59866 - Zakah on jewellery that has been prepared for use

the question

My father-in-Law gave 560grams Gold ornaments at the time of Marriage in 1994. Also we got some gold jewels as a gift from relatives at the time of my wife delivery. I bought some Jewels for my wife in the mean time(1994-2004). Now my wife told me that we have to give 240 Grams gold as a Zakat.
My Question is: I should pay Zakat for all the above 3 categories ?.

Detailed answer

Praise be to Allah.

Jewellery that has been prepared to be worn and used as an adornment is something concerning which the fuqaha' differed as to whether it is obligatory to pay zakah on it. The Hanafis are of the view that it is obligatory to pay zakah on it, but the majority of Maalikis, Shaafa'is and Hanbalis are of the view that it is not obligatory to pay zakah on it.

The more correct view is that of the Hanafis, because of the great deal of evidence, including the following:

1 – The general meaning of the evidence which indicates that it is obligatory to pay zakah on gold and silver, without differentiating between jewellery that is worn and other kinds.

2 – It was narrated that 'Aa'ishah (may Allah be pleased with her), the wife of the Prophet (peace and blessings of Allah be upon him), said: The Messenger of Allah (peace and blessings of Allah be upon him) entered upon me and I was wearing rings of silver on my hand. He said: "What is this, O 'Aa'ishah?" I said: "I made them to adorn myself for you, O Messenger of Allah." He said: "Have you given zakah on them?" I said: "No." He said: "The punishment for them in Hell is enough for

you.”

Narrated by Abu Dawood, 155; classed as saheeh by al-Albani in Saheeh Abi Dawood.

It was narrated from ‘Amr ibn Shu’ayb, from his father, from his grandfather, that a woman came to the Messenger of Allah (peace and blessings of Allah be upon him) and she had a daughter of hers with her. On her daughter’s hand were two thick bracelets of gold. He said to her: “Have you given the zakah on these?” She said: “No.” He said, “Would you like Allah to make you two bracelets of fire on the Day of Resurrection because of these?” So she took them off and gave them to the Prophet (peace and blessings of Allah be upon him) and said: “They are for Allah and His Messenger.” Narrated by Abu Dawood, 1563; al-Nasaa’i, 2479; classed as hasan by al-Albani in Saheeh Abi Dawood.

Secondly:

You have to pay zakah when you come to know that it is obligatory. As for the years that have passed when you did not know that zakah was obligatory on jewellery that has been prepared for use, you do not have to pay zakah on it.

Shaykh Ibn Baz (may Allah have mercy on him) was asked about a woman who has jewellery for adornment that stayed with her for years, then she came to know that it was obligatory for her to pay zakah on it – did she have to pay zakah for the past years? He replied: You have to pay zakah from the time when you came to know that it is obligatory to pay zakah on jewellery. As for the past when you did not know about that, it is not obligatory for you to pay zakah, because the rulings of sharee’ah are only binding after one comes to know of them."(Fatawa Islamiyyah, 2/84).

With regard to a similar matter, he said (2/85):

She has to pay zakah on her jewellery in the future each year if it reaches the nisaab (minimum threshold)… as for the years that have passed, before she came to know that zakah must be paid on jewellery, she does not have to do anything about them, because she was unaware of that and because there is some element of confusion concerning this issue, since some of the scholars do

not think that it is obligatory to pay zakah on jewellery that is worn or is prepared to be worn. But the more correct view is that it is obligatory to pay zakah on it, if it reaches the nisaab and one full (Hijri) year has passed, because of the evidence of the Quran and Sunnah to that effect.

Thirdly:

zakah on jewellery that is prepared to be used applies to jewellery of gold and silver. Based on this, there is no zakah on gems that you have bought, if they are not gold or silver.

See also question no. 40210.

Fourthly:

The zakah must be paid by the owner of the jewellery, not by the husband.

Shaykh Ibn Baz (may Allah have mercy on him) said: “zakah must be paid by the owner of the jewellery. If it is paid by her husband or someone else on her behalf and with her permission, there is nothing wrong with that. The zakah need not be paid from the jewellery itself, rather it is sufficient ti give the equivalent value each time one year passes, according to the value of gold and silver in the market when the year has passed."(Fatawa Islamiyyah, 2/85)

But if the gift has been given to you both, and you have not given your share of it to your wife, then you have to pay the zakah on your share, if it meets the nisaab, which is 85 grams.

The amount that must be paid is one-quarter of one-tenth or 2.5%, so for one hundred grams it is two and a half grams.

And Allah knows best.