

# Ruling on Promotion Incentives in Exchange for Selling the Products of Only a Specific Company

Darulifta Ahlesunnat (Dawateislami)

## Question

What do the noble scholars and jurists of Islamic law say about the following: I own a general store. Salesmen and suppliers from various companies come to my store and offer that I only stock and sell their product and not sell the products of any other companies or brands. In return, they will pay me a specific amount as a brand promotion incentive (for example, 10,000 rupees monthly or more). For example, a beverage company offers me that if I only sell their drink and not the drinks of any other company, they will pay a promotion fee. Their products are not of poor quality; in fact, they are often better than those of other companies.

The question is, is it permissible according to sharī'ah for me to accept this offer and take the incentive in exchange for restricting myself to only selling the product of this company? Is there any prohibition in this?

## Answer

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ  
الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اَللّٰهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

In the inquired situation, it is certainly not permissible for you to accept this money. It is bribery, which is impermissible and haram. The reason is that it is quite clear that the money being given is not in exchange for any lawful compensation or any actual service. Instead, it is being given solely to serve their interest, so that you only sell their product and avoid the products of other companies. The money that is given to someone to serve their own interests is bribery.

It should remain clear that whether this amount of money is called “brand promotion incentive”, “promotion fees”, or it is given any other title, it will be considered a bribe in all cases. Changing the name will not change the essence of the thing. There is a principle in sharī'ah that consideration is given to the essence and purpose, as stated in Majallah al-Ahkam:

العبرة في العقود للمقاصد والمعاني لا للألفاظ والمباني

Translation: In contracts, consideration is given to the meanings, not the words. (Majallah al-Ahkam al-'Adliyah, p. 16, Publ. Karachi)

Allah Almighty states:

﴿وَتَرَىٰ كَثِيرًا مِّنْهُمْ يُسَارِعُونَ فِي الْإِثْمِ وَالْعُدْوَانِ وَأَكْلِهِمُ السُّحْتَ ۗ لَبِئْسَ مَا كَانُوا يَٰعْمَلُونَ﴾

Translation (Kanz-ul-'Irfan): You will see many of them rushing towards sin, transgression, and the consumption of the unlawful. Certainly, that which they are doing is most evil. (Al-Qur'an, Part 6, Surah al-Ma'idah, Verse 62)

Imam Fakhr-Uddin Razi عليه الرحمة writes in *al-Tafsir al-Kabeer*:

وأما أكل السحت فهو أخذ الرشوة - لفظ الإثم يتناول جميع المعاصي والمنهيات، فلماذا كر الله تعالى بعده العُدوان وأكل السحت دل هذا على أن هذين النوعين أعظم أنواع المعصية والإثم

Translation: Consumption of unlawful refers to taking bribes. The word 'sin' is inclusive of all types of sin and prohibited acts. But since Allah has specifically mentioned transgression and consumption of unlawful, this proves that these two are among the greater sins. (Al-Tafsir al-Kabeer, Vol. 12, p. 392, Publ. Dar Ihya' al-Turas al-'Arabi, Beirut)

Abdullah Bin 'Umar رضي الله تعالى عنهما narrates:

لعن رسول الله صلى الله تعالى عليه وسلم الراشي والمرتشي

Translation: The Messenger of Allah ﷺ cursed those who take bribes and those who give bribes.

(Sunan Abi Dawood, Book of Judgments, Chapter on the prohibition of bribery, Vol. 2, p. 148, Publ. Lahore)

It is stated in *al-Bahr al-Ra'iq*:

وفي المصباح الرشوة بكسر الراء ما يعطيه الشخص للحاكم وغيره ليحكم له أو يحمله على ما يريد--وزكر الأقطع أن الفرق بين الهدية والرشوة أن الرشوة ما يعطيه بشرط أن يعينه والهدية لا شرط معها

(Al-Bahr al-Ra'iq, Vol. 5, p. 285, Publ. Dar al-Kitab al-Islami)

It is stated in *Fatawa Razawiyah*:

وزن كشي کے ٹھیکہ سے اگر یہ مراد ہے کہ "تولا" کچھ روپے زمیندار کو دے کہ اس سال گاؤں بھر کی "راسیں" وہی تولے دوسرے تولنے پائے، اور وہ ہر کاشت کار سے اپنے تولنے کی اجرت لے تو یہ محض حرام، اور وہ روپیہ جو زمیندار کو دیا زمی رشوت ہے۔ اور دوسرے کو تول سے ممانعت محض ظلم ہے۔ اس کی نظیر اسٹیشن پر سودا بیچنے کا ٹھیکہ ہے کہ بیچ تو اس میں اور خریداروں میں ہوگی، یہ ریل والوں کو روپیہ صرف اس بات کا دیتا ہے کہ میں ہی بیچوں، دوسرے نہ بیچنے پائے، یہ شرعاً خالص رشوت ہے۔

Translation: If "weighing contract" means that the weighman gives some money to the landowner so that he alone weighs the produce of the entire village, and no one else can weigh, and he will take the wage for weighing from each farmer, this is purely haram. The money given to the landowner is considered bribery. Preventing others from weighing is sheer injustice. A similar ruling to this is of a "selling contract" in a railway station. There, the sale will take place between him and the buyer; he is only given the railway authorities' money so that only he is allowed to sell, and no one else can. This is purely bribery. (Fatawa Razawiyah, Vol. 19, p. 559, Publ. Raza Foundation, Lahore)

وَاللّٰهُ اَعْلَمُ عَزَّ وَجَلَّ وَرَسُوْلُهُ اَعْلَمُ صَلَّى اللّٰهُ تَعَالٰى عَلَيْهِ وَاٰلِهٖ وَسَلَّمَ

(Allah Almighty knows best and His Messenger صَلَّى اللّٰهُ تَعَالٰى عَلَيْهِ وَاٰلِهٖ وَسَلَّمَ knows best.)

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