100188 - What is the rate of zakah on his farm which is irrigated from a well that he dug on his land?

the question

I have some agricultural land, where I dug a well so that I could irrigate my land from it. Do I have to give [zakah at a rate of] one half of one tenth, or the full one tenth?

Detailed answer

Praise be to Allah.

Firstly:

The rate of zakah on crops and fruits varies according to the method of irrigation

The rate of zakah that must be given on crops and fruits varies according to the method of irrigation used:

If it is irrigated without any expenses or costs, such as if it is irrigated by rainwater or water from springs, or it is close enough to water that the plants may obtain water through their roots, then the rate is one tenth (10%).

But if it is irrigated with expenses and costs, such as if a pump is needed to bring water to the surface, then the rate is one half of one tenth (5%).

The evidence for that is the report narrated by al-Bukhari from `Abdullah ibn `Umar (may Allah be pleased with him) from the Prophet (blessings and peace of Allah be upon him), who said: “On that which is irrigated by rain, springs or through its roots, one tenth (is due), and on that which is

irrigated by artificial means, half of one tenth (is due)."

"Through its roots" refers to that which obtains water through its roots without being irrigated.

"Artificial means" refers to using camels to bring water, which is replaced nowadays with machines.

That which is irrigated without cost includes several types:

1. That which obtains water through its roots, so it does not need irrigation.
2. That which is irrigated by rivers and springs nearby.
3. That which is irrigated by rain.

According to a report narrated by Abu Dawud: "On that which is irrigated by rain, rivers and springs, or through its roots, one tenth [is due], and on that which is irrigated by means of camels, one half of one tenth [is due]."

Ibn Qudamah said: One tenth must be given on that which is irrigated without cost, such as that which is irrigated by rain and rivers or that which obtains water through its roots, which refers to crops that are planted in land where water is close to the surface, so the roots of the plants can reach it, therefore there is no need for irrigation. The same applies if the roots can reach a river or stream.

One half of one tenth must be given on that which is irrigated at a cost, such as that which is irrigated by means of machines or camels. We do not know of any difference of scholarly opinion regarding that.(*Al-Mughni*, 4/164).

It was narrated from Abuz-Zubayr that he heard Jabir ibn `Abdillah say that he heard the Prophet (blessings and peace of Allah be upon him) say: "On that which is irrigated by rivers and rain, one-tenth is due, and on that which is irrigated using camels, half of one-tenth." Narrated by Muslim, 981.

Al-Hafiz said: … Camels are mentioned by way of example; otherwise, oxen and other animals

come under the same ruling.

Ibn Qudamah said: In general, for everything that is irrigated at a cost, whether that refers to machines, camels, water wheels or anything else, the rate of zakah is one half of one tenth; and with that which is irrigated without cost, the rate of zakah is one tenth, because of the reports that we have narrated, and because the cost has the effect of waiving zakah altogether, based on the fact that no zakah is due on animals that are given feed.(*Al-Mughni* by Ibn Qudamah, 4/165).

Secondly:

The rate of obligatory zakah if a farmer irrigates his crops from a well that he dug

Based on the above, digging a well may be one of two scenarios:

The first scenario is when the farmer needs tools and equipment to bring water from the well to irrigate the crop.

In this case, the zakah he owes is one half of one tenth, because the irrigation involved costs and expenses.

In *Al-Mawsu`ah al-Fiqhiyyah* (23/288) it says: The guideline on that isif he needs a machine or labour to bring water up to the surface of the earth.

Ash-Shams ibn Qudamah (may Allah have mercy on him) said: The guideline on that is if bringing water up to the surface of the earth requires artificial means, such as a scoop, a camel or a wheel and the like.(*Ash-Sharh al-Kabir*, 6/529).

Imam ash-Shafa`i said: For everything that is irrigated by rivers, floods, the sea or the rain, or obtains water through its roots, on which zakah is due, the rate is one tenth.

For everything that is irrigated by bringing water from below the ground to pour over it, the rate is one half of one tenth. That applies if it is watered from a well or river, or is brought in a bucket to

carry it, or with a rope tied to a camel, cow or other animal, or is obtained by use of block and tackle, or a waterwheel. For everything that is irrigated in such ways, one half of one tenth is due.(*Al-Umm* by ash-Shafa`i, 3/96).

The second scenario is when the water comes out of the well at ground level and reaches the agricultural land without any effort or work on the farmer's part. In this case, the rate of obligatory zakah is one tenth, because the costs that the farmer incurs in digging the land and making channels to move water from the river to his land does not have any impact on the issue of cost, because this is like tilling the land and it is not an annually recurring cost.

Shaykh Ibn `Uthaymin (may Allah have mercy on him) said: If someone were to say: If the land is irrigated from rivers and a channel or inlet was dug to irrigate the land, is that irrigation at a cost or not?

The answer is that this is irrigation with no cost. Similar to that is if he were to dig a well and the water came gushing out. In that case it is without cost, because bringing the water to the place where it is needed does not incur any cost. What is meant by costs is the cost of bringing the water to the land.

In other words, the cost is what he needs to bring the water with machines or animals. As for simply making the water reach the place, if the cost is no more than digging or cutting a channel from the river and the like, this is not regarded as coming under the heading of costs.(*Ash-Sharh al-Mumti`* by Ibn `Uthaymin, 6/77).

And Allah knows best.