

Rules of the Lost Property When Found

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Any lost property other than an animal, which does not bear any sign by means of which .2573 it may be possible to locate its owner, irrespective of whether its value is less than a dirham (12.6 chickpeas of coined silver) or not, can be kept for himself by one who finds it, but the recommended precaution is that he gives it away as Sadaqah on behalf of the owner, whoever he may be.

2574. If a person finds a property whose value is less than a dirham, and if its owner is known, and the person who finds it does not know whether or not the owner would be happy about it, he cannot pick it up without his (i.e. the owner's) permission. And if its owner is not known, the person who finds should, as an obligatory precaution, give it away as Sadaqah on behalf of the owner, whoever he may be. And when the owner is found, the replacement should be given to him if he does not approve the Sadaqah given on his behalf.

2575. If a person finds something which bears a sign by means of which its owner can be located, and even if he comes to know that its owner is a non-Muslim whose property must be protected, and if the value of that thing reaches one dirham, he should make an announcement about it at the place of gathering of the people for one year from the day on which he finds that thing.

2576. If a person does not wish to make an announcement himself, he can ask another reliable person to make the announcement, on his behalf.

2577. If the person who finds such a thing makes announcement for one year, but the owner of the property does not turn up he should act as follows:

1. If he has found that thing at a place other than the Haram of Makkah, he can retain it on behalf of the owner, so that he may give it to him when he appears, or give it as Sadaqah to the poor on behalf of the owner. As an obligatory precaution, he should not keep it for himself.
2. If he has found that thing in the Haram, the obligatory precaution is that he should give it away as Sadaqah.

2578. If the person makes announcement for one year and the owner of the property does not turn up, and he continues to care for it on behalf of its owner, and in the meantime it is lost, he will not be responsible for the loss if he has not been negligent nor over cautious about it. And if he gave it as Sadaqah on behalf of the owner, then the owner will have an option either to approve the Sadaqah or demand its replacement. And the thawab for the Sadaqah will go to

him who gave the Sadaqah.

2579. If a person finds a property, and purposely does not make an announcement according to the rules mentioned above, he commits a sin, and at the same time remains wajib on him to make an announcement if he thinks it can be helpful.

2580. If an insane person or a child who is not Baligh finds something which bears a sign and is worth one dirham, his guardian can make an announcement. In fact, it is obligatory upon him to announce if he has taken its possession from the child or the insane person. And if the owner is not found even after having announced for a year, he should act as rule no. 2577.

2581. If during the year in which a person has been making an announcement (about something having been lost and found) he loses all hope of finding the owner, he should give it away as Sadaqah with the permission of the Mujtahid.

2582. If the property is lost during the year in which he has been making an announcement, and he has been negligent in caring for it, or has been over cautious, he will be responsible to the owner for replacement, and should also continue announcing. But if he has not been negligent nor over cautious, it is not obligatory for him to pay anything.

2583. If the property which bears a mark, and has value equal to one dirham, is found at a place where it is known that the owner of the property will not be found by means of announcement, he should give it to the poor persons as Sadaqah on behalf of the owner on the very first day with the permission of the Mujtahid, and he should not wait till the year ends.

2584. If a person finds a thing and possesses it under the impression that it is his own property, but learns later that it is not his property, he should act as outlined in the foregoing rule.

2585. The announcement for the lost article should be made in such a way that the owner, if he hears it, would be drawn to investigate if the thing is his. And this differs in every situation. For example, at times it may be sufficient to declare that an article has been found, and at times, it is important to define it, like, saying that a piece of gold is found. Further still, it may be necessary to say that an earring of gold has been found, and so on. But in all cases, total description should not be given so that it is not identified fully.

2586. If a person finds something and another person claims that it is his, and also mentions certain marks of identification, the former should give that thing to him only if he is satisfied that it belongs to him. It is not necessary for the latter to mention the marks of which mostly even the owners do not take notice.

2587. If the value of a thing which a person finds is equal to one dirham, and he does not make an announcement about it, but leaves it in the mosque or at places of general assembly, and

the thing is lost or somebody picks it up, the person who found the thing will be responsible.

2588. If a person finds a thing which is perishable, he should keep it for as long as it does not perish, and as an obligatory precaution, announce about it, and if he does not find the owner, as a precaution, he should fix its value with the permission of the Mujtahid or his Wakil and sell it, keeping the money with him. In the meantime, he should continue with the announcement till one year, and if the owner is not found, he will act as explained in rule no. 2577.

2589. If the thing found by somebody is with him at the time of performing Wudhu and offering prayers, and if he has no intention of returning it to its owner if he is found, his Wudhu and prayers do not become void.

2590. If a pair of shoes of a person is taken away and is replaced by another pair of shoes, and he knows that the pair of shoes which is now with him belongs to a certain person who would not mind if he took his shoes instead of his own, he can take them. Similar rule applies if he knows that he has been unjustly robbed of his shoes; but in this particular case, the value of shoes left behind must not exceed the value of his own shoes, otherwise the difference of the price will be treated as article whose owner is unknown. And in any other situation other than the two mentioned herein, the shoes will be considered as articles of unknown ownership.

2591. If a man has some property of 'unknown ownership' that is, its owner is not known and if it cannot be classified as lost, he is allowed to use it in a manner that would be agreeable to the owner, provided that he is sure that the owner will have no objection in principle. Otherwise, he must try to find the owner, and continue doing so for as long as he thinks it useful. And when he despairs, he should, with the permission of the Mujtahid, give it away as Sadaqah to the poor. If the owner later on turns up, and if he does not approve the Sadaqah which was .given, as a precaution, he must give him a replacement