

How is it to Buy Something at a Lower Price from Someone Due to Having Given Them a Loan?

Darulifta Ahlesunnat

(Dawateislami)

Question

What do the noble scholars and jurists of Islamic law say about the following: If one lends someone 1.5 Lakh rupees to buy buffalos and the creditor sets the condition that he will buy milk from the debtor with that 1.5 Lakh rupees but less than the market rate; if the market rate is 6,000 rupees per 'Man' (a specific measure), the creditor will buy it for 5,700 rupees, this way he will benefit 300 rupees per 'Man'. Is such an agreement permissible?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

In the enquired situation, for the creditor (lender) to buy milk less than the market rate solely because of lending 1.5 Lakh rupees as loan is a conditional profit on a loan which is impermissible, a sin, and Riba. This is because any conditional profit attained on a loan is riba, whether the condition is explicitly mentioned or understood. The jurists have also declared any type of conditional concession or lessening of any right to be Riba. Therefore, this type of agreement is impermissible according to Shari'ah.

Allah Almighty states regarding the impermissibility of riba:

﴿وَإِذَا لَمْ يَأْتِ بِرِبَاٍّ وَكَانَ أُولَئِكَ عَٰدِلِينَ فَلَا جُنَاحَ عَلَيْهِمْ فِي رِبَاِّهِمْ إِذَا كَانُوا بِآثَارِهِمْ نَٰصِرِينَ﴾

Translation (Kanz-Ul-'Irfan): Although Allah has permitted trade and forbidden usury. (Part 2, Surah Al-Baqarah, Verse 275)

Hazrat Jabir رضي الله تعالى عنه narrates:

لعن رسول الله صلى الله تعالى عليه وسلم آكل الربا وموكله وكاتبه وشاهديه وقال هم سواء

Translation: The Messenger of Allah ﷺ cursed the consumer, facilitator, the writer, and witnesses of Riba and said that they are equal (in sin). (Sahih Al-Muslim, Vol. 5, Pg. 50, Publ. Dar Al-Taba'ah Al-'Amirah Turkey)

The Noble Prophet ﷺ said regarding the conditional benefit on any loan:

كل قرض جر منفعة فهو ربا

Translation: Every debt that brings benefit is Riba. (Kanz Al-'Ummal, Vol. 6, Pg. 99, Publ. Dar Al-Kutub Al-'Ilmiyah, Beirut)

A way of attaining benefit on a loan is that the debtor sells something to the creditor at a lower price because of the debt.

Shaykh Al-Islam Abu Al-Hasan Ali Bin Hussain Sughdi Hanafi رحمۃ اللہ علیہ

(D. 461 AH/ 1068 G.C):

والآخر ان يجر إلى نفسه منفعة بذلك القرض، او تجر إليه وهو ان يبيعه المستقرض شيئا بآرخص مما يباع او يوجره او يهبه -- لو لم يكن سبب ذلك (هذا) القرض لما كان (ذلك) الفعل، فان ذلك ربا

(Al-Nutaf Fi Al-Fatawa, Pg. 296, Publ. Dar Al-Kutub Al-'Ilmiyah, Beirut)

The Imam of Ahl As-Sunnah, Imam Ahmad Raza Khan رحمۃ اللہ تعالیٰ علیہ (D. 1340 AH/ 1921 G.C) was asked: A person lends someone some money and because of it, he buys wheat from him (the debtor) for less than the market rate. How is it to do so according to Shari'ah? So, he رحمه اللہ علیہ replied:

اگر روپیہ قرض دیا اور یہ شرط کر لی کہ چار مہینے کے بعد ایک روپے کے پچیس ماء (ایک پیانہ) گیہوں لیں گے اور نرخ بازار پچیس سیر سے بہت کم ہے، تو یہ محض سود اور سخت حرام ہے، حدیث میں ہے:

”كل قرض جر منفعة فهو ربا“

جو قرض نفع کو کھینچے وہ سود ہے۔

Translation: If rupees was given as a loan with the condition that after four months, 25 Ma' (a measurement) of wheat will be taken per rupee, whereas the market rate is way less than 25, this is solely Riba and strictly Haraam. It is stated in a Hadith: Every debt that brings benefit is Riba. (Fatawa Razawiyah, Vol. 17, p. 334, Publ. Raza Foundation, Lahore)

وَاللّٰهُ اَعْلَمُ عَزَّوَجَلَّ وَرَسُوْلُهُ اَعْلَمُ صَلَّى اللّٰهُ تَعَالٰی عَلَیْهِ وَاٰلِهٖ وَسَلَّم

(Allah Almighty knows best and His Messenger ﷺ knows best.)

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