

## Ruling of Zakat of Mines and Ore in Islam

Masihullah Hozifi

Assistant Professor, Department of Fiqh and Law, Faculty of Sharia, Shaikh Zayed University, Afghanistan

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#### \*Corresponding Author

Email: [masihullahhozifi@gmail.com](mailto:masihullahhozifi@gmail.com)

### ABSTRACT

The word mine is applied to those place where Allah has created jewellery, metals, minerals and precious substances such as gold, silver, cooper etc. mining is the process of extracting minerals and metals from the earth. Ore refers to the treasury or wealth that is found under the earth. Be it created by God by the time of creating the earth without being buried by humans, or the wealth or treasure that has been buried by disbelievers.

The obligation to pay zakat on mines is established and proved in the Holy Qur'an, the Prophetic Sunnah and the consensus. The conditions of Zakat on mines and ore are, if a person finds a mineral or ore and pay its zakat, must be a Muslim, must be free, not a slave, because wealth is the main condition for the obligation of zakat and slaves can't be the owner of wealth. Another condition is that any property that is obtained from a mine or ore should reach the nisab (quorum). Nisab (quorum) refers to the minimum amount of wealth for the obligation of zakat. Nisab (quorum) for mines and ore is same as the nisab (quorum) for gold and silver and that is, twenty mithqal of gold or two hundred dirhams. According to the Hanafi scholars, the amount of zakat on ore is one fifth (1/5)<sup>th</sup> of the obtained wealth, the same should be for mines. But according to the vast majority of scholars the amount of zakat for mines is quarter of tenth (4/10)<sup>th</sup>. Moreover, whatever is extracted from the sea, be it ornaments or jewellery, one fifth of the same is obligatory to be paid to the treasury (byt al-mal) and the rest becomes the right and property of the extractor.

### Introduction

الحمد لله رب العالمين والصلاة والسلام على اشرف الأنبياء والمرسلين نبينا محمد وعلى آله وأصحابه أجمعين.

It is a well-known fact that Allah (SWT) has created all the creatures to meet the needs of human beings. Allah (SWT) says:

هُوَ الَّذِي خَلَقَ لَكُمْ مَا فِي الْأَرْضِ جَمِيعًا [Albaqarah: 29]

(He is the One Who created for you all the creatures existed in the earth) and natural resource is one of these creatures.

There are different types of natural resources in the world. These resources are used for various benefits especially for economic benefits. Every country in the world tries to obtain these natural resources whether they are in their own country or outside in other countries utilize them to strengthen their economy and raise the standard of living in the country. Mines and ores are the examples of such natural resources that play a vital role in the economic development of a country. Mines have always played an important role in the welfare of societies. Afghanistan is very rich in terms of mines and ore, but they are not properly utilized. Our economists, engineers and concerned parties need to develop proper plans, policies, strategies and procedures to extract and utilize these resource in efficient and effective manner. When these resources are extracted, the ruling of zakat should be applied on them and its zakat should be paid. Considering the importance of economic contribution of these resources to the economy of a country and the ruling of zakat on these resources, I would like to put my effort and discuss the same topic in detail to explain it from the Islamic point of view.

### Ruling of the zakat of mines and ore in Islam

First of all, I need to introduce the key words used in the article such as mine, ore, zakat etc.

**Definition of mine:** The word mine is applied to those place where Allah has created jewellery, metals, minerals and precious substances and stones such as gold, silver, cooper, coral, etc. The place is called mine because of the existence of jewellery, minerals and precious stones. Similar definition is given by Maliki Scholars for mines in their books.

**Meaning of Ore:** Ore refers to the treasury or wealth that is found under the earth. Be it created by God by the time of creating the earth, without being buried by humans, or the wealth or treasure that has been buried by disbelievers.

**Meaning of Zakat:** Zakat is the payment of a certain amount of wealth to poor and deserved people from a specific property that has reached the nisab (quorum) level. The property should be in the possession of the zakat giver and a year should be passed on it.

### Ruling of zakat of mines and ore

As zakat is obligatory on other property, similarly it is obligatory on mines. As different types of mines have different attributes, the ruling of zakat may differ for different types of mines. To know more about which mines comes under the obligation of zakat and which mines are excluded, would be explained later in details. Now I am going to discuss the reasons for the legitimacy and proof of the zakat of mines from

various sources. The obligation of zakat of mines is proven by Holy Quran, Prophetic Sunnah and Consensus.

### 1st: Proof from the Holy Quran for the zakat of mines and ore: Allah (SWT) says:

( يَا أَيُّهَا الَّذِينَ آمَنُوا أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ وَمِمَّا أَخْرَجْنَا لَكُمْ مِنَ الْأَرْضِ). [Albaqarah: 267].

**Translation:** O you, who have believed, spend from the good things which you have earned and of that which we have brought out of the earth for you.

If we look at the appearance of this verse, it indicates that Zakat is obligatory on all things that come out of the earth. If we think of mines, they also come out of the earth, so whenever a mine comes out of the earth, zakat should be obligatory on it. Similarly Imam Qurtubi (may Allah have mercy on him) in the interpretation of the above verse says that this verse cover three things on which charity (zakat) is obligatory. They are plants, mines and ore. Zakat is mandatory on all three of them.

### 2nd: Proof of zakat of mines and ore from prophetic hadith:

This hadith is narrated by Anas ibn Malik from Rabia ibn Abi Abdar-Rahman ( May God be pleased with him), He syas:

( أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَطَعَ لِإِبِلِ بْنِ الْحَارِثِ الْمُرَبِّيِّ مَعَادِنَ الْقَبَلِيَّةِ وَهِيَ مِنْ نَاحِيَةِ الْفُرْعِ فَتِلْكَ الْمَعَادِنُ لَا يُؤْخَذُ مِنْهَا إِلَى الْيَوْمِ إِلَّا الزَّكَاةُ ). [2-vol. 2, page. 349]

**Translation:** The Prophet (peace and blessings of Allaah be upon him) has granted a tribal mine to Bilal ibn Harith al-Mazni as a feudality which was located in an area of between makka and Madina, called Fara'a. He said, till the date, the only thing which was collecting from these mines was zakat and nothing else.

Similarly there is another hadith of prophet Muhammad (peace be upon him) which is narrated by Abu Hurairah (may Allah be pleased with him) he says:

( الْجَمَاءُ جَرَحُهَا جُبَارٌ وَالْمَعْدِنُ جُبَارٌ وَالْبُرُجُبَارُ وَفِي الرِّكَازِ الْخُمْسُ ) [10-vol. 4, page. 322]

**Translation:** If someone is harmed by speechless animals, its waste (means no one is responsible to recover the loss of harmed person), same is the case of mines, (it means if someone lose his life in mine disaster due to mine fall, blast etc., he is waste and there is no one responsible for his lose). Same is the case of well (a well that is in barren land or desert, or the well whose real owner is unknown, if someone falls into it, he is waste and no one is responsible for his lose) and 1/5th is obligatory on ore.

### 3rd: Proof of zakat of mines by consensus:

Imam al-Nawawi (may Allah have mercy on him) in his book Al-Majmoo 'Sharh al-Madhhab has quoted the consensus on the obligation of zakat on mines, but has stipulated that the one who pays zakat should be a free person, not a slave, and should be a Muslim.

Now we are going to discuss which types of mines comes under the obligation of zakat and which are excluded? There is a difference of opinion among the scholars in this regard. Some of them consider Zakat obligatory in all types of mines and some of them divide it into groups. They consider zakat obligatory on some mines and exclude some types of mines from the obligation of zakat. Each group of scholars has their own reasons.

**First opinion in this regard is of Hanafi scholars.** They divide mines into two groups:

#### A. Solid mines

#### B. Liquid mines

#### A. Solid mines are again divided in to two groups:

- i) Soluble mines or those solid mines which has the ability to melt such as Such as gold, silver, iron, copper and so on. According to Hanafi scholars, it is obligatory to pay zakat on these mines and the amount of zakat is one fifth (1/5)<sup>th</sup> on such mines.
- ii) Those solid minerals that do not have the ability to melt, such as plaster, kohl, salt and other precious stones. According to Hanafi school of thought, it is not obligatory to pay zakat on such mines.

**B. Liquid mines:** It includes all liquid mines such as asphalt, petroleum and so on. According to Hanafi school of thought, zakat is not obligatory on such mines.

The logic given by the Hanafi scholar is that they compare solid which have the ability to melt, with gold and silver and consider it in same category. The reason behind this is the common characteristic among such mines which is the creation of things. It means these mines can be used to create some things out of it. And those mines which cannot be used for the creation of goods such as liquid mines, are water. The other reason is, they are not the property of disbelievers to be considered as booty. When they cannot be considered as booty, then zakat is not obligatory on them.

#### 2.The second view is that of the Maliki and Shafi'i School of thought:

according to maliki and shafii school of thought, zakat is obligatory only on gold and silver mines. Apart from these two, zakat is not obligatory on any other type of mines. It means if someone obtain any types of mines except gold and silver, according to this school of thought, he is not obliged to pay its zakat. They present the following arguments and reasons to substantiate their claim:

#### Arguments of shafi'i and maliki scholars about zakat of mines and ore:

- i. Apart from gold and silver, there is no such principle as zakat because of this hadith of prophet Mohammad (peace be upon him) which he says:

(لَيْسَ فِي الْحَجَرِ زَكَاةٌ). [7-vol. 5, page. 157].

- ii. Zakat is obligatory in gold and silver and this is proven by consensus. Though zakat is not obligatory on any type of mine except gold and silver, but with clear reason or proof.

- iii. Apart from gold and silver, zakat is not obligatory on other types of mines such as iron etc. because they do not come under those types of wealth on which zakat is obligatory.

**Third view is of Hanbali scholars:** Hanbali scholars says; zakat is obligatory on all kinds of mines, whether they are gold and silver mines, or other types of mines, such as iron, copper, oil, petroleum, and other precious stones. Zakat is obligatory on all of them, whether they are solid or non-solid (liquid), because all of them are mines like gold and silver.

**The preferred view:** in the above mentioned arguments and views, in my opinion, the view point of hanbali scholars is preferred and best based on these words of almighty Allah which he says in Holy Quran:

( يَا أَيُّهَا الَّذِينَ آمَنُوا أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ وَمِمَّا أَخْرَجْنَا لَكُمْ مِنَ الْأَرْضِ )  
.[Albaqarah: 267]

**Translation:** O you, who have believed, spend from the good things which you have earned and of that which we have brought out of the earth for you.

Moreover, the word of mine general. It cover all kind of mines without any exception. The hadith which is mentioned earlier [7-vol. 5, page. 157] ( لَيْسَ فِي الْحَجَرِ زَكَاةٌ ) is about all those stones which are not desired or preferred. Qazi Abu-Yala, one of the hanbali scholars has the same point of view.

#### Terms and conditions for the obligation of zakat of mines and ore

Similar to other properties, Scholars in their books have mentioned some terms and conditions for the obligation of zakat of mines and ore. Whenever a mine is extracted or a person finds an ore, if he fulfil the following conditions, he is obliged to pay the zakat of obtained mine or ore. The conditions are as follows:

- i. **Islam and freedom:** a person should be muslim and free, not slave. As Islam and freedom were the conditions for the obligation of zakat of other properties, same conditions are applicable for mines and ore. If a person obtain a mine or find an ore, and pay its zakat, he must be muslim. Because zakat is an act of worship and the acts of islam are compulsory for a muslim. It means only muslim should be asked for the payment of zakat, not non-muslim.
- ii. **Nisab (Quorum):** the next condition for the obligation of zakat of mines and ore is nisab (quorum). Any property or wealth obtained from a mine or ore, should reach the nisab (quorum). If it is less than the nisab (quorum), it does not come under the obligation of zakat. Nisab (quorum) for mines is same as the nisab (quorum) for gold and silver and that is, twenty mithqal of gold or two hundred dirhams.
- iii. In addition to the above conditions, if someone obtain a mine, regardless of being it on the land owned by someone or non-owned, and extract the mine which is up to the nisab (quorum), he should pay its zakat

immediately. Passing of one year is not the condition for the zakat of mines. Likewise, nisab (quorum) is the condition for the zakat of ore, and its nisab is same as gold and silver. Passing of one year is not the condition for ore as well.

#### Nisab (quorum) for the zakat of mines and ore

Nisab (quorum) for mines and ore is same as the nisab (quorum) for gold and silver and that is, twenty mithqal of gold or two hundred dirhams. The reason for this is this hadith of Prophet Muhammad (peace be upon him).

( عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ ، رَضِيَ اللَّهُ عَنْهُ ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ :  
لَيْسَ فِيهَا ذُوْنَ خُمْسٍ أَوْاقٍ مِنَ الْوَرَقِ صَدَقَةٌ ).

[17-vol. 2, page. 147]

**Translation:** Abi saeedkhudri (may Allah be pleased with him) narrated from Prophet Muhammad. He says; there is no zakat on less than five ounces of silver. Here one ounce is equal to forty dirhams and five ounce becomes 200 dirhams which is the nisaab (quorum) for gold and silver.

It means whenever gold, silver or other types of minerals such as iron, copper, bronze, oil, petroleum and so on, are extracted from a mine, if its value is equal to the value of twenty mithqal of gold or two hundred dirhams, then zakat becomes obligatory on such mine. Its zakat should be paid immediately. Passing of one year is not the condition for mines and ore. The reason for this statement is the verse of surah al baqara, in which Almighty Allah says:

( يَا أَيُّهَا الَّذِينَ آمَنُوا أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ وَمِمَّا أَخْرَجْنَا لَكُمْ مِنَ الْأَرْضِ )

[Albaqarah:267] (

**Translation:** O you, who have believed, spend from the good things which you have earned and of that which we have brought out of the earth for you.

The above mentioned mines are same as gold and silver. When zakat becomes obligatory for gold and silver, the same is obligatory for other types of mines and ore.

#### Amount of zakat on mines and ore

##### The amount of zakat on mines and ore is as follows:

According to Hanafi scholars, there is no difference between mines and ore. According to them, ore is considered as mine. According to this school of thought, one fifth (1/5)th is obligatory on ore and the same is obligatory for mines. Because mines and ore are the same. Since both are used interchangeably, one fifth is obligatory on both.

But according to the vast majority of scholars the amount of zakat for mines is quarter of tenth (4/10)th when it reach the nisab (quorum) level. As the zakat of other property, Zakat of mines and ore should be paid to poor and deserved people. These are eight types of deserved people mentioned by Almighty Allah in his glorious book Holy Quran.

The consumption procedure of the zakat of mines and ore is same as maalfii (restored property). (maalfii refers to those property that is obtained from infidels without war or riding horses as a result of giving up of infidels). Zakat of mines and ore is paid to the treasury (bait-al-mal) and from there it should be consumed for the social wellbeing and public utilities of Muslims. Because they are the property of infidels from ancient times before the prophecy of Prophet Muhammad and obtained without riding of horses (without any war) so it's ruling is same as mal fii (restored property). One fifth is obligatory on such mines which should be consumed in public utilities of Muslims.

### Ruling of marine mines

If someone obtains marine substances or resources such as pearls, coral, amber, precious stones and other precious substances which can be obtained from the sea, they have separate and special rulings of zakat. Different scholars have different views about these resource. These views are explained below:

i. Imam Abu Hanifa and Imam Muhammad (may Allah have mercy on them) have the following view about the marine substance and sources (mines).

ii.

There is no obligation of zakat on substance that are extracted from the sea. When a person extract or obtain some substances such as pearls, coral, amber, jewellery and so on from the sea, these are the property of the founder or extractor and there is no zakat on such substances. Imam Ahmad ibn Hanbal has the same view in one narration in this regard and Imam Malik also have the same opinion. KhateebShirbini has narrated the same view from Imam Shafii (May Allah have mercy on him) in which he says: there is no obligation of zakat on the founder of sea substances or mines. It's all the property of the founder or extractor and one fifth is not obligatory for such substance or mines.

iii. Another view is of imam abuyosuf (may Allah have mercy on him). In one narration, Imam Ahmad (may Allah have mercy on him) also has the same opinion. Their opinion about the substance or mines extracted from the sea is as under:

Everything that is extracted from the sea, be it jewellery, or precious substances, one fifth (1/5)th is obligatory on such things for treasury (bait-al-mal) and the remaining is the property of the extractor.

### Preferred view:

If we look at the above viewpoints of various scholars, in my opinion, the view point of imam abuyosuf seems to be preferred and best in current circumstances. Especially in today's world, the practice of hunting has improved immensely. Moreover, marine mines and substances are considered one of the most important assets of modern world and became one of the best sources of income for many people. Therefore, one fifth (1/5)th should be obligatory on sea mines because of the following reasons.

1. All those things that are extracted from the sea are property. In such cases, the financial value is valid. If we compare pearls and coral with gold and silver, both of them have financial value and its financial value is valid. Since pearls have financial value, one fifth should be obligatory in it. Because most of the time marine mines are expensive than other mines and their financial value is greater than the value of mines that are extracted from the earth.
2. The purpose of shariah from khums (one fifth) and zakat is to meet the needs of poor and needy people and avoiding them from begging. As this phenomenon (meeting the needs of poor and needy people) is realized in minerals and ores as well as in other property, in case of marine mines, it is primarily realized. Because both (mines and ore and marine mines) have financial value. Thus, khums (one fifth) should be obligatory on marine mines as it is obligatory on other mines.

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**Note:** *D.L. in references is used for dateless, means books whose publication year is unknown.*  
*P.L. is used for printless.*