

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ





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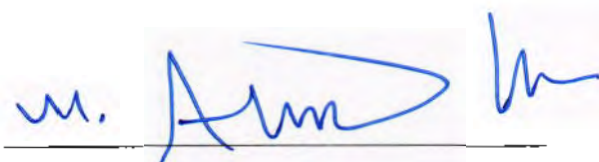
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## APPROVAL SHEET:

This is to certify that we evaluated the thesis titled "The Role of Halal Certification in International Trade: The Case of Pakistan" submitted by Mr. Shah Jahan under University Reg. No. 101-FSL/LLMITL/F15, in partial fulfillment of the requirements for the award of the degree of LL.M (International Trade Law). This thesis fulfills the requirement in its core and quality for the award of the aforementioned degree.

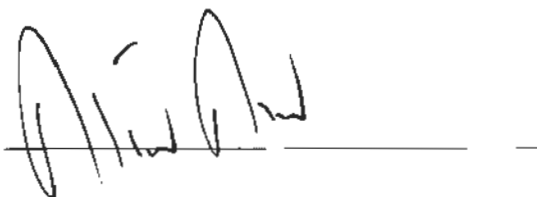
**Dr. Muhammad Akbar Khan**

Supervisor:  
Assistant Professor,  
Department of Law, I.I.U.I



**Dr. Sayed Afzal Ahmad**

Internal Examiner:  
Associate Professor,  
Department of Law, FSL, I.I.U.I



**Dr. Muhammad Motiaur Rahman**

External Examiner  
Senior Advisor,  
Federal Shariat Court,  
Islamabad



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## **DECLARATION**

I hereby declare that, to the best of my knowledge, that this thesis is authentic except where due acknowledgement is made in the text. It is submitted in the partial fulfillment of the requirement for the award of degree of I.L.M (International Trade Law). This thesis has not been submitted for the degree or any examination at any other institution.

SHAH JAHAN

Islamabad

Date: 5/15/2017



## CHAPTER 1

# INTRODUCTION, SCOPE AND LIMITATION OF THE STUDY

### 1. INTRODUCTION:

Everything on which's usage there is no penalty is called Halal<sup>1</sup>. In terms of food, "it means food which is permitted according to Islamic Law. All such foods are considered to be Halal, except for foods clearly identified in the Qur'an or Hadith as haram meaning "forbidden" for consumption by Muslims".<sup>2</sup> Basically, idea of 'Halal and Haram' can be derived from father of the whole humanity 'Adam (PBUH)'<sup>3</sup> when there was prohibition of Allah Almighty from eating of specific fruit but both deceived by Satan, so this was the basic reason to expel both of them from the heaven as penalty. The difference between 'Halal and Haram' were implemented as the rule of Islamic law on the basis of state affairs clearly in the period of Ottoman Empire in the history of Muslim ruling periods.

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<sup>1</sup> Muhammad al-Sayed al-Shareef Al-jurjani, al-Tarifaat, ( N.D) Dar al-Fadhila, Cairo, 82.

<sup>2</sup> Yousif Alharbi, Halal Food Certification, Regulations, Standards, Practices, in the Netherlands, Available at <http://edepot.wur.nl/343779> cited at 5/14/2017.

<sup>3</sup> Adam (PBUH) was the first man and was the first Prophet of humanity on earth in history of humanity.

because before of his period no any legislative rule on 'Halal and Haram' articles announced.<sup>4</sup>

In the recent years, Islam is very vastly spreading in all over the world, there is a calculation about the strength of Muslims in world-wide, which is increasing day by day. "With the global Halal market estimated to be worth about US\$150 billion a year and the Halal food industry converted in 2007 to grow at a rate of 2.9% annually businesses that can produce Halal products should indeed be tapping into this growing market segment".<sup>5</sup>

In the legalization of more development of the halal products in all over the world as increasingly business especially in their ingredients of foods. so the information regarding the products should be clearly mentioned although this is very difficult to all information regarding halal food and the uncertainty will be demolished of the consumers.<sup>6</sup> And the use of stamps on Halal foods means that this food is beneficial in ingredient for usage and according to sharia rules. So, the first and initial stage of this Halal food specified as "Hisba Institution"<sup>7</sup> in the

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<sup>4</sup> Imam Ibn Kathir Ad-Dimashqi. *The Story of Adam and Eve (Hawwa)*. Available at [http://www.a2youth.com/ebooks/stories\\_of\\_the\\_prophets/the\\_story\\_of\\_adam\\_and\\_eve\\_hawwa](http://www.a2youth.com/ebooks/stories_of_the_prophets/the_story_of_adam_and_eve_hawwa) + cited at 5/14/2017.

<sup>5</sup> Ali Batu and Joe M. Regenstein, Halal food certification challenges and their implications for Muslim societies worldwide. *Turkish studies-international periodical for the languages, literature and history*, volume 9/11 fall 2014, 111-130.

<sup>6</sup> Ibid.

<sup>7</sup> The medieval Islamic State developed three institutions of judicial and quasi-judicial nature i.e. *qazā*, (judiciary), *mazālim* and *hisbah* or *ih̥tisāb*. *hisbah* or *ih̥tisāb* was by and large a practical form of the qur'ānic injunctions of *da'wah ila al-khayr* (call to the good) and *amr bi al-ma'rūf wa-nahī 'an al-munkar* (enjoining the doing of all that is *ma'rūf* and forbidding all that is *munkar*).

period of Holy Prophet (SAW) specified for procurements of Halal foods but its legislation was announced for implementation in Umar's (R.A) period of ruling.<sup>8</sup>

### **1.1.1 Halal food in Non-Muslim Countries:**

The use of Halal food is familiar now in European countries. because there are many authentic certification bodies are running from Muslim countries e.g. Muslims in UK prefers to buy meat from their local shops rather than the supermarkets. They have used the theory of planned behavior to explain Muslim consumer's behavior towards meat consumption in the light of their religious obligations.<sup>9</sup>

The concept of halal food is also exists in China, which is going to take interest in the development of expending in halal foods business and getting benefit of the protected trade. In the more recent situation, china has produced or authorized to the 600 companies for producing the halal foods. China is focusing totally on five provinces those are on the border of Chinese Northwest.<sup>10</sup>

On the other hand, the halal branding and Pioneering work extended the concept of brand to halal food, religion, beliefs, food preferences gender discrimination,

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<sup>8</sup>Ibid.

<sup>9</sup> Nur Aniza Quantaniah, Noreina and Nurul Syakinah, *Selecting halal food: a comparative study of the Muslim and non-muslim malaysian student consumer*, 2<sup>nd</sup> international conference on technology management, business and entrepreneurship mahkota hotel melaka Malaysia, 5<sup>th</sup> December 2013.

<sup>10</sup> Francois N. Dube, Zhao Hongxia, Yang Haijuan and Haung Lijun, *Halal Certification System As A Resource For Firm Internationalization: Comparison Of China And Malaysia*, IJAPS, Vol. 12, No. 1, 2016, 125–141.

education and women employment are found to have effect on food consumption patterns; those are choice of sensitive products were also in compliance with religious values, and secondly Islamic ideology mirrors the food consumption habits of Malaysian Muslims.<sup>11</sup>

There is no any Halal Certification organization in Netherland because no any official legislation has been made by Government level. The persons, those are working already on the issue of halal food so they believe that they have already regularized to the halal products legislation under Islamic law.<sup>12</sup>

Halal food regulatory authority is not working by Government agencies, But there is legally already working many production companies. Government of Netherland has permitted them for controlling to the Islamic slaughtering on the basis of the Halal Certificates. The complication of the Halal food in production is increasing because there are many different agencies regarding halal certification issuing authorities; those are including “many stakeholders of these organizations, and animal welfare authorities, consumer’s protection organizations, and food safety authorities etc.”<sup>13</sup>

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<sup>11</sup> Musaiger A.O. (1993). The state of food and nutrition in Bahrain Saudi Arabia, unique. gulf area office. 1<sup>st</sup> edition. bahrain public libray, no. l.d. 1403/93. available at [http://www.acnut.com/v/images/stories/pdf/publications/traditional\\_foods\\_in\\_the\\_age.pdf](http://www.acnut.com/v/images/stories/pdf/publications/traditional_foods_in_the_age.pdf) cited at 8/3/2017.

<sup>12</sup> Yousif Alharbi, Halal Food Certification, Regulations, Standards, Practices, in the Netherlands, MSc Thesis, Wageningen University and Research Center May, 2015.

<sup>13</sup> Ibid.

### 1.1.2 Halal food in Muslim countries:

An increasing amount of literature is being published on the Halal Food consumption in Muslim countries. Malaysia is moving towards becoming the “Halal hub” food industry and a significant portion of research on halal food consumption. Academicians in other Muslim countries have also done some meaningful researches in the same demeanor.<sup>14</sup> The concept of halal food are opening new vistas and avenues for the marketers and is emerging as a new brand Concept, using the theory of reasoned action they provided the insight into the halal products selection among Malaysian consumers.<sup>15</sup>

From the above discussion, the Halal products clearly shows that these foods or products are good and during process of services in result of production and during delivering the products are all accordance to the Islamic law, and the foods, those are prohibited so all are avoided being in practiced and forbidden by Islam. The industry regarding halal products as globally especially in all Islamic countries, are familiar as all steps of productions are verified and measured accordance to the Islamic law and ensures to the consumers that the halal

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<sup>14</sup> Ozge Ozgen and Sumeyra Duman Kurt. Purchasing behavior of Islamic brands: an experimental research, 42<sup>nd</sup> annual conference Istanbul, June 4-7, 2013, available at. [http://www.google.com/url?sa=t&ret=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwj5moWYx5rTAhWfsxQKHdhqBesQFggBMAA&url=http%3A%2F%2Fpurl.tue.nl%2F707265826220161&usg=AFQjCNFVKTXXGdOyeW4OJaVfy4bdtJUU\\_w&sig2=qqyH1X9IK\\_-RxxAi3AvXYw](http://www.google.com/url?sa=t&ret=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwj5moWYx5rTAhWfsxQKHdhqBesQFggBMAA&url=http%3A%2F%2Fpurl.tue.nl%2F707265826220161&usg=AFQjCNFVKTXXGdOyeW4OJaVfy4bdtJUU_w&sig2=qqyH1X9IK_-RxxAi3AvXYw) cited at 15/2/2017.

<sup>15</sup> Ibid.

products. those are not mix-up by the prohibited foods or the prohibited procedures included, and those are including difficult analytical techniques.<sup>16</sup>

In the worldwide and globally, Muslims are increasing at the high percentage of growths. and there can be analyze about the halal products usage and demand at this growing stage. The halal industry as globally increasing round about USD \$2.3 billion in 2012. there are many chances to grow up from this ratio of estimated idea in upcoming days. The reason of this growth is that every country of Muslim is using and producing the halal food. The consumption of halal food is the basic life's demand in the Muslim countries. Now the basic issue is to fulfill the needs of demand in the Muslim countries. so there are approximately six states. those are the part of the GCC and they have grown up there grains needs at 90% on the basis of per annual needs and regarding meats product 60% has been grown up. Saudi Arabia is the only, who is importing 5 million heads of cattle as per year.<sup>17</sup> The demand of this huge halal product is in GCC and which is the sign of importance in financial wind blowing and apparently there is also the interest of foreign entrepreneurs. In recent situation. there are multinational agro is in many countries. those are from Brazil, Australia and New Zealand and these countries have huge share on world level to exports of meat and processed halal products to countries in the Middle East. "In recent years. however. several Asian regions and countries with a significant Muslim population have sought to capture a share of this market by encouraging the development and internationalization of

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<sup>16</sup> Francois N. Dube, Zhao Hongxia, Yang Haijuan and Haung Lijun, Halal Certification System As A Resource For Firm Internationalization: Comparison Of China And Malaysia, IJAPS, Vol. 12, No. 1, 2016, 125-141.

<sup>17</sup> Ibid.

their local halal production base. This is the case, among others, for Brunei Darussalam, Indonesia, Thailand, the Philippines and, of course, Malaysia and China. In the majority of these countries, the development of the domestic halal industry is strongly supported by both central and local public authorities, with measures including various internationalization and export promotion policies in particular”.<sup>18</sup>

There are obvious and clear facts regarding growing and effecting halal industry on the worldwide international trade is going to develop more in its policies, so the halal certification is getting benefits from the aspect of publically interest of intervention, such as, although small level of evident, but potentially much more influential. “The halal certification system, indeed, the halal certification system is fundamentally inseparable from the overall halal food industry, and this paper argues that it constitutes a significant factor in determining the export performance of halal food firms. By looking at the halal certification models currently in place in Malaysia and China and by analyzing how the core characteristics of these models differ, the authors assess how exactly they affect the degree of firm internationalization inside the halal food industry”.<sup>19</sup>

### **1.1.3 Pakistani Situation**

Pakistan is the country of Muslim population but unfortunately there is very small information regarding the Halal foods, in comparatively with other Muslim countries. Pakistani situation in awareness of halal food clarifies that Pakistan is

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<sup>18</sup> Ibid.

<sup>19</sup> Francois N. Dube, Zhao Hongxia, Yang Haijuan and Haung Lijun, Halal Certification System As A Resource For Firm Internationalization: Comparison Of China And Malaysia, IJAPS, Vol. 12, No. 1, 2016, 125–141.

still now on step in footing in the legislation and implementation of laws regarding halal foods.<sup>20</sup>

Pakistan has a formal Halal certification issuing body, which is governed by the Pakistan Halal Authority Act, 2015. This law will be applicable for the whole of Pakistan and which will be preferably to the national and international level trade. The purpose regarding import and export of halal food will be secured by using halal certification in all those products; those are important place into halal food world in trade and commerce. The consequences of this research will have great impact for the whole community in trade and for the food producers within Pakistani boundaries, including those persons have step-in for the purpose of Halal foods regarding the legal nature on it. These businessmen will have get the importance and impact of halal food certification regarding their trade.

#### **1.1.4 International Researches and Institutions**

##### LPPOM-MUI INTERNATIONAL ONLINE CERTIFICATION

In Indonesia, there is an international organization online an institution certification formed by MUI.<sup>21</sup> And this is on the basis of Fatwa, which included as under:<sup>22</sup>

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<sup>20</sup> Faryal Salman And Kamran Siddiqui, an exploratory study for measuring consumers awareness and perceptions towards halal food in Pakistan, interdisciplinary journal of contemporary research in business, vol. 3, no 2 June 2011.

<sup>21</sup> halal products and halal requirements in Indonesia, available at: [http://info.taiwantrade.com/ep/resources/member/65/news/af9ff66a-d313-4cf7-9c4d-f012f4be3483\\_halalcertificationinindonesia-taiwanfininui.pdf](http://info.taiwantrade.com/ep/resources/member/65/news/af9ff66a-d313-4cf7-9c4d-f012f4be3483_halalcertificationinindonesia-taiwanfininui.pdf) accessed at: 17 October, 2016.



1. It covers : materials, products and process facilities;
2. Halal: Lawful or allowed according to Islamic Law;
3. Haram: Unlawful or forbidden to be consumed according to Islamic law;
4. Fatwa: Islamic legal opinion;
5. Najis: impure, dirty/not clean;

There is a theory used of Planned Behavior, which is an extension of TRA, to examine halal food purchasing behavior in Malaysia.<sup>23</sup> In the same context, there has been investigated the role of Muslim attitude towards Halal products, their subjective norms and religiosity in predicting intention.<sup>24</sup>

## 1.2 Literature Review

In Pakistani context, unfortunately, very little research directly deals with the topic in hand. Jurists, especially Muslim jurists have clearly, in the light of primary and secondary sources of Islam across the globe, have interpreted the fact of Halal Certification.<sup>25</sup> However, this is depth of solid work on the topic.

There are some researches that highlight that every person must be ensured by the certified halal food being clean, its safety, and really in halal food. so in this

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<sup>22</sup> Ibid.

<sup>23</sup> Alam, S. S., & Sayuti, N. M. (2011). Applying the Theory of Planned Behavior (TPB) in halal food purchasing. *International Journal of Commerce and Management*, 21(1), 8-12.

<sup>24</sup> Arshia Mukhtar, Muhammad Mohsin Butt, (2012) "Intention to choose Halal products: the role of religiosity", *Journal of Islamic Marketing*, Vol. 3 Issue: 2, 108-120.

<sup>25</sup> Salamun Alaikum, Islamic secondary sources, available at <http://quransmessage.com/articles/hadith%20FM2.htm> cited at 4/8/2017.

context. different studies have brought many ideas for its purification according to Islam specifically for countries, and still now there are many studies are exploring from better to the best.<sup>26</sup>

This stage is an increasing amount of literature in consumption of Halal foods and its secure ways in Muslim countries especially in Malaysia. because this country is called today's hub of halal foods and regarding its legislations. In other Muslim countries, many academicians of Muslim countries have also done some meaningful researches regarding the halal foods, for example the idea about halal foods is progressing of new vistas and platforms regarding its investors as well as a new brand concept.<sup>27</sup>

They provided the main idea of halal products among Muslim consumers of all over the world, and there is a lot of literature available on halal foods and its security by pronouncing the theory of halal actions.<sup>28</sup> But the 'Pioneering work extended' the idea of spreading brand of halal food, e.g. Arnis Silvia, *Islamic Law In Contemporary World: The Sources Of Islamic Law For The Past And Today's Context*. The work explored by Nor Sara Nadia Muhamad Yunus, Wan Rashid, Norafifa Mohd Ariffin, Norhidayah Mohd Rashid on *Muslim's Purchase Intention towards Non-Muslim's Halal Packaged Food Manufacturer*. *Procedia - Social and*

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<sup>26</sup> Baharudin Othman, Sharifudin Md. Shaarani and Arsiah Bahron, *The Potential of ASEAN in Halal Certification Implementation: A Review*. *Pertanika J. Soc. Sci. & Hum.* 24 (1) (2016): 1 -24.

<sup>27</sup> "Faryal Salman and Kamran Siddiqui, *An exploratory study for measuring consumers awareness and perceptions towards halal food in Pakistan*. *Interdisciplinary Journal Of Contemporary Research In Business*, June 2011 VOL 3, NO 2, 641".

<sup>28</sup> Fishbein and Icek Ajzen, 1975 & 1980, *Theory of Reasoned action*, available at [http://www.ejos.org/encyclopedia/persuasion/Gtheory\\_1reasoned.htm](http://www.ejos.org/encyclopedia/persuasion/Gtheory_1reasoned.htm) cited at 20/04/2017.

Behavioral Sciences is the most relevant regarding packaging, manufacturing and issuing of certification system.

There are a lot of quantitative and qualitative methodologies to discuss the originality of halal food articles and relevant to their different formulate of discussion. The article is submitted by Zakiah Samori, Amal Hayati Ishak, and Nurul Himmah Kassan on Understanding the Development of Halal Food Standard: Suggestion for Future Research, *International Journal of Social Science and Humanity* has great importance regarding the upcoming challenges and developments in halal food certification.<sup>29</sup>

There is more importance of halal certification in all over the world especially for securing and giving more trust of the consumers. The SME's and certification system is discussed by the Mohani Abdul, Hashanah Ismail, Mazlina Mustapha and Hadri Kusuma on Indonesian small medium enterprises (SMFs) and perceptions on Halal food certification, academic journals, which is more pioneer work regarding this issue and developing the trust on certification system.<sup>30</sup>

Regarding the matter of halal certification, there is another ingredient of this matter is the crucial element in many different logistic works and for maintenance to continuity of reserve the halal position in their different processes and the

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<sup>29</sup> François N. Dubé, Zhao Hongxia, Yang Haijuan and Huang Lijun, Halal Certification System As A Resource For Firm Internationalisation: Comparison Of China And Malaysia, *IJAPS*, Vol 12, No. 1, 125 -141.

<sup>30</sup> Ibid.

procedure of halal food packaging.<sup>31</sup> Regarding this issue, there is work by S. Shafie and M. N. Othman on “Halal certification: an international marketing issues and challenges.” is the more significant work. The legal status of this matter is the part of discussion in this dissertation.

The book on Halal food Production by Mian N. Riaz and Muhammad M. Chaudhary, is the detailed functions and procedures of halal certification system of European countries and this book have great influence.

### **1.3 The significance of the study:**

The Halal legally in Islam is fully observed by Quran and Sunah, so this is inherent to the all Muslims in worldwide. The recent legal development has many complications arise. There is a complicated situation that weather the halal food is producing in Islamic manners or not and its secure situation throughout the process of halal food is accordance to the Islamic or not. There is each and every halal product, regarding their “preparation, handling, and packaging” must be Halal. Today, in recent situation of modern countries, there are Halal certifications agencies are working with many advancement in halal food articles e.g. some of those have brought some “pragmatic standard” for alcohol. The very familiar agency regarding halal foods certification is in USA, being known as “The Islamic Food and Nutrition Council of America (IFANCA)” have come up with advancement such as permission of 0.1% alcohol in a final product and 0.5%

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<sup>31</sup> Mohamed Syazwan Ab Talib and Mohd Remie Mohd Johan. Issues in Halal Packaging: A Conceptual Paper, International Business and Management, Vol. 5, No. 2, 2012, 94-98.

in an ingredient, e.g., in dried vanilla extract. So now this is very essential need for the consumers to check either the good is certified Halal or not etc.

The lack of check and balance into the Halal products and its purification such as in all kinds of meats etc. often creates problems for consumers due to many reasons e.g. bad purification, trade secrets etc. However for the Halal certification to its regularizing the products can save their corporation and consuming the products.

#### **1.4 Hypothesis**

The concept of halal certification makes every food in trade safe and secure. halal certification concept considered by every Muslim country, in cases where halal foods provides not being in halal manners and in cases where halal food is not properly produced or manufacture. Besides these procedural activities of halal certification, there are many steps to prevent the use of prohibited foods in Islam.

The model law of Halal certification, the Malaysian government has proved a role model of certification system in all over the world. But the situation is somewhat different in Pakistan. The procedural system is not maintained but unfortunately being a 2<sup>nd</sup> big Muslim population country, there is no any authenticity in halal food due to non-activism of halal food authority at federal level, which creates confusion about the halal certification system for all provinces and import/export system of Pakistan.

At the same time, Pakistan has federal and provincial system, so it can be ascertained from the situation in Pakistan that there are many areas of

provinces where no even any check and balance system by halal certification authorities because there is no any halal certification body.

The attitude of our Government should change and we should struggle to reach the level at which we can adopt and fully implement the halal certification system throughout the Pakistan with needs of international halal certification perspective.

### **1.8 Statement of Research Problem/Legal Issues**

- 1 Why Halal Certification is followed to the Shariah principles?
- 2 Whether Halal certification is expressly agreed or is impliedly on trust bases in international and national trade?
- 3 Whether Halal certification is the reliable source if it is certified by its trademarks and labels?
- 4 What are the different methods and procedures of Halal Certification in Non-Muslim countries?
- 5 Are there any guidelines for Halal Certification in the OIC countries?
- 6 What is extent of Halal Certification whether whole products dry or wet are Halal or only specific?
- 7 What are the implications of Pakistan Halal Certification regularize in international trade?

- 8 What are the measurements in Pakistan for foreign companies and fast food outlets working on the basis of ISO?

### **1.5 Objectives of Study**

1. Halal Certification is used in many Muslim countries for maintaining consumer confidence over the products.
- 2 To analyze the need and jurisdiction for shariah laws to ensure Halal Certification (HC).
- 3 To analyze about many modern Islamic countries in their different believes of Islamic teachings and according to their believes authorize Halal certification agencies have attempted to come up with a pragmatic standard for alcohol which reflects the fact that small amount of alcohol may be found in many natural food products is allowed and where consumers would not expect to find it.
- 4 To highlight the issue of “Halal certification bodies”, those are on how much extent will be involved regarding the future situation of halalness certification because the main issue is that to purify and secure to the halal foods.
- 5 To discuss the laws and regulations of the development of the Halal Certification HC in USA, UK, Malaysia and other Islamic countries.
- 6 To examine and evaluate the current laws dealing with the issues of Halal Certification (HC) in Pakistan and their impact on Halal trade.

### **1.9 Scope of Study**

The primary task of this study is to analyze the importance and impact of the Halal Certification (HC) regulations in the field of international and national trade

law. The study primarily shows how the issue of Halal Certification (HC) has become an area of international standardization of halal foods. This is done through comparison of most legislative countries on Halal Certification (HC) with Pakistani legislation. The study gives a brief background on the development of Halal Certification (HC) regulations in international scenario, and also provides the present situation of laws on Halal Certification (HC).

### **1.9 Research Methodology**

The research has legal and contemporary economic approaches. The aim of research is to follow analytical and comparative study of Halal Certification system. The compile of OIC laws and their judicial appraisal by courts on Halal standardization is the core option to fulfill the basic requirement of research. This dissertation will be discussing regarding the views of contemporary world especially in Halal Certification with different procedural system for recognition as certified in all over the world and their Shariah appraisal.

Chicago style of citation will be followed. According to as per rules, IRAC method is followed for analyze the case law.

Translation of the verses in English is quoted from Mr. Justice Taqi Usmani's of the Holy Quran translation.



## CHAPTER 2

# SHARIAH STANDARDS AND HALAL CERTIFICATION

### 2. INTRODUCTION

In this scenario, Islamic teachings and ideology also discuss the matter of Halal and Haram foods for the usage in daily human life. The primary and secondary sources of Islam (Quran and the Sunnah) are enough for the guideline of this matters but many Islamic scholars and Islamic religious personalities have elaborated this matter according to Islamic teachings, from their struggle, this matter has been become very familiar to even every common person of the world.<sup>32</sup>

According to Islamic views, there are some foods prohibited by the Holy Quran and the Sunnah. However, in Islam the word 'Halal' is not only including about the 'foods consumption' but there are also some non-food products or tings, those are basically not the foods hut from these ornaments can be derive some other products those are including such as "Cosmetics, toiletries, pharmacuticals, leather products, perfumes and fragrances, brushes mainly and so on".<sup>33</sup>

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<sup>32</sup> Arnis Silvia, *Islamic Law In Contemporary World: The Sources Of Islamic Law For The Past And Today's Context*, Final Paper, Presented As An Assignment For Comprehensive Islamic Studies Subject, 2012

<sup>33</sup> Sharifah Mariam Alhabsh, *Halal Food Dilemmas: Case Of Muslims In British Columbia, Canada*, *International Journal Of Asian Social Science*, 2013, 3 (4), 847-870.

## **2.1 The Concept of Halal and Haram in Islam:**

Overall meaning or concept of 'Halal' is that "Encourages Muslims to seek and use products and services that promote cleanliness in every aspect of that person's life. Halal food means they are safe for consumption. produced in a clean environment as well as being the next benchmark for quality".<sup>34</sup>

Halal foods needs orders (Quran and sunnah) and fatwas, those are announced or according to the Maqasid al-sharia. The concept of halal foods according to Islamic views is very close to the ideology of the maqasid al-sharia. And this Maqasid al-sharia based on the following:<sup>35</sup>

1. "To preserve the purity of religion";
2. "To preserve life";
3. "To preserve Islamic mentality";
4. "To preserve property";
5. "To preserve future generations";
6. "To maintain self-respect and integrity";

Halal defined also as 'that the thing or any food which is pure and not the mixture of those elements prohibited to the Muslims from consuming'. When now in this period of modern life where technology is used and there will be the concept of halal may not be for long time be restricted to familiar meaning of foods which is

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<sup>34</sup> Asnidar Hanim Yusuf, syadiyah Abdul Shukor and Umami Salwa Ahmad Bustaman. Halal Certification vs. Business Growth of Food Industry in Malaysia. *Journal of Economics, Business and management*, Vol. 4, No. 3, March.

<sup>35</sup> Norafni Farlina Rahim, Zurina Shafii and Syahidawati Shahwan, Awareness and perception of Muslim Consumers on Non-Food Halal Product, *Journal of social and development science*, Vol. 4, No. 1, 478-487

'pork free' in its existence. This has included like "emulsifiers and other food substances such as gelatin, enzymes, lecithin, and glycerin as well as additives such as stabilizers, flavoring, coloring, breadcrumbs etc. In recent developments in food technology", this is the food which is attracted by the 'genetically modified food'.<sup>36</sup>

Basically, in use of Halal foods, there are mainly two thoughts in every individual of Muslim that "the use of permissible (Halal) and avoidance of cross condemnation". If we consider these both equally, then this can be clearly stated that Halal certification has the important role in the recognition of the ingredients or the elements those are very important in the halal requirements.<sup>37</sup>

### **2.1.1 The Holy Quran**

In the Holy Quran, this is very clearly stated that

"O people, eat permissible good things out of what lies in the earth, and do not follow the footsteps of Shaitan (Satan); indeed, he is an open enemy for you"<sup>38</sup>

From above verse of Holy Quran, there is strongly recommended of two sets of elements in the consumption or production of foods, those are: halal (permitted by the Islamic law) and Tayyib (best in quality).

There is another verse which also discuss more clarifies to the halal foods, which is as under:

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<sup>36</sup> Sharifuddin shaarani, "Halal and Haram in food", UMS (2004) , Available at [http://www.ikim.gov.my.v5/print.php?grp=2&key\\_359](http://www.ikim.gov.my.v5/print.php?grp=2&key_359) cited at 14/2/2017.

<sup>37</sup> Mohani Abdul, Perceptions on Halal Food Certification in Hat Yai, Thailand. *int. Journal of Economics and management* 8(1): (2014). 178-194.

<sup>38</sup> The Holy Quran, 2:168.

“O you who believes! Eat of the good things that we have provided to you, and be grateful to God, if it is He ye worship. He hath only forbidden you dead meat, and blood, and the flesh of swine and that on which any other name hath been invoked besides that of God”.<sup>39</sup>

From this above verse, there can be very clearly acknowledged that the directions for eating food permissible or halal by Allah and be avoid to the food those are strictly prohibited to eat and that food is called Hara, this is the duty of every Muslim to follow the guideline or order of Allah. Because there is each and every order of Allah have a best reason to permit or prohibited from eating.

“O you who believe, eat of the good things we have provided to you and be grateful to Allah, if it is he whom you worship (in real terms). He has prohibited for you carrion, blood, the flesh of swine and that upon which a name of someone other than Allah has been evoked. Then, whoever is compelled by necessity, neither seeking pleasure nor transgressing, there is no sin on him. Verily, Allah is most-forgiving, very-merciful.”<sup>40</sup>

There is an verse which deals specifically to the prohibition of the alkohal and intoxicants things, the verse is

“Allah has promised those who believe and do good deeds: for them there is forgiveness and a great reward”.<sup>41</sup>

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<sup>39</sup> The Holy Quran, 2:172-173

<sup>40</sup> The Holy Quran, 5:3.

<sup>41</sup> The Holy Quran, 5:90.

### 2.1.2 The Sunnah

There are a lot of Hadiths, those clearly discuss about the difference between halal and haram. Among them, here is the regarding topic very important saying of Holy Prophet (SAW) is mentioned as followed:

“What is Halal is clear and what is Haram is clear. Midway between them there are things which many people do not know whether they are Halal or Haram. He who keeps away from them will protect his religion and will be saved. He who approaches them will be very near to Haram, like a herdsman wandering near Hima (the place set by the king to be used by his cattle only), who could soon fall into this protected area. Surely for every king there is such a protected area and God's is what He declared forbidden”.<sup>42</sup>

The Prophet has stressed that it is very important to pay serious attention to matters concerning halal and haram, and that one must try to avoid any food or drink which lies within the grey area and does not fall clearly under the halal or non halal category.

There is critical situation when anyone who gives meat as gifted to someone, and anybody who does not know that whether they pronounced the name of Allah at the time of slaughtering to animal or not, so at this situation there are the beautiful words of Holy Prophet (SAW) that

“According to which some people said: O Messenger of Allah, some people bring meat to us and we do not know whether they mentioned the name of Allah over it or not. The Messenger of

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<sup>42</sup> Muhammad bin Ismail al-Bukhari (2000). *Mawsu' ah al-hadith al-sharif al-kutub al-sittah*. Kitab al-Iman, Bab Fadl Man Istabraa Li Dinih, hadith no. 52. Riyad: Dar al Salam, 6.

Allah (blessings and peace of Allah be upon him) said: Mention the name of Allah over it and eat it."<sup>43</sup>

Hence, this is proved that when there is an ambiguity on the issue of pronouncing the name of Allah so this is permissible or allowed for eating use and there is no need to ask about the question that whether this was slaughtered by the pronunciation of the name of Allah almighty or not. .

The Holy Prophet (SAW) said on another occasion that:

“What Allah has made lawful in his Book is *halal* and what He has forbidden is *haram*, and that concerning which He is silent is allowed as His favor. So accept from Allah His favor, for Allah is not forgetful of anything. He then recited, and thy Lord is not forgetful”.<sup>44</sup>

The Holy Prophet (SAW) is reported to have said that “if you must slaughter, slaughter in the best possible manner. Sharpen your knife every time before you slaughter, but not in front of the animal to be slaughtered. Do not slaughter an animal in the presence of other animals, and feed and rest the animal before slaughter”.

## **2.2 Main Sources of Halal Foods and Drinks**

### **2.2.1 Animals**

There are two kinds of animals; those are accepted as Halal food sources those are given below:

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<sup>43</sup> Al-Bukhaari (2057) from ‘Aa’ishah (may Allah be pleased with her).

<sup>44</sup> Y. Qaradawi, I. K. E. Helbawy, M. M. Siddiqui, and S. Shukry, “Hadith reported by al-Hakim, classified as Hadith Sahih (sound hadith) and quoted by al-Bazzar,” in *The Lawful and The Prohibited in Islam (al-halal wal Haram fil Islam)*, Islamic book Trust: Kuala Lumpur, 1995, 14-15.

### **2.2.2 Land animals**

All kinds of animals, those are on earth are accepted for consumption except<sup>45</sup>;

1. ‘The animals which is not exactly slaughtered by the way of sharia law’<sup>46</sup>
2. ‘Najis animals e.g. pig, dogs and all their descendants’;
3. The animals those have long teeth from which they prey to the other animals e.g. “tigers, bears, elephants, cats, monkeys etc.”;
4. “Predator birds such as eagles, owls etc.”;
5. “Pests and poisonous animals such as rats, cockroaches, centipedes, scorpions, snakes, wasps, and other same category animals”;
6. “The animals those are prohibited by Islam for killing e.g. woodpeckers and bees etc.”
7. “The animals those are actually repulsive e.g. lice and flies etc.”
8. “The animals those are willingly and continuity feeding with najis etc.”
9. “There are some other animals those prohibited by sharia law e.g. mules and donkeys etc.”

### **2.2.3 Aquatic animals**

There are some animals; those are living into the water permanently such as fish etc. are Halal for consumption, but if these animals are hazardous to health or having poisonousness or intoxication so are prohibited by sharia law.

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<sup>45</sup>Department of standard Malaysia, Halal food- production, preparation, handling and storage, general guideline (second revision), available at MS 2565 2014\_FULLPDF.pdf cited at 16/2/2017.

<sup>46</sup> Ibid.

There is also one category of animal which is living in both places such as water and earth e.g. frog, crocodile. etc. are not Halal according to sharia law for consumption etc.<sup>47</sup>

Abu Huraira (RA) reported that the Holly Prophet (SAW), was asked about sea water. He said, "Its water is pure and its dead animals are lawful to eat."<sup>48</sup>

Hanafi school of thought permits to the fish only in sea animals. Hanafi school of thought does not allow shrimps, whales, crabs, dolphins, sea snakes and salt-water crocodiles. There is also dolphin actually not technically in fish category. But on the other hand, Jamhoor (Majority of Fuqaha) are agreed to the usage of everything which is alive into the sea are permitted to eat.<sup>49</sup>

#### 2.2.4 Plants

Every plant and its further generations and all types of derivatives are halal except when any plant has intoxicative and hazardous to health in consumption or any other poisonous exists.<sup>50</sup>

In this discussion, there are some plants e.g. grapes and opium etc. are Halal in nature (حلال لذاته) but when diverted or changed into other shape of intoxication then these will be prohibited and will be called as (حرام لغيره).

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<sup>47</sup> Ibid

<sup>48</sup>Sahih, Sunan An-Nasa'i 4350, available at <http://dailyhadith.abuaminaelias.com/2013/04/24/hadith-on-water-sea-animals-are-lawful-to-eat-and-water-is-pure-unless-its-smell-color-or-taste-is-changed/> cited at 16/07/2017.

<sup>49</sup> Shaikh Abdullah Faisal, The Sharh of Bulugh Al Maraam: Shariah Law Concerning Seafood And Other Animals, available at <http://www.authentictauheed.com/2013/07/473-sharh-of-bulugh-al-maraam-shariah.html> cited at 07/15/2017.

<sup>50</sup> Ibid



“Genetically Modified Foods are foods derived from organisms whose genetic material (DNA) has been modified in a way that does not occur naturally, e.g. through the introduction of a gene from a different organism. Currently available GM foods stem mostly from plants, but in the future foods derived from GM microorganisms or GM animals are likely to be introduced on the market. Most existing genetically modified crops have been developed to improve yield, through the introduction of resistance to plant diseases or of increase tolerance of herbicides”.<sup>54</sup>

The genetic transfer of plant to animal has no difficulty for halal food but transfer of gene from animal to animals, the animal to plant or insect to plant requires strict scrutiny. Besides, GMF is the food which is very important task for the wholesomeness of the world is that there is more need to legal development for its purification etc. regarding the food technology.<sup>55</sup>

This can be called as genetically modified food has been become a biotechnology from which there can be moves of some organisms to other organisms and can be isolated very easily. There can be adding in this scenario that “GM foods means the food is derived from a GM organism that contains protein through modification. Consumer’s attitude towards GM foods is related with risk and benefit perceptions”. The Genetically Modified Food has been more familiar into the customers everywhere especially conscious in the ingredients that were used to modify or add into the food. Therefore, GM labeling is the main priority since it affected on consumers purchasing decision.<sup>56</sup>

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<sup>54</sup> WHO. Food, Genetically modified. World Health Day 2015: food safety, available at [http://www.who.int/topics/food\\_genetically\\_modified/en/](http://www.who.int/topics/food_genetically_modified/en/). Cited at 4/16/17

<sup>55</sup> Shafie, S. and M.N. Othman, 2006, Halal Certification: An International Marketing Issues and Challenges. In the proceedings of the 2006, International IFSAM, VIIth World Congress, 28-30.

<sup>56</sup> Jones, P. C. Clarke-hill, D. Hillier and P. Shears, 2000, Food Retailers Responses to the GM controversy within the UK British Food Journal, 102 (5): 441-448. Chen, M.F and H.L., Li, 2007.

Basically, Islamic teachings are focused strictly on the basis of halal foods, and no any other food allowed for consumption. In this regard, there are many other daily usage foods are mixing or genetically modified by other foods, those are already declared as haram for Muslims, and those have intoxicated foods or bad for health. According to Islamic law, this halal food which is genetically modified by this kind of foods, so they are strictly prohibited and will be called as haram or as non-halal foods.<sup>57</sup>

## **2.3 Slaughtering of Animals**

### **2.3.1 Meats and Poultry**

'Meats and poultry' has more restrictions from other foods, those are: slaughtered animal must be halal because there will not be including of pig, and person who is slaughtering to that animal so he must be adult Muslim because insane person will not be able to pronounce the name of Allah. After the slaughter process, must not take place to the animal until or unless blood completely bleeding from the animal's body.<sup>58</sup>

As above mentioned, Meat has most strict rules and regulations on the consumption of daily life of Muslims, and there is not only to the prohibition from pork, blood, and the meat of dead animal or the animal which immolated other than the Allah, but there is also one rule regarded slaughtering of animal. Because

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The Consumers Attitude Towards Genetically Modified Foods in Taiwan, Food Quality and Preference, 18 (4): 662-674.

<sup>57</sup> Ibid

<sup>58</sup> Mian N. Riaz and Muhammad M. Chaudry, Halal Food Production, CRC Press, 9

at the time of slaughtering, there must be pronounce of Allah's name while slaughtering to the animal and this has been also mentioned in Quran as followed:

“So eat of that [meat] upon which the name of Allah has been mentioned, if you are believers in His verses.”<sup>59</sup>

According to believes on the usage of 'fish and seafood', there are different opinions and practices in different regions of the Muslims. Because in Islamic jurisprudence, there is different school of thoughts and followed their own cultures practices. But almost every Muslim accepts to the 'fish with scale', but there are some Muslims those does not accept 'fish without scale' e.g. catfish.<sup>60</sup>

There is the much use of 'eggs and milk' in Muslim countries, because from every Halal animal also Halal. The main source of Milk is cow, and for the egg is chicken. From these two categories, there are many products those produces by these items. According to milk, there are a lot of products prepares e.g. 'cheesc, butter, and cream'. Cheese also used in many other enzymes, which must be made of halal or Halal-slaughtered-animal. And there is also exception that cheese could be haram if this is extracted by the 'porcine sources' but there is contradiction when this is obtained from the 'non-halal-slaughtered animal'. Even there are also many other sources, those are doubtful if milk and eggs are taken by them for example 'emulsifiers, mold inhabitants etc.'<sup>61</sup>

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<sup>59</sup> The Holy Quran. 6:118.

<sup>60</sup> Ibid.

<sup>61</sup> ICWA Halal Guidelines, available at <http://www.islamiccouncilwa.com.au/halal-certification/halal-guidelines/> cited at 16/07/2017.

### 2.3.2 Conditions and method of slaughtering (dhabha):

'Dhabha' is an Arabic word which means specifically that 'purification' or 'purification for the human being consumption', there are some strict condition and methods to follow the procedure of slaughtering or dhabha, and those are given below:

- a. First of all, the person who conducts this procedure must be adult Muslim, and the person who is in intoxication and in by mental disease affected so shall not be eligible to slaughter or dhabha to the animal.<sup>62</sup>
- b. The second condition is that when the slaughtered process is started then there shall be pronounce loudly the words of "Tasmiyyah"<sup>63</sup>
- c. The third condition and method is that while slaughtering the animal, the instrument which is used for cutting the skin and blood vessels must be extremely sharp otherwise this slaughter will not according to sharia rule.

### 2.3.3 Stunning

There must be slaughtered any animal by the way of sharia law which has given been given above, hut if there is need to stunning for the slaughtering of any animal so there will be the need to any trained Muslim person for this process. And during the process of stunning, there will not be any permanent injury to that animal and their all equipment's for the use of stunning be in the hands of trained

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<sup>62</sup> Ibid.

<sup>63</sup> Among the phrases are *(BISMILLAH ALLAHUAKBAR)* which means "In the name of Allah, Allah Almighty great" and *“(BISMILLAHIRRAHMANIRRAHIM)* which means" "In the name of Allah, Most Gracious, Most Merciful".

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Muslim person. If any najis animal was stunned by that device from which Halal animal is going to be slaughtered so this will be prohibited to the halal animal.<sup>64</sup>

#### **2.3.4 Electrical shock**

In this process, when any need will be happen regarding stunning so there will be must categorically considered some instructions under sharia law aspects. these instructions are that firstly this process will be adopt for the Halal animals as called 'head only stunner' because only electric will be given on the head region only. Secondly, if these animals are in poultry category so then 'electric water bath stunner' will be used. And thirdly, this all process will be conduct only by the trained Muslim, and here as under normally used voltage for electric to the animals.<sup>65</sup>

### **2.4 The Halal Certification:**

Halal Certification defined as the process or method recognized by an authentic qualified authority for the purpose of securing or protect to the halal products, to analyze about the Halal standards for the products, and to ensuring to the consumers that there is nothing is mixed which is forbidden by shariah law and surety about accordance to the sharia laws. The Halal Certification body issues or

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<sup>64</sup> Department of standard Malaysia, Halal food- production, preparation, handling and storage, general guideline (second revision), available at [http://www.google.com/url?sa=t&rc=j&q=&esrc=s&source=web&cd=3&ved=0ahUKEwiMmqX2w5rTAhWTDBoKHX2iC3sQFggnMAI&url=http%3A%2F%2Fhalal.kfri.re.kr%2Femm%2Ffms%2FFileDown.do%3Bjsessionid%3D88F068D4F1DEF796C1CAC4560F2D6E6F%3FatchFileId%3DFILE\\_00000000018896%26fileSn%3D1%26accAt%3D%26bbsId%3DBBMSMSTR\\_0000000082%26trgetId%3DSYSTEM\\_DEFAULT\\_BOARD%26nttId%3D32964&usq=AFQjCNEhrYDlXlBaOwQ37gBbDiSY7YxRIQ&sig2=B2RnYe7hwgEFqrm47d-5tg](http://www.google.com/url?sa=t&rc=j&q=&esrc=s&source=web&cd=3&ved=0ahUKEwiMmqX2w5rTAhWTDBoKHX2iC3sQFggnMAI&url=http%3A%2F%2Fhalal.kfri.re.kr%2Femm%2Ffms%2FFileDown.do%3Bjsessionid%3D88F068D4F1DEF796C1CAC4560F2D6E6F%3FatchFileId%3DFILE_00000000018896%26fileSn%3D1%26accAt%3D%26bbsId%3DBBMSMSTR_0000000082%26trgetId%3DSYSTEM_DEFAULT_BOARD%26nttId%3D32964&usq=AFQjCNEhrYDlXlBaOwQ37gBbDiSY7YxRIQ&sig2=B2RnYe7hwgEFqrm47d-5tg) cited at 16/2/2017.

<sup>65</sup> Ibid

authorize to issues Halal Certificates to the producer companies after the examine of the application of shariah standards and recognized to the required Halal food production. Basically, Halal certification ensures to the halal standards while the issues regarding safety of the foods is the responsibility of the Government authority by itself.<sup>66</sup>

Furthermore, the document of Halal Certificate is the most important and used as the trust of halalness into the ingredients and this is represent to the all requirement of halal food productions. This document is used also for the Islamic rules and regulations; those are implemented and required as per rules of authority or institution. This document is an certified and issued by organization or authority, but before the issuing any certificate to the company or manufacturer, there is very important task required to inspect the foods and preparation of all articles. When all requirements of inspection are meets to rules and regulations, then Halal certificate issued by that concern authority. There are a lot of international organizations, those are working as issuing the certificates etc. such as (MUI<sup>67</sup>, JAKIM<sup>68</sup>, and GCC<sup>69</sup>), these are all organizations working and

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<sup>66</sup> Siti Khadija Ab. Manan, Fadilah Abd Rahman and Mardiyah Sahri, Contemporary Issues and Development in the Global History, selected paper from the international conference 2014.

<sup>67</sup> Majelis Ulama Indonesia is Indonesia's top Muslim clerical body. The council comprises all Indonesian Muslim groups including Nahdlatul Ulama (NU), Muhammadiyah, and smaller groups such as Persis, Al Irsyad, Majelis Mujahidin Indonesia (MMI), Hizbut Tahrir Indonesia (HTI), Forum Ulama Umat Islam (FUUI) and the Islamic Defender Front (IFI).

<sup>68</sup> Jabatan Kemajuan Islam Malaysia was on 1st January 1997, in line with the country's steadfast Islamic development and progress, the Department of Islamic Development Malaysia (JAKIM) was established by the Government of Malaysia to take over the role of division.

<sup>69</sup> This is originally known as Gulf Cooperation Council and is a regional intergovernmental political and economic union consisting of all Arab states of the Persian Gulf, except for Iraq. Its

controlling to the trust of customers and providing more secure and healthy halal foods. from where there can be get halal foods with services of supervision Halal Certification Organization. This certificate of halal foods is used or can be possible to valid “for one to five years from its date of issue”, and there is an conditional situation that every individual is bound to contracts. “with audit schedules during the contract period. confirming that Halal standards and criteria have been met”.<sup>70</sup>

## **2.5 The Effects of Halal Certification on Trade Industry:**

The producers of Halal foods always get benefits from Halal Certification and they always wishing to excess in demand in food premises and acceptance of their products to consumers of Halal products. furthermore, the production of Halal food products makes food companies global food companies.<sup>71</sup>

The organization helps to the global worldwide for round about 15 assurances and also provides halal products to the consumers. Furthermore, “it provides a great opportunity to food manufacturers to increase their customers by exporting their products to over 1.6 billion Halal consumers worldwide”.<sup>72</sup>

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member states are Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates. The Charter of the Gulf Cooperation Council was signed on 25 May 1981, formally establishing the institution.

<sup>70</sup> Nor Sara Nadia Muhamad Yunus, Wan Rashid, Norafifa Mohd Ariffin, Norhidayah Mohd Rashid, Muslim's Purchase Intention towards Non-Muslim's Halal Packaged Food Manufacturer, *Procedia - Social and Behavioral Sciences* Volume 130, 15 May 2014, 145-154.

<sup>71</sup> Baker Ahmad Alserhan, *The Principles of Islamic Marketing*, CRC press, 171.

<sup>72</sup> Pew Research Center, 2009, available at <http://www.pewresearch.org/topics/muslims-and-islam/2009/> cited at 4/23/2017.

There is also Halal Certification of food products provides opportunities for Halal consumers, particularly Muslims, to increase their trust of Halal food, that the ingredients used, and the process of production are according to Islamic law. Thus, they are ensuring that always able to eat Halal food without contravening Islamic law by eating non-Halal food.<sup>73</sup>

This is the truth that form long time, Western countries are still not involves into the business of halal products as Muslim countries participated. This is also fact that Minorities of Western countries but also many countries where Muslim majorities are living, so its impact is affecting to both of these majorities and minorities. In the Netherland, this is the main exporter country of food products from long time ago, so in Muslim countries its export is increasing. In the global market its ratio is increasing which can be estimated currently at 1.6-1.8 Billion consumers and including its product value of \$636.6 and also there is expectation to grow further.<sup>74</sup>

On the other hand, the halal food market all around the world is a big business, as Islam is spreading fastest religion so Muslims are growing on that ratio and the consumers of halal products especially in halal meets are rowing as well. The Muslims average consumption is growing speedy so from this reason grocery stores and multinational have both familiar as important position in allm over the world especially in halal business and there are some public organizations those

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<sup>73</sup>Rahimah Mohamed Yunos, Faridah Che Mahmood, Hafizah Abd Manso. Understanding Mechanisms to Promote Halal Industry-The Stakeholders' Views, *Procedia - Social and Behavioral Science*, Volume 130, 15 May 2014, Pages 160-166.

<sup>74</sup> CIA Fact book, Religions. Available at <https://www.cia.gov/library/publications/the-world-factbook/docs/notesanddefs.html?countryName=World&countryCode=.xx&regionCode=.oc#2122> cited at 4/23/2017.



are dealing with large quantity of public with Muslim community which is working on international trade to being a large scale business of halal foods. There are some new incoming organizations into the new halal hub and that will be called as the term "the booming halal market", "huge potential", "unexploited goldmine", or becoming halal "an engine of growth and opportunity". There are some of the "western" scholars studying halal, "Joe Regenstien of Cornell University". even stated that "food companies are not going to be global unless they're halal."<sup>75</sup>

"Nevertheless, food companies seem to remain hesitant in entering this promising market; few have a halal - line up and running, and even less are generating large profits from the market: it has been estimated that only 10% of the potential halal market has been entered by the major companies. Apparently, there seems to be some sort of hindrance which prevents companies from entering this global "gold mine". The halal market is largely a local "uncle and- aunty" market, depending on personal and local relationships and trust and therefore almost impossible to enter for large, western and anonymous multinationals. This is where the halal certification comes into play; but a more thorough discussion of the market for halal products is necessary first".<sup>76</sup>

## **2.6 CONCLUSION**

Eventually, when any organization successfully acquired license by concerned certificate issuing authority, so from this succession every customers comes into the shadow of the trust for relevant company and then that company only focus to

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<sup>75</sup> Global Halal Foods, Available at [https://soc.kuleuven.be/web/files/1172\\_W09-136.pdf](https://soc.kuleuven.be/web/files/1172_W09-136.pdf) cited at 4/23/2017

<sup>76</sup>Ibid.

the maintainability of its standard level according to the Islamic rules and regulations, because from this every halal certificate including the much level of its quality standards. Thus, this halal certification is the most important document to whom, those are in competition with all other concerned halal companies.

Halal foods and the derivatives of these foods are the general rule is to testify by the Almighty Allah and his last messenger prophet (SAW). But when any food, any animal, any plant etc. is prohibited by Quran and the Sunnah, is to be mixed with the halal food or any ingredient so that will be included in the Haram by its nature as well.

There are many halal animals. some of them are land animals and some of them are aquatic animals. Land animals are all included halal, those are on earth but these are mentioned here are not halal as their nature e.g. 'The animals which is not exactly slaughtered by the way of sharia law'. 'Najis animals e.g. pig, dogs and all their descendants', 'The animals those have long teeth from which they prey to the other animals' e.g. "tigers, bears, elephants, cats, monkeys etc.", "Predator birds such as eagles, owls etc.", "Pests and poisonous animals such as rats, cockroaches, centipedes, scorpions, snakes, wasps, and other same category animals", "The animals those are prohibited by Islam for killing e.g. woodpeckers and bees etc.", "The animals those are actually repulsive e.g. lice and flies etc.", "The animals those are willingly and continuity feeding with najis etc.", "There are some other animals those prohibited by sharia law e.g. mules and donkeys etc." There are some animals; those are living into the water permanently such as

fish etc. are Halal for consumption, but if these animals are hazardous to health or having poisonousness or intoxication so are prohibited by sharia law.

There is also one category of animal which is living in both places such as water and earth e.g. frog, crocodile, etc. are not Halal according to sharia law for consumption etc.

## CHAPTER 3

### APPROACHES TOWARDS HALAL

#### CERTIFICATION: AN INTERNATIONAL SENERIO

##### 3. INTRODUCTION

The concept of Halal certification is the core element for the Muslim countries and some extent in the non-muslim countries especially for international trade. Halal foods has many requirements before producing, packaging, selling, marketing, importing and exporting for the Muslim consumers, so Halal Certification authorities in different countries, authorize to organizations as per Islamic principles e.g. which animal permitted for eat, and how to slaughter, and which drinks are permitted for drinking etc.

Internationally, there are many familiar organizations, those have strict laws according to the Quran and the Sunnah on halal foods and also many other countries are registered with these organizations.

##### 3.1 Halal Certification in United States:

A fast growing of Muslims in the region of United States of America is today's very important segment.<sup>77</sup>

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<sup>77</sup> Andrew Cohut, Muslim Americans middle class and mostly mainstream, pew research Centre, I.

This growing is scrutinizing in the animals treatment and in specially their slaughtering methods. so from this context. this is very easy to analyze about the population rate of Muslims in USA and their halal food consumption.

In the US, there is gradually increasing the numbers of Muslims. but specifically Muslims lives in North America were increased from world war 1 and this was too fast growing after the world war 2. And if we look at recent nearly study about the population of the Muslims in 1992, this can be calculated in numbers at 6 to 8 million and then it's now spreading to the all over the cities in USA<sup>78</sup>.

Here is he religiously survey report of USA. and this is the most recent survey where 1 million increased from 2000 to 2010 which is 160% Muslim population incensement. and 2.6 million Muslims were living in the USA at the calculation report of this survey<sup>79</sup>.

The department ISWA is working for the purpose of Halal Certification under the department of the USA Halal Chamber of Commerce. Inc. "which is internationally and domestically recognized full service commerce and professional certification body that is dedicated to promoting Halal business and understanding of Islamic dietary compliance. The chamber facilitates dialogue between industry and consumers".<sup>80</sup>

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<sup>78</sup> Mian N. Riaz and Muhammad M. Chaudhary, Halal food Production, CRC press. p.30.

<sup>79</sup> Jeanne Cullen and Furqan Muhammad guest article: US halal food regulations, available at <http://www.foodnavigator-usa.com/Regulation/GUSTI-ARTICLE-US-halal-food-regulations-Are-you-up-to-speed> cited at 15/01/2017.

<sup>80</sup> ISWA halal certification department. available at <http://ushalalcertification.com/> cited at 4/21/2017.

The USA Halal Chamber of Commerce, Inc. is working by fully controlled of “Islamic Society of the Washington Area (ISWA) and American Muslim Halal Compliance Council (AMHCC)” which is authorizing for all compliance with all Islamic Dietary and Shariah Laws.<sup>81</sup>

The USA Chamber of Commerce is a member of the American Association of Halal Certifiers (AAHC) and the World Halal Council (WHC).<sup>82</sup>

In the case of United State of America was the plaintiff and the defendant were included Jalel Aossay, Yahya Naseer Aossay, Midmar Corporation, Islamic Service of America & ISA, INC, WHERE defendants made statement in their argument that government issued a notice for prohibition of halal slaughtered animal which took by the establishment clause and response of this argument government said that defendants made falsely documents, fraudulent statement, misrepresentation and certificates for international export so that’s why they collates the establishment clause<sup>83</sup>.

The facts of the case were evidence that the defendant was 75 years old and he was born at Cedar Rapid, Low. He visited and established different countries. He established from those, one of the major Midamar on July 1, 1974 and become the

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<sup>81</sup> Ibid.

<sup>82</sup> WHC: “The World Halal Council (WHC) was established in Indonesia in 1999, which can be a federation of halal certifying bodies worldwide that has international acceptance to their halal certification and accreditation processes. It aims to standardize the halal certification and accreditation process different countries and nationalities worldwide”. Available at <http://www.worldhalalcouncil.com> cited at 4.1.2017.

<sup>83</sup>USA v Aossay available at: <https://www.scribd.com/document/276175122/USA-v-Aossay> accessed at: 12/01/2017.

CEO, President and Director thereafter. Defendant had also in trial court accepted that he handed over the business into the hands of his sons when he attained the age of 65 and this business Midamar does business in fifty states as well as internationally and employs about fifty people at its Cedar Rapids location.<sup>84</sup>

So, in this case, court held in 22<sup>nd</sup> July 2015, announced that defendant failed to prove by clearly evidence but instead of this there was many other things arose. From these clear evidence court hearing were satisfied because this court was consist of jury where detention was warranted announced.<sup>85</sup>

The court finally finds at the dated 22<sup>nd</sup> July of 2015, defendant failed to establish by clear and convicting evidence that he does not pose a risk of flight. The trial evidence and the government's evidence at the detention hearing, when the coupled with the powerful incentive to flee following the jury's verdicts, convince the court that detention is warranted. In this case, defendants were also saying that they know clearly about their conduct which was totally bad conduct as meat was miss handed and as well as miss labeling so they were satisfy to the court that their conduct is not in criminal breach so this is not an offence, but the court of law uses the word offence for this because this the criminal breach of law.<sup>86</sup>

So court clarify further to this matter that when he was under investigation so that time also he was doing this illegal practice, for instance they continued to

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<sup>84</sup>Midamer case, available at <https://casetext.com/case/united-states-v-aossey-3> cited at 15/12/2017.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid..

misbrand the meat and as well as to the miss labeling to the meat. So court have also clarify that in July 2014. defendant removed the dated from hack and production dates were numbered and defendant donated this meat to the school children for eating it so where an employee noticed that this meat was out of dated which was four years back produced.

So in the order accordingly, defendant got his remain in jail as sentence for his miss conduct because his evidence was convicting himself for keep him in imprisonment and not for release under suitable conditions.<sup>87</sup>

“In the U.S, there are number of areas where providers of halal products are becoming active. Among these are public and private schools, prison system, the vending industry, and convenience food such as frozen dinners and airlines meals. The number of public schools is increasing annually. These children generally bring their own lunches to school or skip lunch. When vender contracts are awarded, those who can supply halal meals to the school system will have an advantage over those who cannot supply these special meals”<sup>88</sup>.

Here, if we talk about the certified halal, a symbol is normally printed on the package. For example, the Islamic Food and Nutrition Council of America (IFANCA) uses the Crescent M symbol, which is clarify to the American

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<sup>87</sup> Ibid.

<sup>88</sup> Mian N. Riaz and Muhammad M. Chaudhary, halal food production, CRC, p.40.



Muslims “best for the Muslims” but there are also some food halal organizations, those uses only the Arabic word halal in circle or as it is on the packages.<sup>89</sup>

“The information about the food package label in the U.S.A can be divided into three types. The first type is mandatory information required by the fair packaging and labeling act and the nutrition labeling and education act, as well as the food, drug, and cosmetic act, and others. The second type of information is optional or voluntary information, but often regulated if present. The third is information that is provided by the manufacturer to help the consumer use or understand the product. This last type contains such information as instructions for preparation and additional recipes along with religious and philosophical certifications”<sup>90</sup>

“Now finally, about procedure of getting halal certification, food manufacturers can obtain supervisions from different halal food certifying agencies such as the Islamic Food and Nutrition Council of America (IFNCA) as well as reliable information about Islam and Muslims in North America and their critical food issues. These halal-certification agencies provide consultation services and help food industry professionals develop products that comply with Islamic food laws. These agencies also offer supervision and certification for halal foods, consumer’s products, and halal slaughtered meat and poultry. Their registered trademark certification symbol, for example, the crescent M, appears on many product packages. The demand for halal products and number of Muslims consumers can

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<sup>89</sup> Ibid.

<sup>90</sup> Potter, Norman N., Hotchkiss and Joseph H., Food Science, 5<sup>th</sup> edition, 1995, Springer US, 138-162.

sold here". So like this, many others provisions and many other different restrictions imposes.<sup>93</sup>

In this same state, the Illinois Department of Agriculture has also announced some administrative directions regarding the registration of the slaughtering and the distributors for the distribution of the halal foods e.g. meat and the restaurants where halal meat highly uses, and this Agriculture department has also announced the keeping of their record from last two years at the time of inspection by this department.

In the USA, there are many other states those have also regulated their enactments, from which there can be good governance is running especially into the Halal food sector for Muslims community. And these enactments has been developed by the Illinois State act, that;

- 1- Halal signage is displayed where an establishment sells both halal and non-halal products.
- 2- Companies implement documents disclosure and/or retention policy related to their suppliers and certification of halal food. and
- 3- The sale of food that is falsely represented as halal is strictly prohibited (although nearly all states have general consumer's fraud statutes that prohibit such conduct).<sup>94</sup>

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<sup>93</sup>Halal food act, 2002 available at: <http://www.iga.gov/legislation/files/files3.asp?ActID=1581&ChapterID=35> accessed at: 16/12/2016.

must be including of specification of that meat and its relating practices like handling and sale of these foods.

And Maryland State is different in its statute from others that every dealer must keep its record from last three years at the time of inspection. Maryland statute is also prohibits to the “willful marking” of a food product as halal if it is not actually halal.<sup>97</sup>

**c. Michigan:**

Michigan is the hub of Muslims, where the large population of Muslims lives and survives on the halal foods, also prohibits to the frauds of the halal foods as no person will be showing the food is halal which is actually non-halal food, and also Michigan Statute prohibits to everyone from refraining of the label of “halal” which is non-halal with the intent. Michigan State have its own penal code which is called as “Michigan Penal code (Excerpt) Act 328 of 1931” where first of all in section 297f clause(1), there is halal definition given as anything processed or prepared by Islamic religious. So in its next clause (2) as defined of the person that who will be committed as defraud and misrepresentation with the intent, in this clause there are many other definitions for misrepresentations and frauds, those are given in following. In sub clause (a), that the person when sell or represent as halal but it is very clearly calculated as deceive to the person as halal which may be orally or by making any false statement on it for heing it halal. and in next sub clause (b), where this clause deals with the falsely usage of the container in with halal food packed and written over this package or container as

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<sup>97</sup>Ibid.

halal in English. Further there are some clauses (c) and (d) are also used for the displaying the non halal meat on the place of halal meat business as fraudulent intent. In next sub section 3. where also mentioned about the non halal food advertising as the sale of halal foods with the intent to consumption of halal food in defraud. In sub section (4), (a) (b) and (c), there is explanation of miss usage of halal logo, marks, stamps, brands, labels or any other way from which its identification can be remove by any method. Lastly in sub section (5), there is given a method to investigate and authority that will be responsible for investigate and inspect to this, which is the department of agriculture who shall be responsible for its regulation and administer to this act.<sup>98</sup>

Michigan statute prohibits very clearly, that there must be different measures if the meat or any halal and non-halal foods are selling together so there must be some measurement for the consumers to recognize foods for purchasing.

**d. Minnesota:**

Minnesota is also have its statute for the protection of the halal foods those are very important chapters in halal foods in Islamic perspective, so this statute is also prohibits to everyone for the miss using of label as “halal” on the packages and containers of foods, so there are also discussed in its statutes that there must be prohibition for the miss-representing of the halal food as it is non-halal. There are basic regulatory laws relating to food, in the first sub division (31.02), where some prohibited acts are mentioned, misbranded of food, misbranded of alteration, receipt of misbranded or altered food, counterfeiting, and refusal from

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<sup>98</sup> The Michigan Penal Code (Excerpt) Act 328 of 1931.

entrance of inspection so these are all included in the prohibitory clauses of basic regulatory laws. Further in sub division of (31.04), for the inspection and enforcement of Minnesota Food Laws, there will be the commissioner who will responsible for inspection of any warehouse or shop where foods those can be kosher or halal foods business is placed and a written report for this completion of inspection will be hand over to the in charge or owner of that place under sub division (2). According to basic regulatory laws, under sub division of (31.658), where halal products are given and their selling and their permitting procedure has been given.<sup>99</sup>

Because this statute relies of the dealers those can be raise their defense in the manufacture or production of halal foods as according to the Islamic teachings.

**e. Texas:**

The 78<sup>th</sup> legislative session of Texas House and Senate has started the legislation specifically in the regulations of the halal foods in the protection, the consumptions, and protections from the mislabeling of these products for the sake of Muslims community in Texas. In august 12, 2003 there was signed a law HB-470 (TX Halal Law).<sup>100</sup>

There was also amended of Business and Commerce Code of chapter 17 section 17.881 sub section (1), where is halal definition has given

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<sup>99</sup> Basic regulatory rules relating to food available at: <https://www.revisor.mn.gov/statutes/?id=31&view=chapter> accessed at 1/2/2017.

<sup>100</sup> Republic searcher, halal food, available at: <http://republicsearcher.blogspot.com/2011/08/01/archive.html> cited at 15/1/2017.

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<sup>93</sup>Halal food act, 2002 available at: <http://www.ilga.gov/legislation/files/files3.asp?ActID=1581&ChapterID=35> accessed at: 16/12/2016.

Here in the following given some states of USA have been given along with their statutes regarding to the halal foods.

**a. California:**

California is the one of those states where the enactment has been passed on the basis of the Illinois State act regarding halal foods, because in its statute, there is mandatory clause like Illinois act. In 2011, halal products certification institute was established and one of the best certification organization in worldwide introduced for the certification of cosmetics, personal care products and perfumes and fragrance etc. and this was registered or established after the struggles of intellectual Islamic scholars.<sup>95</sup>

In its statute, there are also many other requirements have been mentioned very clearly, those are; that every person shall be prohibited for the committing of fraud, where any person sale to the meat or prepare to the meat in fraudulent meanings, and also every person is prohibited from the falsely represents to be Halal.<sup>96</sup>

**b. Maryland:**

Maryland statute as well as describes about it's the basis of the business that its representation which is Halal so it must be true and not on false basis and this

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<sup>94</sup>Jeanne Cullen and Furqan Muhammad guest article: US halal food regulations. Perkin Coie LLP, 11 April 2016.

<sup>95</sup>Ann Black, Hussain Esmaeili, Nadirsyah Hosen, Modern perspective on Islamic law, EE publishers. 57.

<sup>96</sup> Jeanne Cullen and Furqan Muhammad guest article: US halal food regulations, available at <http://www.foodnavigator-usa.com/Regulation/GUEST-ARTICLE-US-halal-food-regulations-Are-you-up-to-speed> cited at 15/01/2017.

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<sup>98</sup> The Michigan Penal Code (Excerpt) Act 328 of 1931

entrance of inspection so these are all included in the prohibitory clauses of basic regulatory laws. Further in sub division of (31.04), for the inspection and enforcement of Minnesota Food Laws, there will be the commissioner who will responsible for inspection of any warehouse or shop where foods those can be kosher or halal foods business is placed and a written report for this completion of inspection will be hand over to the in charge or owner of that place under sub division (2). According to basic regulatory laws, under sub division of (31.658), where halal products are given and their selling and their permitting procedure has been given.<sup>99</sup>

Because this statute relies of the dealers those can be raise their defense in the manufacture or production of halal foods as according to the Islamic teachings.

**e. Texas:**

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<sup>99</sup> Basic regulatory rules relating to food available at: <https://www.revisor.mn.gov/statutes/?id=31&view=chapter> accessed at 1/2/2017.

<sup>100</sup> Republic searcher, halal food, available at: <http://republicsearcher.blogspot.com/2011/08/01/archive.html> cited at 15/1/2017.

that halal products are prepared and served under Islamic religious from authorize Islamic organization.<sup>101</sup>

Texas statutes as well prohibits to the mixing of the halal food into the non-halal food, so there must be differentiate between both foods. And also this statute prohibits to the violating of the statute by using the label of halal which is actually non-halal food.

**f. New Jersey:**

In 2000, the state of New Jersey passed the Halal Food Protection Act.<sup>102</sup> In this progress, this was called as "The Halal Food Consumers protection Act" so this was administered by the halal food enforcement of New Jersey where this was administratively working on this bill from 2000 as this was enforced. For its enforcement, this act requires completely preparation as halal while selling, producing, packaging, labeling or exporting so if anyone during its inspection in fraudulently or falsely representing will have committed being against of these laws so they will be charge as offender for a fine up to \$10000 for the first offence and \$20,000 for any subsequent offences.<sup>103</sup>

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<sup>101</sup> Business and commerce Act Texas, Chapter 17 section 17.881, available at <http://www.statutes.legis.state.tx.us/Docs/BC/htm/BC.17.htm> cited at 3/2/2017.

<sup>102</sup> Mian N. Riaz and Muhammad M. Chaudhary, halal food production, CRC publishers, 25.

<sup>103</sup> Baaqia J. Uqdah, USA: halal – the Muslims' business in new jersey, 19/10/2012, available at <http://halalfocus.net/usa-halal-the-muslims-business-in-new-jersey/> cited at 16/1/2017.

Thus, the New Jersey law specifies “Any dealer, who prepares, distributes sells or exposes for sale any food represented to be halal shall disclose the basis upon which that representation is made....”<sup>104</sup>

In its statute, there is also mentioned that no person will be the subject of any kind of penalty where when any person will be able to show himself in evidence that this was done by his good faith in the manufacture or production in slaughterhouse, or distributor or packer of any kind of foods which is representing to the halal foods.

**g. New York:**

New York statute is requires for the same as like Illinois State act, that there must be mentioned on the window, for the advertisement of the food on the height of 4 inches that “halal and non-halal food sold here”. And if there are halal foods so there must be affixed label on all of them according to the food on the time of manufacture especially at the time of packaging.<sup>105</sup>

Under New York Agriculture and Markets Law sub section (201-E), that all producer of halal foods shall must be packed in container for sale so this must be halal logo on it affixed otherwise this will not bring in market.<sup>106</sup>

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<sup>104</sup>New Jersey statute, available at: <http://www.minaret.org/foi/Illinois%20Law.htm>, cited at 11/01/2017.

<sup>105</sup> Jeanne Cullen and Furqan Muhammad guest article: US halal food regulations, Perkin Coie LLP, 11 April 2016, available at <http://www.foodnavigator-usa.com/Regulation/GUEST-ARTICLE-US-halal-food-regulations-Are-you-up-to-speed> cited at 15/01/2017.

<sup>106</sup> New York Agriculture and Markets law § 102-e, available at: <http://codes.findlaw.com/nv/agriculture-and-markets-law/agm-sect-201-e.html> cited at 8/2/2017.

### **3.2 Halal Certification in United Kingdom:**

From the study of U.K. this can be analyzed about the usage of the halal foods on Islamic standards. So, in attention to the usage of halal foods in U.K London, in its most parts like Fins bury Park, Edgware Road, and Whitechapel Road, so on these very famous places, there are many sign boards for the advertisement of halal foods. London is basically the home of Malaysian religious for organizations. Halal Food Authority (HFA) is an organization or an official authority in U.K, who has authorized in 1994 for the certification of foods specially certifies to the meat in accordance with the Islamic school of thoughts.<sup>107</sup>

Where, this organization is in the favor of stunning to the animals in its statute but Halal Monitoring Committee HMC is very much against to this act of stunning before slaughtering to the animal. So here, this is difference between these similar organizations in United Kingdom in the market of halal certification.<sup>108</sup>

Here, in following some characteristics are given.

#### **3.2.1 Sharia Halal Board in UK:**

Sharia Halal Board in UK is working under the shadow of Islam, however, this board has many conflicts with the government of British on halal products and foods especially in the process of slaughtering.

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<sup>107</sup> Halal Food Authority UK, available at: [www.halalfoodauthority.co.uk](http://www.halalfoodauthority.co.uk) accessed at: 2/2/2017.

<sup>108</sup> Johan Fischer, halal sanitized: health and science in a globalized religious market, *tidsskrift for islamforskning – sharia I praksis*, Fatwa, forbrug og feminism, nr. 1 – 2010, 32.

In 2013, when a government council in UK provided a meat to a school which contained the DNA of pork, so SHB claimed in written to the many Governments councils specially to the accused Westminster Council. The SHB was also addressed to the Muslim community that these are only we to trace and penalize over the providing of the halal food in it mixing of pork etc but government should monitored it and certifies to it completely.

Where a statement released by Andrew Christie, Westminster City Council's sad in the reply of SHB "we are very concerned by the discovery that the contractor has fallen short of the high standard we demand. We also understand and regret the upset that may have been caused to parents and children alike. We are contacting schools, parents and faith group leaders and are offering to meet with them to discuss their concerns".<sup>109</sup>

### **3.3 Halal Certification in Australia:**

The initial steps into the "Halal certification" were taken in 1974. The "Australian Federation of Islamic Councils (AFIC)" recognized as the major authority for the standardization under the shadow of Islamic principles and this is also for the oversight of all permitted foods bi Islamic principles for the Muslims of Australia.<sup>110</sup>

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<sup>109</sup>Andrew Christie available at: [http://meatinfo.co.uk/news\\_archive/story.php/aid\\_15384/Sharia\\_Halal\\_Board\\_on\\_halal\\_meat\\_contamination.html](http://meatinfo.co.uk/news_archive/story.php/aid_15384/Sharia_Halal_Board_on_halal_meat_contamination.html) accessed at: 27/2/2017.

<sup>110</sup> "After the Second World War" available at: <http://www.islamiccouncilwa.com.au> accessed at: 27/2/2017.

In Australia, there is no any formal work on the federal level regarding to the halal food labeling, the voluntarily or with the help of third parties, there is processing on this issue. But here is the important point that Government of Australia does approve to the all certification regarding the halal products especially in exports for the countries such as Indonesia and Saudi Arabia through its department of agriculture.<sup>111</sup>

There are many different bodies those certified to the companies for halal food preparation in Australia. According to the Appendix A of the department of agriculture in Australia, these are given below approved bodies for the arrangements of the halal red meat and the halal products for exports, those are<sup>112</sup>

1. Adelaide Mosque Islamic Society of South Australia
2. Al-Iman Islamic Society
3. Australian Federation of Islamic Councils Inc
4. Australian Halal Development and Accreditation
5. Australian Halal Food Services
6. Global Halal Trade Centre Pty Ltd
7. Halal Australia Pty Ltd

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<sup>111</sup> Barnaby Joyce defends halal after Coalition MPs express concern by Shalailah Medhora, available at: <https://www.theguardian.com/australia-news/2015/apr/13/barnaby-joyce-defends-halal-after-coalition-mps-express-concern> accessed at: 27/2/2017.

<sup>112</sup> Jaan Murphy, Appendix A of the department of Agriculture, Australians Halal Certification Bodies, Law and Bills Digest Section, 30 August 2016, available at [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pub/srp/rp/1617/Quick\\_Guides/HalalCert](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pub/srp/rp/1617/Quick_Guides/HalalCert) cited at 14/3/2017.



8. Halal Certification Authority Australia
9. Islamic Coordinating Council of Victoria Pty Ltd
10. Islamic Council of Western Australia
11. Muslim Association of Riverina Wagga Wagga Inc
12. Supreme Islamic Council of Halal Meat in Australia Inc
13. Western Australia Halal Authority

According to the Seyfi Seyit<sup>113</sup> "there are four major halal certification bodies: the Islamic Coordinating Council of Victoria (ICCV), Australia Halal Authority (AHA), SICIMA (Supreme Islamic Council of Halal Meat Authority)"

In 1980 and 1982, there was an issue that occurred with the Australian Government in the exported to the USA in substitution of the meat, which was included or involved of the substitution meat of horse meat, donkey meat, kangaroo meat for the beef<sup>114</sup>, where Royal Commission suspended the license of one Melbourne meat packer and investigated mis labeling to the meat products, which involved in the forged halal certificates.<sup>115</sup>

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<sup>113</sup>Islamic Council of Victoria (ICV) , member, available at <http://www.icv.org.au/> cited at 25/3/2017.

<sup>114</sup> John Sprigs and Grant Isaac, Food Safety and International Competitiveness: The Case of Beef, 109, available at <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwi5IPyJ0prTAhVMmBoKHdt1D0cQFggBMAA&url=https%3A%2F%2Fwww.ru.nl%2Fpublish%2Fpage%2F552245%2Fhayingasupermarketslapo2006.pdf&usq=AFQjCNFggQeaGm86BxiPbUwYxlrQYihuAw&sig2=w3oS0pR3sNKzFj5wH58Fcg&cad=rja> cited at 10/4/2017.

<sup>115</sup> "The Truth about Halal", Four Corners, Australian Broadcasting Corporation, 7 September 2015, available at <http://www.abc.net.au/4corners/stories/2015/09/07/4305337.htm> cited at 10/4/2017.



### **3.3.1 Halal Logos as Registered Trade Mark:**

Australian companies, regarding the halal foods are bound to register their companies as laid down the procedure under the Australian Register Trade Mark Act and also included to their trade mark for the running of business in the umbrella of halal foods.

In this aspect there was a precedent, which was held in Federal Court of Australia in 2014, where Justice Perram gave the remedies against the unauthorized use of trade mark.

### **3.3.2 Case Laws:**

Halal Certification Authority sued against “the Quality Kebab wholesalers Pty Ltd”, “a wholesale distributor of meat products”, who handed over illegally halal trademarks to other kebab outlet. There are also other two countries accused to these same issue.

So in this case Halal Food Authority Pty Ltd sued this case for the “infringement of its statutory rights under the Trade Mark Act 1995 in respect of registered trade mark”.

Halal Certification Authority also claimed in their arguments that “these wholesale distributor also breached to many provisions of the Australian Consumer Law (ACL)”, where mostly provisions of this law prohibits from the misrepresentation and the false conduct and the engaging in misleading or deceptive to the public with voluntarily or knowingly involved into the contraventions of ACL.

### **1. Remedy for infringement by the kebab shops:**

Halal Certification Authority Pty Ltd demanded in the petition that all damages under the Trade Mark Act other than the accounts of profits, and those damages must be amount of license fee would have paid annually which is \$5,000 for a genuine certification. Here, Justice Perram considered before announcement of damages, and to avoid the infringement by the kebab shops passing without remedy, nominal damages of \$10 were awarded for the infringement of Trade Mark Act on the basis of analogous copyright cases.

### **2. Remedy for the infringement of wholesale distributor:**

Again here, in this portion, Halal Certification Authority did comment about their claim of infringement of license fee but their argued were failed against the wholesale distributor. Because rather than obtaining such license, it was more likely that a different, though still false and again there was awarded \$10 in nominal damages<sup>116</sup>.

### **3.4 Opposition to the Halal Certification in Australia:**

From the start of 2014, there was a campaign lodged by many citizens of Australia against the Australian food industries and to stop the work on certification to the halal companies. Some of them argued that due to certification cost of all products has been raised for all consumers, and the fees which has

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<sup>116</sup> Brett Doyle, Remedies for unauthorized use of a certification trade mark, 02 July 2014, available at <https://www.claytonuz.com/knowledge/2014/07/remedies-for-unauthorised-use-of-a-certification-trade-mark> cited at 15/2/2017.

been charged for the certification of the companies so this going to funding to the terrorism.<sup>117</sup>

In November, 2014, Fleurieu Milk & Yoghurt Company stopped to producing many halal foods after threat by the campaigners and there are many other large and small companies those targeted by many ways to stop their business work on halal foods.<sup>118</sup>

### **3.5 Halal Certification in Thailand:**

In Thailand, “according to the Regulation of the Central Islamic Committee of Thailand (CICT)”, is the responsible for all affairs of halal foods or products and also the responsible about the standards of halal foods across the country and which will be called as Thai Halal Product Standards, and these standards will be announced under the Islamic Principles as well as regarding “the international standards besides the use for authorize of Halal logo on halal products”. This committee will be also the responsible for the functioning of issuing certificates as HCB.<sup>119</sup>

“Thailand exported nearly US\$24.38 billion worth of livestock, fishery, cereal, vegetable, fruit and sugar products. That

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<sup>117</sup> Mann, Alex, Why are some Australians campaigning against Halal and what's its effect?, available at: <http://www.abc.net.au/7.30/content/2014/04/13/3082.htm> accessed at; 24/2/2017.

<sup>118</sup> Ma, Wenlei, AAP, halal conspiracy theorists bullying Australian business (12 November 2014, available at: <http://www.news.com.au> accessed at: 4/1/2015.

<sup>119</sup> MohaNI abdul, Perceptions on Halal Food Certification in Hat Yai, Thailand. International Journal of Economics and Management 8(1), January 2014. 178 – 194.

represented solid 10% growth from year 2009, and shipments those went out from country estimated US\$27.65 billion in 2011".<sup>120</sup>

Thailand ranks first for Halal exports from 10 member countries of ASEAN, major markets for Thai Halal Food are Indonesia, Malaysia, Nigeria, Oman, and other countries in the ASEAN region.<sup>121</sup>

### **3.6 Halal Certification in Philippine:**

The situation of the Philippine is not even cheerful, and this is due to the security reasons there because there are so many problems and hurdles, where Zamboanga halal food industry even is facing many problems over there. In fact, Philippine halal certification is currently many problems like scattered, decentralized and coherence etc. currently, there are 18 certifying halal agencies across in the country, but only 9 are members of the national Halal Federation and are more credible halal certification suppliers.

This complicated situation has occurred in the Philippine is due to the constitution, where there is separation of the Church and State. Therefore, government agencies are forbidden from meddling in the management or the establishment of the halal certification bodies, due to religious activities<sup>122</sup>. According to the Roberto Amores "halal certification can be done

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<sup>120</sup>Thailand board of investment, 2011. cited at: [http://www.setencepark.or.th/documents/content/Guide\\_English.pdf](http://www.setencepark.or.th/documents/content/Guide_English.pdf) accessed at: 1/3/2017.

<sup>121</sup>Mohani Abdul, Article Perceptions on Halal Food Certification in Hat Yai, Thailand, Publisher ISSN 1823836X, int. Journal of Economics and Management 8(1): (2014), 178-194.

<sup>122</sup>Francois N. Dube, Yang Haijuan and Huang Lijun, halal certification system as a key determinant of firm internationalization in the Philippines and Malaysia, Asian academy of management journal, vol. 21, No. 1, 2016, 73-88.

through many different halal certification bodies, which do not communicate or coordinate between themselves".<sup>123</sup>

### **3.7 Halal Certification in Canada:**

Canada has amended to the laws of its Food and Drug Regulations by adding new labeling laws regarding halal foods. Where new halal labeling rules states that no one can use Arabic word halal or related any word halal on the labeling, packaging, advertising or selling food unless they use or indicated the name of the person or the body or organization to run the business.

This amendment was made in the Canada gazette, part II on April 23, 2014 and comes into effect on April 4, 2016.<sup>124</sup>

There are two certified organizations for certified to all companies, those are given below;

#### **3.7.1 ISNA Canada:**

Since 1988, this organization is not only certified foods for the Canadian Muslims and United States Muslims but in much more countries, this organization is working on halal foods.

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<sup>123</sup> The Philippine star, Philippines food exporters' confederation, 22 November 2014, cited at: <http://www.philstar.com:8080/business/2015/01/10/1411223-exports-sustain-2-digit-expansion-november> accessed at: 1.2.2017.

<sup>124</sup>Canada gazette, amendment, available at <http://industries.ul.com/news/canada-new-halal-labeling-requirements> accessed at 20/2/2017.

### **3.7.2 HMA Canada:**

This is also a non-profit organization for the specifically in halal foods. HMA also provides highest standards to the halal foods and certified to all halal foods. This HMA organization is recognized as most authentic organization body in Canada.

## **3.8 Malaysian and Indonesian – Halal Certification**

### **3.8.1 Halal Certification in Malaysia:**

As a Muslim country, Malaysia is a pioneer in introducing a comprehensive Standard for halal products through Malaysian: Halal Food-Production, preparation and Storage-General Guidelines, known as MS 1500:2004. This standard was developed by a Technical Committee on Halal food comprises of diverse expertise in Islamic studies.<sup>125</sup>

ISO 1995 defines traceability as the ability to trace the history, application or location of an entity, by means of recorded identification.<sup>126</sup> Three main dimensions for improvements from the application of traceability are; food safety assurance, safety and quality and risk prevention.<sup>127</sup> The significance of food risk

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<sup>125</sup>Zakiah Samori, Amal Hayati Ishak, and Rurul Himmah Kassan. Understanding the development of halal food standard: suggestions for future research. *international journal of social science and humanity* vol.4, No. 6, November 2014

<sup>126</sup> EU. 2002. Regulation (EC) no 178/2002 of the European Parliament and of the council. *Official journal of the European Union*. L31. 1 February. 1-24.

<sup>127</sup> Golan, E. B. Krissof, B. Kuchler, L. Calvin, K. Nelson, G. Price, 2003. Traceability for food safety and quality assurance: mandatory system misses the mark. *Current Agriculture, Food and Resource Issues*. 4: Available at [http://calri.usask.ca/\\_j\\_pdfs/golan4-1.pdf](http://calri.usask.ca/_j_pdfs/golan4-1.pdf). Retrieved on 21/1/2017. 27-35.

concern and coping strategies has also being highlighted by Yeung and Yee.<sup>128</sup> Application of traceability in Halal food production is at a new stage due to its infancy of large scale production of Halal products. The Halal industry is a new growth sector in the Malaysian manufacturing sector and is the fastest growing global business across the world.<sup>129</sup>

The form of Small and Medium Enterprise's SME'S is the multi business into the whole Asia and there are mostly contained into the raised economy of the newly established economies in these countries, including Indonesian. "The Indonesian economy is basically characterized by grass root SMEs that make up nearly 99.95% of the total number of enterprises".<sup>130</sup>

In Indonesia, "law No. 9 of 1995 defines small enterprises to be those owned by Indonesian citizens, independent and unaffiliated with large enterprises, and individual businesses, with or without legal licensing, including cooperatives".<sup>131</sup>

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<sup>128</sup> Yeung, R. and W.M.S Yee, 2012. Food safety concern: Incorporating marketing strategies into consumer risk coping framework, *British Food Journal*, vol. 114(1): 40-53

<sup>129</sup>Zurina Shafii and W.M.N Wan Siti Khadija, Halal Traceability Framework for Halal Food Production, *world applied sciences journal* 17: 01-05-2012, ISSN 1818-4952, IDOSI Publications, 2012.

<sup>130</sup>Bali International Consulting Group, 2011, available at: <http://www.bicg.org/bicg.php?sectionID=16> accessed at 2/3/2017.

<sup>131</sup>Mohani Abdul, Hashanah Ismail, Mazlina Mustapha and Hadri Kusuma, Indonesian small medium enterprises (SMEs) and perceptions on Halal food certification, *academic journals*, 16 January 2012.

### 3.8.2 Halal Food Authority:

HFA was introduced in 1994, and certifies to the all kinds of meats and foods. those are permitted according to the Islam, under the guideline of current chairman of Dr Abdul Matin Khan.<sup>132</sup>

There is increasing of British companies in their trade solution especially in halal certifications for international trade in exports e.g. Gulf Cooperation Council (GCC) Countries, the wider Middle East and North Africa (MENA) and growing to middle classes of the Malaysia and Indonesia.

This HFA is certified by the “Malaysia’s JAKIM, Indonesia’s MUI, and by the united states IFANCA”,<sup>133</sup>

Halal Authority Board is registered organization from the UK government, and working for the foods, drinks and products in practices Islamic point of view or laws.

The HAB is working on the globally worldwide for the regulation of halal standards.

Currently it has five modules for all over the world, those are given below.<sup>134</sup>

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<sup>132</sup>Abdul Matin Khan, chief executive of board of trustees, HFA UK, available at: <http://halalfoodauthority.com/about-us> accessed at: 9/2/2017.

<sup>133</sup> The recognized foreign halal certification bodies & authorities, February 15, 2016, department of Islamic development Malaysia, available at <http://www.halal.gov.my/v4/images/pdf/060116.pdf> cited at 10.2 2017.

<sup>134</sup>Halal authority board UK, available at: <http://www.haboard.com/about.html> accessed at: 3/1/2017.



- 1- Primary production of livestock.
- 2- Primary processing of livestock, which includes: labeling, packaging and slaughtering.
- 3- Further processing.
- 4- Logistics.
- 5- Food services, which includes, preparation of the foods for the consumers.

Halal Authority Board was on the stand in February, 2014, for the slaughtering of the animals under the Islamic laws and teachings because before this UK government had banned on the Muslims to slaughter an animal without stunning.

So the HAB took a stand in 22 February, 2014 in given points:<sup>135</sup>

- 1- Machine slaughter of poultry is Haram (forbidden) and is not permissible for the Muslim community in the UK
- 2- Only hand slaughter of poultry by Muslim slaughter men is acceptable and will be considered as halal.

In its explanation we can analyze about the issue which raised at 22 February, 2014, in the conference of HAB that under the Islamic principles and laws, where animals shall be slaughter without mechanical or stunning slaughtering.

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<sup>135</sup>HAB, February 22, 2014, available at: [http://meatinfo.co.uk/news/fullstory.php/aid/16614/HALAL\\_Authority\\_Board\\_plans\\_conference.html](http://meatinfo.co.uk/news/fullstory.php/aid/16614/HALAL_Authority_Board_plans_conference.html) accessed at: 15/2/2017.

There was a case in 2014, where trial was led by the Halal Food Authority, and the claimant party was “The Association of Non-Stun Abattoirs against the Cargill Europe into halal recovery. This Cargill is the major supplier of meats to the UK.

Where the claim was raised by the ANSA that Cargill Meat Europe are using machine for the killing of the poultry, but in this response Cargill replied that we uses only normal electrical stunning for the poultry, which stuns the birds for minimum stress but does not kill them.<sup>136</sup>

But according to the HAB announced an statement on 22 February, 2014, that it is informed to the all halal certification bodies, businessman, all Muslim organizations, it was explained that under Islamic law, mechanical slaughter is haram (forbidden).

After many struggles of Dr Abdul Matin Khan, chairman of Traditional Halal and the HFA, at 04 October, 2016, Stun-free halal certification scheme launched and regulated to across the UK.<sup>137</sup>

This scheme was supported by representatives of Euro Quality Lambs, Gafoor Pure Halal, Halal Kitchen, Worldwide Cash and Carry and Iqbal Poultry, along with several Islamic scholars from Oldham, Blackburn and London.

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<sup>136</sup>Cargil Meat supplier vs ANSA, available at: [http://meatinfo.co.uk/news/fullstory.php/aid/16694/ANSA\\_calls\\_Cargill\\_Meats\\_92\\_halal\\_trial\\_int\\_o\\_question.html](http://meatinfo.co.uk/news/fullstory.php/aid/16694/ANSA_calls_Cargill_Meats_92_halal_trial_int_o_question.html) cited at 19/2/2017.

<sup>137</sup>Stunned-free slaughter scheme launched, available at: [http://meatinfo.co.uk/news\\_fullstory.php/aid/20350/stun-free\\_halal\\_certification\\_scheme\\_launched.html](http://meatinfo.co.uk/news_fullstory.php/aid/20350/stun-free_halal_certification_scheme_launched.html) accessed at; 11/12/2016.

The UK exported close to the 70\$ million in meat and live animals to OIC markets in 2015.<sup>138</sup>

### **3.8.2 Malaysian Department of Islamic Development**

#### **(JAKIM):**

The standard prescribes many rules for the practically trade issues and in specially marketing. so in Malaysia. along with these standards. there was in 1982. established Malaysian Department of Islamic Development (JAKIM). which is vested by the Prime Minister's department and working as the Malaysian Halal Certification Manual rules, those are very important to compile by producers, manufactures. marketers and sellers in the scenario of halal food industry.

Under many surah of Al-Quran, where Allah SWT had been prohibited for Muslims to eat. so these are the foundations of the Department of Malaysian Islamic Development (JAKIM). According to this organization, there must be including in the procedure of halal foods for its manufactures. production. packaging, distributing, selling, processing storage, and even supplying to the halal foods. must be according to the Islamic rules and principles.

Since 1982. the responsibility of JAKIM's is to enforce and regulate to the laws of the halal foods according to the very prime principles and rules in Quran. Where. responsibility included of halal awareness among "food producers. distributors. importers including food all premises. restaurants and hotels".

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<sup>138</sup> Export report by ITC 2016-2017. Trade map data. available at: <http://www.intracen.org/itc/market-info-tools/trade-statistics/> accessed at; 26/2/2017.

“Among the agencies that involved in the formulation of this standard is Federation of Manufacturers Malaysia, Department of Science and Technology, the Department of Veterinary Services, Ministry Of Health Malaysia, National Body of Standardization and Quality (SIRIM), International Islamic University (IIUM), University Putra Malaysia (UPM), and University Technology MARA (UITM). This standard is developed in accordance with ISO methodologies and it was observed that this standard has been widely recognized and globally accepted by halal certification bodies in other countries. It is also the first halal standard to be developed by a Muslim nation”.<sup>139</sup>

However, Malaysia is an Islamic country. So yet it establishes and enacted halal act in the future. Being an Islamic state, Malaysia has enacted some Acts through its parliament on the specifically halal foods, such as Trade Description 2011, Food Act 1983, Animal Rules 1962, Consumers Act and Customs Act 1998 which is very importantly deals with the trade of imports and exports of halal foods. In generally, these all acts protects to the consumers in all terms of trade or business in country.

### **3.8.3 Halal logo and its significance:**

There was confusion among the Muslims of Malaysian citizen to choosing in halal authentic food without doubt, so far as Malaysian Government was concerned to the usage of halal logo. Therefore, the Department of Islamic Malaysian Development (JAKIM), a coordinating body of halal certification in

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<sup>139</sup> Zakiah Samori, Amal Hayati Ishak, and Nurul Himmah Kassan, Understanding the Development of Halal Food Standard: Suggestion for Future Research, International Journal of Social Science and Humanity, Vol. 4, No. 6, November 2014, 482-486.

Malaysia introduced a standard halal Malaysia logo which was the realization to solve the confusion and the misrepresentation and misconception in halal certification.<sup>140</sup>

This was supported by the Trade Description Act 2011, so from this situation any other private halal logo or certificate or those who display 'artificial' halal logo or certification on a food product or premise will subject to punishable offence.<sup>141</sup>

This JAKIM covers to the procedure on this application as procedure, inspection, monitoring, and enforcement for those, those are the producers in their guidelines.

There is also true thing that each and every halal logo does its process as the permitted sign of the halal foods for all Muslim customers. There is definitely increasingly enhanced to the halal industry globally.<sup>142</sup>

There are used packaging as printed by the name of different cautions, from where every customer can be secure to their halal foods by reading them. For example, "there were cases where factories producing sausage raided for using pig intestines as sausage skin casings, the use of fruit labels for alcoholic

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<sup>140</sup> Mohd Aliff Abdul Majid, Izhar Hafifi Zainal Abidin, Hayati Adilin Mohd Abd Majid, Chemah Tamby Chik. issues of halal food implementation in Malaysia. J. Appl. Environ. Biol. Sci. Text Road Publication. Journal of applied environmental and biological sciences. 5(6S), 2015 © 2015, 50-56.

<sup>141</sup> W.M.S.A. Aziz, Former Director of JAKIM, Carah Mudah Kaut Untung (Punca Utama Pengusha Premis Makanan Memanipulasi Sijil Pengesahan Halal Malaysia, Metro Ahad. 2009, 4.

<sup>142</sup> S. Shafie and M. N. Othman, "Halal certification: an international marketing issues and challenges." in Proc. Paper presented at the Fifth International World Congress (IFSAM), Berlin, Germany, 2006, 1-11.

beverages and catfish fed with pig intestines, which have been gazette as not permissible for the Muslims as it contains filth (najis)".<sup>143</sup>

### **3.9 Halal Certification in Indonesia:**

In recent years, halal industry is becoming a hub of halal certification for the Indonesian Muslims 1<sup>st</sup> popularity in world. This country is expending its halal certification day by day as domestically and internationally as well.<sup>144</sup>

There was a major food scandal in 2001 in Indonesia, from which a global status of halal food was regularized in advance manners, the Majelis Ulama Indonesia (MUI), accused to the Japanese company, Ajinomoto, which was using pork product into the flavor of enhancer monosodium glutamate and demanded from the Indonesian government for the action on this issue. This was very serious accusation, where if this will be prove as true for the violations of the halal rules because this is the forbidden for the muslims to not eating. In the consequences of this scandal, many employees of this company were arrested and as a large publically apologizes were issued. Latter of this JAKIM decided to check and balance for its inspection kept with itself.<sup>145</sup>

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<sup>143</sup>Zakiah Samori, Amal Ishak and Nurul Himmah Kassan. Understanding the Development of Halal Food Standard: Suggestion for Future Research. IJSSH.2014.V4.403.

<sup>144</sup> Angeline Taniwan. Article: Halal certification registration in Indonesia. July 22, 2016. cited at: <https://www.linkedin.com/pulse/halal-certification-registration-in-indonesia-angeline-taniwan> accessed at: 2/3/2017.

<sup>145</sup> Fischer and Johan. Manufacturing Halal in Malaysia, publisher contemporary in Islam, 2016, 7.

### 3.9.1 Indonesian Halal Certification and Regulations:

The authority of the regulations of halal industry in Indonesia is Majelis Ulama Council (MUI), which was founded by Indonesian new order of Suharto administration in 1975 under a famous fatwa, and its also responsibility is to advise all of the Muslim community resides there, which the countries high authority especially in Islamic affairs.

There are two authority bodies in MUI are, the Foods, Drugs and the Cosmetics Assessment Agency (LPPOM) and MUI fatwa committee halal standard in Indonesia on the basis of sharia law. MUI Fatwa Committee is the one of MUI comities, which issues the Fatwa or final decree after examining by the LPOM committee, which is very important investigation or examination by this authority.<sup>146</sup>

In recently, the House of Representatives have issued a Halal Product Assurance 2014 (Halal Law), which regulates the material, processing, and certification of halal products, as well as deals with international cooperation with foreign halal certification agencies.<sup>147</sup>

In Indonesia Halal law mandates has been given a suggestion to the Government for implement the law, there must be an organization by name of Badan Penyelenggara Jaminan Produc Halal (BPJPH) within three years after the

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<sup>146</sup>Angeline Taniwan, Article: Halal certification registration in Indonesia, July 22, 2016, cited at: <https://www.linkedin.com/pulse/halal-certification-registration-indonesia-angeline-taniwan> accessed at: 2/3/2017.

<sup>147</sup>Halal product assurance 2014, cited at: <http://aksetlaw.com/news-event/newsflash/new-law-on-halal-product-assurance/> accessed at: 3/3/2017.

announcement of this authority Act. So, this BPJPH will be the responsible for the foreign cooperation and domestic affairs regarding the Halal products regulations instead of MUI, but now in these days still MUI working as cream role for the halal foods regulations until BPJPH.

In this Halal Food Assurance 2014, halal certificates will be valid for four years, where extension in their certificates will be the subject.<sup>148</sup>

### 3.10 CONCLUSION

The credit for the globally recognition of the Halal certification is to the Halal industry in Malaysia. There is a strict and accordance to the shariah law Halal certification is needed to support the reputable image of Malaysia as the Halal food producers. But on the other hand, in international level of halal food trade, there is a current situation that many countries are relying on non-tradable food products those are largely supplied domestically

There is the position of high tradable products, whereas the GCC countries are involved and their reliance of halal status cannot work alone. There is the status already is going to become mainstream for foods. The general idea is that halal is very beneficial but may be at the same time not in sufficient condition.

As discussed. Halal foods are the Universal products all over the world, so there must be the representative of the insurance of foods or products by the packaging

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<sup>148</sup>Mochamad Fachri, Cahyani Endahayu and Preti Suralaga, Halal Product Assurance Law 2014, Indonesia, cited at [http://www.hhp.co.id/files/Uploads/Documents/Type%20HHP%20al\\_jakarta\\_halalproductassurance\\_jan15.pdf](http://www.hhp.co.id/files/Uploads/Documents/Type%20HHP%20al_jakarta_halalproductassurance_jan15.pdf) accessed at: 5/3/2017.



and labeling. There is mostly lack of halal foods in international markets for exports is failed due to uncertainty in packaging as well as less knowledge about the requirement of halal foods, because brand awareness cannot build in a day but gradually.

There are many countries. those are in logistic situations and make distribution to these countries very difficult, Such as, exporting to the Central Asian Countries by multi-modal transport due to the lack of seaports.

There is the problem regarding Halal Certification which is in rising demand for protection of their business in halal products but unfortunately there is the abuse and misuse of Halal certification. There are so many examples, because Halal Certificates can be buying easily.

Furthermore, there is the rising of OIC on international trade and many other global Halal stakeholders are agreeing for the development of global halal standards. The formation of IHI Alliance as part of WHF resolution 2007 and OIC General Assembly 2008 was a step towards this.

## CHAPTER 4

# HALAL CERTIFICATION IN PAKISTAN: AN ANALYSIS

### 4. INTRODUCTION

The concept of Halal certification is today's very hot issue all over the world, basically its need and awareness for the uses of halal consumption foods according to the Shariah is very essential for Muslims across the world.<sup>149</sup> The role of halal certification is to secure the fully hygiene food, its safety, its production etc. must be certified by a recognized authority. This recognition can be done only when halal logo is used for halal certified foods and the purpose of this halal logo is to check its production methods.<sup>150</sup>

Pakistan has passed an Act on federal level but still now it's still pending for implement. In this study, there will be the awareness for the use of halal recognized food according to the sharia and the recognized authority for check and balance on the basis of its certification or through a process prescribed by the Government which may be for the imported or exported foods.

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<sup>149</sup> Shahidan Shafie and Md Nor Othman, Halal Certification: an international marketing issues and challenges, 1829, Ptg Hj Hassan, 13220 K.Batas, SPU. Penang, Malaysia, available at <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.458.2667&rep=rep1&type=pdf> cited at 5/14/2017.

<sup>150</sup> Ibid.

#### **4.1 Overview of Pakistani Halal Laws and Regulations:**

In Pakistan, if we look at its food safety laws, then there are a set of laws in different categories but its legal frame work is not capable to together working due to authorities not concerning with due attention. Basically these laws have been enacted from long time ago but no any achievement has been brought into food safety measures. Due to these flaws the enforcement of these laws is poorly going on.<sup>151</sup>

There are basically four laws in Pakistani halal situation. three of them directly focus on the food safety measures but one of them indirectly focuses on food safety measures which is PSQCA "The Pakistan Standards and Quality Control Authority Act , 1996".<sup>152</sup>

The pure food ordinance 1960 is the law for the preparation and safety of the foods for sale etc. and this law is the prevention for the adulteration of the food and this law is amended for the implementation of all provinces along with some northern areas.<sup>153</sup>

There is another Act which deals in operation same as the pure food ordinance because there is no difference between substantial and practical implementation because rules of operation are similar with each other. but the difference between both of them is that for the cantonment areas which is called "The Cantonment Pure Food Act, 1966".<sup>154</sup>

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<sup>151</sup> Qurrat ul Ain, food safety and quality management, march, 09, 2015

<sup>152</sup> Ibid.

<sup>153</sup>The Pure Food Ordinance 1960, (W.P Ordinance VII of 1960)

<sup>154</sup> The Cantonment Pure Food Act, 1966 (Act No. XVI of 1966). 19<sup>th</sup> July 1966

#### **4.1.1 State's Responsibility towards Citizens:**

According to the Article 38 (d) of the constitution of Pakistan ensures about the basic necessities of everything of life including the food for the citizen of Pakistan, this article says:

“The state shall provide basic necessities of life, such as food, clothing, housing, education, and medical relief, for all citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment”.<sup>155</sup>

Article 2 of the constitution, again highlights the same theme and accomplishes the same object of the creation of Pakistan, providing that Islam will be state religion of Pakistan.

There is the objective resolution of Pakistan, which is Islamic ideology into the constitution under the article of 2A, because according to the objective resolution of Pakistan, there must be sovereignty belongs to Allah almighty, and according to the 'Majlis-i-Shura', there are some limits to use the sovereignty. Under the Article 227 (1) of the constitution provides as follows:

“All existing laws shall be brought in conformity with the injunctions of Islam as laid down in the Holy Qur'an and Sunnah, in this part referred to as the injunctions of Islam and no law shall be enacted which is repugnant to such injunctions”.<sup>156</sup>

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<sup>155</sup> The Constitution of Islamic Republic of Pakistan, Art. 38(d)

<sup>156</sup> Ibid, Art. 227 (1).

to promote imports and exports and inter-provincial trade and commerce in Halal items and processes".<sup>163</sup>

#### **4.1.3 Functions of Ministry of Commerce & Plant Protection and Quarantine (PPQ):**

Basically these two above mentioned authorities are responsible for the food import. Federal import regulations require that at least fifty percent of the import goods remain original shelf life at the time of importation. And this is also the condition of these importation authorities that at the time of the checking that each retail has printed the date of production and the expiry date on the label. If any products will be containing of pork so that will be prohibited for the importation. and meat, dairy etc. must be having logo on the printed with 'halal' word.<sup>164</sup>

#### **4.2 PUNJAB FOOD AUTHORITY (PFA):**

According to the passage of the 18<sup>th</sup> Constitution amendment that food will be the subject of provincial responsibility, Punjab food authority had established under "The Punjab Food Authority Act, 2011". this authority deals with the consumption of safe foods for human being, there is basic purpose of this authority which laid down for the very importantly task of food articles and for their regulations with their manufacturing, distribution, sale and import of halal

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<sup>163</sup> Ibid.

<sup>164</sup> Engineer Khurram Dastgir Khan. Federal Minister for Commerce, Strategic Trade Policy

Framework 2015-18. available at <http://www.commerce.gov.pk> "page\_id 5". cited at 8/3/2017

foods. This authority have all responsibilities regarding food consumption that how this will be processing or importing or exporting or even issuing the license matters and issuing notices or prosecution of any matter deals regarding any matter of foods.<sup>165</sup>

Punjab Agricultural & Meat Company (PAMCO) introduced tracing system for the examine of developments into the hygiene delivers of Halal meat to the provincial level and import, export with foreign countries. There is another organization set up by the Punjab Government for the development of the Halal foods, which is called Punjab Halal Development Agency (PHDA) and those organization will be working for the progress and development of the certifications of halal products or foods.<sup>166</sup>

#### **4.2.1 PFA and Its Activism:**

PFA had imposed heavy fine on the “Allama Iqbal Medical college cafeteria, Jinnah Hospital canteen, Cakes and Bakes on the Infantry Road and Junaid Restaurant at Kamahan Chowk Lahore due to hygiene issue, cleanliness problems and handling standards issues”.<sup>167</sup>

Meanwhile, there was sealed many familiar business places such as “NFC Mansha Tikka Shop, Butt Pakori and Ghausia Food Traders at Tokaywala

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<sup>165</sup> Punjab Food Authority Act. 2011 (XXI of 2015)

<sup>166</sup> Syeda Hameeda Batool Gillani, Farukh Ijaz, Muhammad Mehmood Shah Khan, Role of Islamic financial institutions in promotion of Pakistan halal food industry, *Islamic banking and finance review*, 3 (1), , 1437H/2016, 29-49.

<sup>167</sup> PFA sealed to seals 15 eateries, Hotels, Published in Dawn Newspaper, August 1, 2015.

Chowk, Gol Bagh (Shadbagh) and on Amir Road, Lahore Broast, Multan Road branch, Sawat Khyber Hotel and Mahmood Chargha at Timber Market, Lahore Broast on Wahdat Road and Butt Tikka Shop in Rehmanpura Lahore".<sup>168</sup>

"Zam Zam Café of Jinnah Hospital was imposed Rs 5,000 fine, Sheikh Zaid's canteen was given a fine of Rs 3,000, Bismillah Juice Corner of Child Ward of Mayo Hospital received a fine of Rs 7,000, canteen of Anmol Hospital got a challan of fine Rs 3,000, main cafeteria of Doctors Hospital was imposed a fine of Rs 15,000, Bismillah Food stall of the same hospital was fined Rs 13,000 and another food outlet of the same hospital was imposed a fine of Rs 2,000 by the PFA teams".<sup>169</sup>

"There was a 20<sup>th</sup> meeting held by the PFA, and there was many things including increasing fine that PFA Board accorded approval to increase fine on violation of Food Act according to which, Assistant Food Safety Officer will be able to impose a fine of Rs. 25000, Food Safety Officer one lakh rupees, Deputy Director two lakh rupees while Director Operations will impose a fine of five lakh rupees. In this meeting, this was also considered the issue and agreed by the board for the starting of the e-licensing system which is more reliable and flexible to creating the license. And regarding this meeting, there was also PFA board was requested that when there will be any person who will violate the PFA laws so there must be

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<sup>168</sup> Ibid.

<sup>169</sup> PFA imposes fines on Hospitals canteens selling substandard food, available at: <http://epaper.brecorder.com/2017/01/16/5-page/840508-news.html> cited at 3/3/2017.

increase the fine from 10 lakh rupees to the 1 crore rupees and there must announce the non-bail able offence.”<sup>170</sup>

### **4.3 Pakistan Halal Authority Act:**

This Pakistan Halal Authority Bill was first time introduced in the parliament at 2015 in parliament or federal level, and according to this bill which is called “Pakistan Halal Authority bill, 2015”.<sup>171</sup> Further in its legislation has been brought in recent time and now National Assembly of Pakistan has been passed as an Act by the name of “Pakistan Halal Authority Act, 2016” and this is the master plan for the protection of halal food at domestic level as well as to the foreign countries trade will be better, from this plan advancement into the halal food will also effect in good manners which were totally absent in previous years, every country and domestic society will be assured for the protection and examine properly by the authority about the halalness of the foods.<sup>172</sup>

In Pakistan, when this concept of Halal Food Authority Act, 2015. was brought into discussion so firstly government of Pakistan sent before two years ago some well familiar personalities of sharia scholars to the abroad in familiar institutions for the sake of training, these scholars were belong to the “Jamiat-ul-Rashidia”

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<sup>170</sup> PFA would impose heavy fine on the sale of substandard food . available at: <http://lahoreworld.com/2017/02/14/pfa-would-impose-heavy-fine-on-the-sale-of-substandard-food/> Cited at 3/3/2017.

<sup>171</sup> Pakistan Halal Authority Bill, 2015, available at [http://www.na.gov.pk/uploads/documents/1438261676\\_954.pdf](http://www.na.gov.pk/uploads/documents/1438261676_954.pdf) cited at 9/3/2017.

<sup>172</sup> Syeda Hameeda Batool Gillani, Farukh Ijaz, Muhammad Mehmood Shah Khan, Role of Islamic financial institutions in promotion of Pakistan halal food industry, Islamic banking And finance review, 3 (1), 1437H/2016, 29-49.



and then at the time of their completion of training, this Act was came into force in 2015. This Pakistani Halal Food Authority is totally running by the Islamic Scholars because through in the world there are only some countries those have Islamic Scholars for the running of this halal certification institute such as the institute of SANIIA in South Africa and the halal certification institute of ACJU is in the Sri Lanka.<sup>173</sup>

#### **4.3.1 Characteristics of Pakistan Halal Authority Act:**

This act was introduced in 2015, it's progressive of promote the imports and exports, international trade and commerce from very initial steps of trade on halal. This act had passed in parliament and implement in final shape of March 1, 2016 for the whole of Pakistan and all means of halal trade with foreign countries.<sup>174</sup>

Basically, this Pakistan Halal Authority Act, 2016 deals with part 1 along with 1 schedule and Annex A, B.<sup>175</sup>

Part 1 contains 38 sections where section 1 deals with territorial jurisdiction of act implementation which is whole of Pakistan and for the sake of trade with foreign countries. Section 2 contains definitions clause. Section 4 and 5 deals with the

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<sup>173</sup> Molaana Arif Ali Shah. Halal Certification and Quality Management System, observers 1291, sited at: <http://www.shariahnbiz.com/shariha/index.php/halal-w-haram/halal-certification-and-quality-management-system> 761-asre-hazir-me-halal-certification-ky-jdaron-ki-zarorat-ohmeat . accessed on 28 January, 2017

<sup>174</sup> Pakistan Halal Authority Act, 2016. Act No. VIII 2016, available at [http://www.na.gov.pk/uploads/documents/1457693935\\_828.pdf](http://www.na.gov.pk/uploads/documents/1457693935_828.pdf) cited at 10/3/2017.

<sup>175</sup> Ibid.

management and according to this management board will be the executive of this authority functions and this board will be comprises of board of governors those will be consist of 1 chairperson from minister of science and technology and others will be the members of this board, those will be from two members of the parliament (one each from parliament and senate), secretary (ministry of commerce), secretary (ministry of finance), secretary (ministry of industries and production), secretary (ministry of interior), secretary (ministry of national food security and research), secretary (ministry of religious affairs), secretary (ministry of science and technology), chief secretary provincial government, Azad Jammu & Kashmir and Gilgit-Baltistan, Director General (Pakistan standards and quality control authority), Director General (Pakistan national accreditation council), president (federation of Pakistan chamber of commerce and industry), chairman (Islamic chamber of commerce and industry), three well reputed sharia scholars (ministry of religious), one representative (nominated by rector by IIUI), food technologist (Pakistan agriculture research council), Director General (Pakistan Halal Authority). According to section 6 of this act. these all members will be nominated of the office for three years.<sup>176</sup>

#### **4.3.2 Pakistan Halal Authority (Powers and Functions):**

There are some powers and functions of Pakistan Halal Authority in Pakistan Halal Authority Act, 2016, those are given in section 10 in detail that every policy, plan and strategy for implementation, and in progress of import and export of Halal foods trade with foreign countries and inter-provincial level plans etc.,

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<sup>176</sup> Ibid.

and with the guidelines of OIC, this board can be changed to its policies for the development of halal foods and other articles or process. This authority has also power to authorize the use of halal logo and its development and for its renewal fee collection and maintain to its register. This board will have also other authority which is relating to inspect and check & balance of trade relevant to the import and export, trade and commerce with foreign countries and inter-provincial trade and commerce.<sup>177</sup>

The sections of 14 and 15 of Pakistan Halal Authority Act, 2016 deals with the proper use of halal logo, in which section 14 deals with the improper use of halal logo which contains with the patent or trade mark or design and this halal logo must be issued to any company or firm with the Pakistan halal authority. And its next section of 15, deals with prohibition of use of certain names, marks or logo. And according to the section 20 of this Act deals with the penalty on the miss use or improper use of halal logo, where anybody who will commit offence against the sections of 14, 15, 16, 17, 18, 19, then he or she will face to the imprisonment after conviction of offence which extend up to three years and a fine which may be up to 1 million rupees in the court of law.<sup>178</sup>

#### **4.4 OIC Guidelines and Obligation of Pakistan:**

OIC is the second largest inter-governmental organization after the United Nations which has 57 states spread over the four continents.<sup>179</sup>

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<sup>177</sup> Ibid, S. 10.

<sup>178</sup> Ibid

<sup>79</sup> OIC, available at: [http://www.oicun.org/2\\_23/](http://www.oicun.org/2_23/); cited at 12/3/2017

This halal standard develops by the OIC institution “Standardization Expert Group” (SEG), and this standard develops to the Islamic rules by commonly accepted rules of Islamic countries. Basically, these guidelines are given in the first schedule of Halal Authority Act 2016 in Pakistan and the basic Islamic rules for the halal foods, its preparation, packaging, processing, labeling, sorting, controlling, transporting, marketing, distributing, storage and service of the halal food according to the Islamic rules must be followed by the member countries of OIC.<sup>180</sup>

According to the schedule 1 of the Pakistan Halal Authority Act, 2016, there are some specific referenced documents for the specific matters e.g. CODEX STAN 1 (general standards for labeling pre-packed foods), CAC/RCP 1 (principles of food hygiene), CAC/RCP 58 (principles of meat hygiene), ISO 22000 (food safety management system), ISO 22005 (traceability in the food and feed chain).<sup>181</sup>

In these guidelines given by OIC, there are some terms and definitions are also given to the member countries, those are first of all, all those things those are permitted by Allah in the Holly Quran and by his Holy Prophet Mohammad (SAW) have allowed so those are all falls under Islamic rules and regulations for halal foods.

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<sup>180</sup> Ibid. Pakistan Halal Authority Act, 2016, Act No. VIII 2016, schedule 1

<sup>181</sup> Ibid. Pakistan Halal Authority Act, 2016, Act No. VIII 2016, schedule 1. Normative references

#### **4.5 Halal Certification and Its Impact on Pakistani Trade:**

Pakistani halal position in world is very exceptional position in its halal products such as halal meat which contains unique type of taste and nutrients values. Economically, Pakistan has an important role in livestock industry, which is stand position as succeeding in buffalo's productions, poultry is round about 670 million. castles are at 60 million, and sheep and goats are succeeding at 55 million. From these statistics, this can be analyzed that Pakistani livestock is going to meet the requirements of the global halal meat and this can be the hub of halal industry in world. The current situation of Pakistan is that Pakistan is exporting to the Gulf Cooperation Countries at large scale.<sup>182</sup>

Pakistan has a great importance on the global market for import/export due to many reasons c.g. multiform of agriculture and halal meat food in Pakistan. There are a lot of opportunities for the requirement of approach the demand to all over the world; those may be Muslim countries and non-Muslim countries. There is a lot of need to advancement in halal food laws on global level because there are a lot of flaws into legal requirements to being mature laws. So due to these reasons still now halal market is going to develop their laws and market on sharia halal standards so Pakistan has a great opportunity to being a halal hub as international standards.<sup>183</sup>

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<sup>182</sup> Syeda Hameeda Batool Gillani, Farukh Ijaz, Muhammad Mehmood Shah Khan, Role of Islamic financial institutions in promotion of Pakistan halal food industry, *Islamic banking and finance review*, 3 (1), 1437H/2016, 29-49.

<sup>183</sup> Nazar Hussain, Muhammad Anwar ul haq, zafar-uz-zaman and Muhammad Usman, Global halal food market and opportunities for Pakistan, *international journal for education and*

#### **4.5.1 Export of Halal Items:**

Pakistan has increased its halal meat e.g. mutton and beef etc. to the export industry in world. there is statistics in recent years that is increased from US \$70.9 million in 2008-09 to US \$210.9 in 2012-13, which is increased 39% per annum. If we talk about only mutton amount in export then it is US \$79.4 million and specifically to the beef US \$111.2 million in 2012-13 to the many different states. There are many countries to export in international market especially in beef and mutton from Pakistan those are includes UAE, Saudi Arabia, Iran, Kuwait, Oman, and Qatar.<sup>184</sup>

#### **4.6 The problems in Pakistani Halal Situation:**

Unluckily, Pakistan has lack of official halal certification for the purpose of halal foods although there is everywhere concept in world that Pakistan produce halal foods but there is also the strong image that there is no any realize of consumption of halal food. Hence, in Pakistan there is halal export consumption such as medicines, cosmetics, toiletries and even food ingredients, but unluckily there is a lack of examination on standard basis and there is need to develop new halal market state of affairs, and be hold on the Gulf Cooperation Countries (GCC)<sup>185</sup>

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research, vol. 2 No. 3 March 2014.

<sup>184</sup> Noor Ahmed Memon, Pakistani halal meat gaining ground in international market, available at: <http://www.thehalalfoods.com/upload/articles/Pakistan-halal-meat.pdf> accessed on 14/3/2017.

<sup>185</sup> The Gulf Cooperation Council (GCC) consists of the States of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates.

and European Union (EU) Halal food markets and be on the global standard of halal hub consumption industry.<sup>186</sup>

The Government of Pakistan initiated some positive things for the betterment of the Halal industries from more than previous years. In these efforts, first of all a huge benefited subsidiary had announced which tax exemption for four years due to incensement into the Halal industry in Pakistan with foreign countries.

In the present situation of Pakistan's share is on very low stage of the global halal market in the world. Specifically, halal market in the world is running on the business of foods, beverages, pharmaceuticals, halal meat, cosmetics, and gelatin. But Pakistan is only focusing on the meat export to the foreign countries at the ratio of 0.26% in halal trade of multibillion global halal markets.<sup>187</sup>

“Pakistan's share in one trillion dollar global halal food market is a pittance. To encourage new investments in the halal meat production and to increase use of modern and state-of-the-art machinery in this sector, companies which set up halal meat production plants and obtain halal certification by 31st December 2016 are proposed to be allowed tax exemption from Income Tax for four years from the date of set up. In the budget for fiscal year 2016, the government has granted income tax exemption for producers of Halal meat who have obtained the required certification. It states that any industrial unit set up between July 1, 2015 and December 31, 2016 and engaged in certified Halal meat

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<sup>186</sup> Ibid. Syeda Hameeda Batool Gillani, Farukh Ijaz, Muhammad Mehmood Shah Khan. Role of Islamic financial institutions in promotion of Pakistan halal food industry. *Islamic banking and finance review*, 3 (1), 1437H/2016, 29-49.

<sup>187</sup> Nazar Hussain, Muhammad Anwar ul haq, zafar-uz-zaman and Muhammad Usman. Global halal food market and opportunities for Pakistan, *international journal for education and research*, vol 2 No. 3 March 2014.

production will be exempted from income tax for a period of four years."<sup>188</sup>

In above detailed discussion, Pakistan has a great influence on global trade and there is given some suggestions that there must be some new encouragement in this field. The basic thing is that halal certified food is exempted from the income tax of authorities because the purpose is to more engagement with this trade.

#### **4.7 CONCLUSION**

Pakistan is facing many problems including challenges regarding the stability of halal foods especially in import/export issues. In this categorically issue of halal food, there are different situations in which its running process is very low due to Pakistan have internally a lot of reasons those are impacting on this issue e.g. Pakistani government's bad policies, illegal transportation of animals to the foreign countries, transportation system, taxation system etc. there is another problem which is creating an bad environment of halal certification even in domestic level and at foreign level because many businessman of the modern age relies on its authentication for their customers etc. because at the higher level of especially in export Pakistan have many problems to show the purity of halal segments. These are the basic problems; those are big hurdles to export/import running system from throughout the Pakistan.

Including above problems, there is another issue which is also bad impact on the industry of halal food in Pakistan which is very low competition of halal food

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<sup>188</sup> The Express Tribune, Jun 27, 2015, available at: <http://tribune.com.pk/story/940525/halal-meat-industry-battled-over-tax-exemption-measure> accessed on 25/1/2017.



items with other countries. Pakistan has very low standard of 'producing, processing, storage, legal transportation', because the basic problem of touching to the marketing of 'animal's meats and its productions' on the higher level.

There is another problem of Pakistani halal food market is that 'inefficient regulatory framework' which is very specifically regarding the 'monitoring of the production, processing, and animal husbandry system'. Besides this, there is also a lack of full trained formers by sharia legal system and about their management of farm houses etc. slaughtering persons and the diary procedures are also the main hurdles in exporters of Pakistan for the reaching of the global halal hub market. And the domestic food producers are also unfamiliar of the many advantages in the 'global halal hub'.

## CHAPTER 5

### CONCLUSIONS AND RECOMMENDATIONS

#### 5.1 Conclusion

Eventually, when any organization successfully acquired license or halal certificate by concerned certificate issuing authority, so from this succession every customers comes into the shadow of the trust for relevant company and then that company only focus to the maintainability of its standard level according to the Islamic rules and regulations, because from this every halal certificate including the much level of its quality standards. Thus, this halal certification is the most important document to whom, those are in competition with all other concerned halal companies.

Halal foods and the derivatives of these foods are the general rule is to testify by the Almighty Allah and his last messenger prophet (SAW). But when any food, any animal, any plant etc. is prohibited by Quran and the Sunnah, is to be mixed with the halal food or any ingredient so that will be included in the Haram by its nature as well.

The credit for the globally recognition of the Halal certification is to the Halal industry in Malaysia. There is a strict and accordance to the shariah law Halal certification is needed to support the reputable image of Malaysia as the Halal food producers. But on the other hand, in international level of halal food trade,

there is a current situation that many countries are relying on non-tradable food products those are largely supplied domestically

There is the problem regarding Halal Certification which is in rising demand for protection of their business in halal products but unfortunately there is the abuse and misuse of Halal certification. There are so many examples, because Halal Certificates can be buying easily.

Furthermore, there is the rising of OIC on international trade and many other global Halal stakeholders are agreeing for the development of global halal standards. The formation of IHI Alliance as part of WHF resolution 2007 and OIC General Assembly 2008 was a step towards this.

Pakistan is facing many problems including challenges regarding the stability of halal foods especially in import/export issues. In this categorically issue of halal food, there are different situations in which its running process is very low due to Pakistan have internally a lot of reasons those are impacting on this issue e.g. Pakistani government's bad policies, illegal transportation of animals to the foreign countries, transportation system, taxation system etc. there is another problem which is creating an bad environment of halal certification even in domestic level and at foreign level because many businessman of the modern age relies on its authentication for their customers etc. because at the higher level of especially in export Pakistan have many problems to show the purity of halal segments. These are the basic problems; those are big hurdles to export/import running system from throughout the Pakistan.

Including above problems, there is another issue which is also bad impact on the industry of halal food in Pakistan which is very low competition of halal food items with other countries. Pakistan has very low standard of 'producing, processing, storage, legal transportation', because the basic problem of touching to the marketing of 'animal's meats and its productions' on the higher level.

There is another problem of Pakistani halal food market is that 'inefficient regulatory framework' which is very specifically regarding the 'monitoring of the production, processing, and animal husbandry system'. Besides this, there is also a lack of full trained formers by sharia legal system and about their management of farm houses etc. slaughtering persons and the diary procedures are also the main hurdles in exporters of Pakistan for the reaching of the global halal hub market. And the domestic food producers are also unfamiliar of the many advantages in the 'global halal hub'.

## **5.2 RECOMMENDATIONS**

In Pakistan, there is federal level of government system, and in this scenario, some provinces have luckily food regulatory authorities but rests of them are depending on trust basis of merchants or traders. In recent years, at federal level, Pakistan Parliament has been passed an act but unfortunately still now no any practical implementation seems to be applicable. So, there should be proper certification system in Pakistan that exporters and importers can be bring it in true manners for the effective business of halal trade in all over the world especially in higher standards of halal foods according to its sharia law preparation, manufacturing, packaging, selling, marketing, supplying, delivering etc.

There must be circumstances above mentioned to adopt for the securing and preserving of the systematical halal food chain supply from and to Pakistan at federal and provincial level.

There should be another very important need to stability of the certification system for “the halal industry throughout the Pakistan” at federal level for all provinces and for import/export in international trade, because in this modern era of food preparation and its handling has become the vital process throughout the world so the halal certification is also one of the leading role to specify with its ingredients and guaranteed in purification of the halal food so certification must be ensure to this industry.

There should be authentic option to choose the symbol for all manufacturing companies which will be used as trademarked under Halal certification authority.

so from these positions of authority can be asked if there is an any ambiguity and for the protection of business symbol, for example, when any person use or prepare their food according to the rules and regulation of authority, so the authority can be asked in court and can defend to its misusing of symbol. From this reason, there are a lot of things to do it because it is possible to put the information on media etc.

Similarly this symbol should be visible at packaging and have important role because this will help to ensure risk mitigation which is factor of vital importance in International Transactions.

From all above information regarding the authenticity of system, each and every company and consumer will be protected and there will be freedom of choice into the Halal foods because when any Halal Certification Authority will be showing on website about the labeling, documentation regarding halal requirements, their names and addresses and place where its origin work along with ingredients, so everything will be easy to access regarding choice.

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