

Chapter – 39

Partnership

(شراکت داری)

Quran:

فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ

{And if they (brothers and sisters) are more than two, then shall all share in a third. (04:12)}

Hadith:

Narrated Salama:

We were on a journey. The food was diminished and the people were worried. We went to the Noble Prophet and asked his permission to slaughter their camels. Prophet agreed but the question rose "How would we survive after slaughtering our camels?" So we went to the Prophet who said, "Ok! Call upon the people to bring what has remained of their food." A leather sheet was spread and all the journey food was collected and heaped over it. Allah's Prophet stood up and invoked Allah to bless it, and then directed all the people to come with their utensils, and they started taking from it till all of them got what was sufficient for them. Allah's Prophet then said, "I testify that none has the right to be worshipped but Allah, and I am His Messenger." (Sahih Bukhari: 2322)

Narrated Ibn 'Umar:

Allah's Prophet said, 'If one manumits his share of a jointly possessed slave, and can afford the price of the other shares according to the adequate price of the slave, the slave will be completely manumitted; otherwise he will be partially manumitted (free).' (Sahih Bukhari: 2329)

Narrated An-Nu'man bin Bashir:

The Noble Prophet said, "The example of the person abiding by Allah's order and restrictions in comparison to those who violate them is like the example of those persons who drew lots for their seats in a boat. Some of them got seats in the upper part, and some in the lower. When the latter needed water, they had to go up to bring water (and that troubled the others), so they said, --- 'Let us make a hole in our share of

the ship (and get water) saving those who are above us from troubling them. So, if the people in the upper part left the others do what they had suggested, all the people of the ship would be destroyed, but if they prevented them, both parties would be safe." (Sahih Bukhari: 2331)

Narrated Zahra bin Saeed:

My grandfather Abdullah bin Hisham said that my mother took me to the Prophet and said, "O Allah's Prophet! Take the pledge of allegiance from him." But the Prophet said, "He is still too young for the pledge," and passed his hand on his head and invoked for Allah's blessing for him. When my grandfather, 'Abdullah bin Hisham, go to the market to buy foodstuff, Ibn 'Umar and Ibn Zubair would meet him and say to him, "Be our partner, as the Prophet invoked Allah to bless you." So, he would be their partner, and very often he would win a camel's load and send it home. (Sahih Bukhari: 2338)

Important Aspects of Islamic Doctrine

- ❖ When more than one people are involved in a business then the right of partnership begins. Partnerships are of two types:
 1. **Property Partnership:** In a partnership if apparently no any agreement exists but more than one person as a legal heir appear then it is called Property Partnership.
 2. **Contracted Partnership:** It has four types:
 - a) **Negotiated Partnership:** In such partnerships the sharing of material remains equal, and consequently the right of selling and buying also remains equal. Similarly, if debt has to be arranged then all parties become responsible. And finally the profit and loss has to be shared equally as well.
 - b) **Cloud Partnership:** In this trade equal sharing of material and in profit and loss is not essential. It is also possible that both parties have equal share in material but not in profit and loss. Apparently it is not correct but if in the contract it was agreed by both the parties then it is permissible.
 - c) **Occupational Partnership:** Such partnerships are made between skilled workers. In this partnership not only material is involved but also work is there. Therefore, the profit and loss should be equal between both parties.
 - d) **Source Partnership:** Partners do not have material with them but they can arrange from other sources on loan basis and then sell it out and distribute its profit. In this trade profit is gained mainly by the personal talents, relations and abilities. Therefore, they have share in profit accordingly.

