

## Ruling Regarding Taking Extra Money For Late Payment In A Committee

Ref: IEC.0448

Date:06-01-2025

What do the respected scholars say about this matter: can the person collecting the committee (savings pool in local language) payments impose a condition that whoever submits his committee installment late will also have to pay extra money because of this delay?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
الجواب بعون الملك الوهاب اللهم هداية الحق والصواب

It is impermissible and Haram for the person collecting the committee payments to impose the condition that whoever submits his installment late will also pay extra money because of the delay. Because if the installment payer's turn in the committee has not yet come up, then in this situation, he is not a debtor. Therefore, taking extra money from him due to the delay is a penalty in form of Maal (wealth), which is impermissible and a sin. And if this person's turn in the committee has already come up and he still owes the remaining installments, then in this situation, he is a debtor. Therefore, if the committee collector takes extra money from this person due to the delay, it will be interest (Riba), which is strictly impermissible and Haram.

Taking extra money for delaying the installment payment is interest (Riba). As it is stated in Mabsut:

مقابلة الأجل بالدراهم ربا، ألا ترى أن في الدين الحال لوزاده في المال ليؤجله لم يجز

Translation: Taking dirhams in exchange for time is interest (Riba). Don't you see that in the case of a debt currently due, if the debtor were to increase the amount of money so that the creditor would grant him an extension, it would not be permissible?

(Al-Mabsut, Volume 13, Page 126, Beirut Edition)

It is stated in Al-Nutaf fil-Fatawa:

ان يبيع رجلا متاعا بالنسيئة فلما حل الاجل طالبه رب الدين فقال المديون زدني في الاجل ازيدك في الدراهم ففعل فان ذلك ربا

Translation: A person sold goods on credit. When the time for payment came due, the creditor demanded the debt from the debtor. The debtor said, 'Give me more time, and I will increase the dirhams for you.' And the creditor agreed to it. Then this increase is interest (Riba).

(Al-Nutaf fil-Fatawa, Page 485,  
Muassasat-ul-Risalah, Beirut Edition)

Penalty in form of Maal (wealth) has been abrogated in Islam. Thus, it is stated in Bahr al-Raiq Sharh Kanz-ud-Daqaïq:

التعزير بالمال كان في ابتداء الاسلام، ثم نسخ

Translation: Punishment in form of wealth (التعزير بالمال) existed in the early days of Islam, then it was abrogated.

(Al-Bahrur-Raiq, Volume 5, Page 44,  
Dar-ul-Kitabil-Islami, Beirut)

It is stated in Radd al-Muhtar:

التعزير بالمال كان في ابتداء الاسلام ثم نسخ والحاصل ان المذهب عدم التعزير باخذ المال

Translation: Punishment in form of wealth (التعزير بالمال) existed in the early days of Islam, then it was abrogated. In nutshell, according to the Madhhab, financial punishment is not permissible.

(Radd-ul-Muhtar, Volume 4, Page 61,  
Published Dar-ul-Fikr, Beirut)

Imam-e-Ahl-e-Sunnat A'la Hazrat Imam Ahmad Raza Khan  
(رحمة الله عليه) says:

تعزیر بالمال منسوخ ہے اور منسوخ پر عمل جائز نہیں۔

Translation: Financial punishment has been abrogated, and acting upon something abrogated is not permissible.

(Fatawa Razaviyyah, Volume 5, Page 111,  
Raza Foundation, Lahore)

Financial penalty is not permissible. Thus, the Grand Mufti of  
Pakistan, Mufti Muhammad Waqar-ud-din (رحمة الله عليه) says:

سوال میں جو صورت بعد میں لکھی ہے کہ اگر وہ لیٹ کریں، تو دو فیصد یا چار فیصد جرمانہ لیا جائے گا، یہ ناجائز ہے۔ شریعت میں  
مال پر جرمانہ جائز ہی نہیں ہے۔

Translation: The situation mentioned later in the question,  
that if they are late, a penalty of two percent or four percent will  
be charged, this is impermissible. In Sharia, a financial penalty is  
not permissible at all.

(Waqar-ul-Fatawa, Volume 3, Page 264,  
Bazm-e-Waqar-ud-Din Karachi)

والله اعلم عز وجل ورسوله اعلم صلى الله تعالى عليه وآله وسلم

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05 Rajab Sharif 1446 / 06 January 2025

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