

## Ruling On The Money Deposited By An Unknown Individual?

Ref: IEC.0200

Date:29-04-2024

What do the scholars of Islam say about this matter: that a few thousand rupees were deposited into my Jazz Cash account six months ago. Despite trying, I could not find the real owner, and upon inquiring I came to know that the money was sent through an agent, and many people come to this agent to transfer money, so at present there is no hope of reaching the owner, and no one has contacted me directly either. Now what should be done with this money?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
الجواب بعون الملك الوهاب اللهم هداية الحق والصواب

In the case mentioned, the ruling of Luqatah applies to this money. Luqatah is that property which one finds (on road etc) while its owner is unknown. Therefore, you must never use this money for yourself. First, go to the agent and get information from him, and try by any means to return this money to the original owner. Inform the agent also that if the owner comes, he should notify you. If, after every effort, the owner still cannot be identified and it is most likely that he will not be found, then you have the choice to either keep the money safe in your custody, or give it as charity to any sharee faqir. If you yourself are a sharee faqir, then you may also use

it for your own needs, and similarly, if among your close relatives there is a sharee faqir, you may give it to him as well. Likewise, it may also be spent on causes of goodness such as mosques and madrasahs.

Allama Ala-ud-Din Haskafi رحمه الله عليه, while defining the term Luqatah, states:

”وفى التتارخانيه عن المضمرة: مال يوجد ولا يعرف مالكة وليس بمباح“

Translation: In Tatar Khaniyyah from al-Mudmaraat: Luqatah is that wealth which is found while its owner is unknown, and it is not a Mubaah property.

(Durr-ul-Mukhtar, vol. 6, p. 421, Dar al-Marifah, Beirut)

Regarding the ruling of Luqatah, it is stated in Fatawa Hindiyyah:

”يعرف الملتقط اللقطة فى الاسواق والشوارع مدة يغلب على ظنه ان صاحبها لا يطلبها بعد ذلك---ثم بعد تعريف المدة المذكورة الملتقط مخير بين ان يحفظها حسبة وبين ان يتصدق بها“

Translation: Whoever finds a Luqatah he should announce it in the markets and streets for such a time that it is most likely the owner will not seek it after that. Then after making announcement for that period, the finder has the choice either to keep it safe with the intention of reward, or to give it in charity.

(Fatawa Hindiyyah, Kitab al-Luqatah, vol. 2, p. 289, printed Quetta)

Imam Abu al-Barakat Abdullah ibn Ahmad Nasafi رحمه الله عليه (d. 710 AH) says:

”ويتنفع بها الفقير او الا تصدق على اجنبى، وصح على ابويه، وزوجته، وولده لوفقراء“

Translation: If the finder is a Faqeer, then he may himself benefit from the luqatah money; otherwise, he should give it

in charity to a stranger who is faqir as well. It is also permissible for him to give it to his parents, wife, or children if they are sharee faqir.

(Kanz-ud-Daqaiq, p. 394, Dar al-Siraj)

Concerning spending luqatah on mosques, madrasahs, and other charitable causes, it is stated in Fatawa Razaviyya:

”ذلک ان المسجد اذا خرب والعیاذ باللہ واستغنی عنه یعود عند محمد الی ملک البانی کما فی التنویر وغیرہ فاذا لم یعرف بانیہ صار لقطۃ، وقد قال الامام محمد صرّفه الی مسجد آخر فعلم ان التصدق المأمور به فی اللقطۃ هو بهذا المعنی الرابع الداخل فیہ الصرف الی المقابر والحدیث والمساجد“

Translation: The reason is that when a mosque collapses and, Allah forbid, becomes unusable, and people do not care about that then according to Imam Muhammad رحمۃ اللہ علیہ, its ownership returns to the founder of it. And if the founder is not known, then it becomes luqatah. Imam Muhammad رحمۃ اللہ علیہ ruled that it should be spent on the construction of another mosque. So, it becomes clear that the term “charity” here refers to this fourth meaning, here in this case spending on graveyards, water reservoirs, and mosques, is also sadaqah even though here there is no ownership transfer, no Ebahat (permissibility), no wealthy nor poor involved.

(Fatawa Razaviyya, vol. 20, p. 552, Raza Foundation, Lahore)

While explaining the ruling of luqatah, Sadr-ush-Shariah Mufti Amjad Ali Azami رحمۃ اللہ علیہ states:

”ملتقط پر تشہیر لازم ہے یعنی بازاروں اور شارع عام اور مساجد میں اتنے زمانہ تک اعلان کرے کہ ظن غالب ہو جائے کہ مالک اب تلاش نہ کرتا ہوگا۔ یہ مدت پوری ہونے کے بعد اسے اختیار ہے کہ لقطہ کی حفاظت کرے یا کسی مسکین پر تصدق کر دے۔“

Translation: Announcement is necessary for the one who finds lost property, meaning he must announce in the markets, public roads, and mosques for such a period of time that it

becomes most likely that the owner would no longer be searching for it. After this period is completed, he then has the choice either to safeguard the lost property or to give it in charity to a poor person."

(Bahar-e-Shariat, vol. 2, p. 475, Maktaba-tul-Madina)

If the finder himself is a shari faqir, he may use the luqatah for himself, or give it to a poor relative. Regarding this, Sadr-ush-Shariah رحمۃ اللہ علیہ further states:

”اٹھانے والا اگر فقیر ہے تو مدت مذکورہ تک اعلان کے بعد خود اپنے صرف میں بھی لا سکتا ہے اور مالدار ہے تو اپنے رشتہ والے فقیر کو دے سکتا ہے، مثلاً اپنے باپ، ماں، شوہر، زوجہ، بالغ اولاد کو دے سکتا ہے۔“

Translation: If the one who picks up the lost property is sharee Faqir, then after making the announcement for the mentioned period, he may use it for his own needs. If he is wealthy, then he may give it to his faqir relatives, such as his father, mother, husband, wife, or adult children.

(Bahar-e-Shariat, vol. 2, p. 476, Maktaba-tul-Madina)

واللہ اعلم عزوجل ورسولہ اعلم صلی اللہ تعالیٰ علیہ وآلہ وسلم

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20 Shawwal-ul-Mukarram 1445 / 29 April 2024

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