

Buy and Sale:

Sayyiduna Abu Hurayra reported from the Glorious Messenger who said: *“The two (seller and buyer) must not part away except by mutual consent.”* (Abu Da’ood)

Sale is contracted by a declaration and acceptance expressed unequivocally in words or in expressions conveying the same meaning. The acceptance may be deferred until the breaking up of the meeting whether the declaration be made personally or by letter or message. An offer made by the purchaser cannot be restricted by the seller or to any particular parts of the goods. A little deviation from the offer or acceptance will not make the sale complete. A sale may be entered into either for ready money or for payment within a fixed time. Gains may be sold for other gains of different species.

There are four kinds of sale:

1. *Sale of kind for kind,*
2. *Sale of cash or sale of gold for silver,*
3. *Sale of a credit for kind in cash as crops are taken for payment in future and*
4. *Free sale as sale of a thing in cash for price in cash.*

A purchaser has got the right of option to reject an article upon inspection of the article if he has not seen it at the time of purchase. A seller has no option of inspection after sale. Sayyiduna Abdullah Ibn-e-Omar reported that the Messenger of **Allah** (Sallallahu Alaihi Wassallam) said: *“The buyer and the seller each of them has got option on his partner so long as they have not separated themselves except the option of buying”.* (Agreed)

Sayyiduna Hakim bin Hizam reported that the Prophet of **Allah** (Sallallahu Alaihi Wassallam) said: *“The buyer and seller have got option so long as they do not part away. If they speak the truth and disclose (defect), they are blessed in their sale transaction, and if they conceal and speak falsely, the blessing of their sale is decreased.”* (Agreed)

The following things have been declared unlawful in trade:

1. Sale of known quantity of price. It is applicable to fruits, corns and lands. It is also a sale of fruits upon trees for one-third or one-fourth of the produce.
2. Sale of fruits upon trees after leaving some fruits from the subject matter of sale.
3. Transfer of a limited and not absolute interest in land. It is a kind of lease or tenancy. Imam-e-A'zam Abu Hanifa held such leases as unlawful, while his disciples held them lawful. According to Imam-e-A'zam Abu Hanifa, *Adha Bhagi* is, however, lawful.
4. Sale of corn in exchange of a like quantity of wheat by conjecture.
5. Sale of fruits while upon the trees for one year, two years or more whether the fruits appear or not.
6. Sale by touch. It was the custom of the Pre-Islamic Arabs that a sale was held to be complete as soon as the purchaser touched a cloth or other commodity for purchase. The Holy Prophet (Sallallahu Alaihi Wassallam) abolished it as unlawful.
7. No sale is lawful over another sale to another for a higher price offered or for any other cause.

8. Sale of goods without delivery and cash price, i.e. sale with a promise of delivery of goods for a promise of price.
9. Sale of wine, pork, etc.

Sayyiduna Abu Hurayra reported that the Messenger of **Allah** (Sallallahu Alaihi Wassallam) said: “*Nobody shall bargain over the bargain of his Muslim brother.*” (Sahih Muslim) This means that after a man sets a value to anything and after agreement is reached for sale and purchase, another man comes forward and sets a higher price for the thing. The latter is prohibited for Muslims and non-Muslims.

Sayyiduna Abu Hurayra reported that Rasoolullah (Sallallahu Alaihi Wassallam) passed by a heap of corns. He thrust his hand therein, but his fingers touched moisture. He asked: “*O Owner of corn! What is this?*” He replied: “*Rain fell on it, O Messenger of Allah* (Sallallahu Alaihi Wassallam)!” He enquired: “*Have you not done so over the corn so that people may see it? Whoso acts with deceit is not of me*”. (Muslim)

Sayyiduna Waselah Bin Asqa’ reported: “*I heard the Messenger of Allah* (Sallallahu Alaihi Wassallam) *saying, ‘Whoso sells a defective thing without disclosing it continues to be in the wrath of Allah or Angels continue to curse him.’*” (Ibn-e-Majah)

The sale, in short, requires that the genus be specified and that the species, quality, quantity, period of delivery, rate and place of delivery be all determined.

Islam has forbidden monopoly, which means storing up of food-grains for getting higher price in times of need and scarcity. Except food-grains and necessities of life, other commodities may lawfully be stored up.

Sayyiduna Ma'mar reported that **Allah's** Messenger (Sallallahu Alaihi Wassallam) said: "*Whoever monopolises is a sinner*". (Sahih Muslim)

Sayyiduna Anas reported that the current price once became dear at the time of Sayyiduna Rasoolullah (Sallallahu Alaihi Wassallam). They asked: "*O Messenger of Allah (Sallallahu Alaihi Wassallam)! Fix a rate for us*". Sayyiduna Rasoolullah (Sallallahu Alaihi Wassallam) said: "*Verily, Allah is One Who controls price, curtails, gives amply and provides sustenance; and certainly, I hope that I should meet my Lord while there will be none amongst you who will hold me responsible either for blood or for property*". (Tirmidi)

Sayyiduna Omar Bin Al-Khattab reported that the Glorious Prophet of Islam said: "*Whoever monopolizes over the Muslims their food-grains, Allah will inflict them with epidemics and bankruptcy.*" (Ibn-e-Majah)