

Wakalat

(Agency)

Issue No. 1- Wakalat means that a person, who is religiously able to interfere with, and possess a task, leaves it to someone else to do on his behalf, for example, to appoint someone as his agent to sell his house.

Issue No. 2- Among the necessary conditions are that both Wakil (agent) and Muwakkil (principal) should be sane, Baligh and that they should act with intention and on their own free will, and they should not also be feeble-minded, who spends his wealth wastefully.

Issue No. 3- Wakalat agreement can be made by pronouncing formula in any language, or if a person conveys to another person, by conduct, that he has made him his agent and the other person also conducts himself in a way to convey that he has accepted that position.

Issue No. 4- Wakalat in haraam acts or for affairs that a Wakil cannot perform rationally or religiously, is void. For example, a person who is wearing Ehram for Hajj cannot recite the Nikah as an agent for another person.

Issue No. 5- If a person appoints another person as his agent to perform a specific task, the agency is in order. But if he appoints him as his agent for performing a task without specifying it, the agency will be void.

Issue No. 6- If a person removes his agent from office; he (the agent) cannot perform the task entrusted to him after

the news of his dismissal has reached him. And the agent can relinquish the agency whenever he wants to.

Issue No. 7- An agent cannot appoint another person as agent for the performance of the task entrusted to him, except when the principal has authorized him to engage an agent on behalf of himself or him. In that case, he should strictly act according to the instructions given to him.

Issue No. 8- If a person engages several persons as agents for performing a task, and tells them each one of you is independently my agent. In this case, any one of them performs the task, is in order; and if one of them dies the agency of others is not invalidated. But if he tells them you are all jointly my agents, none of them can act independently, and if one of them dies, the agency of others is invalidated.

Issue No. 9- If either Wakil (agent) or Muwakkil (principal) dies, or becomes insane, the agency becomes invalid. However, temporary unconsciousness does not make the agency invalid.

Issue No. 10- If a person appoints someone as an agent to perform a task, and fixes wages for his services; he should pay him the same after the completion of the task.

Issue No. 11- If an agent has been careless in looking after the property entrusted to him, or treated it in a manner which was different from the one allowed by the principal, and consequently the property is lost or becomes defective, he is responsible for it.