

Ruling on Working for Less Due to Having Taken a Loan

Darulifta Ahlesunnat

(Dawateislami)

Question

What do the noble scholars and Jurists say about the following:
My father has a tractor that he uses to plow other people's fields for the price of 2000 rupees per acre. My father's cousin has 20 acres of land. He says, "Take 300,000 rupees from us as a loan which you can pay back later, but in exchange for this loan, charge me 1000 rupees per acre for plowing my land. Now the question is, how is it for my father to take the loan and in exchange for it, charge 1000 rupees instead of 2000 rupees?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

The 'Usool' (foundational ruling) is that taking any predesignated benefit because of giving a loan, whether it is explicitly mentioned or understood, is considered interest and is Haram. The Jurists have also stated that taking any convenience or lessening in anyone's right as a condition in exchange for a loan is also considered interest. That is why in the above-mentioned situation, your father taking the 300,000 rupees and in exchange, charging 1000 rupees per acre rather than the 2000 rupees is giving a benefit as a condition for the loan, which is impermissible, a sin, and considered to be in the category of interest. Therefore, it isn't allowed in Sharī'ah to make such an agreement.

Any type of benefit that is taken as a condition for a loan is from the category of interest. Hence in an answer to a question, The Imam of Ahl Al-Sunnah, Imam Ahmad Raza Khan رَحْمَةُ اللَّهِ تَعَالَى عَلَيْهِ (D. 1340 AH/ 1921 CE) writes about the rules of benefits on loans:

قول منقح و محرر و اصل محقق و مقرر یہ ہے کہ بر بنائے قرض کسی قسم کا نفع لینا مطلقاً سود و حرام ہے، حدیث میں ہے،
حضور سید عالم صلی اللہ تعالیٰ علیہ وسلم فرماتے ہیں: ”کل قرض جرم منفعة فهو ربا“ یعنی ہر وہ قرض جو نفع کھینچ کر لائے، وہ سود ہے۔

Translation: The most correct opinion is that getting any type of benefit overall on the basis of a loan is interest and is prohibited. It is mentioned in a Hadith that The Messenger of Allah ﷺ said, "Every loan that brings of benefit is Riba."

(Kanz Al-'Ummal, Hadith No. 15156, Vol. 6, p. 238, Publ. Muasisah Al-Risalah, Beirut)

اور اگر اس بنا سے جدا ویسے ہی باہمی سلوک کے طور پر کوئی نفع و انتفاع ہو، تو وہ مدیون کی مرضی پر ہے، اُس کے خالص رضا و اذن سے ہو، تو رَوَا، ورنہ حرام، اب یہ بات کہ یہ انتفاع بر بنائے قرض ہے یا بطور سلوک اس کے لئے معیار شرط و قرارداد ہے یعنی اگر قرض اس شرط پر دیا کہ نفع لیں گے، تو وہ نفع بر بنائے قرض حرام ہوا اور اگر قرض میں اس کا کچھ لحاظ نہ تھا، پھر آپس کی رضامندی سے کوئی منفعت بطور احسان و مروت حاصل ہوئی، تو وہ بر بنائے حسن سلوک ہے، نہ بر بنائے قرض، تو مدارِ کار شرط پر ٹھہرا یعنی نفع مشروط، سود اور نفع غیر مشروط سود نہیں، بلکہ باذن مالک مباح، پھر شرط کی دو صورتیں ہیں: نصاً یعنی بالتصریح قراردادِ انتفاع ہو جائے۔ اور عرفاً کہ زبان سے کچھ نہ کہیں، مگر بحکم رسم و رواج قرارداد معلوم اور داد و ستد خود ہی ماخوذ و مفہوم ہو، ان دونوں صورتوں میں وہ نفع حرام و سود ہے۔

Translation: Apart from this, if they just want to do a separate mutual exchange of benefits, the one taking the loan (borrower) has the choice to agree to the terms. If it occurs only with the borrower's permission and agreement it will be permissible, otherwise it is Haram. Now to say whether the benefit is on the basis of the loan or as a separate mutual exchange of favors, this is judged by the conditions of the loan, meaning that if the loan is given with the condition of taking benefit, that means that it is on the basis of the loan, and is therefore Haram. If this benefit was not considered when giving the loan, but later, by the borrower's choice, due to kindness, the benefit was given, that will be on the basis of courtesy not on the basis of the loan. This shows that the foundation is 'conditioning'; the conditioned benefit is interest, and the unconditioned benefit is not interest, but rather Mubah (permissible).

Every condition has 2 states: by *Nass* (explicitly) the benefit is mentioned or by *Urf* which is not spoken with the tongue, but it is customarily known and understood. In both cases, the benefit is considered Haram and interest.

(Fatawa Razawiyah, Vol. 25, p. 223, Publ. Raza Foundation, Lahore)

Another example on attaining benefit from loans is this that the borrower gives some concession to the lender on buying or selling or gives gifts to the lender. Sheikh Al-Islam Abu Al-Hasan Ali B. Husain Sughdi Hanafi رَحْمَةُ اللهِ تَعَالَى عَلَيْهِ (D. 461 AH/ 1068 CE) discusses in depth about this example and says:

أنواع الربا: وأما الربا فهو على ثلاثة أوجه: أحدها في القروض... فأما في القروض فهو على وجهين: أحدهما أن يقرض عشرة دراهم بأحد عشر درهماً أو باثني عشر ونحوها، والآخر أن يجر إلى نفسه منفعة بذلك القرض، أو تجر إليه وهو أن يبيعه المستقرض شيئاً بأرخص مما يباع أو يؤجره أو يهبه... ولولم يكن سبب ذلك (هذا) القرض لما كان (ذلك) الفعل، فإن ذلك ربا

(Al-Nutf Fi Al-Fatawa, Kitab Al-Wila, p. 296, Publ. Dar Al-Kutub Al- 'Ilmiyah, Beirut)

Allamah Ibn Abideen Shami Dimishqi رَحْمَةُ اللهِ تَعَالَى عَلَيْهِ also mentions a similar example.

(Radd Al-Muhtar Ma'a Durr Al-Mukhtar, Book of trades, Vol. 7, p. 38, Publ. Quetta)

The Imam of Ahl Al-Sunnah Imam Ahmad Raza Khan رَحْمَةُ اللهِ تَعَالَى عَلَيْهِ was asked:

ایک شخص دوسرے کو کچھ رقم بطور قرض دیتا ہے اور وہ اس وجہ سے اس سے مارکیٹ ریٹ سے سستی گندم لیتا ہے، تو شرعاً ایسا کرنا کیسا ہے؟

Translation: A man gives someone some money as a loan and due to that, he buys wheat from him for less than the market rate. How is it to do this according to Shari'ah?

To this, he رَحْمَةُ اللهِ تَعَالَى عَلَيْهِ 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: ”کل قرض جرم منفعة فهو ربا“ جو قرض نفع کو کھینچے وہ سود ہے۔

Translation: If the man gave the money as a loan and made a condition that 4 months later, he will take 25 'maa' (unit of weight) of wheat per every rupee, and the market rate is much less than 25, this is purely interest and Haram. It is mentioned in a Hadith, ”کل قرض جرم منفعة فهو ربا“ meaning 'Every loan that brings of benefit is Riba.'

(Fatawa Razawiyah, Vol. 17, p. 334, Publ. Raza Foundation, Lahore)

وَاللّٰهُ اَعْلَمُ عَزَّوَجَلَّ وَرَسُوْلُهُ اَعْلَمُ صَلَّى اللّٰهُ تَعَالٰى عَلَيْهِ وَاٰلِهٖ وَسَلَّم

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

Answered By: *Mufti Muhammad Qasim Attari*

Ref No: *FSD-8974*

Date: *27th Zul Hijjah Al-Haraam 1445 AH/ 4th July 2024*



Dar-ul-IftaAhlesunnat (Dawat-e-Islami)



www.fatwaqa.com



[daruliftaahlesunnat](https://www.facebook.com/daruliftaahlesunnat)



[DaruliftaAhlesunnat](https://www.youtube.com/DaruliftaAhlesunnat)



[Dar-ul-ifta AhleSunnat](https://play.google.com/store/apps/details?id=com.daruliftaahlesunnat)



feedback@daruliftaahlesunnat.net