CONSUMER PROTECTION IN ISLAM: THE CASE OF PAKISTAN

KISHWAR KHAN and SARWAT AFTAB

Monopoly Control Authority

Consumers whether in an Islamic State or otherwise face similar problems that need to be taken care of by the government and the individuals themselves. Islam as a religion gives a comprehensive framework for conducting business and protecting the consumers’ rights. Apparently, this framework seems similar to the commercial laws but glaring differences between the two exist: commercial laws are a relatively new phenomena and are made by humans for the sake of convenience only. Islamic law on the other hand, provided such guidelines 1500 years ago which are based on divine principles set by Allah. Moreover, there is no reward in complying with the commercial laws but Allah promised the believers rewards both in this world and the Hereafter for complying with Islamic principles.

Pakistan is an Islamic State but the area of consumer protection has remained neglected so far. This paper explores how an environment can be created in Pakistan whereby the interests of consumers are best protected under the teachings of Islam. The Qur’anic principles are delineated with reference to: guidelines for Muslim businessmen and consumers; the role of state and institutions.

I. INTRODUCTION

Consumer protection and business ethics are amongst the more important aspects of human being’s dealings with each other. In Islam, the rights and obligations of an individual towards others are stressed heavily. Where violations occur, the prerogative to forgive or otherwise is vested in the affected individual. Allah’s forgiveness or otherwise in such cases is dependent on the will of the individual sinned against; if he does not forgive, Allah will punish the defaulter. Therefore, it is imperative for the individuals to deal with fairness in trade and commerce as well. There are numerous Qur’anic injunctions as well as Hadith [the sayings of the Holy Prophet Muhammad (PBUH)]², emphasising the importance of righteous dealing in such matters. For instance:

1 There are three basis of Islamic ideology: apart from men’s rights and obligations towards fellow beings are the rights and obligations of the faithful towards Allah, which must be fulfilled. Allah has the prerogative either to forgive the defaulter or to punish him. Secondly, rights and obligations of the faithful towards himself, which if he fulfills will be in his own interest and will enable him to achieve the blessings in this world and Hereafter and would enable him to lead a healthy and successful life – the real success which is so recognised by Allah and His Prophet (May peace be upon Him) – the eternal success.

2 Peace Be Upon Him. According to the Holy Qur’ân (33:56) it is obligatory for Muslims to speak and write PBUH whenever the name of the Holy Prophet Muhammad PBUH is mentioned.
Pakistan is an Islamic State but the area of consumer protection has unfortunately remained neglected. As a solution to this problem, Pakistan has two options; either to follow the established norms of consumer protection as practiced in other countries or else, Pakistan can implement a system by adopting principles of Islamic ideology. The economic policies presently being pursued by the Government of Pakistan are based on Islamisation, liberalisation, deregulation and privatisation. Subsequent expansion of private sector relies on the efficient working of markets. It is imperative therefore to provide a regulatory framework addressing the consumer-related issues arising from likely market failures. This has led to the need for enacting appropriate legislation to safeguard the interests of consumers.

This paper explores the second option i.e., how an environment can be created in Pakistan whereby the interests of consumers are best protected under the teachings of Islam. Islam emphasises removing exploitation, corruption and rent seeking from the society. The Qur’anic principles and guidelines are therefore delineated with reference to: general ethical guidelines for Muslim businessmen as well as consumers; principles related to hoarding, adulteration, usage of improper weights and measures, food items and commodities unfit for human consumption, charging excess price, etc.; the role of state, institutions and that of the individuals. The state of consumer protection and efforts made so far in Pakistan are briefly covered. Last but not least, some recommendations are presented for consumer protection in Pakistan keeping in view the Islamic principles and institutions. This is important because the rule established by Allah is that whoever accepts Islam must accept all of it and implement all of it to the best of their abilities. Partial implementation is severely condemned. Therefore, an Islamic state should try to follow Islamic guidelines in all spheres of life.

II. Definition of a Consumer in Islamic Economics

In general, a consumer is any person who buys goods/services which have been paid for under any system of payment including hire purchase and leasing, etc. In Islamic Economics, a consumer behaves in a normative way because Islam prescribes what its followers should do or abstain from doing. In Islam, the pious and desirable actions are described as Salihat and impious actions are termed as Sayyi’at. The term closely related to ethics is khuluq. The

3 The Holy Qur’ân 4:29.
4 In both developed and developing countries there are authorities to deal with consumer issues, for instance, in Australia, the Australian Competition and Consumer Commission (ACCC) and the Ministry for Consumer Affairs; in United Kingdom the Office of Fair Trading (OFT), the National Consumer Council, and the Consumers’ Association; in Sri Lanka, the Department of Internal Trade deals with consumer protection (Khan, 1999).
5 Under Article 18 of the Constitution of Pakistan, it is the duty of the State to regulate trade, commerce or industry in the interest of free competition (Khan, 1999).
6 The paper does not attempt to present an Islamic consumer protection law rather it highlights the Islamic teachings on consumer protection.
consumer in an Islamic society also has to make a choice regarding spending on worldly needs as well as in the way of Allah.\(^8\)

Islamic Economics studies the economic problems of people imbued with the value of Islam, whereas, economics in general is the study of human behaviour with scarce resources and unlimited wants. In economics, the problem of choice is greatly dependent on the whims of individuals and resources are distributed so as to secure maximum satisfaction of wants. But in Islamic Economics, individuals are not in a position to distribute and consume resources the way they like, rather they have to follow a code of conduct provided by the *Holy Qur’an*\(^9\) and *Sunnah* (the normative behaviour of the Holy Prophet Muhammad PBUH as evidenced by his utterances, and his tacit approvals). Islamic teachings encourage only those legitimate activities which are in complete harmony with the social good.

In Islam, the entire circle of economic activity covers not only the social individual but also individuals with a religious bent of mind. For instance, in economics, the individual’s welfare is regarded as an increasing function of the commodities/services consumed. In this case, activities concerning the manufacture, sale, and use of alcoholic drinks, may be a good economic activity; but these are prohibited in Islam. Hence, the individual has to take into account the injunctions of Islam in pursuing activities, rather than simple utility or profitability rankings. In one sense Islamic Economics is more restricted and in the other sense it is more comprehensive than general economics. It is restricted because it is concerned only with those people who follow the moral teachings as reflected in the *Qur’an* and *Sunnah*. It is comprehensive because Islamic Economics takes cognizance of non-economic factors like political, social, ethical and moral both in this world and Hereafter.

**III. General Ethical Guidelines for Muslims**

The *Qur’an* views the life of humans both in this world and the Hereafter as a continuous process. The life after death is one of the articles of faith, second only to belief in Allah Himself. Without this vital belief the whole structure of the *Qur’anic* belief system would be undermined. Humans have to face the consequences of all their actions and transactions in the life hereafter which is often described as the Day of Reckoning, the Day of Judgment and Recompense, i.e., the Day on which questioning, accounting and reckoning will take place. The *Qur’an* is very clear in its warnings that all actions and transactions, even intentions and deliberations of humans are being vigilantly monitored and accurately recorded by God and humans will be punished or rewarded accordingly.\(^10\) Hence the *Qur’anic* concept of true loss and gain in business encompasses both phases of human life.

The *Qur’an* declares

\[\text{God hath permitted trade } \ldots\].\(^11\)

Several verses of the *Qur’an* provide ample evidence that Islam not only permits but also

---


\(^9\) *Holy Qur’an* is the last book of Allah sent to the last Prophet Muhammad PBUH. It consists of teachings and guidelines to be followed by the Muslims in every sphere of life. It confirms the belief of life after death and how Muslims should prepare for the Day of Judgment. The *Holy Qur’an* also confirms all the Books sent to other Prophets such as The Holy Bible sent to Jesus Christ and *Torah* sent to Moses.


\(^11\) The *Holy Qur’an* 2:275.
encourages believers to engage in honest and mutually beneficial trade. The legality of trade implies that a Muslim is free to make any kind of approved transaction. Islamic code of ethics provide general guidelines for both daily life as well as conducting business.

Some key principles for Muslim businessmen are:

- Honesty and truthfulness are extremely important qualities. Islam promises Allah’s blessings to those engaged in honest trade. There is no room for cheating, fraud and exploitation of any kind. Muslim businessmen have been directed by Islam to:

  \[\text{Speak the truth when you talk, keep a promise when you make it, when you are trusted with something fulfill your trust [...] and restrain your hands from injustice.}\]

  In return they have been guaranteed Paradise.

- Muslims have been directed to love Allah more than trade and obey Allah even if they have to sacrifice everything else.
- Muslims have been directed to be humble in their conduct towards life: Muslims must not lead a life of extravagance, and must exhibit good-will in any transactions among themselves.
- Businessmen should avoid duplicity and fraud. They should treat others in the same righteous and fair manner that they themselves would like to be treated.
- Businessmen may sometimes be tempted to offer bribes or bagshish in order to persuade another party to give them special favours or to allow them to get away with dishonest practices. The practice of bribery is forbidden in Islam. Both the parties who offer bribes and the one who accepts it are cursed in Islam.
- The general principle that applies across all transactions including those pertaining to business is that of justice or Adl.
- Leniency in dealings is stressed. ‘May Allah bless the person who behaves leniently while buying, while selling and while collecting his dues’.
- Islam disapproves all business practices which involve firstly, explicit or implicit harm and injustice to the contracting parties or to the public at large; secondly, which restrict the freedom of trade, or stand in violation of the Qur’anic injunctions and the approved business conduct.

Some key principles for Muslim consumers are:

The Qur’ân lays down the standard and the manner of consumption. The Qur’ân does not approve of under-consumption just as it disapproves of over-consumption. All the same these are relative terms which change with income level. As a result the Qur’ân does not specify

---

12 According to the Holy Qur’ân, Allah sent different Prophets in different eras for providing His people essentially the same message. All the prophets had a limited jurisdiction with respect to time and space except Prophet Muhammad PBUH. According to Allah, the revealed religion, rules and law has remained the same from Adam to Muhammad PBUH, unless something explicitly canceled by Allah in the Holy Qur’ân. The ten commandments, in principle are consistent to Islam but these were meant for the race of Holy Prophet Moses at that time whereas the teachings of Islam are for the entire mankind and for all the times to come. Islamic guidelines are elaborate, comprehensive to the fullest possible and encompass the teachings of other prophets as well.

13 Ibid.

14 Hadith narrated by Abu Hurayrah in Mishkat al Masabih, 4870 in Issa (1997).
the heads of expenditure which can be treated to be either avoidable or compulsory. It does recommend that the standard of living of a consumer should be the true reflection of his economic conditions.

_Eat and drink: but waste not be excess. For Allah loveth not the wasters._15

In Islam a consumer is expected to behave rationally while satisfying his needs, the balancing principle in _Qur‘ān_ is:

_Those who, when they spend, are not extravagant and not niggardly but hold a just (balance) between those (extremes)._16

- The _Qur‘ān_ instructs Muslim consumers to probe and verify any given statement or information before making a decision or taking any action. It advises them to investigate about the commodity before purchasing it. This must be done even if there be no other reason, in order to ascertain whether the commodity is permissible (_halal_) or not permissible (_haram_).17
- In a business transaction, as in any other sphere of life, the principle of an individual’s responsibility is very important. Everyone is personally held responsible for any undertaking or transaction made by him. This _Qur‘ānic_ principle acts as a dependable deterrent against any irresponsible behaviour since everyone is answerable both in this world and in the Hereafter.

**IV. Islamic Law**

There are four sources of the Islamic law: the _Qur‘ān_ (the Holy Book), the _Sunnah_ and _Hadith_ (record of the sayings, deeds or tacit approval of the Holy Prophet Muhammad, PBUH), _Ijma_ (consensus either of the community or the religious intellects) and _Qiyas_ and _Ijtihad_ (interpretation of an issue on the basis of earlier precedence and rule of reason).

The eternal and original source of Islamic law is the _Holy Qur‘ān_ which are the very messages that Allah put in the mouth of the Prophet PBUH for the guidance of humankind. These messages are universal, eternal and essential. _Sunnah_ refers to the exemplary conduct of the Prophet PBUH. The Prophet PBUH has been declared to be interpreter of the _Qur‘ānic_ text. The _Qur‘ān_ for instance mentions _Zakat_ but does not lay down its details, the Prophet PBUH explained it to his followers in a practical form. _Ijmā_ i.e., the consensus either of the community or of the religious scholars, is a principle of new legal content that emerges as a result of exercising reason and logic in the face of a rapidly expanding society. _Ijtihađ_ means putting forth every effort in order to determine with a degree of probability a question of the _Shariah_.18 Derived from these sources, the sections most pertinent to the consumers are:

---

18 _Shariah_ or _Shari‘at_ is an embodiment of all revealed Islamic guidance from God to man. It encompasses all aspects of life e.g., faith, law, beliefs and practices.
Mutual consent of the parties

The jurists have prescribed certain rules which must be followed by the contracting parties. Islam prescribes two concurrent conditions for any transaction to be valid. One is mutual consent, and the other is that one party’s gain should not be at the cost of another’s loss. A business transaction cannot take place if either pressure or fraud or mis-statement have been used by any party.

Transparency in dealings

Qur’an has stressed that all agreements and contracts should be as transparent and clear as possible. The following verse explains in detail:

O ye who believe, when ye deal with each other in transactions involving future obligations in a fixed period of time, reduce them to writing. Let a scribe write down faithfully as between the parties: let not the scribe refuse to write as God has taught him, so let him write. Let him who incurs the liability dictate, but let him fear His Lord God, and not diminish aught of what he owes. If the party liable is mentally deficient or weak, or is unable himself to dictate, let his guardian dictate faithfully. And get two witnesses, out of your own men . . . The witness should not refuse when they are called on (for evidence). Disdain not to reduce to writing (your contract) for a future period, whether it be small or big: it is just in the sight of God, more suitable as evidence, and more convenient to prevent double dealing among yourselves. But if it be a transaction which ye carry out on the spot among yourselves, there is no blame on you if ye reduce it not to writing. But take witnesses whenever ye make a commercial contract; and let neither scribe nor witness suffer harm. If ye do (such harm) it would be wickedness of you: so fear God, for it is God that teaches you. And God is well acquainted with all things. If ye are on a journey and cannot find a scribe, a pledge with possession (may serve the purpose). And if one of you deposits a thing on trust with another, let the trustee (faithfully) discharge his trust, and let him fear his Lord. Conceal not evidence; for whoever conceals it, his heart is tainted with sin. And God knoweth all that ye do.19

Fraud and deception of any kind are condemned by the Qur’an. Muslims are enjoined to make their transactions absolutely free from ambiguity. They are required to be clean, clear, honest and just in their dealings. The purpose is to protect the contracting parties from mutual injustice and resulting disputes.

Fulfilment of promises, pacts and contracts

The Qur’an demands all the promises and contracts to be fulfilled. Muslims are not supposed to violate their concluded contracts even if there is a genuine reason to believe that the other party is intent upon its violation. Under such circumstances, Qur’an instructs to inform the other party about the decision regarding the formal dissolution of the pact so that they are left on an equal footing.20

19 The Holy Qur’an 2:282.
20 If two parties enter into a contract and one wants to discontinue then he can do so only by informing the other contracting party of his decision. The same rule is being followed in most of the developed and developing countries. This principle was laid down by Islam some 1500 years ago which has been adopted by the other countries not so long ago.

© Blackwell Publishers Ltd/University of Adelaide and Flinders University of South Australia 2000.
**Exactness in weights and measures**

The importance of accuracy in terms of weights and measures has been stressed by the *Qur’an* many times. The believers are commanded to weigh and measure in full without the slightest diminution or else to face dire consequences. According to the *Qur’an*, the mission of all the prophets was to keep the balance straight and to uphold justice.

*Give full measure when ye measure, and weigh with a balance that is the most fitting and the most advantageous in the final determination.*

*To the Madyan people (We sent) Shu’ayb, one of their own brethren: he said: ‘O my people worship Allah: Ye have no other god but Him. And give not short measure or weight: I see you in prosperity, but I fear for you the Penalty of a Day that will compass (you) all round.*

The Madyan people were ultimately destroyed by Allah for using improper weights and measures. Another instance is:

*Woe to those that deal in fraud. Those who, when they have to receive by measure from men, exact full measure. But when they have to give by measure or weight to men, give less than due.*

Buyers should expect to receive goods that are in working condition and priced fairly. They should also be notified of any deficiency. While dealing with suppliers, Islamic business ethics suggests that one should negotiate a fair price and not take advantage of one’s power.

**Hoarding**

As Sheikh Al-Qaradawi points out, the market system is free in Islam, and is allowed to respond to supply and demand. Islam does not tolerate interference in the market system by hoarding or other forms of price manipulation. Allah’s Messenger PBUH said:

*He who hoards is a sinner.*

**Price manipulation and prohibition of adversial brokering**

The practice of meeting the villagers at the outskirts of the town in order to purchase their merchandise before they reach the market place has been prohibited to curb artificial price

---

21 Accuracy in weights and measures for instance in groceries etc. needs attention in Pakistan. This may not be an issue for the developed countries but it certainly has an importance for countries like Pakistan.

22 The Holy *Qur’an* 17:35.


24 The Holy *Qur’an* 83:1–3.

25 Hoarding refers to storing the food grains and other commodities for the purpose of selling them when the prices go up. The prohibition of hoarding aims at eliminating the evil of black marketing. This however does not mean that stockholding is disallowed in Islam. If stocks/inventory are essential to be kept for a business then it is permissible. Hoarding, however, occurs only when the intention is to reap high profits by raising the price artificially, by creating artificial shortage of a commodity.

hike. The Prophet PBUH ordered that the supplies be brought down to the market place so that the suppliers and the consumers might benefit from the natural level of prices. Businessmen are prohibited to interfere in the free market system through brokering that may lead to price manipulation. For instance, a farmer may sell the goods directly to the public at a comparatively lower price or else he may be approached by a townsman (middleman) asking him to leave the goods for a while until the prices go up. In which case, the townsman stores the goods and then sells them whereby the public has to pay more and the broker makes excess profit. In the first case, both the public and the farmer would have benefited but in the latter both were at a loss. Hadith has therefore forbidden brokering of this type. Allah’s Messenger PBUH said:

*The Townsman should not sell for a man from the desert; leave the people alone; Allah will give them provision from one another.*

**Prohibition of transactions involving uncertainty**

Islam prohibits transactions where: they depend on chance and speculation; the rights of the contracting parties are not clearly defined; and someone is able to amass wealth at the expense of others. No matter what the form is, the essence of disapproved business conduct comprises unjustified consumption or appropriation of other’s wealth and rights.

Uncertain and vague transactions are exclusively forbidden between the firm and its suppliers. For instance, if receipts are given to people for the produce of the market and people buy and sell the receipts among themselves before they take delivery of the goods, then this is termed as *usury* in Islam and is strongly prohibited.

*Allah’s Messenger forbade the sale of fruits till they are almost ripe. . . .] If Allah spoiled the fruits, what right would one have to take the money of one’s brother (i.e., other people).*

**Artificial price hike and price control**

Islam disapproves measures that may result in price hikes. Some of these are: taxes; offering a higher price with no intention of buying the commodity rather just to induce others to raise their offers; jumping in with a higher or lower offer while the two parties are still in the process of making a deal, or are about to conclude it. These practices have been prohibited as it may result in an unnecessary price hike. In cases, where businessmen are engaged in hoarding and other forms of price manipulation, Islam allows price control by the state, in order to meet the needs of society and to provide protection against greed. However, if a commodity is being sold without any

---

27 Role of middleman should be to provide the supplies/goods to the market without taking undue advantage of the producer as well as the consumer. Wholesaling is not prohibited *per se*. it is only when the producer/supplier indulge in unfair practices like hoarding, price manipulation, etc. that it is considered undesirable in Islam.

28 See the Hadith quoted by S.M. Yusuf, page 41; also Ibn Taymiyyah (1967).

29 Jabir ibn ‘Abd Allah, Sahih Muslim, Hadith No. 3630 in Issa (1997).


31 Anas ibn Malik, Sahih al Bukhari, Hadith No. 3.403 in Issa (1997).

hoarding, and its price rises because of natural shortages or an increase in demand, then this circumstance is due to Allah. Businessmen cannot then be compelled to sell at a fixed lower price.\(^33\)

### Adulterated or spoiled product

Islam prohibits any kind of fraudulent transaction whether during a purchase or a sale. The following Hadith exemplifies how the Islamic moral code views deceptive business practices:

*The Messenger of Allah PBUH happened to pass by a heap of eatables (corn). He thrust his hand in that (heap) and his fingers were moistened. He said to the owner of the heap of eatable (corn), ‘what is this?’ ‘Messenger of Allah, these have been drenched by rainfall’. He (the Prophet) remarked ‘why did you not place this (the drenched part of the heap) over other eatables so that the people could see it? He who deceives is not of me (is not my follower).\(^34\)*

A similar situation took place when 'Umar Ibn al Khattab punished a man who was selling milk diluted with water. Omar spilt the man’s milk not because it was unfit for drinking, but rather because the buyer would not know the relative quantities of milk and water. Hence Islam stresses Muslim businessmen to be forthright, and reveal any defect prior to a sale. Should either party then decide that they do not wish to participate in the contract they may do so. It is not permissible for a Muslim businessmen not to reveal the defects of an item while selling it.

### Swearing to support a sale

When engaged in deceiving a buyer, the sin resulting from this deception is increased if the businessman validates his sales through false oath.

*The swearing by the seller may persuade the buyer to purchase the goods but that will be deprived of Allah’s blessings.\(^35\)*

### Sale/purchase of stolen property

The Muslim businessman must not knowingly purchase stolen property either for himself or for future resale. By doing so, he endorses the crime of the robber and shares the sin of stealing. Further, the passage of time does not make a *haram* piece of property *halal*.\(^36\) The original owner of the stolen goods retains his right on it.

### Prohibition of interest or riba

Islam encourages businessmen to augment their capital through trade, it explicitly prohibits them from capital expansion through lending on interest. The rate of interest

\(^{33}\) Al Qaradawi, P. 256 in Issa (1997).

\(^{34}\) Abu Hurayrah, Sahih Muslim, *Hadith* No 0183 in Issa (1997).


\(^{36}\) In Islam, *haram* refers to things or acts which have been forbidden by Allah. *Halal* on the other hand refers to things and acts that are allowed by Allah.
charged (whether low or high) is inconsequential; *riba* (interest) is absolutely prohibited.\(^{37}\)

There is no opportunity cost of lending money in Islam. The lender is making money without any fear of loss.\(^{38}\)

Islam encourages the circulation of wealth. Interest on money lending has been severely condemned as an instrument of exploiting the needy. On the other hand the interest-free lending has been termed as the ‘best debt’ of which the reward is Allah’s responsibility. Extension of the grace period for repayment of debt in deserving cases has been named as one of the greatest virtues rewarded by Allah. Whereas, the person who has sought extension tries to return the loan at the earliest, in case of death the sin remains on the soul.

**Essential commodities**

An entrepreneur dealing with essential commodities has a particular obligation towards the public. For instance, the public has a need for farming produce, clothes, dwellings to inhabit and since these are essential commodities, the businessmen needs to price them fairly. Islam is against the idea of price control, however, the ruler/government may coerce if businessmen refuse to maintain fair prices. Government may also punish for non-compliance of such orders.\(^{39}\)

**Implementation of Qur’anic principles**

The *Qur’ân* spells out principles, both of a general and a specific nature, in respect of the implementation of business ethics.

A Muslim trader, while engaged in business is dealing at the same time with two parties: his fellow humans who are buying or selling, and the Creator Allah who enters as the principal in every business transaction by providing a relevant directive to maintain justice and equity in the said transaction. Muslims are required to behave Islamically in their business dealings because Allah Himself is witness to their transactions:

> In whatever business you may be—and whatever deed you (mankind) may be doing—
> We are Witness thereof when you are deeply engrossed therein [...]\(^{40}\)

The Muslim businessman is presumed to be conscious of the fact that his investments and endeavours are meant to yield benefits both in terms of short term profits (in this world) and long term rewards (in the Hereafter). His conscience should be enough to enable him to adhere to the moral principles.

\(^{37}\) See ‘Dr. Aslam Khaki and others…Appellant versus Syed Muhammad Hashim and others…Respondents’, the case decided on December 23, 1999 by the Supreme Court of Pakistan in ‘All Pakistan Legal Decisions, Vol. LII’, the evils – social, economic, spiritual-related to interest or *riba* are discussed in detail, page 504–536.

\(^{38}\) The Islamic system works on the basis of trust amongst individuals. The Holy Prophet PBUH used to keep belongings of other people in His custody and returned them whenever asked to do so without taking anything as reward. A person is not obligated to lend money; and if he does he should bear in mind that he may not get it back. The story ‘Merchant of Venice’ is perhaps the classical example that can be quoted here. A number of evils are attached with interest and therefore it has been strictly prohibited in Islam. Moreover, Islam has directed its followers to live within their means.

\(^{39}\) Ibn Taymiyah.

\(^{40}\) The Holy *Qur’ân* 10:61.
V. Penalties under the Islamic System

There are two types of punishments for doing unfair and unjust deeds: firstly, the punishments by Allah and secondly the ones decided by the state (certainly based on the guidelines provided by Allah). According to Islamic teachings, the person indulging in malpractice will be punished not only in this world but also in the Hereafter. On the Day of Judgement the written record of all human beings will be presented as evidence for or against the person concerned. Qur’ân says that even the limbs and organs of human beings will speak out on that Day in order to confirm and corroborate the written evidence. All these details of the prosecution procedure are given with a definite purpose. To make human beings realise four things in respect of their deeds and doings in this world: (i) that there is no escape from confronting a final trial; (ii) that this final trial is going to be fair and just; (iii) that the Judgement will be based on irrefutable evidence; and (iv) rewards or punishments will be given for good or evil actions respectively. In Qur’ân there are no less than thirty-four verses which speak unequivocally of severe punishment for evil conduct. And at least thirty verses in which rewards are promised for virtuous conduct.

Allah has commanded the maintenance of adl (justice) under all circumstances and in all aspects of life. The Prophet PBUH has sternly warned against indulgence in injustice. The Qur’ân commands Muslims to be just and truthful while bearing witness, while deciding a disputed matter, not only among themselves but also dealing with their enemies. For business conduct, Islam’s rule is ‘do not exploit others and do not let others exploit you’.44

Secondly, the penalties to be administered by the state are of two types: the ones that are predetermined by Allah and are spelled out by the Holy Prophet in a definite form. These are called Hudud. The other type of penalties are those that are determined by the Qazi, based on his discretion, Ijtihad and the legislature. These are mostly imposed on the basis of the magnitude of loss incurred to the affectee. The defaulter has to pay the affectee the compensation according to the precedence laid down in the case. In situations where the defaulter does not obey the order of the Qazi, the same is enforced with the help of a magistrate and other related agencies. In matters where there is no precedence, Islam directs Muslims to decide on the basis of mutual consensus of religious scholars keeping in view Islamic principles and the rule of reason.

For instance, in Islamic law it is abominable to monopolise the necessities of life or to

44 For details see, Siddiqi Shujaat Ali, The Islamic Economic System and Al-Zakah, in al-Mu’dilat, 144.
45 In case of Hudud (seven specific crimes e.g., intoxication, theft, and rape), the punishments have been set by Allah and these cannot be changed. These punishments have a general impression of being ‘harsh’. It is important to consider that punishments are subject to a very careful procedure and strict conditions for testimony, evidence etc. In case of illicit sexual intercourse, for instance, the punishment of ‘stoning’ is severe because only Allah can determine the real loss to the affectee, to the families involved and to the whole society. However, according to the Holy Qur’ân (4: 174–175) the same was the punishment in Torah sent to Moses (Istasna, Chapter 2, verse 23–24). In general, the philosophy of punishments or fines in Islam is based on the loss incurred to the parties involved (an ear for an ear and eye for the eye etc.) as well as to throw away the root cause of the crime/sin. According to the Holy Qur’ân (5:44–47), the same was revealed in Torah. This information is taken from Abul alâ Maududi (1991), Tafhhem al Qur’ân, Vol. I Idara Tarjuman al Qur’ân, page 472, 473–475.
forestall the market. Such an act is abominable where its effects are extended to the people (i.e., public interest); as is the case when the monopoly is made in a small city. Regard is paid to the actual detriment in determining the monopoly; if the period of detention is short, it is not a monopoly. If on the other hand the period is long, it becomes an abominable monopoly, as it then induces detriment. If a person is guilty of a monopoly the Qazi must direct him to sell whatever he may have laid up more, than is amply sufficient for the subsistence of himself and family and must prohibit him from the like practice in future. If after this, he again monopolises, the Qazi may then chastise him at his own discretion.

Refund/compensation

If the goods purchased prove unfit for use, the buyer is entitled to a full refund of the purchase price even in case of perishables,

*If a person purchases eggs, musk melons, cucumbers, walnuts, or the like, and after opening them discover them to be of bad quality; in that case, if they be altogether unfit for use, the purchaser is entitled to complete restitution of the price from the seller, as the sale is invalid, because of the subject of it not being in reality property.*

Another instance quoted in the Hanafis’ interpretation of Islamic law reinforces the emphasis on fairness: ‘If the vendor sells property as possessing a certain desirable quality and such property proves to be devoid of such quality, the purchaser has the option of either canceling the sale, or of accepting the thing sold for the whole of the fixed price. This is called option for misdescription.’

Punishment and repentance for unethical behaviour

If a businessmen gets involved in unethical business conduct, its reasons should be investigated first, prior to inflicting any penalty. The reason may be extenuating circumstances, whereby punishment may not be advisable. The Prophet PBUH emphasised the importance of delaying and interceding before inflicting punishment

*If you make intercession, you will be rewarded.*

However, after determination of responsibility for unethical behaviour, a punishment can be imposed. However, the punishment should be meant for the purpose of reforming the person and to safeguard the society at large from the impact of his mischief. If a Muslim who has

46 Although Islamic teachings relating to consumer protection are elaborate, Islamic consumer protection legislation being implemented in any Islamic country could not be found (there may be one but we could not get access to it). The compilation of penalties/punishments relating to various aspects of consumer protection requires sound knowledge of Islamic law and hence we shall not elaborate on them at this place. However, the interested reader may see Islamic jurisprudence books ‘Fatawah A’lamgiri’ Vol. IV, by Syed Amir Ali, published by Qanooni Kutub Khana, Lahore, page 195–230; or ‘Kitab al Fiqh’ by Abdur Rehman Jazeeri, translated by Manzoor Ahsan Abbasi (1983), published by Ulema Academy, Lahore. The book contains a chapter on sales/purchase and compensations page 290.


48 Al Hidayah (Hanafi manual), vol. II, 4440.

49 Different religious scholars have given their interpretations on Islamic matters, one of them was Hadrat Imam Abu Hanifah and his interpretations are known as Hanafis.

50 *Al Majallah* (The Ottoman Courts Manual [Hanafi]), Section II. Option for Misdescription. 310.

51 Mu’awiyah, Abu Dawud, 5113 in Issa (1997).
been punished, repents and amends his behaviour, he should not be harassed for his past deeds.\(^{52}\) Qur'\(\text{\'an}\) says:

\[
\text{But if a thief repents after his crime, and amends his conduct, Allah turns to him in forgiveness: for Allah is Oft-Forgiving, Most Merciful.}\(^{53}\)
\]

We now examine, the State, the institution of Hisbah and the non-governmental organisations as the vehicle of the implementation process.

### VI. The Role of Islamic State and NGOs

Qur'\(\text{\'an}\) envisages the Muslim community as a fully fledged Islamic State equipped with the system of Qada or justice and Hisbah. Business transactions are not left to the sweet will of the individual after providing them with ethical codes. These ethical codes are reinforced by legal enactments based on the authority of the Qur'\(\text{\'an}\), the Sunnah and the verdicts of the Jurists derived therefrom. Islam is not possible without the Shariah (Islamic law), without a state and courts of law to administer it.\(^{54}\) The existence of a central authority and leadership is so essential that the Holy Prophet PBUH had ordered the appointment of a leader even for the small number of three persons. The importance of a ruler for the whole community cannot be over-emphasised.

The jurists of Islam have emphasised that it is the duty of the Islamic state to protect four fundamental rights in respect of every individual: life, religion, acquisition/ownership of wealth and property, and personal human honour or dignity. An Islamic State is duty-bound to establish an elaborate and effective system of hisbah.

**Hisbah**

Hisbah is defined as a system that ‘ensures the righteousness of the individuals in their conduct’. In other words, it is an institution of checks and balances. Al-Mawardi has explained hisbah as a system of ‘enjoining what is just and right if it is found to be neglected or disregarded; and to forbid what is unjust and indecent if it is found to be practiced’. Abu Yusuf describes the functions of hisbah in regard to commerce and industry as follows: ‘on the spot checking of weights and measures, quality of the commodities offered for sale, honesty in dealings and the observance of modesty and courtesy in salesmanship and in the general behaviour of the people.’ Dr. Husaini remarks ‘from the very beginning of the Muslim State, great care was taken to see that merchants and dealers used proper weights and measures. The issue is so important that even the Islamic rulers themselves ensured the observance of proper weights and measures. For instance, of all the Pious Khalifahs,\(^{55}\) Ali was most particular about it. He used to go around in the market of Al-kufah, whip in hand, to see that proper weights and measures were used and no one cheated any one else.’ This duty is to be carried out both by the State officials known as ‘Al-Muhtasib’ and by other competent persons from the general public. Appointment of Muhtasib in every city is

---

\(^{52}\) Hadith says ‘Abusing a Muslim is fus\(\text{\'u}\)q (an evil deed)’ narrated by Abd Allah ibn Masud, Sahih al Bukhari, 1.46.

\(^{53}\) The Holy Qur'\(\text{\'an}\) 5:39.

\(^{54}\) Islam needs an Islamic State to fully implement its political, social, economic, etc. systems, see Moududi (1980 p. 375).

\(^{55}\) First four Muslim rulers after the Prophet PBUH.
regarded as an imperative. A *Muhtasib* is supposed to ‘check the scales and prices and to see that the business is carried on in an orderly and upright manner’. In this regard he will act both as a reactor as well as proactor. The duties of the *Muhtasib* include: to command the fulfillment of the trust; to prohibit all evils and misdemeanor particularly lying and dishonesty. His job is to make sure that there is no dishonesty with regard to weights and measures, manufactured goods, credit transactions and trade in general. These are to be carried out by:

- keeping a check on the practice of hoarding especially of such commodities that people are usually in need of.
- preventing the instances of fraud in all transactions by laying down specific and detailed rules based on the Islamic teachings.
- keeping an eye on the conduct of those merchants who deal with female customers especially with reference to decency in manners. Otherwise he may warn them or stop them from dealing with women.

However, a *Muhtasib* is not authorised to force the merchants without any justification to sell their merchandise for a price to which they do not agree, or to stop them from doing what Allah has made permissible. Determination of prices is left to the market forces.

*Qazi* and *Muhtasib* are two important institutions to bring justice to the citizens. However, the jurisdictions of both are different. *Muhtasib* can take up three types of cases: use of improper weights and measures; fraud in sale/purchase; and delay in the return of loan/amount due despite having ability to pay back. However, *muhtasib* takes immediate action where evidence is available whereas in cases where investigation has to be carried out, he can not interfere and the case goes to the *Qazi*. *Muhtasib* will look into the matters where the person/party involved is accepting the mistake/accusation. If the party is rejecting then *Qazi* will take action. *Muhtasib* can take suo moto action while *Qazi* can only take action if a case is filed.56

The State is also responsible for breaking monopolies, hoarding, cornered-markets and all other malpractices in the conduct of business. In the hour of need, the State itself must take the initiative and arrange for the supply of abundant and cheap goods in the market. An Islamic State is to dispense justice free of cost i.e., no stamp-duty or court-fee is to be taken from those who seek justice.

If the public is in need of a commodity and some members among the public are in possession of surplus stock, the government can force these individuals to sell their stock for an equivalent price. In no case will they be permitted to exploit the situation by charging inflated prices since their entitlement is only to an equivalent price.

**Limits of state interference**

There are limits on the state interference in the economic life of citizens. Islam advocates freedom and discourages unnecessary restriction, particularly in matters of trade and commerce.57 Instances having a bearing on consumers are:

---

56 Mehmood Ahmad Ghazi (1983) in ‘*Adab al Qazi*’, Islamic Research Institute, Islamabad, page 754–778 discusses in detail the responsibilities and characteristics of the *Muhtasib*.

© Blackwell Publishers Ltd/University of Adelaide and Flinders University of South Australia 2000.
• It is immoral on the part of the Islamic State to use its power and privilege to make monopolistic gains or to tax the common people indirectly for replenishing the exchequer thereby;

• There is no room in Islam for custom barriers, restrictive tariffs or exchange controls;

• It is illegitimate and unlawful for the State to tax directly or indirectly the general body of consumers and to give ‘protection’ to the interests of a class of producers in the name of industrialization. The system should be as free as possible;\(^{58}\)

• There must not be any ‘income’ tax as such. The State should levy, if need be, a proportional tax on the pattern of Zakat\(^{59}\) on the accumulated wealth of the capable tax payers.

• The State should not resort to indirect taxation. If the State has to tax, then it should do so directly so that the taxes represent a conscious contribution of the people to the cause of public interest.

The role of NGOs

Let there arise out of you a band of people inviting to what is good, enjoining what is right, and forbidding what is wrong: they are the ones to attain felicity.\(^ {60}\)

Islam provides an institutional framework so that the individuals and society do not deviate from the principles of Shari’ah. In this regard voluntary institutions, are allowed by Islam. Such institutions are developed through education and training of the masses. Shari’ah basically provides complete freedom and autonomy to the individuals to take their own decisions and be responsible to Allah on the Day of Judgement. Massive education in Shari’ah will not only induce the individual to exercise self restraint not to deviate from the Islamic principles, but will also develop voluntary social institutions to monitor (and control, where necessary), individual behaviour. Besides this, Shari’ah promotes social institutions to fulfill social obligations. Non-market institutions, have an important role to play along with market institutions in an Islamic economy. The Qur’àn has proclaimed that:

Verily never will God change the condition of a people until they change it themselves (with their own souls).\(^ {61}\)

Thus in brief the Qur’anic principles in respect of the implementation of the Islamic business ethics may be summarised as follows:

• The moral laws of the Qur’àn, including its business ethics, are not left entirely to an individual’s personal choice and discretion.

\(^{58}\) See, S.M. Yusuf (1988) and Mushtaq Ahmad (1995) wherein it is discussed that fixation of prices by the government and taxing general consumers directly or indirectly is prohibited in Islam. Page 122–123.

\(^{59}\) Zakat is an obligation attached to the wealth in the possession of a Muslim. It is the amount which is to be paid by the individuals to the poor and the needy. The rate of Zakat for different kinds of wealth was determined by the Holy Prophet PBUH. It can be summarised as follows: (i) two and a half per cent on all the accumulated wealth and business capital; (ii) five or ten per cent (depending on the quality of land in question) on all the agricultural produce; (iii) twenty per cent on all mines and treasures found underneath the earth; and (iv) an specified percentage (the rate differs according to the kinds of animals) of livestock. This way Zakat discourages the hoarding and concentration of wealth as much as it encourages investment and promotes distribution.

\(^{60}\) The Holy Qur’àn 3:104.

\(^{61}\) The Holy Qur’àn 13:11.
There is an elaborate system of checks and balances, as well as of law enforcement, provided by the Qur’an and Sunnah.

The Islamic State, the institution of hisbah and the Muslim community as a whole are the three comprehensive and effective agents working in collaboration for the purpose of an effective proper implementation of the Qur’anic principles in business life.

VII. Present State of Consumer Protection in Pakistan

The area of consumer protection has unfortunately remained neglected in Pakistan. It was on October 18, 1995 that the Federal Government enacted the first legislation on consumer protection for the Federal capital i.e., the Islamabad Consumer Protection Act. This law incorporates definitions of unfair trade practices as well as provides for a mechanism to handle consumer complaints. Consumer protection being a provincial subject, the provinces are also in the process of formulating similar legislations. The Islamabad Consumer Protection Act was used as a model law for this purpose. So far only the North West Frontier Province has enacted legislation, though it still awaits implementation.

It may be noted that apart from consumer protection legislation, there are other laws in the country which directly or indirectly affect the consumer welfare. But these too, suffer on account of various shortcomings such as weak infrastructure, lack of technical know-how, financial constraints, etc. For instance, the Pakistan Standards Institute (PSI), the only Government body responsible for standardisation of products, has so far standardised only forty-one items. Also there is no consumer representation in the technical board of PSI.

In certain cases facilities are available but are not utilized optimally. Regarding standardisation, the role of laboratories/organisations for carrying out analysis or test of different goods cannot be overlooked. Pakistan Council of Scientific and Industrial Research (PCSIR) Act of 1973 (as amended 1984) provides for one such organisation. PCSIR carries out R&D activities on various subjects e.g., ores, minerals, food items, fruits, energy, environment, fats, narcotics, etc. PCSIR also provides testing facilities for individuals. However, due to the expense involved with tests few persons avail themselves of these facilities.

Salient features of the Islamabad Consumer Protection Act

The unfair trade practices, under the Act cover situations where either insufficient, misleading or false information has been provided to the consumer e.g.: any false information/advertisement regarding; quality, warranty or guarantee of performance, facilities available in the private educational institutions, professional services, etc. Furthermore situations restrictive of competitive behaviour such as hoarding and black marketing, safety concerns


63 See Consumer Rights Commission of Pakistan (2000), Consumer Laws in Pakistan: a Ready Reference for Consumers and Practicing Lawyers, Vol. I. However, these laws are for regulating the unfair conduct and market activities rather than providing redressal to the consumers.

64 Report of the seminar titled “Quality Standards and Consumer Concerns”, organised by CRCP, October 14, 1999, Islamabad.

65 Information obtained from Pakistan Council for Scientific and Industrial Research, Islamabad (Khan, 1999).

66 See (5).
and trade practices causing loss/injury through adulteration, selling of expired drugs, are also defined as unfair.

The mechanism for handling consumer complaints works as follows: The law provides for a Consumer Protection Council in Islamabad which will consist of social workers, legislators and government officials. The purpose of this Council shall be to inform the consumers about their rights; determine, promote, protect and formulate policies in this respect. The Council shall coordinate between the Government, manufacturers, producers, suppliers and consumers.

To adjudicate disputes the law provides for an Authority which according to the Act shall be the Court of Sessions. The Council or the consumer can file a complaint to the Authority against any unfair trade practice. The Authority may punish the person responsible with imprisonment which may extend to two years or with fine which may extend to forty thousand rupees (about US$800), or with both. The Authority may order for payment of compensation to the extent the consumer has suffered any damage or loss. The Authority can also order for confiscation of the goods or direct their destruction.\textsuperscript{67}

Although it has been over four years since the law was enacted, the very first step has not yet been taken i.e. the formation of the Council. Also no Governmental institution has been designated thus far to supervise the process. The law has not been adequately advertised and people are not even aware of the existence of the law. No case has been registered thus far.

Non-governmental organisations and consumer protection

Apart from some Governmental efforts, a few consumer groups are also active. These include The Network, Consumer Rights Commission of Pakistan (CRCP), Consumer Watch, Sarif Mahaz, Punjab Lok Sujag and Help Line Trust.

The Network is a group of concerned professionals and citizens working to promote rational use of drugs and the concept of essential drugs. They strive to achieve this objective through campaigning, lobbying and by raising awareness of both prescribers and consumers. One of their major activities is the publication of ‘The Network’s Drug Bulletin’ which at present is distributed free of cost.

CRCP is largely involved in consumer education, lobbying, public utilities and regulatory bodies. Recently, it has been active with the Punjab Government regarding the draft consumer protection bill. Help Line Trust also takes up consumer related issues.

Most of these groups work in big cities only and their impact cannot be seen in the masses. They have a relatively low profile and their activities have not generated the momentum needed to start a broad based consumer movement. Some other reasons which have hindered consumer protection efforts include:

- overall low literacy rate due to which consumers are not aware of their rights;
- standardisation of products and services require an additional financial allocation by the

\textsuperscript{67} Some important issues which need attention, once the law is operational are: firstly, suitable laboratories for testing the quality of the products, secondly, registration of consumer protection associations, thirdly, time-frame to be specified within which a complaint can be filed so that consumers do not misuse the law, fourthly, frivolous complaints should be disposed of at the earliest possible stage to minimise costs, fifthly, instead of confining the law to prosecution only, there should be provision for replacement or removal of defect in a product, last but not least, the law should also cover the issues of environment protection. Moreover, the UN Guidelines for Consumer Protection, 1985, can also be used as a checklist against which the effectiveness of policies can be measured (Khan, 1999).
producers. Presently, the financial base is weak and also the businessmen are not aware of the advantages associated with standardisation;

- distribution channels are weak and inefficient which makes it difficult to identify who is ultimately responsible for the complaint launched by the consumer/seller; and
- consumer protection has never been a priority issue for the politicians and those responsible for making and implementing legislations. Reason primarily is the instability of political and democratic institutions whereby public opinion is not adequately considered.

VIII. Islamic Institutions in Pakistan

According to Article 2 of the Constitution of Pakistan, Islam shall be the State religion. Fundamental rights of the citizens have been guaranteed in the Islamic sense i.e., their life shall be regulated, privately and collectively, in accordance with the principles of Islam. Part IX of the Constitution of Pakistan deals with the Islamic provisions. Article 227 provides that all existing laws shall be brought in conformity with the injunctions of Islam, and no law shall be enacted by the Legislature which is repugnant to such conjunctions. Care has, however, been taken regarding non-Muslims and different Islamic sects.

Pakistan at present is not entirely following the Islamic Economic system. However, the Shariat Court of Pakistan has directed to bring all laws in conformity with Islam. Certain Islamic institutions are set up by the Government, with some modifications and amendments in the procedures, these can be used for the purpose of consumer protection and enforcement of business ethics code. A brief overview of the institutions is provided in this section.

Council of Islamic Ideology: The Council has been set up for the purpose of bringing the existing laws into conformity with the injunctions of Islam. The Council has codified some laws that mainly relate to intoxication, theft, and rape (Hudud Laws). The enforcement of these laws was followed by the establishment of Shariat Courts.

Federal Shariat Court (FSC): The Federal Shariat Court was constituted as an independent court in 1980. Shariat Courts are empowered to dispose of appeals filed in them arising from judgments and orders of the Sessions Judges. And to decide upon petitions made before them for determining whether and in what respect, any existing law was repugnant to the Holy Qur’an and the Sunnah. In order to provide low-cost justice the FSC has its own arrangements for preparation of records for the hearing and disposal of appeals as well as providing a Counsel at the Government expense for those who cannot afford one. It has Branch Registries at all provincial capitals to ensure speedy redressal.

Initially the FSC could take up the examination of an existing law, to determine whether it was repugnant to Islamic injunctions, only on the application or petition of a citizen of Pakistan. In order to accelerate the process of Islamization, suo moto jurisdiction was conferred, in March 1982, on the FSC to examine any law, or provision of law as to its conformity with Islam. FSC maintains a panel of Juris-Consults, composed of Ulema (experts) of different schools of thought, having extensive knowledge of Shariah.

Qazi Courts: These courts have jurisdiction over an area comprising one or two police stations. The purpose is to provide speedy and inexpensive justice at the door step. Similarly at Tehsil headquarters, Izafi Zila Qazis, equivalent to additional District and Session Judges,

68 This section is based on information taken from ‘Pakistan 1995: An Official Handbook’, (Government of Pakistan, 1995).
and at District level Zila Qazis, equivalent to District and Session Judges have been set up. However, these courts could be established only for Federally and Provincially Administered Tribal Areas and not for the whole country.

International Islamic University: The International Islamic University at Islamabad has made arrangements for imparting training in the enforcement and administration of *Hudood* and other Islamic laws to the Session Judges and Additional Session Judges and the Prosecuting Officers.

*Muhtasib* (Ombudsman): *Muhtasib* is an ancient Islamic concept and the Prophet PBUH introduced the system of *Hisab* or accountability. It has roots in the early days of Islam when the Muslim states established a separate office to supervise markets, to provide municipal services and settling petty disputes. Government of Pakistan established the office of *Wafaqi* (Federal) *Muhtasib* in 1983, to deal with public complaints against the Federal Government departments. The purpose of this institution is to diagnose, investigate, redress and rectify any injustice done to a person through mal-administration on the part of a Federal Government official. Thus its role has remained limited, it does not cover the provincial or local government departments and also does not protect the citizens from malpractices of business firms.

IX. Recommendations

Islam provides a comprehensive code of conduct for businessmen which in turn protects the rights of consumers. Pakistan has some Islamic institutions, as discussed earlier, which can be used effectively to enforce Islamic teachings on consumer protection. For instance, the Council for Islamic Ideology can forward its inputs regarding framing of a suitable legislation for the consumers of Pakistan. Legislation, once adopted can be administered by the mutual coordination among Ministry of Commerce and the Ministry of Religious Affairs. Federal *Shariat Court/Qazi* Courts can be used for adjudication purposes. The network of Islamic institutions as well as NGOs can play the role of educating people regarding their responsibilities towards Allah and each other as well.

The added benefit to follow Islamic rules would be their consistency with the social norms of Pakistani society and it would be acceptable to the masses with least resistance from the businessmen. Based on the above, the following tasks may be pursued for an effective Islamic consumer protection law in Pakistan:

- Public educational campaigns by the religious scholars, consumer associations and NGOs can prove helpful in awareness creation.
- There is a need to lay down quality standards to provide minimum specifications for goods and services to be sold. The role of Pakistan Standards Institute should be strengthened. This is all the more important since it has been repeatedly advised in the Holy *Qur‘ān* to use proper weights and measures.
- For any consumer protection law to be effective, it is essential to secure speedy and accessible redress channels for all. This should be provided through courts such as small claim courts, session/Federal *Shariat/Qazi* courts and other self regulatory mechanisms e.g., guarantees and arbitration schemes.

The institution of Muhtasib should be strengthened as per Islamic lines;
Research should be conducted on other countries’ consumer protection legislations especially those followed by other Islamic countries and the ways to effectively accommodate them in Pakistan. Academicians, Ulemas (religious scholars) and consumer representatives should be involved in the research. The results of research, identification of core issues on specific sectors/trading practices, with recommendations should be directed to government, industry and the general public.

- The government should take steps to implement the system of hisbah i.e., on the spot checking. This can be done by appointing inspectors/Muhtasib in different localities to keep a constant check on prices, quality and other consumer complaints. This system will not only provide speedy redressal but will also prove to be least expensive since it will not involve litigation expenses and the matter could be solved there and then.

To conclude, consumer protection in an Islamic sense requires an effort both by the Government as well as the individual. Government should work towards strengthening the consumer – related institutions. Individuals, on the other hand should follow the guidelines provided by the Quran and Sunnah.

*O Mankind! Now hath a proof from your Lord come unto you, and We have sent down unto you a clear light; as for those who believe in Allah, and hold fast unto Him, them He will cause to enter into His mercy and grace, and will guide them unto Him by a straight road.*

---

**References**

Ahmad Mushtaq, 1995, ‘*Business Ethics in Islam*’, International Institute of Islamic Thought and International Institute of Islamic Economics.

Ausaf, Ahmad and Kazim Raza Awan, ‘*Lectures on Islamic Economics*’, Islamic Development Bank, Jeddah.


Khan, Kishwar, 1999, ‘Monopoly Control Authority and Consumer Protection: Constraints and

---


