

FATWA

Responsibility of stolen camera.

Q. An item (camera for taking pictures of loaded Export Containers) is stolen from an office during regular work time.

- The camera is the responsibility of the Shift Leader of each shift.
- The camera was placed on the desk of the office visible to all (this was the practice for the past two years). Within a period of 1/2 hr when the office staff was all away from the office, the camera was stolen.
- Search was made by security on personnel, but the camera was not found.
- Had the camera been secured in a better manner by the shift leader, it would have prevented the camera from being stolen.

Who is responsible for the replacement of the camera to the Company according to Islamic Judgment?

- a) Is it the shift leader alone?
- b) Is it the workers (office staff and labourers) together with the shift leader in the department during the shift?
- c) Can the company impose a mandatory payment from all the workers on that shift towards payment for a new replacement camera to the cost of 50% of the new one?
- d) Does it make a difference in replacement cost if the camera is “used” and soon to be replaced by the company with a new one since it was malfunctioning at times.

A. Since the camera has been entrusted into the care/supervision of the shift leader, then he is deemed to be totally responsible alone for securing it properly. Now, seeing that it has been stolen, after it has been placed in the way described, it shows that the shift leader was negligent in securing the camera properly and hence shall be responsible alone for replacing it. The company therefore, cannot impose any payment on workers of the relevant shift towards paying for the camera. If the shift leader decides to replace the camera by bringing another one, then he is required to submit one which is similar to the one which was lost. If he decides to pay in cash, then he must pay a price which is equivalent to the value of the ‘said camera’ at that time.

And Allah knows best.

Mufti Waseem Khan