

Is Ushar Payable by Muslims for their Crops?

Question: Is it necessary in today's age for Muslims to pay Ushar (zakaah on crops) on their crops. If so, please explain the injunctions.

Answer: Ulema differ on this matter. It is in the best interests of caution to pay the Ushar when the land has been owned by Muslims from generation to generation and has not been owned by a non-Muslim in between. This is so because paying the Ushar is an act of Ibaadah and is a source of benefit for the poor. However, if the land has been owned by non-Muslims, no Ushar will be payable. When determining the history of ownership of any land is not possible, such land will be regarded as Ushar land.

Ushar will not be payable on land which the government has forcibly taken from people and given to others. However, when land remains in the custody of Muslims, Ushar will be payable.

THE FATWA OF QUTBUL AAIAM HADHRAT MOUIANA RASHEED AHMAD GANGOHI RAH,:

1. Question: Is the land here (in India) Ushari (on which Ushar is payable)? or Kharaji (on which Ushar is not payable)?

Answer: Some of the land of India is Ushari, while others are not.

2. Question: What is the definition of Ushari land?

Answer: Ushari land is that land that has been owned by Muslims from the beginning and which is irrigated by Ushari water.

HADHRAT MOULANA ASHRAF ALI THANWI RAH. HAS THE FOLLOWING TO SAY:

1. Ushar is due on land that is regarded as Ushari, meaning that the land did not belong to any Kaafir since the time that the Muslims conquered the land. Land falls into one of the following three categories: (a) When it is known that it has come from Muslim hands. Ushar will be Waajib (compulsory) in this case. (b) when it is known that it has come from non-Muslim hands. Ushar will not be payable in this case. (c) When it is not known whether it has come from Muslim or non-Muslim hands. Ushar will be Waajib (compulsory) in this case.

2. Land that is Ushari is that land which belongs to Muslims and which has reached them through other Muslims by inheritance. sale, etc. It will not? be regarded as ushari land if a non-Muslim owned it at any stage in between.

HADHRAT MOULANA MUFTI MUHAMMAD SHAFEE UTHMAANI RAH. STATED THE FOLLOWING:

He says that the land of India that has remained in the control of the Muslims and which has

never before been transferred to the ownership of any non- Muslims will remain Ushari land, just as it has been under British rule. As for the land that Muslims forsook when they migrated to Pakistan and which was subsequently given to Hindus or Sikhs, such land will cease to be Ushari if it has been. In fact, even if the Hindu government forcibly took possession of the Ushari land and gave it to a Muslim, the land will cease being Ushari land because of the takeover.

In their 6th Fiqh Seminar, the Islaamic Fiqh Academy noted the following points with regard to Ushar:

- * According to Hadhrat Moulana Ashraf Ali Thanwi RAH. that person? will be liable to pay Ushar whose crops are ready for harvesting, unless it is struck by some disaster and is destroyed.
- * people who plant and harvest by themselves will need to pay the Ushar. As for those who outsource the planting or harvesting, it is the owner of? the harvest who will Pay the Ushar.
- * The amount to be paid as Ushar will depend on the method of irrigation. If the land is irrigated by a well which received water from a government river, a 20th needs to be paid as Ushar' When land is irrigated by the rain, a 10'r will have to be paid as ushar- The recipients of Ushar are the same as those of zakaah and it is also necessary to make them the owners of the commodity.
- * There is no Nisaab for Ushar. Ushar is paid on every little or liege amount as long as it exceeds one Saa.
- * It is not necessary for the crop to be able to last for a year. Ushar becomes due on crops such as vegetables and fruit.
- * Ushar is paid on every crop, even before the expiry of a year. Therefore, even if a crop has to be cultivated twice a year, Ushar will be due on each of the two crops.
- * Ushar is due from the property of sane and insane persons as well.
- * Ushar is due from the property of persons of age as well as person who are not of age.
- * Ushar is due from the property that may be Waqf on condition that the produce is planted and can be sold after cultivation. There will be no Ushar on grass that grows wildy. However, if the crop has value in the area. Ushar will be paid, even though it may hold no value in another region.
- * Ushar will not be due when Kharaaj is due from the same land.
- * Ushar should be calculated from the gross produce before deducting farming expenses.

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