

Chapter – 38

Crop Sharing

(مزارعت)

Quran:

أَفَرَأَيْتُمْ مَا تَحْرُثُونَ - أَلَأَنْتُمْ تَزْرَعُونَهُ أَمْ نَحْنُ الزَّارِعُونَ - لَوْ نَشَاءُ لَجَعَلْنَاهُ حُطَامًا فَظَلْتُمْ تَفَكَّهُونَ

{So what is your opinion regarding what you sow? Is it you who cultivate it, or is it We who develop it. If We will We can make it like dry trampled hay, so you would keep crying out. (56:63, 64 & 65)}

Hadith:

Narrated Anas bin Malik:

Allah's Prophet said, "There is none amongst the Muslims who plants a tree or sows seeds, and then a bird, or a person or an animal eats from it, but is regarded as a charitable gift for him." (Sahih Bukhari: 2170)

Narrated Rafi' bin Khadij:

We worked on many farms in Medina. We used to rent the land at the yield of specific delimited portion of it to be given to the landlord. But sometimes the vegetation of some portion was affected by blights etc., while the rest remained safe, and vice versa. ---- So the Noble Prophet forbade this practice. ---- At that time gold or silver were not used (for renting the land). (Sahih Bukhari: 2177)

Narrated Sufyan 'Amr:

I said to Tawus, "I wish you would give up the 'Mukhabara' (Share-cropping), as the people say that the Noble Prophet forbade it." On that Tawus replied, "O 'Amr! The most learned man for such things is Ibn 'Abbas. He told me that the Prophet had not forbidden it but said, 'it is more beneficial for one to give his land free to one's brother than to charge him a fixed rental.' ---- I give the land to share-croppers and help them. (Sahih Bukhari: 2180)

Narrated 'Aisha:

The Noble Prophet said, "He who cultivates land that does not belong to anybody, has more rights to own it." (Sahih Bukhari: 2185)

Narrated Zuhair bin Rafi:

Allah's Prophet called me and asked, 'What are you doing with your farms?' I replied, 'We give our farms on rent on the basis that we get the yield produced at the banks of the water streams for the rent, or rent it for some Wasq (measuring unit) of barley and dates.' Allah's Prophet said, 'Do not do so, but cultivate the land yourselves or let it be cultivated by others on cost-free, or keep it uncultivated.' I said, 'We hear and obey.' (Sahih Bukhari: 2189)

Narrated Tawus:

The Noble Prophet said, It is more beneficial for one to give his land free to one's brother than cultivate by someone and charge him a fixed rental. (Sahih Bukhari: 2191)

Important Aspects of Islamic Doctrine

- ❖ To give land for agriculture on certain terms like, the crop will be distributed fifty - fifty, one third, or two third etc. is called "*Crop Sharing*".
- ❖ As regards crop sharing some hadith which are against of it and some hadith are available that are in favor as well. For instance the above mentioned hadith No. 2177 is against the crop sharing, whereas hadith No. 2180 supports the crop sharing.
- ❖ Therefore, for crop sharing, some conditions or restrictions have been formulated that are to be essentially taken care of. Those are as given below:
 1. Land should be fertile. It should not be affected by salinity. If the land is not fertile then its letting out on crop sharing is not permissible.
 2. For cultivation water is a pre-requisite item. So its availability in need has to be ensured.
 3. Normally, the seeds are arranged by the farmer. Similarly, the cow and other plough tools are. But the Landlord can also provide in the contract all such things.
 4. Fixing of appropriate time is essential so that not only the crop comes out satisfactorily but also the farmer should get benefit for his labor as well.
 5. When a land is given on contract to the farmer then the Landlord cannot share for cultivation items.
 6. What is to be given? What is to be done? Who are to be benefitted and to what extent? All such things are to be settled first and should be recorded in the written form.

