness in case of chicken by applying electric shock as the experiences show that a large number of chickens die (due to the electric shock) before their slaughter. However, eating the meat of such animals shall be *halal* on whom round bullets or Oxygen mixed Carbon Dioxide has been used in such a manner that they fall unconscious and do not die. (*Qararat Majmaul Fiqhul Islami: 223*)



Chapter 5

Slaughter by Machines

1. Slaughter by machines is a new invention of the modern era. There may be many types of mechanical slaughters depending upon the types of machines. Similarly the functioning of a particular type of machine may also differ according to the types of animal. Since the slaughter by machines is a modern-day phenomenon, therefore, no explicit instruction is found in both the Holy Qur'an and *Ahadith* or in the *ijtehad* of the jurists of yore.

In this regard two aspects need consideration. First, the process of slaughter is to be seen. In other words, it is to be seen that how the slaughtering machines are used to slaughter different types of animals. Secondly, it is to be seen that to what extent the principles of the *Shariah* are fulfilled, both in letter and spirit, in the slaughtering by machines.

Slaughter by Machines: An Introduction

2. To understand the issue it is necessary to be acquainted with the process adopted in mechanical slaughters. The slaughter by machines or mechanical slaughter is not prevalent in the developing countries but it has become quite prevalent in the developed ones. It is gaining ground in the bigger cities in the developing countries.

Basically two types of methods are used in the slaughter by machines. One is for the slaughter of big animals like cattle, goats, sheep, etc. In this method, animals are first stunned and hung upside down tied with the chains of the slaughtering machine and a person cuts their throats. Sometimes the process is slightly different, and a person first cuts the throats of the animals laid on the ground and the animals are then hung upside down on the chain of the slaughtering machine. The machine skins the animals, cleans the filth and cut the meat into pieces. Sometimes, this method is also used in case of chickens. The chickens are hung upside down with the chain

and a person keeps on slaughtering them, rest of the process is done by the machine.

In this method, the slaughter or *zabih* is actually done by human hands and rest of the work is accomplished by the machine.

3. Another method of slaughter is used in case of smaller animals and birds like chickens, ducks, etc. The slaughtering machine used for the purpose has a long chain attached to it. The birds are hung upside down on the hooks attached to the chain. The birds move ahead with the run of the chain. The birds are first stunned by the application of electric shock; the unconscious birds are moved ahead and are slaughtered by the knife fitted in the machine. The slaughtered birds further move on. Thereafter they are skinned and their filth is removed. The bodies are cleaned and cut into pieces.

In this mechanical slaughtering, the slaughter as well as other acts are done by the machine.

4. In both the above methods of slaughters, the machine runs on electric power. The machine keeps on running once it is switched on till the electric supply is stopped. Therefore, in such a situation, the machine slaughters thousands of birds while in case of bigger animals the machine performs slaughtering and cleansing of several animals in a very short span of time.

***Sharai* Status of the Animal Slaughtered by Machines**

5. Let us now examine the status of the animal slaughtered by the machine, whether it is *halal* or *haram*, in the eyes of *Shariah*.

It has already been discussed earlier that to render the meat of a slaughtered animal *halal*, there are three prerequisites. The slaughterer should either be a Muslim or the one who belongs to the People of the Book; the slaughter should be done in the name of Allah, and cutting of specified veins to make the blood flow out of the animal body. As we have already seen that according to Imam Shafii even if reciting the name of Allah is

omitted at the time of slaughter without any intention of denigration, though it is *makrooh*, nonetheless, the meat of such an animal shall be *halal*.

We have seen that in one of the two methods of mechanical slaughtering, as in case of bigger animals and sometimes even in case of small animals and birds, the animals and birds are stunned and then hung upside down with a chain attached to the machine. These animals are slaughtered by a person by his own hands or in some cases these animals are slaughtered before being hung with the machine's chain. In this method, the slaughtering is not done by the machine but by human hands. Therefore, *Sharai* precept regarding such type of slaughter is quite clear.

The animal slaughtered in this manner shall be *halal* provided other requirements of the *Shariah* are fulfilled. The reason for the permissibility is very clear. In this case the machine is not involved in the slaughter; the machine is actually performing subsequent tasks like skinning, removal of filth and cutting the meat into smaller pieces. The use of machines for these purposes is not objectionable.

6. The other method of mechanical slaughter requires deeper examination. In this method, the act of slaughter is not done by human hands; rather the whole process from slaughter to skinning, cleaning and cutting is performed by the machine. In this method, an unconscious animal is hung upside down and it is slaughtered by the knife fitted in the machine itself. The knife moves mechanically. It is not moved by human hands. In such a type of machine the human involvement is limited to switching on the machine by pressing the button.

The intention to slaughter the animal is very important. A person first intends to slaughter the animal and then he or she recites the name of Allah and slaughters the animal. If we consider the above process of mechanic slaughter; it is clear that a person switches on the machine by pressing its button intentionally. The pressing of button causes the machine to run. Therefore, in this process the person pressing the button has the

status of a slaughterer. This status of the person pressing the button has been recognised by most of the contemporary jurists and Ulama.

The recognition of the person's status as a slaughterer entails same responsibilities as are enjoined upon the person actually slaughtering the animal by his own hands. Therefore we can say that the person pressing the button has made the mechanical knife to slaughter the animals.

Thus, if any Muslim or a person belonging to the People of the Book presses the button after reciting the name of Allah and makes the mechanical knife move and slaughter the animals; the animals so slaughtered shall be *halal* as it fulfils the requirements of a *halal* slaughter prescribed by the Islamic *Shariah*.

7. Another difficulty with the mechanical slaughter is the recitation of *Basmalah* over the animals slaughtered in this process, since it is necessary to recite *Basmalah* on every such animal. For example, if *Basmalah* has been recited on a herd of animals and a single animal is slaughtered out of this herd, then such an animal shall not be *halal*.

In the aforesaid second method of mechanical slaughters, hundreds and thousands of animals are hung upside down with the chain attached to the machine. Once the machine is switched on, it starts slaughtering the animals one by one by its mechanical knife. In this manner, animals keep on being slaughtered till the machine is not switched off.

The person presses the button of the machine after reciting *Basmalah* only once and a large number of animals are slaughtered by the machine. This process of slaughtering continues till it is switched off. Now the question arises: whether the running of the slaughtering machine is one action or it comprises multiple actions of slaughters? If one time run of the machine is one action then the recitation of *Basmalah* only once would suffice but if it is considered multiple actions of slaughters then in what way *Basmalah* is to be recited on every slaughter?

The *Shariah* Stand Visa-a-Vis the New Mode of Slaughtering

8. This is an absolutely new issue; therefore, a clear guidance on this issue is not available in the Holy Qur'an and *Ahadith*. Contemporary Ulama and jurists have deliberated upon the problem but they have not been able to reach a unanimous decision on the issue. The issue was discussed in detail in two seminars of the Islamic *Fiqh* Academy (India). According to majority of the participants, when a slaughtering machine is switched on after recitation of *Basmalah*, the first animal which gets slaughtered by the machine shall be considered to be *halal*. The rest of the animals would be considered to have been slaughtered without a recitation of the *Basmalah* on them.

These Ulama and jurists were of the opinion that, if a machine could be invented which has a large number of knives fitted in such a manner that once it is switched on after reciting *Basmalah* all of them move simultaneously and slaughter the animal lying or hanging before it, all the animals slaughtered by such a machine shall be considered to have *Basmalah* recited over them. All such animals shall be *halal*. The machine is to be switched off after completion of this process.

This process may be repeated as many times as required.

Raison d'etre

9. Many learned Ulama participating in the Islamic *Fiqh* Academy's seminar were of the opinion that once the slaughtering machine is switched on with the recitation of *Basmalah*, all the animals slaughtered by the machine till it is switched off shall be *halal*. The most prominent among them were *Qazi* Mujahidul Islam Qasmi, the founder of the Academy and the then President of the All India Muslim Personal Law Board, *Maulana* Sayed Jalaluddin Ansar Umari, the Vice President of the Jamat-e-Islami Hind, *Maulana* Khalid Saifullah Rahmani, present General Secretary of the Academy, and *Maulana* Raisul Ahrar Nadwi of Jamia Salafia Banaras.

These Ulama and jurists argued that one run of the slaughtering machine till it is switched off was a single action, therefore, when it was switched on by pressing the button with the recitation of *Basmalah*, all the animals slaughtered in this run were *halal*. According to this opinion the action ceases when the machine is switched off. The animals slaughtered by the machine in this single action shall be *Halal*. This process may be repeated and every time the machine will be started with the recitation of *Basmalah*.

Verdict of Islamic *Fiqh* Academy, Jeddah

10. The above mentioned opinion was also approved by the Islamic *Fiqh* Academy, Jeddah, in its tenth seminar. According to the resolution of the Academy it is better if chickens are slaughtered by human hands, however, the slaughter (of chicken, etc.) by mechanical gadgets is also not objectionable provided all the prerequisites of slaughter prescribed by the *Shariah* are fulfilled. Recitation of *Basmalah* for once would suffice for one lot of the birds slaughtered at one go. If the continuity is broken then the recitation of *Basmalah* would have to be repeated. (*Qararat Majma-ul-Fiqh-ul-Islami : 224*)

Immersion of the Slaughtered Birds in Hot Water

11. After the mechanic slaughter, the birds are immersed in hot water in order to skin them easily. Generally, filth of the slaughtered birds are not removed before their immersion in hot water. Is it proper in the eyes of *Shariah*?

12. In this regard it is always better to remove filth of the slaughtered birds before their immersion in hot water. The *Shariah* has no objection provided the bleeding is as complete as possible before their immersion in hot water. Such a meat is *halal*.

13. If the birds are immersed in hot water before their cleansing, the *Shariah* stand would be different depending upon different factors. If the birds are immersed in such a hot water for such a long time that their filth is dissolved and then

soaked in the meat, it would become impure and unhygienic and it would not be proper to eat such a meat.

However, the birds may be immersed in hot water before removal of their filth if the water is lukewarm and they are not kept for such a long period that the waste gets dissolved in the water and in turn is soaked in the meat. In such a situation there is a room for its consumption provided every precaution has been taken diligently.



Slaughter By Machines

{Islamic *Fiqh* Academy (India) deliberated on the issue of the slaughter by machine in its seventh seminar held on December 30, 1994 to January 2, 1995 at Bharuch (Gujarat) and in its ninth seminar held on October 11-14, 1996 at Jaipur (Rajasthan), the resolutions adopted by the seminars are given below}

-1-

1. The word *zabih* (slaughter), literally means to kill (by slitting throat) while in the *Shariah* the word means cutting of respiratory and food ducts and both the jugular veins or most of them in case of a controlled slaughter, while in case of an uncontrolled slaughter it means inflicting wound on any part of the body of the animal.

2. There are two types of slaughters: controlled and uncontrolled.

In case of a controlled slaughter which is performed on the animals which are under control of the person slaughtering it, all the four ducts i.e. food and respiratory veins and both the jugular veins of the animal or most of them are severed. Such animals are generally reared animals with the exception that the animal way somehow becomes out of control at the time of slaughter.

In case of an uncontrolled slaughter, wound is inflicted on any part of its body in order to make the blood flow out of the body. The uncontrolled slaughter is resorted to in case the animal, is not in the control of the slaughterer. Such animals are generally wild animals with the exception that the wild animal may be caught and tamed or is somehow caught alive.

3. The conditions common to both types of slaughters are as under:

- i. The slaughterer should either be a Muslim or one who belongs to the People of the Book.
- ii. He should be sane.
- iii. Recitation of *Basmalah* at the time of slaughter.
- iv. No other name should be included with the Name of Allah.
- v. The animal should be alive at the time of its slaughter.
- vi. The animal's death should be because of its slaughter.
- vii. The slaughtering knife should be sharp edged.

Conditions Specific for Controlled Slaughters:

- i. Recitation of *Basmalah* on the intended animal.
- ii. Severance of specified arteries.
- iii. There should not be too much gap between the recitation of *Basmalah* and the slaughter.

Conditions Specific for Uncontrolled Slaughters:

- i. The hunter should not in the state of *Ahram*.
- ii. The game should not be of a *haram* (prohibited) animal.
- iii. The hunting animal or bird should have been trained for the purpose of hunting.
- iv. *Basmalah* should be recited while releasing the hunter bird or animal or while throwing the spear or arrow.

4. It should always be kept in mind that the controlled and uncontrolled slaughters have been provided by the *Shariah* for two different sets of situations. An uncontroleed slaughter is permissible only if it is not possible to perform a controlled slaughter, therefore, method of an uncontrolled slaughter cannot be resorted to in place of a controlled slaughter.

-2-

1. The eligibility conditions for a slaughterer as per the *Shariat* entail that he should be sane and major. In case of the person being a minor he or she must possess discernment, and should either be a Muslim or the one who belongs to the People of the Book.
2. The People of the Book are those who possess a Divine Book testified by the Holy Qur'an. In the present age, the Christians and the Jews are the People of the Book.
3. In the present age the people calling themselves as the Christians or the Jews shall be considered the People of the Book and the animals slaughtered by them shall be *halal* except in cases where it is known with certainty that such people are atheists or disbelievers.
4. The animal slaughtered by the Qadianis shall not be *halal*, no matter whether he is a *Lahori* or *Ahmadi*.
5. It should be clear that all the ingredients of a valid slaughter prescribed by the Islamic *Shariah* must be fulfilled irrespective of the fact that whether it is performed by a Muslim or a person belonging to the People of the Book. All such forms, like killing by firing a bullet, burning the body parts meant for slaughtering by applying electric current, or making the blood flow out of the animal by causing injury etc; wherein an animal is killed either directly or indirectly by a machine in such a manner that it does not fulfil the criteria laid down by the *Shariah*, the animal so killed shall be a dead animal, and shall not be considered a *Zabiha*; consequently the animal shall not be *halal*.

-3-

1. As per the requirements of Islamic *Shariah*, Allah's name should be recited at the time of slaughter; the animal slaughtered in the name of any entity other than Allah shall not be *halal*.

If *Basmalah* is not recited at the time of slaughter by mistake then the animal shall be *halal*, however, if the recitation of *Basmalah* has been omitted intentionally, the animal so slaughtered shall not be *halal* as per the opinion of the majority of jurists.

However, according to Imam Shafii, in case of deliberate omission of *Basmalah* if it is not a matter of disdain, the animal so slaughtered shall be *halal* however, if the recitation of *Basmalah* has been omitted deliberately out of disdain the animal so slaughtered shall not be *halal*, because according to him the recitation of *Basmalah* is *Sunnah*.

It should be clear that according to the majority of jurists the recitation of *Basmalah* is *wajib* while it is a *Sunnah* according to Imam Shafii. However, every Muslim is, generally expected, that he does not slaughter any animal without reciting *Basmalah*, therefore, when an animal is slaughtered by a Muslim we are not bound to ascertain whether the recitation of *Basmalah* has been omitted intentionally or inadvertently. Therefore, the animals slaughtered by any Muslim should always be considered to be *halal*.

2. It should also be clear that the recitation of *Basmalah* is *wajib* in the performance of slaughter; therefore, for multiple acts of slaughters, the recitation of *Basmalah* shall also be multiple. Similarly if the act of slaughter is single then the recitation of *Basmalah* only once shall suffice.

For example if *Basmalah* is recited to slaughter an animal but it, somehow, runs away before it is slaughtered and is brought again for slaughter then *Basmalah* shall be recited once again.

Similarly if a number of animals are slaughtered by a single knife in one go then the recitation of *Basmalah* for once would be sufficient.

It should be clear that in a controlled slaughter at the time of recitation of *Basmalah*, the animal to be slaughtered should have been determined; therefore, when there is an intention to

slaughter one or more animal and *Basmalah* is recited, slaughter of another set of animals instead shall not be *halal*.

3. Sometimes more than one person participate in the slaughter of an animal, for example two persons hold handle of the knife or a person holds hand of a weak person performing the slaughter etc., in a such situation it is necessary for both the persons to recite *Basmalah*. Holding the legs, head or other parts of the animal during its slaughter shall not be considered as participation.

-4-

1. There is a growing practice of stunning the animals before their slaughter, either by electric shock or by other methods, considering that it reduces the pain. The seminar does not agree with this presumption, and holds that it is better to perform slaughter without stunning them.

However, if such a practice is prevalent at some places and the animals are being slaughtered after rendering them unconscious, and if it is ensured that electric shock or their methods used, cause a state of unconsciousness for a brief period only and does not cause death and it is ensured that the electric voltage has been so carefully adjusted that the shock administered by it is capable of nothing but a temporary loss of consciousness only; in such a situation, the animals slaughtered in this manner shall be *halal*.

(Important Fiqhi Decisions/Islamic Fiqh Academy, India)

Slaughter by Machines

The issue of mechanical slaughter of animals was discussed in the seventh seminar of the Islamic *Fiqh* Academy (India) held at Bharuch and a consensus had evolved over the legitimacy and permissibility of some of the forms of mechanical slaughter. However, there was difference of opinion among the scholars and jurists over one particular form of mechanical slaughter and the participants of the seminar felt that the grim issue requires another thoughtful deliberation. Therefore it was decided that the participating scholars should be provided with

the summary of the arguments and counter-arguments advanced by the proponents and opponents.

In pursuance of this recommendation, the Academy sent a detailed questionnaire. A number of replies poured in. In the light of these replies, the following conclusions were arrived at:

1. In one of the forms of mechanical slaughter, animals are hung on a chain or strap of the machine run on electric power. The animals are carted to the person slaughtering them after being stunned. The appointed slaughterer slaughters the animals with the recitation of *Basmalah* one by one when these animals reach to him. The slaughterer ensures that the animal is alive at the time of its slaughter. The slaughtered animals are carted away by the chain or strap on which they are hung.

This method of slaughter is lawful and permissible as in this method the machine is only carting the animals, the actual slaughter is being done by human hands. The Academy calls upon the Muslims engaged in the business to promote such a method of slaughter and suggest them to engage more slaughterers, to speed up the process.

2. In another form of mechanical slaughter, the entire work - from carting to actual slaughtering of the animals - is done by machines. Such machines, powered by electricity, starts functioning on pressing its button, and once the machine is switched on, the animals, hung on the chain or strap, are moved and slaughtered, turn by turn, by a mechanical knife fitted to the machine. It has invoked these different opinions which are as under:

- a) The first animal slaughtered by the machine shall be *halal*, the rest of the animals slaughtered by the machine shall not be *halal*. This was the opinion voiced by the majority of the participant delegates.
- b) Even the slaughter of the first animal would not be *halal*. This opinion was held by:
 - i. *Mufti Shabbir Ahmad Qasmi*, Moradabad
 - ii. *Maulana Mujeebul Ghaffar Asad Aazmi*, Banaras

- iii. *Maulana* Badar Ahmad Mujeebi, Patna
 - iv. *Maulana* Abul Hasan Ali, Gujarat
- c) The first animal as well as rest of the animals slaughtered by the machine till it is stopped shall be *halal*. This opinion was expressed by the following scholars:
- i. *Qazi* Mujahidul Islam Qasmi
 - ii. *Maulana* Khalid Saifullah Rahmani
 - iii. *Mufti* Naseem Ahmad Qasmi
 - iv. *Maulana* Yaqoob Ismael Munshi
 - v. *Maulana* Jalaluddin Ansar Umari
 - vi. *Maulana* Ejaz Ahmad Qasmi
 - vii. *Maulana* Raisul Ahrar Nadwi
 - viii. *Maulana* Sultan Ahmad Islahi
 - ix. *Maulana* Sabahuddin Malik Falahi
 - x. *Maulana* Sadrul Hasan Nadwi

3. According to the scholars and jurists, who opined that only the first animal slaughtered would be *halal*, if a machine could be invented which has a large number of knives fitted in such a manner that once it is switched on after reciting *Basmalah* all of them move simultaneously and slaughter the animals lying or hanging before every knife, all the animals slaughtered by such a machine shall be *halal*.

4. Furthermore, it should be made clear that the aforesaid suggestions regarding the slaughtering by machines have been laid down keeping in view the specific structure of the machine. They do not hold good for all kinds and varieties of machines. In fact, legal and juristic opinions shall vary from machines to machines keeping in mind their specific structure and modus operandi.

Islamic Fiqh Academy – India

The Objects, Activities & Plans: An Introduction

In the name of Allah, the Most Gracious, the Most Merciful.

Islamic *Fiqh* Academy (India) was established in 1988 in New Delhi under the supervision of the great known Islamic Scholars and was registered as a charitable trust in the year 1990. Hazrat *Maulana Qazi* Mujahidul Islam Qasmi was its founder Secretary General. He guided the Academy until his death.

The Academy, through its diversified and remarkable services and significant decisions, has created a distinguished and respectable place for itself, not only in India but also abroad. It has made positive, distinct and indelible impressions upon the Muslim society and its voice commands respectability in the *Millat*. The Academy maintains strong relations with various national and international academic circles.

The Academy has thankfully received precious contribution and cooperation from both religious and contemporary scholars. Hundreds of smaller and larger *Madrasas* (Islamic Learning Centres) and their teachers are in constant touch with the Academy. A large number of young graduates (*Fazils*) from *Madrasas* are being benefited greatly by various programmes conducted by the Academy. They are being trained for facing and combating the challenges of the future. Brilliant and outstanding students of a large number of *Madrasas* have found the training camps of the Academy a rare occasion to have an exposure to the contemporary issues facing the Ummah.

And other programmes of the Academy, especially its documentary compilations have been received by the academic circles as valuable and precious contributions towards learning and scholarship.

Another important task before the Academy has been to coordinate and jointly work with other Academic and *Fiqh* institutions working worldwide on the issues relevant for its work. It has been putting special emphasis on such institution working in countries and areas with a significant Muslim minority population (like USA and Europe) on issues of *Fiqh* and Minorities. The Academy considers that through this coordination with such institutions the identification of the problems faced by the Muslim minority community, their analysis, and finally, finding the solutions can be carried out successfully.

THE AIMS & ACTIVITIES

1. To find solutions for the contemporary problems brought up by the developments and changes in social, political, economic and technological spheres of life, in the light of the guidelines provided by the Quran and *Sunnah* and deliberations and interpretations of the companions of the Prophet and other pious classical jurists and scholars.
2. To make collective efforts to find solutions to the contemporary problems and those problems of past which demand rethinking and research in the changing circumstances in keeping with the principles and methodology of *Fiqh*.
3. To conduct research projects on interpretation of the sources, principles, methodology, paradigms and other theoretical concepts of the Islamic *Fiqh* and their application in the modern times.
4. To promote co-ordination between all juristic and research institutions in India and abroad, and to keep in touch with the academic works and endeavours of each other.

5. To publish the works of eminent savants and institutions in the contemporary idioms and style as the common academic and juristic legacy.
6. To examine the judicial verdicts vis-à-vis the interpretation and application of Islamic Law in India and abroad.
7. To appraise the misunderstandings and misinterpretation of the orientalist and others concerning the Islamic jurisprudence, and bring forth the true perspective of Islam.
8. To prepare literature in the contemporary idiom and style consisting of the new issues and challenges.
9. To hold seminar, symposia and conferences aiming at the fulfillment of objectives, organize study teams, establish academic and research institutions and adopt all measures necessary to advance the aims of the Academy.

ADMINISTRATIVE STRUCTURE OF THE ACADEMY:

On June 18, 1990 the Academy came into existence formally through the registration as a Trust. The IFA Council of Founders comprises 17 distinguished and renowned *Faqihs* and scholars. An eleven-member Academic Council has been constituted to supervise, monitor and improve the academic programmes of the Academy. A three-member organizing committee looks after the arrangement and organizational aspects of the *Fiqh* Seminars. The central office of the Academy is situated at Jamia Nagar, New Delhi and has two distinct Administrative and Academic departments. *Mufti* Mohammad Zafeeruddin *Miftahi* is its current President and *Maulana* Khalid Saifullah Rahmani is the General Secretary and *Maulana* Ameen Usmani is the Administrative Secretary.

Other prominent *Ulema* and scholars associated with the Academy are *Maulana* Badrul Hasan Qasmi, *Maulana*

Burhanuddin Sambhali, *Mufti* Mohd. Ashraf Ali, *Maulana* Mohd. Rizwan Qasmi as its Vice Presidents, *Maulana* Obaidullah Asadi as its Seminar Secretary, *Maulana* Ateeq Ahmad Bastavi as its Academic Secretary while *Maulana* Syed Nizamuddin, *Maulana* Mustafa Miftahi, Dr. Mohammad Manzoor Alam, *Maulana* Zubair Ahmad Qasmi, *Maulana* Abdul Ahad Azhari , *Maulana* Anisur Rahman Qasmi, *Mufti* Ahmad Devlavi, and *Maulana* Nematullah Qasmi as its members.

PATRONS OF THE ACADEMY

The Academy is getting the patronage of a number of prominent personalities of the country whom they make abreast of the entire activities and programmes. It also takes their precious guidance and blessings regularly. These esteemed patrons are:

1. *Maulana* Syed Rabey Hasani Nadvi, President, All India Muslim Personal Law Board
2. *Maulana* Mohammad Salim Qasmi, Vice President, All India Muslim Personal Law Board
3. *Maulana* Syed Nizamuddin - Ameer Shariat, Bihar, Orissa & Jharkhand

ACTIVITIES

***Fiqhi* Seminars**

Fiqhi seminars are one of the most important activities of the IFA. The Academy has utilized this method as a tool for advancement of collective ijtehad among the contemporary jurists. These seminars have proved highly popular among the scholars. Various scholars from India and abroad have participated in these seminars. The deliberations in these seminars have immensely contributed towards finding widely

acceptable resolutions on the issues concerning contemporary society.

The Academy has organized 13 *Fiqh* Seminars so far in which around 40 important new topics have been discussed in detail.

These issues include Organ Transplantation, Birth Control, Pagdi (Rental Security), Currency, Bank Interest, Commercial Interest, Islamic Banking, Murabeha, Sale of Rights, Exchange of Currencies between two different countries, Insurance, Islamic Banking, New Issues Concerning Zakah, Ushr-o-Khiraj System of Islam, Juristic Status of India as a Country, Slaughtering through Machines, Rooyat-e-Hilal, Zurorat wa Hajat, Medical Ethics, Ishtra'at Fi *Nikah*, Urf wa Aadat, Fish Pond Trade, Sale and Purchase before Possession, Shares, Awqaf, Hajj-O-Umrah, Bai Bil Taqseet, Wilayat, Kifa'at, Zaiif Ahadith, Internet and Media, Talaq Sakran, *Shariah* position of differences of opinion, Metamorphosis, Marriage by force, Investment of Zakat, and Finalizing deals through the Internet.

Many reputed scholars from various countries participated in these seminars. Some of these are *Mufti* Mohd Taqi Usmani and *Maulana Mufti* Rafi Usmani from Pakistan, Dr. Taha Jabir Al – Alwani from USA, Dr. Jamaluddin Atiya and Dr. Ali Jumma from Egypt, Dr. Anas Zarqa , Dr. Abdur Rahman Al Aqeel, Mohd. Habib Bin Al Khoja, Dr. Nooruddin Mukhtar Al Khadmi, and Dr. Mohammad Bin Abdul Aziz Al Khuziri from Saudi Arabia, Dr. Wahba Zuhaili from Syria, Dr. Khalid Madhkoor Abdullah Al Madhkoor, Dr. Abdul Mohsin Mohd Al Usman, Dr. Saood A Asfoor, Dr. Ahmad Mohd Salim Bin Ghais, Khalid Mohd Al Khulaifi, Badar Sulaiman Husain, Dr. Rawas Qalaji and *Maulana* Badrul Hasan Qasmi from Kuwait Abdur Rahman Bin Abdullah Al Mahmood from Qatar, Dr. Mahroos Al Mudarris and Dr. Marwan Al Mudarris from Iraq, *Maulana* Yaqoob Ismail Munshi, *Maulana* Sameeruddin and *Maulana* Marghoob Ahmad Lajpuri from the United Kingdom, *Maulana* Abdul Hai Patel form Canada,

Ahmad Satariya and *Maulana* Ali Adam Moosa from South Africa, and *Mufti* Abdur Rahman from Bangladesh.

Almost all the prominent *Ulema* of India have graced these *Fiqhi* seminars. Some of these are *Maulana* Syed Abul Hasan Ali Miyan Nadvi, *Maulana* Syed Minatullah Rahmani, *Maulana* Abu Saud, *Maulana* Abdul Jaleel Chaudhari, *Maulana* Salim Qasmi, *Maulana* Syed Rabey Hasani Nadvi, *Maulana* Syed Nizamuddin, *Maulana* Mujeebullah Nadvi, *Maulana* Haneef Milli, and *Maulana* Abdullah Mugheesi.

RESEARCH PROJECTS

The academic and research activities conducted by the Islamic *Fiqh* Academy (India) cover many diverse fields. Some of these multi-faceted activities are briefly recorded here.

SURVEY, EDITING AND PUBLICATION OF ARABIC

Many ancient, rare and extremely precious *Fiqhi* treasures are lying in the form of hand written manuscripts on *Fiqh* in India in different libraries of India. The discovery, research, editing and printing of these manuscripts is eminently required. These manuscripts also contain guidance which may help in finding solutions of new problems and issues.

The Academy has taken initiative in this field and started survey of some of the prominent libraries of India. The survey work is continuing.

The Academy has identified and started editing of two rare manuscripts "*Mukhtarat Alnawazil*" and "*Al Tajness wal Mazeed*" penned by Imam Burhanuddin Marghinani, a renowned scholar and jurist of the sixth century Hijri

The work is in final stage and shall be published soon.

TRANSLATION

The later decades of the twentieth century were graced by certain luminaries, illustrious personalities and encyclopaedic souls in the Islamic world, and particularly the Arab World. The unparalleled services they have rendered and the enormous efforts they have made towards maintaining the momentum and vivacity of the Islamic *Fiqh* together with injecting it with fresh doses of energy and eloquence have richly contributed to the treasure-trove of the Islamic *Fiqh*.

Their works lend the Islamic *Fiqh* a broader perspective and wider approach in the background of the newer issues cropping up in contemporary times. It is in this context of completely changing social, political and economic frameworks that interpretative strength and capability of *Fiqh* has been shown to be adequate in meeting the contemporary challenges.

Taking the above into consideration, the Academy selected and translated many Arabic books on Islamic *Fiqh* into Urdu for the benefit of the millions of Urdu knowing Muslims spread across the South Asian subcontinent.

1. **Fiqhi Encyclopaedia**

The monumental *Fiqhi* Encyclopaedia has been compiled and published in 41 volumes, from Alif upto Noon by the Ministry of Awqaf, Kuwait in a period spanning over 30 years. It is estimated that the Encyclopaedia would be complete in 3 more volumes. Several editions of this work have been published in Arabic. The Urdu translation of this encyclopaedia has been effectively completed by the Academy in a short span of 3 years with the help of expert translators and Islamic scholars. The Urdu version is also spread into the same number of volumes.

It is worth mentioning that expert translators, researchers and various committees comprising a number of visionary *Ulema*

(scholars) have scrutinized the translation of each and every volume in five different stages according to a fixed standard and reference. Thereafter, a Committee formed by the Ministry itself, scanned it word by word and checked it thoroughly. In this way, this translation worked out in 40 volumes spread over 14,489 pages. More or less, its review, reevaluation and proof reading have also been completed. In fact, it's composing had also been successfully carried out as per the requisite standards. The translation of the last volume, i.e. the 41st volume is underway.

2. Fiqhi Resolutions of Makkah Fiqh Academy

The Makkah *Fiqh* Academy was officially established in the month of Muharram, 1396 A.H. under the aegis of the Rabita-e-Alam-e-Islami. Up till now, the Academy has organized 16 *Fiqhi* Seminars at the international level and had passed no less than a hundred resolutions about the various facets of life. The IFA (India) has published Urdu translation of the resolutions.

3. Resolutions of the Jeddah Fiqh Academy

The Jeddah *Fiqh* Academy is an offshoot of Islamic Conference (OIC). The basic objective of establishing this Academy is to look out for and deliberate upon the *Shariah* solutions to the burning issues facing the Islamic Ummah. Altogether, the Academy has organized 14 Seminars, in which over 80 resolutions have been passed. The IFA (India) has published Urdu translation of the resolutions.

4. Islami Shariat ka Umoomi Nazaria by Dr. Jamaluddin Atia

The Urdu version of this book is spread over 350 pages. Maulana Atiq Ahmad Bastawi has rendered it in the Urdu language.

5. Fiqh -e- Islami ki Nazaria Sazi by Dr. Jamaluddin Atia

This book comprises of 253 pages. *Maulana Ateeq Ahmad Bastawi* has translated it into Urdu language.

6. Usool-e-Fiqh-e-Islami by Dr. Taha Jabir Al-Alwani

This book comprises of 73 pages. *Maulana Ateeq Ahmad Bastawi* has translated it into Urdu language.

7. Fiqhi Mutaliaat mein Manhaji Buhran by Dr. Mohammad Kamaluddin

8. Tafaqquh ke Taqaze Aur Ham by Dr. Yusuf Al-Qarzavi

Mufti Naseem Ahmad Qasmi has translated it into Urdu language.

9. Al-Hikmatu Zallat-il-Mumin by Dr. Taha Jabir Alwani

Mr. Noorul-Haq Rahmani has also translated it into Urdu language.

IFA PUBLICATIONS IN THE ARAB WORLD

The Academy, in its short span of existence of about 15 years, has published more than fifty-five important *Fiqhi* academic books. These books hold a prestigious referral status in the *Fiqhi*, *Shariah* and legal treasures in contemporary times. A few of these books have also been translated into Arabic, which have been published by reputed publishing houses of the Islamic world.

The publication of these IFA works in Arabic has introduced to the Arab world and the universities and research centers with the *Fiqhi* wisdom of Indian *Ulema*. The compilation and publication of these esteemed and important academic books have helped the renowned *Fuqhaa* (Islamic jurists), *Shariah*

Courts, *Ifta* Councils and various organizations. Some of these books are:

1. *Al-Waqf*

The book is a compilation of essays based on the subject of Awqaf, which is spread over 336 pages. It is a marvelous piece of work according to international standards. The book has been published by Dar-ul-Kutub-ul-Ilmia; Beirut (Lebanon).

2. *Dirasat-e-Ilmiyah wa Fiqhiya*

The book is a compilation of the academic and *Fiqhi* articles of late *Qazi* Mujahidul Islam Qasmi. Spread over 240 pages, it is an attractive piece of work, studded with beautiful title, superb printing and compilation. The book has been published by Dar-ul-Kutub-ul-Ilmia; Beirut (Lebanon).

3. *Buhus - e - Fiqhiya*

A gigantic and precious academic and documentary collection based on the Arabic essays and articles written by Arab scholars during the *Fiqhi* seminars. Spread over 382 pages, it is indeed a wonderful piece of work. The book has been published by Dar-ul-Kutub-ul-Ilmia; Beirut (Lebanon).

4. *Nizam-ul-Qaza-a-Islami*

It is a book written in Urdu by Late Hazrat *Qazi* Mujahidul Islam Qasmi detailing the basic principles and fundamentals of the administration of justice. The book has been published by Dar-ul-Kutub-ul-Ilmia; Beirut (Lebanon).

5. *Sinwan-ul-Qaza wa Unwan-ul-Ifta*

This is huge piece of work comprising 4 huge volumes. It has been researched and compiled by Late *Qazi* Mujahidul Islam

Qasmi. The book has been published by Ministry of Awqaf, Kuwait.

PUBLICATIONS:

The Academy has published more than 60 important *Fiqh* books in various languages. They include proceedings of *Fiqh* seminars, papers presented therein and resolutions adopted in the form of 15 voluminous books on contemporary *Fiqhi* topics. Besides these, some booklets based on *Madrassa* lecture series have also been published. The decisions arrived at various *Fiqh* Seminars have been published in different languages. The Academy is planned to publish booklets on various *Fiqhi* issues (*Fiqh* of Priorities, *Fiqh* of the Minorities, New Issues and Problems, Guidelines of *Fiqh*, *Ijtihad*, etc.) in different languages of India.

ACADEMIC INTERACTIONS WITH INTERNATIONAL FIQH ACADEMIES AND RESEARCH ORGANIZATIONS

The Academy has established interactive links with research organizations, educational centers and the Departments of Law and Islamic studies of various universities in the Islamic world, especially the Arab world. It has also forged strong bonds with several renowned *Fiqh* Academies all over the globe.

Islamic *Fiqh* Academy (India) has contacted the following institutions/ organizations and sought their esteemed assistance and cooperation on scholarly, intellectual, *Fiqhi* and theoretical levels.

1. International Islamic *Fiqh* Academy, Jeddah
2. International Islamic *Fiqh* Academy, Makkah
3. *Shariah* Scholars Association of North America, USA
4. Europe *IFTA* Committee of Europe
5. Islamic *Fiqh* Academy of North America, USA
6. Islamic *Fiqh* Academy of Sudan

The *Fiqhi* decisions of the Academy have been regarded in the highest esteem throughout the Islamic world. Recently the Supreme Federal Shariat Court of Pakistan, in one of its judgment, has been pleased to refer to the Academy's decision vis-à-vis the prohibition of interest. The above-referred judgment was published and is widely available. Similarly, the Academy's decisions are also being documented by the research centers throughout the Islamic – Arab world.

The Academy has the honour of having of more than 40 eminent personalities as its life members. This has paved the way of mutual interaction between the different academic and intellectual circles besides reaping the academic benefits from the most eminent luminaries of the Islamic Ummah.

The representatives of the Academy have participated in various *Fiqhi* and Academic Seminars organized by the International *Fiqh* Academy, Jeddah, Imam Abu Hanifa Seminar of Pakistan, *Fiqhi* Seminar under the aegis of – USA, *Shariah* Scholars Assoc. of North America, Inter Religious Seminar of Iran, Unity of Ummah Seminar at Cairo, Egypt, and Awqaf Seminar, Kuwait

IFA PROGRAMME FOR DEENI MADARIS

The Academy feels that the changes occurring on the international level and the present political, social and economic scenario of India demand significant changes in the functioning and outlook of the religious educational institutions/Arabic *Darsgahs* (which are generally called *Darul Uloom, Jamia, Madrasa, etc.*)

The changes are needed at various levels: the organization, the system, the methodology, and the strategy. It is to be kept in mind that the three grand pillars of the Muslim edifice in India are Khanqahs, Masajid and the network of *Madarasas*. Nearly 200 million Muslims in India are directly linked and associated with these three basic structures. The *Madarasas* hold a

special status as it is the place where religious training is imparted. Therefore this pillar needs our urgent attention. Unless timely, systematic and purposeful planning is undertaken for the *Madarasas* of India, Indian Muslim community may face a crisis in this field.

The Academy is very eager to give new thrust to the efforts of modernizing the *Madarasas* and has successfully organized lecture programmes (on contemporary disciplines of knowledge) and training camp but the scarcity of funds has hampered these efforts.

The Academy on its level plans to bring about significant changes through its short-term projects.

- (i). By organizing training camps for the intelligent students of the *Madarasas*.
- (ii). By organising workshops for the *Iftas*, *Qazas* and the students specializing in various branches of religious learning and through its programme of scholarships.
- (iii). By organising one - month leadership training camp for the newly graduated young *Ulemas*.
- (iv). By organising lectures on social sciences topics in *Madarasas*.
- (v). By organising topical workshops for the teachers of *Madarasas* teaching *Tafseer*, *Hadith*, *Fiqh*, etc.

In the post the Academy has achieved positive success on these lines. The impact of these projects will be far-reaching. It is believed that the work on these lines in a planned and strategic manner will produce positive results within a short span of time.

CAMPS

During its third *Fiqhi* Seminar, the Academy presented a proposal for arranging lectures on contemporary and social

education in Madrasas, keeping pace with the modern times. Therefore, the Academy launched a comprehensive programme for lectures meant for students from Madrasas all over the country with the cooperation and assistance of teachers and experts hailing from Aligarh Muslim University, Aligarh; Jamia Millia Islamia; New Delhi; Mumbai University, Mumbai and other research as well as academic organizations.

The objective behind such a programme was not only to make these students aware of the significance and relevance of the contemporary fields of education, more so in the present context, but also to acquaint them with the needs of the modern world, providing them with vital information about the issues related to the human society, in general. Such courses or programmes have been productive enough to tickle scientific enquiry based on questions and answers, injecting the Madrasas with a new wave of academic enthusiasm and enlarging the perspectives.

The Academy has initially selected important subjects like Mass Communication, Anthropology, Psychology, Political Science, Environmental Sciences and Economics for the lecture series. They will be published shortly, Insha' Allah.

The Academy has also tried to address this issue through organization of various Training Camps for the outstanding students. In each of these camps, nearly 250-300 selected students from various *Madrasas* of the country got benefited from lectures on the contemporary issues, discussions and other related activities. Many distinguished academicians and teachers from various universities delivered lectures in these camps.

TRAINING COURSES:

For the fresh graduates (*Fazils*) from the *Madrasas*, the Academy has started a two-year training course. The students are selected through interviews and the successful candidates

were provided free lodging, boarding, and scholarships. The students are trained to undertake through research and study on various relevant topics. They are motivated to find solutions to contemporary problems.

The experience has paved the way for such training courses at Al-Mahad-ul-Aali, Patna and Hyderabad.

DEPARTMENT OF IFTA

To benefit the general public (whether from India or abroad) the Academy has established the 'Darul *Ifta*' (Fatwa issuing center), which answers various queries in the light of *Shariah*.

WEB SITE

The Academy has launched its own website <http://www.ifa-india.org> on the Internet, which contain information both in Arabic and English. The contents are updated regularly.

FUTURE ACADEMIC PLANS

Besides the above mentioned diverse and useful activities, many more academic and research plans are in the pipeline. In the present circumstances and keeping in view their importance, significance and usefulness, the Academy is striving to execute these plans and turn these into reality at the earliest. These plans include the following:

- English Translation of important and selected books on the *Maqasid -e- Shariah*.
- Diverse and multi-dimensional training programmes for the teachers and scholars of Islamic Learning Centers.
- Training camps for the outstanding Madrasa Students.
- Arrangement of lectures on Islamic topics for the Muslim students studying at various contemporary educational institutions.

- Survey / Editing /Publication of old manuscripts on various important topics.
- Publication of proceedings of and papers presented on modern topics in the *Fiqhi* seminars.
- Definition of some important *Fiqhi* principles and their relevance and comparison in the present circumstances.
- Organizing *Fiqhi* Seminars and Symposia/ Workshops on new relevant important issues and topics especially on Minorities

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Preface

A Muslim is bound by the injunctions of Allah. *Halal* (Lawful) and *haram* (prohibited or unlawful) are basics to the injunctions of Allah. They have profound relationship with the food. And food is inextricably linked with the permissibility and prohibition. A permissible animal flesh can reach to the table of a Muslim only after being slaughtered as per the permissible manner prescribed by *Shariah*. Therefore the present issue of animal slaughter is linked with the daily life of a Muslim. Now the slaughters by machines, and causing the animal's unconscious before their slaughter have thrown up some very important issues.

Considering the importance of the issue, India's esteemed *Fiqhi* institution the Islamic *Fiqh* Academy (India) discussed in its 7th and 9th seminars and pronounced important rulings on the subject. Islamic *Fiqh* Academy of Muslim World League and the International *Fiqh* Academy of the Organisation of Islamic Conference too have pronounced their collective rulings on the issue.

The present booklet is meant to bring out a brief but complete picture of the subject. I have tried to put forth the debate undertaken and the decision taken by the Islamic *Fiqh* Academy (India) in its totality. It has been my endeavour to keep the following aspect into consideration in the present booklet:

- Islamic *Shariah* injunctions are explained on all necessary aspects of the subject.

- The manner of presentation remains simple and every matter is explained in a separate sentence.
- Every issue is discussed to the extent possible in the light of direct reference from the Qur'an and *hadith*.
- The issues, where difference of opinion exists among the jurists and *mujtahids*, all the opinions are mentioned to the extent possible.
- The collective decisions rendered on the subject by other academies are also referred to.
- The publication remains brief and nothing unnecessary creeps in.

In today's fast-moving world it is imperative to bring out small booklet containing credible Islamic guidance in a simple and easy to understand language on the issues having relation with the daily life especially the contemporary ones so that the common Muslims may follow them easily.

May Allah grant success in this endeavour and pray that the present booklet may benefit its readers by providing proper guidance. May Allah remove my failings and accept this small effort.

