

Question 2318) - Upon which lands is 'Ushr and Khiraj imposed?

A: 'Ushr is imposed on the following lands:

1. All of Arabia which is defined as the area between 'Uzayb and the ends of Hajar in Yemen, from Mahrah in Yemen to the border of Syria.
2. A land whose people embraced Islaam.
3. A land conquered by force and divided as booty.
4. The land of al-Basrah, according to us, as per the unanimous decision of the Sahabah RDI.

Khiraj is imposed upon these lands:

1. The land of al-'Iraq, which is defined as between al-'Uzayb and the mountain-pass of Hulwan, and from al-'Alth to 'Abadan. It is the property of its inhabitants who may buy and transact in it.
2. Land conquered by force and the people left to it.
3. A man cultivates dead land. According to Imaam Abu Yusuf RAH. it is classified according to the adjacent land. If it is Khiraj land then his is also Khiraj. If it is 'Ushr land, then his is also 'Ushr. According to Imaam Muhammed RAH. if he cultivated it by a well he dug or a spring he ret gush out, or with the Tigris, Euphrates or any other large river which nobody owns then it is 'Ushr land. If by means of canals which the non-'Arabs had dug e.g. The Imperial canal or the Yazdgird canal then it is Khiraj land.

~ al-Quduri ~