Contents

Islamic Inheritance Law –Calculations Simplified

Preface

Verses from the Holy Quran and the Hadith cited above amply demonstrate importance of gaining knowledge about the Law of inheritance. It has been said that a scholar without this knowledge is like a head without face. Another statement attributed to the Prophet Muhammad (SAW) says," learn the laws of inheritance and teach them to the people for they are one-half of useful knowledge" No room has been left for any deliberations or thinking; one has to act straightaway. The subject is not optional but it is compulsory. It has to be learnt and acted upon lest loss in both the worlds is suffered. Crux of another hadith is that people spent their whole life in submission to Allah Almighty but in the end harm their heirs by unfair distribution of their inheritance. Such people shall be sent straight to the Hell. May Allah Almighty save us from this sacrilege. Amen.

Muslim Laws of Inheritance have been made difficult by restricting their learning only to the terms and techniques used by our elders; totally ignoring their spirit. Our elders had in their own times very candidly explained these laws with the help of use of eloquent terminology. Now with change of environments it is no longer necessary to use the same terminology because understanding of mathematics and the mental faculties of students has deteriorated. Today students lack an urge to learn and their spirit to serve the religion has also waned. Things have to be made easy for a quick grasp. Number of practitioners from the religious seminaries is reducing rapidly and those from the conventional schools and colleges are not interested to learn them. Students consider it be the domain of the intelligent only. Teachers complain about lack of interest and calibre of students to learn it. Both in their own stride are right. Not only the students lack capacity and calibre but the methods teachers are constrained to use make it difficult and it can be understood by the wise only. Keeping these constraints in mind there is a need to be simplistic in approach. Rather than untying the complicated mathematical equations, it is best to explain them simply; using the terminology in vogue today. By the grace of Allah Almighty and prayers of the scholars, I have tried to include the full spectrum of the law in this small book. All the four schools of Islamic jurisprudence shall find it adequate to handle the problems of inheritance. In this short treatise which has been drafted under the supervision of local religious scholars' conscious effort has been made to keep it easy to be taught to the students. It should obviate the need to consult voluminous books. I hope that my effort shall help to enliven the subject of Islamic Inheritance. In another book of mine "Fahm e Mirath Muda'lal" I have explained the basic structure of the art with the help of authentic Quranic interpretations, books of Hadith and logic of all the schools of Sunni jurisprudence. I

have also computerized the tables. A computer literate can easily solve the most complicated of the hereditary problem in a couple of minutes in conformity with his/her fiqa (school of jurisprudence). I pray to Allah Almighty to accept my effort and make it a source for renaissance of this useful knowledge. I also pray for those who helped me in the venture. May Allah Almighty reward them for their cooperation and sincere participation and bless their sincerity. Amen. Names of have been withheld purposely as some of them had desired it.

Basic purpose of this book was to make calculation of the law simple and easy. So rather then following the old mathematical notations, I have introduced application of LCM (least common multiple). Application of LCM over rides the old mathematical formulae i.e. ufq e tamasil, tadkhul and tabyeen and can solve the most intricate problems without a recourse to any one of the old notations. I see it as a blessing of Allah Almighty which should be applied with gratitude. Without it understanding of succession problems will remain difficult and cumbersome. Veracity of this method is proved by the fact that those who took years to understand the old notations can learn this method in two to three hours. Those proficient with old techniques may not like to learn it. Primarily this method is for the beginners. To test its efficacy, two students of equal intelligence be imparted knowledge of both the methods and then tested as to who learnt it quicker. This being so I do not find any logical reason not to learn it. My request to those used to teaching the old techniques is that they may lean it to for the sake of their students and benefit them. Surely they shall be rewarded by Allah Almighty. A religious teacher in Mardan organizes a refresher course on Islamic Laws of Inheritance every year where the local religious teachers participate. A renowned scholar who was there as a guest speaker happened to visit the gathering where I was teaching method of rejection in which ‘K’ and ‘N’’ are hypothesised to solve the problems. Being a wise man he quickly understood the method and exclaimed that ‘K’ is for “kun” and ‘N’ for “fa ya koon”. He stayed on with be me and together we taught the classes till the end of the course. Recently he inquired about the latest edition of the book. I asked him that did he find any differences in the new method and the old notations. He replied that basically both were the same but the new method had made it very easy.

As promised the chapter on ‘Zuwil Alarehamm’ was completed in the second edition. In the first edition chapters three and four were restricted to calculating two degrees and one degree of the inheritance for the descendents. With this new addition calculations up to four degree can be done. Chapter on etiquettes has also been completed. This is the third editions. Effort has been made to obliterate all the previous mistakes. Being a technical book it is, however, prone to mistakes. Any suggestions or mistakes detected may please be pointed out so as to improve the next edition.

Syed Shabbir Ahmed Kakakhel

15 Jamad ud Thani, 1427 H

A Request to Teachers

One important consideration in the compilation of this book has been to make it easy to teach and ensure that Islamic Law of Inheritance is easily grasped by the students. Teachers are requested to ensure the following sequence:-

1. Glossary of terms is memorized by the students in keeping with their calibre and their environments. The terms can not be universally applied, so the teachers may use example to explain these. Students may be advised to consult the glossary of terms given in the beginning of the book for terminology not understood by them.

2. Arithmetic used in the calculation of inheritance is very easy. Students may be taught to use a simple calculator.

3. Students should be made to learn and practise fractions and LCM (Least Common Multiple). In this book multiplication of fractions has been used mostly.

4. Examples given in or at the end of a chapter may be explained in the language that the students understand. Then make them practise it repeatedly.

5. Concept and principles of tables given in the book should be adequately explained with their origin. They should be asked to memorize and practise them. More examples may be framed in line with those given at the end of the chapter on ‘Dhawul Arham’. Emphasis should be on making a group and then determining its fraction.

6. While teaching the subject understand its importance and keep your attention towards Allah Almighty. Make the students frequently pray to be saved from ignorance of this knowledge.

Glossary of Terms

Concept of Estate (tarka)

Any thing left behind by a deceased. After death it devolves on his/her legal heirs.

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Real Brother (haqaqi)

Those of common parents (mother and father)

Consanguine Brother (allati)

Half brother (on father's side) is one whose father is same as the deceased's, but mother is different.

Consanguine Sister

Half sister (on father's side) is one whose father is same as the deceased's, but mother is different.

Uterinal Half Brother (Ikhyafi)

Same Mother

(Ekhwa)

Two or more than two brothers or sisters. They may be real, consanguine, uterinal/maternal or a mix of the two.

Agnate Ancestor (jad e sahee)

A relative whose connection is traceable exclusively through males and no woman comes in between the relationship with the deceased e.g. paternal grandfather or a paternal great grandfather is the real ancestors.

Non Agnate Ancestor (jad e rehamee)

Here a woman is the link for relationship with the deceased e.g. a maternal grand father etc.

Real Feminine Ancestor (Jada Sahe'a)

In Arabic language a feminine ancestor (jada) is not restricted to paternal grand mother only. Any woman whose siblings are the parents of the deceased is a jad'a. A maternal grandmother falls in this category. However the real feminine ancestor is the one who

has no female in lineage in relationship with the deceased. Mother of the grand father being the mother of the father of the father qualifies to be a Jada Sahe'a, but grandmother of the paternal grandmother cannot be included here being the mother of maternal grandfather of father of the deceased, is a false ancestor.

Obligatory/Primary Heirs (Dhawul Faruz)

Heirs specified in the Quran, hadith and by mutual consensus (ij'mah) to receive fixed shares of the estate e.g. half share of the only daughter (no brothers) of the deceased is laid down in the Quran. Sixth share of the real feminine ancestor is given in the hadith. Although they inherit first but generally do not take all of the inheritance

Blood and Casual relationships (Dhawul faruz nasbi wa sababi)

Those relationships whose shares are laid down in Quran, Hadith and established through mutual consensus (ij'mah) because of circumstantial reasons are the casual heirs (dhawul sababi) e.g. share of a husband along with the children of a deceased woman is one fourth because of the matrimonial connections. It will cease as soon as the relationship ends. In the blood relationships of a common ancestor (dhawul faruz nasbi) those shares never cease e.g. share of a daughter. Unless one dies before the deceased or is involved in homicide i.e. the act of his/her murder accidentally or wilfully.

Explanation of off springs/Children

Only the male agnate children have the right to inheritance i.e. only those where a woman is not basis of the relationship e.g. son, daughter, grandchildren, great grandchildren and so on. With these relations present even the sisters and brothers of the deceased are disqualified. Only the mother will get a one sixth share. In case of non agnate children (where a woman connection is traceable) brothers and sisters of the deceased are not denied their shares. It also does not affect the shares of agnate off springs e.g. a great great grand daughter despite being a woman is the daughter of the son of the son of the son of the deceased and therefore an agnate relation. On the other hand a maternal grand son despite being a male is non agnate because of the feminine connection.

(Hajib and Mahjoob)

In the presence of some heirs; those who do not receive a share are called,' Mahjoob'. One because of whom they are denied a share is called a 'Hajib' e.g. in the presence of a son a grand son is not given any share. So son is the hajib for his grand son who is a 'mahjoob'.

Exclusion (Mahrum)

Sometimes an heir forfeits the right to his/her share because of an extra ordinary reason e.g. a homicide/ murderer and is denied the right of succession. Impediments to inheritance are personal acts or attributes which disqualify and individual from succession otherwise an entitled heir on the grounds of marriage or blood relationship to the propositus.

Reduced ('awl)

If the fractional shares of agnate relations become more than one then the proportionate cut applied to complete the unit is called ''awl'. In this case all the agnate heirs receive less than their actual share e.g. ordinarily mother of the deceased gets $1/6^{th}$ share but in the presence of daughters, wife and father share of the mother is reduced to $4/27^{th}$ which is less than $1/6^{th}$ share.

Residuaries or Secondary Heirs (asaba)

Successors by male agnate relatives of the deceased who are descendents through a male link from a common ancestor. They are entitled to the left over estate after the blood relations have taken their shares. It has been laid down in the Sharia. Details will be covered in the chapter on Assaba.

OR

Agnatic heirs or those who trace their relationship to the decedent only through males and take no fixed share but receive the residue after the fixed shares have been claimed by the primary sharers.

(Quranic Verse)

According to this Quranic verse when men are women become related because of assaba or are distantly kindred; a man is entitled to double the share of a woman.

Heir by Special Reason (mauwla al ataq)

A person who releases a slave is called his mauwl al ataq. Inheritance of a deceased with no blood relations of a common ancestor is either give to his mauwl al ataq or his male agnate relative.

Return (Radd)

This is opposite of ‘awl (restriction). After distribution of the inheritance amongst the agnate relations, the left over estate is shared amongst the blood relations according to their proportions. This way their shares are increased.

Notation System of Fractional Proportions (se’ham)

Distribution amongst heirs is represented through fractional proportions (se’ham) e.g. shares of wife; mother and father of the deceased are given as 1:1:2. So it is said that wife gets one share, mother gets one and two shares go to father. Since proportion and unit are the same so if proportion of an heir is known then it is easy to work out the shares. To find out the share of a heir, divide his proportion over the total number of shares and multiply with the value of the inheritance. In the example quoted above proportion of wife is one out of a total of four se’hams. If value of the estate is Rs.2000 then:-

Share of wife:

$$\frac{1}{4} \times 2000 = 500$$

This is also called the unitary method.

Distantly Kindred Relations (dhawul arham)

Those relations of the deceased who are neither blood relations from a common ancestor (dhawaul faruz) nor those in the category of assbat (succession by male agnate relations of the deceased). Some people think that a feminine link exists which is

not right e.g. a paternal aunt is included in this category but her linkage with the deceased is through their father who is a male.

OR

More distant relatives of the decedent often called "distant kindred", who inherit if there are no sharers or residuaries.

Propositus (asal)

The person from whom a line of descent is derived on a genealogical table e.g. Zaid is descendents of Omar, so Omar is the propositus of Zaid, who becomes 'farah'.

Agnate

A relative whose connection is traceable exclusively through males.

Mawala. Fictitious relationships

Successor by Contract (Mawala al Mawala)

A deceased who in his life pledges to someone to make good / compensate monetarily for his mistakes in life, in return to inherit his estate. That person is called "mawala al mawala" of the deceased. In the absence of distantly kindred relations (dhawul arham) he will be entitled to the remaining estate.

OR

If there are no distantly kindred (Dhawul-Arham) relations then state can be given to Mawla-ul-Mawala (successor by contract), if any. The deceased must have made prior contract with Mawala and he/she must accept it. There should be declaration (by deceased) and acceptance (By Mawala) The person who makes the declaration must not have no other legal heir (or blood relatives)

Acknowledged kinsman (muqar laho binnasab e alla al ghair)

A person claims someone to be his brother but cannot produce a witness to testify it. His father on the other hand refutes the claim. The claimed person is called 'muqar laho binnasab e alla al ghair'. He will be entitled to the remaining estate provided mawla al mawala is not there.

OR

If there is no heirs and no Mawla-ul-Mawala (successor by contract), then shares of the estate can be given to Al-Muqirr Lahu - Acknowledged kinsman. Al-Muqirr Lahu is person of unknown descend but whose kinship has been acknowledged by the deceased person. Of course this situation only occurs when person is of unknown descend. Al-Muqirr Lahu inherits as a residuary.

Universal Legatee (Al musa lahu)

Al-Musa Lahu is a person whom the deceased has willed/bequeathed the estate/property when there is no other heir. The rules of maximum of 1/3 (by will) do not apply as there are no other heirs. Al-Musa Lahu takes the whole estate.

Public Treasury (Bait ul Maal)

If there are no claimants, then estate/property of the deceased is deposited in to Public Treasury.

(ra'oos)

This is used to indicate the number of successors in the traditional books. In this book we will restrict to numerical values to indicate number of heirs. Here it is being explained to benefit those who need to consult the old books. 'Abdan' has also been used to indicate numbers.

Factorisation (twafu'q)

If many numbers are divisible by a single divider they are said to have a common factor e.g. 4 ,4, 6 are divisible by 2 so they have a common denominator 2 which is their divisor (wufq).Then these numbers are equal so they are said to have equal division likeness(tamasil) e.g. 4 and 4 have a likeness. If any one of these numbers is fully divisible by other it is said to have (tadakhil) e.g. 4 and 8. Actually they have a real common factor (twafu'q) and likeness and (tadakhel) are its forms.

(taba'een)

If two or more numbers cannot be divided by a common denominator then they are said to have (taba'een) e.g. 5 and 9.

Correction (tas'hee)

If shares of successors are not fully divisible on their total number; then any increase in the total estate so as not to disturb the proportion is called the process of applying correction. Correction is applied to the sum of proportional factorization.

Progenitor

A biologically related ancestor who originates something e.g. distribution of estate along with other dead heirs.

Chapter 1-Basic Laws of Succession

General.

Four basic rights are associated with the estate/property of a deceased.

- A simple funeral and burial without any extravagance.
- Payment of loans and debits.
- Execute the testamentary will of the deceased about bequeathed estate. It is up to one third of the total estate.
- Distribution of the remaining estate and property to the heirs according to Shari'a Laws.

Estate (tar'ka) of a deceased comprises of cash assets, bank balance, receivable loans including provident funds etc and movable and immovable property after payment of loans, burial expenditures and distribution of testamentary bequeath. According to "sahib e mufid ul warseen" pension, gratuities etc are not included in estate of a deceased. These have to be paid according to the Government rules and regulations. Any usurped property or fiduciary or trust with the deceased do not form part of his/her estate. Any thing bought but not paid for and not possessed is also not included in the estate, but anything that has been possessed without payment forms part of the estate. Its cost has to be paid as a loan against the deceased. A property pledged against a loan has to be retrieved after payment of the loan provided sufficient cash has been left behind otherwise loan shall be paid after selling the pledged property. Remaining amount after clearance of the loan will form part of the estate.

Religious scholars have categorised loan into three types. First type of loan is one proven by a contract deed of the deceased and dully witnessed before his/her terminal sickness. Second type is the loan not proven through witnesses but testified by the deceased during ailment. The third type is the Divine obligations like the obligatory alms (zaka't) and atonements/expiation. First type of loan has to be paid first. If sufficient money is still left then the second type is paid. Third type is paid if the remaining estate allows it and heirs agree to it. Only the adults can pay it out of their shares. This has very high rewards and blessings.

If sufficient estate is not left for payment of loans; then the lenders shall be paid in accordance with proportion of their loans. Similarly if the estate bequeathed in the will is more than three quarters and the number of sole sharers (al musa lahu) is more than one then the one third of the allowed bequeathed be equally distributed amongst them. Property in cash or in kind reserved for construction of a mosque or performance of obligatory pilgrimage will be included in the estate. A property or an object mortgaged with the deceased against a loan can be retained by the legal heirs till the return of this loan. Dower (meh'r) is also a payable loan. The wife/wives should be paid this out the estate (mirath).

Sequence of Distribution

Parts to be distributed amongst the sharers of the agnatic family (dhawul faruz) have been vividly laid down in Quran, Shari'a and proven through mutual consensus (ij'mah). These have to be distributed without any ado in accordance with the laid down proportion. Left over estate is then dished out to the deserving residuary (ass'bat). In their absence it is given to Heir by special reason-mula ataqa (a person who had freed the deceased from slavery). In his absence it shall be given to his/her residuary (assba) . If those relations do not exist or if the deceased had never been a slave then the remaining estate is returned (rudd) to the blood relatives (dhawul faruz nasbi) according to their laid down shares. In case of their absence it is to be then distributed amongst the distantly kindred relatives (dwaul arham). If they also do not exist then it goes to the universal legate (mawla al mawla) otherwise to acknowledged kinsman (maqra bin nasb alal ghair). In their absence it is given to the person bequeathed in the will. If none of the above is found then it is deposited into the treasury of the Government (bait ul mal).

Exclusions

There are four impediments which disqualify a person from bonafide succession:-

1. **Slavery.** Since a slave is not the owner of his property so his estate is transferred to his master who is not his heir. A slave will not inherit and will not be inherited.
2. **Homicide (al'qatl).** According to Hanfi School a murder (intentional, accidental or suspected to be intentional) where law of retaliation (qasas), blood money

(dee't) or atonement (kaf'ara) becomes obligatory (wajib) is barred to inherit. In Malikki School of jurisprudence only an intentional murderer loses this right. According to Shaffi School all types of homicide disqualify a person from succession. Hanbli School debar a murderer where retaliation or atonement is applied.

3. **Difference of Religion.** A non believer cannot inherit the estate of a Muslim and vice versa.

4. **Difference of Nationality/Country.** This is only applicable where after conversion to Islam one the infidels migrate to a Muslim State (dar ul aman) but the other stays back in the Infidel State. They as such cannot become each others heirs unless the other also moves to the Islamic State. In another situation two infidels living separately in a Muslim and Infidel States even after conversion to Islam cannot inherit each other's estate because of the difference in their nationality. Non believers living in two warring countries cannot succeed each other in inheritance.

Explanation of Obligations

Six types of shares have been set out in the holy Quarn i.e. half, one third, one fourth, one sixth, one eighth and two third. Twelve categories of heirs have been designated to receive these fixed shares of the decedent's estate. There are four males; father, the nearest agnate propitious (jad e sahee), uterinal half brother and husband and eight females, mother, wife, daughter, grand daughter (how so ever low in the chain), grand mother, full sister, paternal and maternal half sisters and son's daughter. Shares of the real female ancestors have been mentioned in the Hadith. Details shall be covered in the Chapter on the Residuaries. The sum total of their share does not exceed one sixth of the estate i.e. out of the total twenty four portions (se'hams) it come to four only. According to the contemporary mathematics Least Common Factor (LCM) of all the shares is 24. So division of estate into 24 portions (se'ham) will lend itself easy for distribution. As half of 24 is 12, its $1/3^{rd}$ is 8, $1/4^{th}$ is 6, 1/8 is 3 and $2/3^{rd}$ comes to be 16 units. Using these proportions instead of the fractions make the calculation of inheritance easier. Every problem can be easily solved in relation to 24 portions. This will also obviate the complexities in calculating the 'awl (reduction) and rudd (return) and their associated cumbersome burden of separate rules. In rule of 'lizakar missal hiz ul

unsyn', use of LCM will make the solution easy. You will notice the advantages when we will take up individual examples in the later chapters.

Some experts do not readily agree to adoption of modern techniques but insist on using fractional method as given in the holy Quran. This is merely a misunderstanding. The LCM method is no deviation from the Quranic injunctions. All the shares worked out this way totally conform to the Quranic fractions. The only difference is that earlier portion/shares were kept to the lowest figures (Siraji method) emphasis being on brevity e.g. half of 4 is 2 and half of 24 is 12.So to say that the daughter will receive 2 out of 4 shares or 12 out of 24 is one and the same thing. There is no change from the Quranic version. Advantage of LCM method is that a total novice can learn the intricacies of the Muslim Law of Inheritance in a day rather than spend one month to grapple with the tedious methodology laid down in the renowned Siraji Method. It is also easier to memorize for future. To attain these pronounced advantages a minor change of methodology should be acceptable. Sharia has no where laid down any restriction to adoption of this change. Our focus and emphasis should on the aim and not the ways to accomplish it. Our worthy elder always kept the aims paramount. In the presence of translation of the holy Quran by Shah Abdul Qadir, what was need for Hazrat Sheikh ul Hind (RA) to compile another translation? Primary aim was not to preserve the older translation but to ensure that it remained comprehensible for the masses in view of the growing changes in the language. Notwithstanding the respect due to the compiler of Siraji Methodology, changes of contemporary mathematics make it essential to introduce modern notations. Learning through the older method was becoming difficult day by day. It was commonly known to be a difficult subject. It had become synonymous with difficult. After studying the new methodology, many scholars have realized that knowledge of Inheritance was not difficult; it had only become difficult because of the complex Siraji model. In order to gauge the levels of difficulty you may like to see 'Mufid ul Waraseen', where the author had admitted that despite his best effort to make the calculations easy, it seems that it will not yet be comprehensible to the ordinary people. He also added that if anyone else can simplify the calculations these would be added to his works with name of the person mentioned. My endeavour was to fulfil his wish. Now it must not be opposed lest the burden of impeding religious work befall on those who retard progress.

Distribution of Inheritance amongst the Obligatory Shares-Primary Heirs (Dhawul Faruz)

Knowledge of Inheritance becomes difficult if unnecessary debate on its differences is indulged in, right in the beginning. The best is to commence with the distribution pattern of one School of Law. Once proficiency is attained only then the distribution of shares

amongst the primary heirs as defined by others schools be taught/learnt. In this book beginning is being made with the distribution pattern of the Hanfi School of Jurisprudence. Table of Obligatory Sharers (primary heirs) given below has been prepared for this purpose. Explanations have added for use by Hanafi, Malikki and Shaffi jurists. Those of Hanbli School will need to modify it a bit. Definition of feminine agnate ancestor has been given in the glossary of terms. In this table it is mentioned that irrespective of their number they will receive 1/6th shares (4 se'hams) of the total estate less those excluded. In the residuaries genealogical tree shown, up to three generations of feminine ancestors have been listed. According to the table, if the mother is alive then all feminine ancestors are deprived of the heritage. A father or propositus only deprives the agnate feminine ancestors. A propositus, however, can not deprive those who do not form the link between the deceased and them e.g. a grandfather cannot deprive a grandmother being his wife but he deprives a great grandmother because he forms the link with the deceased. Only one generation of feminine ancestor can inherit and that generation has to be the nearest. This means that nearer generation disqualify the older ones. They themselves could also get excluded for some other reason e.g. between the father, grandmother (paternal) and mother's grandmother, the paternal grandmother excludes the mother's grandmother despite being excluded herself because of the father. A feminine ancestor of multiple relations i.e. being both paternal and maternal grandmother of the deceased will only receive one fixed shares for a feminine ancestor.

Table of Primary Heirs

Heir	Number	Conditions	Ordained Quota	Out of 24
Husband	-	No siblings With Siblings	½ ¼	12 6
Wife	Up to four	No sibling With sibling	¼ 1/8	6 3
Daughter	More than one One	No Son No son	2/3 1/2	16 12
Grand Daughter	More than 1	No son, daughter and grand son - Do-	2/3	16

	One Any Number	No son, grandson but one daughter	½ 1/6	12 4
Great Grand Daughter	More than One One Any Number	No son, grand son, great grand son, daughter or grand daughter. -do- No son, grandson or great grandson but 1 daughter and 1 grand daughter	2/3 ½ 1/6	16 12 4
Great great grand daughter	More than one One Any number	No son, grandson, great grand son, great great grand son, daughter, grand daughter and great grand daughter. -do- No son, grandson, great grand son, great great grandson but have one daughter, grand daughter or great grand daughter.	2/3 ½ 1/6	16 12 4
Father	*	Has siblings	1/6	4
Mother	Step mother not eligible	Has siblings, two or more brothers/sisters or (father + husband) No siblings, no brothers /sisters but has (father+wife) None of above conditions is	1/6 ¼	4 6

		met	1/3	8
Real sister	More than one	No siblings, father, grand father and real brothers	2/3	16
	One	-do-	1/2	12
Half sister (same father)	More than one	No siblings, father, grand father, real sisters/brothers and half brothers	2/3	16
	One	-do-	½	12
	Any Number	No siblings, father, grand father, real brothers/sisters or half brother but has a real sister	1/6	4
Uterine brothers/sisters	More than one	No siblings, father or grand father	1/3	8
	One	-do-	1/6	4
Propositus /Agnate ancestor	One	Has siblings but no father	1/6	4
Feminine agnate ancestor	Any number is possible	No mother and father and link ancestor	1/6	4

Solution of Problems- Primary Heirs

Rule1 (A)
If total of the fixed shares comes to 24 or more and number of heirs is one or even if more than one but their shares get equally distributed then no change is required to be made.

Example 1
Rashid left behind two daughters, a mother, a father and a paternal grandmother. Determine their shares?

According to the table of primary heirs, Rashid's mother and father will receive four shares each because the deceased has left behind siblings. Rashid's grandmother will

be excluded because of the father and mother. Two daughters together will receive 16 shares because no son exists. Dividing the total by 2, each daughter will get 8 shares. Rest of the shares will remain the same as shown in the table.

Rule1 (B)

Number of heirs in a certain category is more than one and their total fixed share is not equally divisible. Find out the LCM of their total number and multiply this with shares of all heirs and then divide it on their respective numbers. Also multiply the LCM with the total number of fixed shares to accrue the corrected values.

Example 2

Increase number of daughters to three in example 1.

In example 1 total number of fixed shares for the daughters is 16, which is not equally divisible by 3.Now multiply all the fixed shares by 3 and divide it on their respective numbers. LCM of 1and 3 is 3. So the shares will workout to be; father 12, mother 12 and daughters' 16 each.

Example 3

On his demise Abdul Sami, left behind three daughters, mother, father and two wives. Find out the share of each?

According to the table of primary heirs two wives will collectively receive 3 shares because the deceased has siblings. Daughters will together get 16 shares because of their number being more than two and absence of a son. Mother and father will receive 4 shares each because deceased has siblings. Total of their shares comes to 3+16+4+4=27 which is more than 24. According to rule 1 this make their shares. Since the number of wives and daughters is more than 2 so find out the LCM which is 6. Multiply all fixed shares by 6 and divide it by their number in each category:-

Wife: 3x6/2=9
Daughter: 16x6/3=32
Mother and Father : 4x6 = 24

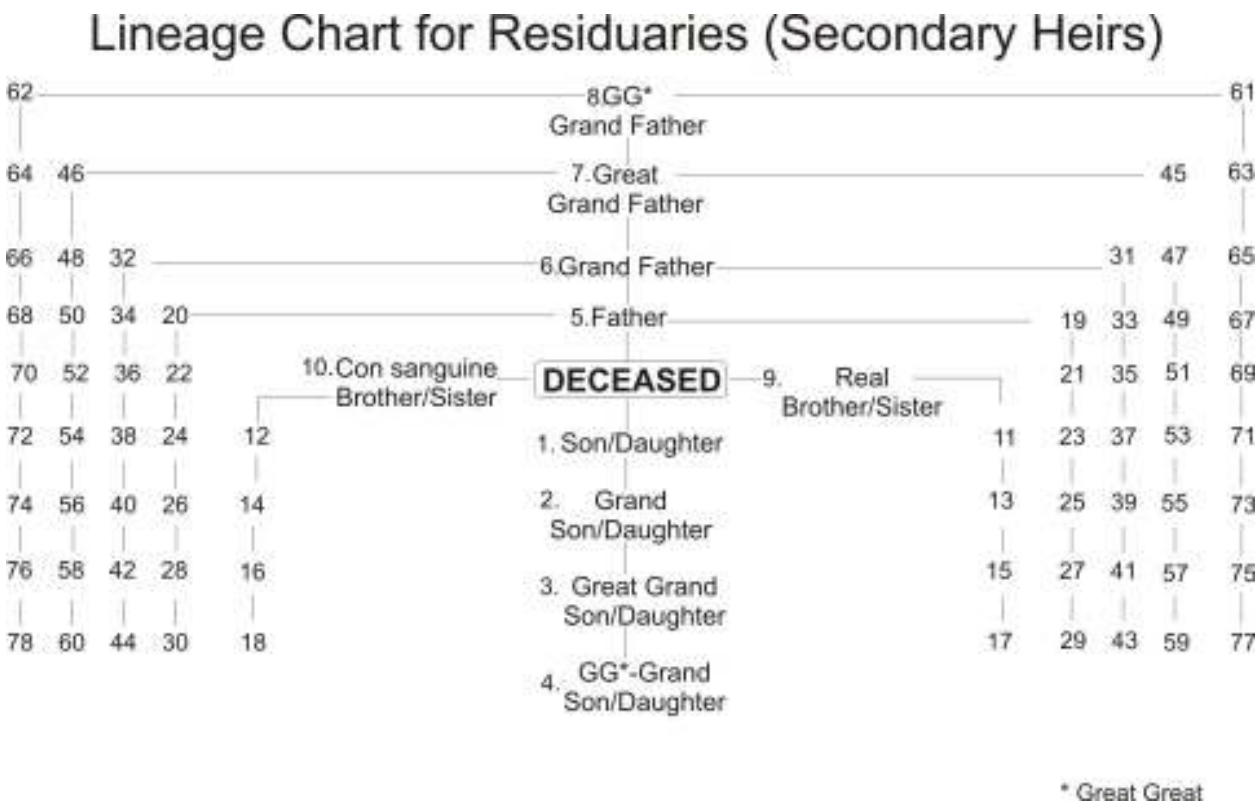
Note. When the total of shares increases from 24, shares of each category of heirs gets reduced ('awl) than usual. Application of the above method will automatically bring in the requisite correction without even knowing the 'awl.

Rule 2

If the sum total of the shares of the primary heirs is less than 24 then subtract the total from 24 and distribute the remaining shares amongst those residuaries (asbat) who are nearest to the deceased. (Also see the lineage tree of residuaries). If all residuaries are males or females only then divide them equally otherwise in a mix a male will get double the share of a female. To solve such problems easily convert a male into female, add the number of females to it. You will get all female residuaries. Now divide the residuary share to get share of each female. To work out the male share simply double it. Rest is according to rule 1.

Explanation of Residuary Tree of Lineage

This tree shows the details and sequence of the residuaries or secondary heirs (al assbat). They are entitled to the shares left over by the primary heirs. In this tree, there are 78 code numbers. To determine the eligibility check the code number of heirs. Ones with the lowest code number become eligible to inherit the leftover estate and property. Others stand deprived. This rule is based on “Al aqrab fa la aqrab”. Heirs with the lowest code are nearest to the deceased so more deserving. All heirs in one code according to jurists have a similar relationship with the deceased.



		Column 1	Column 2	Column 3	Column 4
Chart of Real Feminine Ancestors				Paternal grandmother	Maternal grandmother
	First Generation				
	Second Generation		Mother of paternal grandfather	Mother of paternal grandmother	Mother of maternal grandmother
	Third Generation	Mother of great grandfather	Maternal grandmother of grandfather (paternal)	Maternal grandmother of paternal grandmother	Maternal grandmother of maternal grandmother

Only those women excluded from the primary heirs can participate in the residuary heritage. Women get a share only when they have a male sibling as a direct descendent or in the next generation. In the presence of more than one real sister, half sisters are deprived but half brothers are included in the residuaries. Those with the lowest code are nearest to the deceased as such eligible residuary heir. Amongst them if they all males or females, inheritance is equally divided otherwise a male gets double the share of a female.

Conditions laid down in this table relate to the deceased. Siblings mean the children/grand children of the deceased. Those eligible as primary or residuary heirs e.g. son, daughter, grandson and great grand daughter etc. Maternal grand children are not eligible being non agnatic relations. The Propositus /Agnate ancestor (real) is the one where no female linkage exists e.g. paternal grandfather or great grandfather. Maternal grand father is a false ancestor because mother of the deceased is a female.

The real feminine ancestor is the one who does not have a female link e.g. Mother of maternal grandfather is a false ancestor but mother of the paternal grandfather is a real feminine ancestor. In the table of real feminine ancestors those in the third and fourth column are considered real ancestor by Maliki School. Those in the second, third and fourth column are real ancestors in Hanbli religion, whereas Hanfi and Shafi Schools consider all in the four columns as real feminine ancestors.

Easy Method for ‘Lilzikr hiz ul Unsyan’ Claculations.

These calculations are needed while working out the shares of secondary heirs (assbat) and distantly kindred relations (dawul arham). Correction of shares becomes easy through this method. According this Quranic Rule males get twice the share of a female. Double the strength of males and add the number of females into it i.e. convert males into females for distribution of shares left form the secondary heirs. If they are equally divisible then a male gets two times the share of a female. If the total is not divisible then apply Rule 1 of the primary heirs i.e. LCM method.

Example 4

Abdul Basit left behind a wife, three daughters, one grand daughter, a great grand son, two great grand daughters, two great great grand sons and three great great grand daughters. Find out their shares?

According to the table of primary heirs wife will get 3 shares, daughters will receive 16 shares because the deceased had no son. In the remaining 5 proportions granddaughter gets excluded because of the absence of a grandson. In male siblings of

the deceased great grandson (GGS) a great great grandson (GGGS) are alive. Code of great grandson is 3 where as that great great grandson is 4, so they get excluded. Great granddaughters (GGD) are combined with great grandsons being in the same code number. In accordance with the concept of “tasheeb” granddaughter (GD) is also included. Remaining five shares have to distributed between a great grandson, two great daughters and the granddaughter. Great grandson being a male gets twice the share or shares of two women totalling to five women share. So GGS gets two shares, each GGD and GD one each. Shares of Abdul Basit’s three daughters come to 16 which is not equally divisible. Supposed number of residuary females is 5, every female getting a single share. LCM of 1and 3 is 3. Working according to Rule 1 we get the following:-

Wife:	3x3/1 = 9
Daughters:	16x3/3= 16
Residuary females (GGD):	1x3/3=3
GGS:	3x2=6

Example 5

Abdul ul Jalil left behind a mother, a wife, grandfather and great grandfather. How many shares will they get?

Mother of Abdul ul Jalil will get 8 shares in the absence of siblings (aulad e akhu) and his wife will receive 6 shares. The grandfather will be excluded from the primary heirs because the deceased had no siblings. Total shares of the primary heirs are 14.Rest of the 10 shares will be distributed amongst the secondary heirs (residuaries). Now amongst the residuaries code no of the grandfather is 6 and that of great grandfather is 7.Since grandfather has a lower code all the 10 leftover shares will go to him.

Code 9

This code covers the real brothers and sisters of the deceased. In the absence of relations at code 8 heirs at code 9 become eligible. If there are only males or females then estate is equally divided amongst them. In a mix men get double the share of a woman. A different treatment is meted out to the real sisters. Unlike granddaughters or great granddaughters they do not need a an equal or lower male connection to be eligible for the left over estate as a secondary heir.

Code 10

This code covers the half brothers and sisters (Consanguine) of the deceased. In the absence of relations at code 9 heirs at code 10 become eligible. Amongst heirs if there is only one real sister and there are only males or females then estate is equally divided amongst them. In a mix men get double the share of a woman. In case of more than one real sister as a primary heir, half sisters can only become eligible if the deceased has a consanguine half brother. Otherwise they will become ineligible and right of inheritance will shift to those covered under code 11.

Code 11

This covers real nephews of the deceased. This and codes above it are for the male heirs. In case of a single male heir he receives all the remaining estate. Otherwise it is equally distributed.

The Chart of lineage for residuaries covers up to four generations only. If needed, it can be extended further. To extend the lineage beyond the great great grandfather keep on extending an ancestor/ propitious linking it on both sides through vertical lines with his brothers. Then create chart of siblings of brothers like a tree in a lineage chart. Keep on numbering them in accordance with the existing code. The chart can be extended to any level. It is advisable to conform to the coding system.

Example 6

On his demise, Abdul Hamid left behind a wife, mother, a real uncle, and two real nephews (consanguine). Find out their shares?

His wife will receive six proportional shares and eight will be for the mother (In absence of siblings, brothers and sisters and father). Remaining 10 shares should be distributed amongst the uncle (code # 31) and the nephews (code # 12). Being in the lower bracket the nephews will receive all the shares i.e. five each.

Brevity Method

This method can provide correct answers. Proportional shares of all heirs should be divided by a common denominator to lower their value. Keep on dividing them by the lowest number till they all get divided by a single digit.

Example 7

Abdul Jabbar left behind two wives, a mother, two daughters and three sons. Divide his inheritance amongst the heirs.

After giving 3 proportional shares to wives and 4 to mother, 17 shares are left. In the presence of sons, daughters are excluded from the primary heirs. Now the remaining shares will have to be divided according to 'Lilzikr hiz ul Unsyan'. Keeping in mind that a male gets twice the share of a female, so converting sons to daughters we get a figure of 6. Add 2 into it. Sum total is 8. Let's call it Sum A. Since17 cannot be divided by 8, let's suppose 17 to be the proportional share of a daughter. Two sons thus receive 34 shares. Wives get 24 because they previously had 3. 3x8=24. Mother had 4.So her shares now become 4x8=32. Sum total of all the shares previously was 24. So 24x8=192. Two wives have 24 shares which is divisible by 2. So wives will receive 12 shares each, mother 32, each daughter 17 each and every son will receive 34shares.

Rule 3 (Reduction)

If sum of proportional shares of the primary heirs is less than 24 and no residuaries exist then remaining shares will be distributed amongst the blood related primary heirs (dawul farzi nasabi) according to proportions laid down for them. An easy method is as under:-

a. If casual primary heirs are not there then while maintaining the laid down proportion of distribution, estate is divided amongst the blood related primary heirs in accordance with their number.
b. If casual primary relations exist then:-
    1) Find the sum total of blood related primary heirs and call it 'X'.
    2) Subtract the proportional shares of casual primary relations from 24 and call it 'Y'.

3) Now multiply X with the sum of the shares of casual primary heir and multiply Y with the sum of the shares of the blood related primary heirs. You will get shares after application of 'reduction'.
4) Considering the total shares to be 24 multiply it with X to find the total shares after reduction.

Rule 3 - Alternate Method

If casual primary heirs (CPH) are present:-

a. Based on the ratio of fractional shares of CPH find its sum.
b. Multiply the sum with the denominator (makhraj). Subtract the number of shares of CPH from it.
c. Divide the result obtained from subtraction according to their laid down proportion.

Example 8

Muhammad Zubair left behind a wife, mother and a daughter. Find out their shares?

Wife gets 3shares, 4 go the mother and daughter receives 12 shares. Total of distributed shares comes to 3+4+12=19 which is less than 24. No residuaries exist to claim the remaining 5 portions. So these have to be reduced to the mother and daughter. The shares of blood related primary heirs are 4+12=16. Let's call it X. Subtracting 3 shares of the wife from 24 comes to 21. Call it Y. Multiply the shares of the wife (casual primary heir) with X. 4x16=48. Multiply the shares of mother and daughter with Y. Mother (4x21=84) and daughter (12x 21=252). For the sake of ease brevity method is adopted as shown in the table below. Divide the proportional shares by the lowest common divisor i.e. 2. Keep on dividing them till they are divisible. Then divide them by the next lowest common divisor which is 3. Distribution of shares will be; wife 4, mother 7 and daughter will receive 21 shares.

	Mother	Daughter	Wife	Total Shares
After reduction	84	252	48	384
Dividing by 2	42	126	24	192
Again dividing by 2	21	63	12	96

Division by 3	7	21	4	32

Alternate Method

Mother receives 1/6, daughter ½ and wife 1/8. Mother and daughter being blood related primary heirs the ratio of their shares have a ratio of 1/2: 1/6 or 1:3. Their total sum comes to 1+3=4. When multiplied with denominator of wife's fraction i.e. 8 (4x8=32). These are the total shares for distribution. Out of these wife will receive (32x 1/8=4).Left over 32-4=28 are left for distribution amongst the blood related primary heirs. In accordance with the ratio of 1:3 mother will receive 28x1/4=7 and 28x3/4=21 shares will be given to the daughter.

Unitary Method.

It is easy to distribute the estate once all the proportional shares have been determined. Unitary method is used to solve such problems. Divide the proportional shares of each heir with sum of total shares and multiply it with distributable estate. In example 7 mother of Muhammad Zubair has 7 shares, his daughter has 21 shares and wife 4 making a total of 32. If the worth of Muhammad Zubair's estate is Rs.64000, value of a share comes to Rs.2000 (64000 /2=2000). Mother gets Rs.14000 (7x2000), daughter will receive Rs.42000 (21x2000) and wife will get Rs.8000 (4x2000). Popular method to determine wife's shares is to divide 7 shares of the mother with total share (32) and multiply it with 64000.

Total Shares 24	Total Estate Rs. 50000					
Heirs	Mother	Father	Daughters	Wife/Wives	Agnate grandmother	Brothers
Number	1	1	3	1	1	2
Proportional shares out of 24	4	4	16	3	*R	**E

Easy Method of Solving Problems

- Write down total number of shares i.e.24 in the first row. Also value of estate if known. Write names of heirs in second row. Write down number of heirs in third row. In the fourth row write down the proportional shares from the table of primary heirs. Put an R against those ineligible as primary heirs but can be considered as residuaries and E who are excluded.
- If this total is 24 or more than 24 then solve according to Rule 1.
- If less than 24 and amongst the heirs many have been marked R and E then solve according to Rule 2.
- If no one is present amongst the residuaries then heir by special reason (mauwla itaq) will receive the estate. In his absence estate will be given to his male residuary/ies.
- In the absence of an heir by special reason or the deceased was never a slave the remaining estate will also be received by blood related primary heirs by applying the 'Reduction' method.
- When no blood related primary relations are present the remaining estate is given to distantly kindred relations. In their absence, successor by contact (mawla al mawala) or then the acknowledged kinsman (al muqir lahu) or then the universal legatee (al musa lahu) will receive it. In a situation when none of them is present the estate will be deposited into Bait ul Maal (Government Treasury).

Method of Writing a Decree.

No ambiguity should exist in a decree prepared for the distribution of estate (tark'a). First of all modest expenditure incurred on funeral and burial should be mentioned. Then loans paid are mentioned. Out of the remaining estate not more than one third is bequeathed against the will of the deceased and is noted. Estate left over now is divided into specified proportional shares and written against every heir.

Example

How will a decree be written for Nizam ud Din, who left behind a wife, two daughters and five brothers?

“After a modest expenditure incurred on the funeral/burial and payment of loans of Nizam ud Din. Out of the left over one third be bequeathed against his will. The remaining estate will be distributed by making its 24 shares. Wife will receive 3 shares, daughters 8 each and every brother will receive one share each.”

Signed Mufti XYZ

Dated

Important Note

Role of a Mufi is not restricted to determining shares of the heirs only. He has to evaluate and fix the real estate/property of a deceased. Understand the intricacies of will, problems of funeral and burial and payment of loans. Lawyers are also requested to consult an established mufti to avoid complications in the distribution of inheritance.

Computerized Method of Determining Shares

By the grace of Allah Almighty the Author has designed a simple computerized programme to work out shares. It is very simple and hardly takes two minutes to solve any type of complex inheritance problem. A simple matriculate can learn it in 5-10 minutes. After the programme is opened one is asked to select his desired school of jurisprudence and the value of the estate to be distributed.

On entering ‘New Problem’, table of all possible primary heirs appears on the screen. Their number has to be entered against each. Where the figure can not be more than one; just check it. Then press ‘Enter’. Answer will appear if the problem can be solved based on the data already fed. Otherwise the table of residuaries will appear. Enter the lowest code of the present secondary heirs. If there are no residuaries, a simple ‘click’ will give the solution or else the distantly kindred relations screen appears. One is again asked to give his preference for Imam i.e. Imam Yousaf or Imam Muhammad. Enter the asked data. In the end answers are obtained. Problems of (manskha) can also be solved with this programme.

Chapter 2 – Method of Correction

To find the shares for each heir, simply keep dividing their respective proportional shares by their number. There can be two variations:-

a. If the proportional shares are equally divisible by the number of respective heirs then nothing more is to be done.
b. When these are not equally divisible and results in fractions, then find out their LCM (Lowest Common Multiple). Multiply it with the proportional share and their sum total. Use of an electronic calculator makes it further easy. The nine problems given in the Siraji chapter on corrections can also be solved by using LCM method which will singly suffice for all type of problems.

Example 1

In figure 1, proportional share of daughters is equally divisible by 2. So nothing more is needed to done. However for sake of brevity, divide all shares twice by 2. It is no more divisible and as such this is the answer. Total shares (se'ham) are reduced to 6.

Figure 1

Heirs	Daughters	Mother	Father
Number	2	1	1
Proportional Shares	16	4	4
Share/head	8	4	4
Share/head	2	1	1

Example 2

In figure 2, since 16/10 results in a fraction so all proportional shares are multiplied by LCM which is 10. Sum of total shares (24) is also multiplied by 10 (24x10=240). Every daughter gets 16 shares while mother and father receive 40 shares each. These are further corrected for sake of brevity by dividing them by 8 including the total (240/8=30). Individual shares will be worked out from a total of 30.

Figure 2

Heirs	Daughters	Mother	Father
Number	10	1	1
Proportional Shares (PS)	16	4	4
Share/Head	16/10	4	4
Share/head Corrected	16	40	40
Share/head Briefed	2	5	5

Example 3

In figure 3, total comes to 30 which is more than 24, and it is also resulting in fraction for the daughters. To solve such problems Rule 1(b) is applied. This is called ‘awl (reduction). Correction method is not required to be changed in this situation.

Figure 3

Heirs	Spouse	Daughters	Mother	Father
Number	-	6	-	-
Proportional	6	16	4	4

Shares				
Out of 30/Head	6	16/6	4	4
Out of 30x6/head	36	16	24	24
Briefed Shares/head	9	4	6	6

Example 4

Solution of a problem with five daughters along with mother and father is similar to example 2. There are five daughters instead of ten. After keeping four proportional shares for each parent balance left is 16 which have to be distributed amongst the daughters; which is 16/5. Being the only fraction its LCM is 5. Multiplying all shares with it and dividing over their respective numbers gives us 20 shares for each parent and 16 for each daughter. Rest is the process of brevity.

Figure 4

Heirs	Mother	Father	Daughters
Number	1	1	5
Proportional Shares	4	4	16
Share/Head	20	20	16
Share/head Briefed	5	5	4

Example 5

In this example there are five real sisters (agnate) along with the husband. The deceased has no siblings. So the husband gets 12 proportional shares and real sisters will receive 16, everyone getting 16/5. Multiply the proportional shares and their total with the LCM (5). So out of 140 shares the husband will receive 60 and the sisters 16 each. Applying the brevity method will reduce it to a total of 35, out of which the husband will receive 15 shares and each real sister will get 4 shares.

Figure 5

Heirs	Husband	Real Sisters (agnate)

Number	1	5
Proportional Shares	12	16
Share/head	12	16/5
Corrected with LCM	60	16
Briefed shares/head	15	4

Example 6

All shares on division result in fractions. Their LCM is 6. Multiplying with fractions will give us individual shares. Every daughter will receive 16 shares, uncles 8 each and feminine real ancestors will receive 8 each. These have been further briefed.

Figure 6

Heirs	Daughters	Real Feminine Ancestors	Uncles
Number	6	3	3
Proportional Shares	16	4	4
Shares/head	16/4	4/3	4/3
Corrected with LCM	16	8	8
Briefed Shares	2	1	1

Example 7

In figure 7, every heir has a fractionalized share. LCM is 12. So multiplying individual shares and their total with LCM will give us a total of 288. When distributed; each wife will receive 16 shares, feminine real ancestor 16 each and uncles' 14 each. It has been further briefed.

Figure 7

Heirs	Wives	Real Feminine Ancestors	Uncles
Number	4	3	12

Proportional shares	6	4	14
Shares/head	6/4	4/3	14/12
Corrected with LCM	18	16	14
Briefed Shares	9	8	7

Example 8

In this example the LCM is 180. Multiplied with the total we get a figure of 4320,which when divided amongst the heirs will accrue 135 shares to each wife, daughters 160 each, every real feminine ancestor will receive 48 shares and each uncle will get 30 shares. This is the corrected form of their shares.

Figure 8

Heirs	Wives	Daughters	Real Feminine Ancestors	Uncles
Number	4	18	15	6
Proportional Shares	3	16	4	1
Shares/head	3/4	16/18	4/15	1/6
Corrected with LCM	135	160	48	30

Example 9

LCM of the fractions is 210. After its multiplication total shares become 5040. Each wife receives 315; real feminine ancestors 140 each, daughters receive 336 shares each and uncles get 30 each.

Figure 9

Heirs	Wives	Real Feminine Ancestors	Daughters	Uncles
Number	2	6	10	7
Proportional	3	4	16	1

Shares				
Shares/head	3/2	4/6	16/10	1/7
Corrected with LCM	315	140	336	30

Example 10

In this example 13 shares are left for the residuaries which comprise of three sons and four daughters. Sons when converted to daughters make a total of ten daughters. Proportional shares for the daughters are 13. This can now be solved like example 1. With LCM of the only fraction i.e. 13/10, multiply all shares and their total to accrue the share of each individual.

Heirs	Wife	Mother	Father	Sons	Daughters	Remarks
Number	1	1	1	3*	4* = 10 $	* Residuaries
Proportional Shares	3	4	4	13		
Shares/head	3	4	4	13/10		$ Sons converted to daughters
Corrected with LCM	30	40	40	13		

Comparison of the old method with the new one, amply shows that Lowest Common Multiple adequately substitutes (t'wafuq), (taba'een), (tama'sil) and (tuda'khel). Instead of using the old terms like 'rudoos' these have replaced with commonly understood terms like numbers. Avoidance of complex terminology makes the subject easier for a new student to understand; who would have otherwise quit it as being too difficult.

In the new method every solution revolves around 24 (LCM of shares specified in Quran). If the problem is less than 24, then the increase made has to be proportional to 24. Later it can be briefed for ease of usage. One may ask why the figure of 24 is so

necessary. Actually to evolve a solution with 24, obviates the need to look for a separate solution for every problem. It is easy to make corrections, solve the problems of ‘awl (reduction) and rudd (return). Any art with lesser number of rules is easier to practise. Anyone choosing to follow the old methods can do so. To do that first determine the fractional shares of the primary heirs; find their LCM to get the answer. Now find out the proportional shares according to the fractions of the primary heirs. If the sum of their proportional shares is equal or more than the real problem and their number is one for each category then that is the answer. Otherwise find the LCM and multiply it with per head share. This is the corrected answer. If the sum is less than the real problem and residuaries are present then distribute them according to its laid down method. In case of ‘lizzikr missal hiz ul unsain’ convert males to females then find the share of a female and give twice the share to a male e.g. if the heirs include mother, father and a wife. Their fractional shares are mother 1/6, father 1/6 and wife 1/4. LCM of the fractions is 12. So mother will receive 2 shares, father 2 shares and 3 shares will to the wife. The left over 5 shares will go to father as a residuary.

If two daughters and mother and father are the heirs; then mother and father will get 1/6 shares each and 2/3 shares will go the daughters. LCM of fractions is 6. Applying correction the shares come to; father and mother one each and daughters will receive 4/2=2 each.

Example 11

When mother, father and 10 daughters are the heirs then both the parents will receive 1/6 shares each and 2/3 will go to the daughters. With 6 being the LCM, shares will distributed as ;parents one each and daughters 4. Since a fraction 4/10 occurs in distributing the shares amongst the daughters so correction will be applied. To do so, multiply per head share with the LCM (10). So shares will now be out of 6x10=60. Parents will receive 10 each and every daughter will get 4 shares.

Example 12

Amongst husband and five real (agnate) sisters as heir; husband will receive1/2 and sisters 2/3. Application of correction with LCM (6) will yield 3 shares to husband and 4 to the sisters. Since the sum of shares is 7 which more than 6 so reduction (‘awl) has to applied here. There is a need to correct share of sisters being a fraction 4/5. Multiplying all shares with LCM of the fraction (5), husband will receive 3x5=15 shares and every sister will get 4 shares.

Example 13

Heirs: mother, father, four sons and three daughters. Parents have 1/6 share each. Sons and daughters are residuaries. The real solution is based on 6, so parents will

receive a share each. Their total being 2 is less than 6, so the rest will go to the residuaries. Four sons and three daughters are equal to 11 daughters. Remaining four shares will have to be distributed 4/11, which is a fraction. Applying correction share/head is multiplied by LCM (11). Parents will receive 11 shares each; daughters get 4 each and sons get double i.e. 8 shares each.

Example 14

Amongst wife, real sister (agnate) and mother shares are distributed as; mother 1/6, wife 1/4 and real sister 1/2. LCM of these fractions is 12 which is the key to the solution. Accordingly wife receives 3 shares, real sister 6 and mother will get two shares making a total of 11 which is less than 12. So the remaining one share has to be returned (rudd) to the real sister and mother. Since N=6+2=8 and S= 12-3=9. So shares are distributed as:-

Mother: Sx2=9x2= 18 shares

Real Sister: Sx6=9x6= 54 shares

Wife: Nx3=8x3=24 shares

Total Shares: 8x12=98

Alternate Method

Real sister and mother are the blood related primary heirs. Ratio of their shares is 1:3 or 1/2:1/6 witha sum of 1+3=4. Now multiplying the denominator of wife's share of 1/4 with 4 gives us 16 shares. When we subtract the 1/4th share of wife from total 16, it leaves behind 12. Distributing it according to 1:3 ratios, mother will get 3 shares while 9 shares will go to the sister. So out of sixteen shares wife receives 4, mother 3 and real sister 9. This is an application of rudd (return).

EXERCISES

Question 1- Mother, father and Son

In the residuary heirs male children have an edge over the father who only gets his share as a primary heir.

Heirs	Mother	Father	Son
Number	1	1	R*
Shares	4	4	16
Briefed Shares	1	1	4

Question 2 – Father, daughters and Wife

If a deceased only has female siblings then his father not only receives shares as a primary heir but also gets all the residuary shares.

Heir	Wife	Father	Daughters
Number	1	1	2
Shares	3	1+4	16

Question 3 – Father, Mother and Wife

If a deceased only has parents and a wife in that case father is only entitled as a residuary because to participate as primary heir deceased must have off springs. In the absence of siblings and brothers and sisters mother will receive 1/4th share.

Heirs	Wife	Father	Mother
Number	1	1	1
Proportional Shares	6	R	6
Shares/head	6	12	6
Briefed Shares	1	2	1

Question 4 – Mother, Ancestor and Son

An ancestor acts in place of father. In the presence of male off springs he is only eligible as a primary heir only otherwise he can be a residuary. Along with a wife, a mother and an ancestor he only shares as a residuary because there are no off springs. Share of mother will not be affected because of an ancestor. It will continue to remain 1/3. Similarly in the presence of deceased's husband and ancestor share of mother will remain 1/3.

Heirs	Mother	Ancestor (Propitious)	Son
Number	1	1	1

Proportional Shares	4	4	R
Shares/head	4	4	16
Briefed Shares	1	1	4

Heirs	Wife	Propitious	Daughters
Number	1	1	2
Shares	3	1+4	16
Shares/Head	3	5	8

Heirs	Wife	Propitious	Mother
Number	1	1	1
Proportional Shares	6	R	8
Share/Head	6	10	8

Question 5

In the presence of female off springs father and propitious can get shares both as primary heirs and residuaries. Grandmother is excluded because of father's presence because he forms a linkage where as in presence of a propitious she is not excluded because he is not a link.

Heirs	Daughter	Father	Grandmother
Number	1	1	1
Shares	12	8+4	E

Heirs	Daughter	Propitious	Grandmother
Number	1	1	1
Shares	12	4+4	4

Question 6

In the figure below all three are residuaries but propitious is nearer to the deceased with a lower code number than the real and half brothers. So he is the sole inheritor.

Heirs	Real Brothers	Half Brothers	Propitious
Number	1	1	1
Shares	E	E	24

Question 7

Daughters having participated as primary heirs are ineligible as residuaries. Grand daughter who otherwise was eligible as a residuary has to be left out because of 'Tashbeeb'. According to this presence of grand sons (down to any level) is mandatory. So the real sisters (agnate) receive their shares.

Heirs	Daughters	Granddaughter	Mother	Real Sisters
Number	2	1	1	2
Proportional Shares	16	E	4	R
Shares	16	E	4	4
Shares/head	8	E	4	2
Briefed Shares/head	4	E	2	1

Question 8

In the figure below the great granddaughters (GGD) receive four out of 24 shares as 'takalma lilsalasyn'. Total comes to 20 which is less than 24 and there are no

residuaries as well and great great granddaughters (GGGD) are ineligible because of ‘tashbeeb’. So the remaining 4 shares will also be returned to grand daughter, GGD and mother . Since no casual primary heir is present so according to Rule 3 twenty shares of the present primary heirs will be considered to be total shares and distributed after correction and being briefed.

Heirs	Granddaughter	GGD	GGGD	Mother
Number	1	3	2	1
Shares	12	4	E	4
Shares/head	12	4/3	E	4
Corrected Shares	36	4	E	12
Briefed Shares	9	1	E	12

Question 9

Two real sisters of the deceased get 16 shares of primary heirs and one uterinal half sister gets 4 shares being all alone whereas the consanguine half sister gets nothing in presence of the real sisters and absence of half brother (consanguine). Total shares of the primary heirs remain less than 24. In the absence of residuaries the remaining four shares will also returned (rudd) to the two real and one uterinal sister. Rule 3 a will be applied here; considering 20 shares to be the total shares as even no casual real heir is present.

Heirs	Real Sisters	Half Sister (Consanguine)	Half Sister (Uterinal)
Number	2	1	1
Out of 20 shares	16	E	4
Shares/Head	8	E	4
Briefed Shares	2	E	1

Question 10

According to Hanafi School, mother of the paternal grand father (PGF) is excluded because of presence of PGF who is considered to being her link (wasta). Maternal grand mother (MGM) of the MGM of the deceased and MGM of PGF are excluded because of the presence of PGF's mother as she is the second generation ancestor whereas the above ladies were third generation feminine ancestors. According to the rule of 'ala'aqrab fla aqrab' nearest feminine ancestor disqualify the farther ones. They may, however get excluded themselves for any other reason. So all the 24 shares will go to the paternal grand father i.e. 4 being a primary heir and 20 for being a residuary.

Malikia and Shafia Schools do not exclude the farther feminine (maternal) relations because of the nearer paternal feminine ancestors. So grandmother (GM) of maternal grandmother (MGM) will receive 4 shares.

According to Hanbli School mother of the PGF is not excluded. She will receive 4 shares of the feminine ancestors.

Heirs	Paternal Grandfather (PGF)	Mother of PGF	Maternal Grandmother of MGM	MGM of PGF
Number	1	1	1	1
Shares (Hanafi)	20+4	E	E	E
Shares (Maliki & Shafi)	20	E	4	E
Shares (Hanbli)	20	4	E	E

Question 11

Maternal and paternal grandmothers are both excluded because of presence of the deceased's mother. Other primary heirs will receive their shares. Leftover shares will be given to the brother.

Heirs	Daughters	Mother	Real Brother	Paternal Grandmother	Maternal Grandmother
Number	3	1	1	1	1
Proportional Shares	16	4	4	E	E

Corrected Shares	48	12	12	E	E
Shares/head	16	12	12	E	E

Question 12

Here except for the wife all are blood related primary heirs. She is a casual primary heir. Shares will be divided as:-

Casual Heir (C): 16+2+2=20

Blood related (B): 24-3=21

Daughter: 21x8=168

Paternal Grandmother: 21x2=42

Maternal Grandmother: 21x2=42

Wife: 3x20=60

Total Shares: 24x20=480=168+168+42+42+60=480

Heirs	Daughters	Paternal Grandmother	Maternal Grandmother	wife
Number	2	1	1	1
Shares	16	2	2	3
Shares/head	8	2	2	3
Shares after Return	168	42	42	60

When shares of blood related primary heirs are multiplied with C to get shares of casual primary heirs. By multiplying the shares of the casual heirs and total 24 shares with B, new shares of casual heirs are total of shares i.e.480 is found.

Question 13

Four shares of the feminine ancestors have been divided equally between the paternal and maternal grandmothers. Total shares of primary heirs are 27 which is the solution according to Rule 1.Since total shares exceed 24 so reduction (‘awl) has to be applied.

Heirs	Daughters	Wife	Maternal grandmother	Paternal grandmother	Propitious
Number	2	1	1	1	1
Shares	16	3	2	2	4
Shares/head	8	3	2	2	4

Question 14

Mother of deceased maternal grandmother is also the mother of his grand father having dual relationship. Abu Yousaf (RA) being one woman considers her to be one feminine ancestor who is eligible to receive equal to the share of mother of grandmother only. So shares of feminine ancestors will be equally divided amongst the two. Where as Abu Muhammad (RA) grants her shares of both relations. Four shares of feminine ancestors are divided into three. So the mother of grandmother will receive her own 4/3 shares. Mother of maternal grandmother with dual relationship will receive 8/3 shares.

Heirs	Mother of Paternal grandmother	Mother of Maternal Grandmother	Mother of Paternal Grandfather
Number	1	1	
Shares (Abu Yousaf)	2	2	
Shares (Abu Muhammad)	4/3	4/3	4/3
Shares (Abu Muhammad)	4/3	8/3	

Question 15

Abu Yousaf (RA) allows a feminine ancestor of dual relations only one of the entitled shares. Accordingly out of the 24 shares, daughter receives 12 shares, every wife gets one and mother of maternal grandmother with dual relationship receives 2 shares and cousin gets 5 shares. Abu Muhammad (RA) accords two shares to the female ancestor (dual relationship) two of the shares so she receives 4/3 +4/3= 8/3 and mother of paternal grandmother will get 4/3 out of the reserved shares. Out of a total of 72 shares daughter will receive 36 shares, 3 each to every wife, mother of paternal grandmother 4 shares and ancestor with dual relationship will receive 8 shares. Cousin Brother will be given 15 shares.

Heirs	Daughter	Wives	Mother of paternal grandmother	Mother of maternal grandmother with dual relationship	Cousin Brother (agnate)
Number	1	3	1	1	1
Shares	12	3	2	2	5
Shares/head	12	1	2	2	5

Heirs	Daughter	Wives	Mother of Paternal grandmother	Mother of Maternal Grandmother	Mother of Paternal Grandfather	Cousin Brother
Number	1	3	1	1		1
Share	12	3	4/3	4/3	4/3	5
Shares corrected	6	9	4	4	4	15
Shares/head	36	3	4	8		15

Question 16

The fourteen feminine ancestors should be from one generation to qualify and no other nearer feminine ancestor should be present. In this situation fourteen feminine ancestors can be present in the 13th generation. However it is impossible for all the female ancestors of that generation to be alive. So it will be assumed that possibly the

14 ladies belong to all the four generations i.e. first generation 2, second generation 3, third generation 4 and the fourth generation 5. In a situation like this only the two feminine ancestors from the first generations will be eligible.

Heirs	Feminine Ancestors	Real Sisters	Cousin Brother
Number	(2) 14	2	3
Shares	4	16	4
Shares out of 72	12	48	12
Shares/head	6	24	4

Question 17

After granting 6 proportional shares to the wives the remaining 18 are distributed amongst the paternal uncles as residuaries. Since 6 is not divisible by 4 so all shares are multiplied by the LCM of 6/4 which is 4. So wives will receive 6 shares each and every paternal uncle will get 36 shares.

Heirs	Wives	Paternal Uncles
Number	4	2
Shares as primary heir	6	R
Shares	6	18
Shares/head	6/4	9
Corrected Shares/head	6	36

Briefed Shares/head	1	6

Question 18

Total of proportional shares comes to 22 which less than 24. Since no residuaries are present so it will be returned to mother and uterinal half sisters. Multiply the total and shares of wife with (C=4+12=16) and shares of uterinal sisters and maternal grandmother with (N=24-6=18). As the numbers are divisible at 24 so the shares are wife (4), uterinal sister (9) and mother (3).

Heirs	Maternal Grandmother	Wife	Uterinal Sister
Number	1	1	1
Proportional Shares	4	6	12
Shares after Return	18x4	16x6	18x12
	72	96	216

Shares out of 16 (briefed)	3	4	9

Chapter 3 – Distantly Kindred Heirs (Dhawul Arham)

According to Hanfi School of Jurisprudence, distantly kindred heirs are treated like the residuaries / secondary heirs (asabat) as……. (hajib mhjub). Details are being covered in tables 2 and 3. All types of inheritance problems can be easily solved with these tables. Be it method of Imam Abu Yousaf (RA) or Imam Abu Muhammad (RA).

In Table 2 gender number, code and group numbers are given. With help of this table first thing is to find out the gender, code and group numbers of the existing heirs. In case of a reference to the siblings as Sibling 1, Sibling 2 and Sibling 3 consult Table 3. In Table 3 every code has been assigned a degree number also. Remember the following rules:-

- **LDK.** Law of distantly kindred heirs.
- **LDK 1.** Those with lower gender number. Only they can participate. Rest are ineligible

- **LDK 2.** Those with lower degree. Only they can participate. Rest are ineligible.

Method of Imam Abu Yousaf (RA)

After selecting the heirs in accordance with LDK 1 and LDK 2, if their gender numbers are 1, 2 and 3; only those with the lowest number are eligible. In case of all males or all females being present, the estate is equally divided between them. In a mixed group, a male gets twice the share of a female (Liz zikr misl hifzul unsayn).

If the heirs are from Gender # 4 and include parents and relatives from both paternal and maternal sides then maternal relatives receive 1/3 rd of the leftover estate. Paternal relations will get 2/3. In case of absence of relations from either of the side, those present from the other side will receive the remaining estate.

Method of Imam Abu Muhammad (RA)

Following LDK rules, chose the eligible heirs with lowest numbers from both the tables. Consult Table 4 and follow the instructions.

TABLE 2

Code	Heir	Group
	First Gender	
1	Maternal Grandson	1
2	Maternal Granddaughter	1
1	Son of Paternal Granddaughter	2
2	Daughter of Paternal Granddaughter	2
1	Son of Maternal Grandson	3
2	Daughter of Maternal Grandson	3
1	Son of Paternal Great Granddaughter	4
2	Daughter of Paternal Great Granddaughter	4
1	Paternal Grandson of Paternal Granddaughter	5
2	Paternal Granddaughter of Paternal Granddaughter	5

3	Maternal Grandson of Paternal Granddaughter	5
4	Maternal Granddaughter of Paternal Granddaughter	5
5	Paternal Grandson of Maternal Grandson	5
6	Paternal Granddaughter of Maternal Grandson	5
7	Maternal Grandson of Maternal Grandson	5
8	Maternal Granddaughter of Maternal Grandson	5
9	Paternal Grandson of Maternal Granddaughter	5
10	Paternal Granddaughter of Maternal Granddaughter	5
11	Maternal Grandson of Maternal Granddaughter	5
12	Maternal Granddaughter of Maternal Granddaughter	5
Second Gender		
1	Maternal Grandfather	6
1	Father of Paternal Grandmother	7
2	Father of Maternal Grandfather	7
3	Mother of Maternal Grandfather	7
4	Father of Maternal Grandmother	7
1	Maternal Grandfather of Paternal Grandfather	8
2	Maternal Grandfather of Paternal Grandmother	8
3	Paternal Grandmother of Paternal Grandmother	8
4	Maternal Grandfather of Paternal Grandmother	8
5	Paternal Grandfather of Maternal Grandfather	8
6	Paternal Grandmother of Maternal Grandfather	8
7	Maternal Grandfather of Maternal Grandfather	8
8	Maternal Grandmother of Maternal Grandfather	8
9	Paternal Grandfather of Maternal Grandmother	8
10	Paternal Grandmother of Maternal Grandmother	8
11	Maternal Grandfather of Maternal Grandmother	8
Third Gender		
Real Paternal Niece		9
Real Maternal Nephew		9
Real Maternal Niece		9
Consanguine Niece (P)		10
Consanguine Nephew(M)		10
Consanguine Niece (M)		10
Uterinal Nephew (P)		11
Uterinal Niece (P)		11
Uterinal Nephew (M)		11
Uterinal Niece (M)		11

Sibling # 1 of Real Brother	12
Sibling # 1 of consanguine Brother	13
Sibling # 2 of real Brother	14
Sibling # 3 of Real Sister	15
Sibling # 2 of consanguine Brother	16
Sibling # 3 of consanguine Sister	17
Sibling #3 0f Uterinal Brother	18
Sibling #3 0f Uterinal Sister	19
Fourth Gender	
Real (P) Aunt	19
Consanguine (P) Aunt	20
Uterinal (P) Uncle	21
Uterinal (P) Aunt	21
Real (M) Uncle	22
Real (M) Aunt	22
Consanguine (M) uncle	23
Consanguine (M) Aunt	23
Uterinal (M) Uncle	24
Uterinal (M) Aunt	24
Real Cousin Sister (Parental Uncle)	25
Consanguine Cousin Sister (Parental Uncle)	26
Real Cousin Brother (Paternal Aunt)	27
Consanguine Cousin Brother (Parental Aunt)	28
Consanguine Cousin Sister (Parental Aunt)	28
Uterinal Cousin Brother (Parental Uncle)	29
Uterinal Cousin Sister (Parental Uncle)	29
Uterinal Cousin Brother (Parental Aunt)	29
Uterinal Cousin Sister (Parental Aunt)	29
Real Cousin Brother (Maternal Uncle)	30
Real Cousin Sister (Maternal Uncle)	30
Real Cousin Brother (Maternal Aunt)	30
Real Cousin Sister (Maternal Aunt)	30
Consanguine Cousin Brother (Maternal Uncle)	31
Consanguine Cousin Sister (Maternal Uncle)	31
Consanguine Cousin Brother (Maternal Aunt)	31
Consanguine Cousin Sister (Maternal Aunt)	31
Uterinal Cousin Brother (Maternal Uncle)	32
Uterinal Cousin Sister (Maternal Uncle)	32
Uterinal Cousin Brother (Maternal Aunt)	32
Uterinal Cousin Sister (Maternal Aunt)	32
Sibling # 1 of Real Paternal Uncle	33
Sibling # 1 of Consanguine Paternal Uncle	34
Sibling # 2 of Real Paternal Uncle	35

Sibling # 2 of Real Paternal Aunt	36
Sibling # 2 of Consanguine Paternal Uncle	37
Sibling # 3 of Consanguine Paternal Aunt	38
Sibling # 3 of Uterinal Paternal Uncle	39
Sibling # 3 of Consanguine Paternal Aunt	39
Sibling # 3 of Real Maternal Uncle	40
Sibling # 3 of Real Maternal Aunt	40
Sibling # 3 of Consanguine Maternal Uncle	41
Sibling # 3 of Consanguine Maternal Aunt	41
Sibling # 3 of Uterinal Maternal Uncle	42
Sibling # 3 of Uterinal Maternal Aunt	42

Note: Explanations of Siblings 1, 2 and 3 are explained in Table 3 below.

Table 3

Code	Heir	Degree
	Sibling #1	
1	Paternal Granddaughter	2
1	Paternal Great Granddaughter	3
1	Paternal Great Great Granddaughter	
	Sibling # 2	
1	Maternal Grandson	2
2	Maternal Granddaughter	2
1	Son of Paternal Granddaughter	3
2	Daughter of Paternal Granddaughter	3
3	Son of Maternal Grandson	3
4	Daughter of Maternal Grandson	3
5	Son of Maternal Granddaughter	3

6	Son of Maternal Granddaughter	3
1	Son of Paternal Great Granddaughter	4
2	Daughter of Paternal Great Granddaughter	4
3	Paternal Grandson of Paternal Granddaughter	4
4	Paternal Granddaughter of Paternal Granddaughter	4
5	Maternal Grandson of Paternal Granddaughter	4
6	Maternal Granddaughter of Paternal Granddaughter	4
7	Paternal Grandson of maternal Grandson	4
8	Paternal Granddaughter of maternal Grandson	4
9	Maternal Grandson of Maternal Grandson	4
10	Maternal Granddaughter of Maternal Grandson	4
11	Paternal Grandson of Maternal Granddaughter	4
12	Paternal Granddaughter of Maternal Granddaughter	4
13	Maternal Grandson of Maternal Granddaughter	4
14	Maternal Granddaughter of Maternal Granddaughter	4
	Sibling # 3	
1	Paternal Grandson	2
2	Paternal Granddaughter	2
3	Maternal Grandson	2
4	Maternal Granddaughter	2
1	Paternal Great Grandson	3
2	Paternal Great Granddaughter	3
3	Son of Paternal Granddaughter	3
4	Daughter of Paternal Granddaughter	4
5	Son of Maternal Grandson	3
6	Daughter of Maternal Grandson	3
7	Son of Maternal Granddaughter	3
8	Son of Maternal Granddaughter	3
1	Paternal Great Great Grandson	4
2	Paternal Great Great Granddaughter	4
3	Son of Paternal Great Granddaughter	4
4	Daughter of Paternal Great Granddaughter	4
5	Paternal Grandson of Paternal Granddaughter	4
6	Paternal Granddaughter of Paternal Granddaughter	4
7	Maternal Grandson of Paternal Granddaughter	4
8	Paternal Granddaughter of Paternal Granddaughter	4
9	Paternal Grandson of maternal Grandson	4
10	Paternal Granddaughter of maternal Grandson	4
11	Maternal Grandson of Maternal Grandson	4
12	Maternal Granddaughter of Maternal Grandson	4
13	Paternal Grandson of Maternal Granddaughter	4
14	Paternal Granddaughter of Maternal Granddaughter	4
15	Maternal Grandson of Maternal Granddaughter	4
16	Maternal Granddaughter of Maternal Granddaughter	4

Note: Siblings #1are actually the primary heirs. Siblings # 2 are only distantly kindred. Where as Siblings # 3 are a mix of the two.

Table 4

Group	Method	Group	Method	Group	Method	Group	Method
1	1	12	3	23	1	34	9
2	1	13	6	24	1	35	9
3	2	14	5	25	8	36	9
4	1	15	5	26	8	37	9
5	2	16	5	27	8	38	9
6	3	17	5	28	8	39	9
7	4	18	6	29	8	40	10
8	4	19	7	30	8	41	10
9	5	20	7	31	8	42	10
10	5	21	7	32	8		
11	5	22	1	33	8		

Method 1

Only those with the lowest number are eligible. Rest are to be excluded. If there are only males or females then estate is divided equally otherwise in a mixed group, a male gets twice the share of a female. See question # 1 for explanation.

Method 2

a. While keeping the heirs with the lowest number, delete the rest. Arrange the eligible heirs in sequence of their code numbers starting from the lowest. Also mention their total number (strength) against each.

b. As shown in example 1, write down the relationships in front of each heir e.g. In front of the maternal grandson of maternal grandson is written daughter, son, daughter and son. Write males and females separately. Number the emerging columns.

c. Repeat the same procedure for the next generations and keep on numbering them. In a generation where both males and females are present separate

columns are made and numbered. As shown in example 1, in the siblings of column 1, there are two more columns i.e.2 and 3.

d. If a column shows only one type of descendants then no further columns are added irrespective of existence of mixed gender subsequently. See example 1, column 1.

e. If the children of the deceased or those of subsequent generations are single gendered then make only one column and give it a value of 1. In case two columns are to be made, value of male column will be twice that of the female column. Adding the two will give the total value (weight age). Dividing the value of each column with the total value will give fractional value of each column. In example 1, there are two males in column 2 who represent the two maternal grandsons. So they will be assigned a value of 2x2=4. Value of column as such is 4. In column 3 there are 3 females thus the value of the column is 3. Cumulative value of columns 2 and 3 is 4+3=7. Dividing each value gives fractions of 4/7 and 3/7.

f. Once all the columns have been completed, make a table and write down the fractional values. To find the share of an heir, multiply the fractional value with the corresponding column.

Example 1

Distribute the estate between two maternal grandsons of maternal grandsons, a paternal grandson of a maternal granddaughter, maternal grandsons of two maternal granddaughters and one real maternal niece.

Heirs	Number	First Generation	Second Generation	Third Generation	Fourth Generation
Maternal Grandsons of maternal grandson	2	Daughter	Son Column 2	Daughter	Son
Paternal Grandson of Maternal Granddaughter	1	Daughter	Daughter	Son Column 4	Son
Maternal Grandsons of	2	Daughter	Daughter	Daughter	Son

Maternal Granddaughter		Column 1	Column 3	Column 5	Column 6

Solution

All the four are distantly kindred heirs. According to Table 2, except for the real maternal niece, other three are listed in the First Gender, while she is in the Third gender. According to DKL 1 she stands excluded. The selected heirs are from group 5 and degree 3, so they are eligible.

As indicated in Table 4, Method 2 has to be applied here. After finding code numbers from Table 2 make the table as shown above. Make fractions as under.

Column Number	Fraction
1	1
2	4/7
3	3/7
4	2/4
5	2/4

Column 2 is about a single heir so no further columns will be inserted. Column 3 lists more than one heir so more columns can be made for siblings. Columns 4 and 5 are inserted without changing the gender. Son listed in column 4 will be assigned a value of 2, where as girls at column 5 will have a cumulative value of 2. Their fractions thus are 2/4 and 2/4.

Now at this stage mark the columns from where an heir is receiving shares. Sum total of fractions after multiplication will indicate their share. Two maternal grandsons of maternal grandsons are receiving their shares from columns 1, 2 and 4 with fractional value of 1, 4/7 and 1. After multiplication 1x4/7x1=4/7. Each will get 1/2x 4/7=2/7. Paternal grandson of maternal granddaughter receives his shares from columns 1, 3 and 5. Thus 1x3/7x2/4=8/28. Maternal grandsons of the two maternal granddaughters are receiving their shares from columns 1, 3 and 6. So 1x3/7x2/4=6/28=1/2x6/28=3/28.

Method 3

Maternal grandfather being the only eligible heir receives all the remaining estate.

Method 4

The only difference from Method 2 is that here males means fathers and females as mothers, whereas in Table 2, sons and daughters were implied. Columns made here will indicate mothers and fathers respectively. No fractions have to be calculated as these are already fixed; father receives 2/3 and mother 1/3. Number of an heir is one only.

Example 2

Find out the shares of father of paternal grandmother, father and mother of maternal grandmother and maternal grandfather of maternal grandmother.

Heir	First Generation	Second Generation	Third Generation
Father of Paternal Grandmother	Father *Column 1*	Mother *Column 2*	Father
Father of Maternal Grandmother	Mother	Father	Father *Column 5*
Mother of Maternal Grandmother	Mother	Father *Column 3*	Mother *Column 6*
Maternal Grandfather of Maternal Grandmother	Mother *Column 2*	Mother *Column 4*	Father

According to Table 2, all the heirs being in the third gender are eligible. The first four are listed in group 7 and maternal grandfather of the maternal grandmother is in group 8. So according to the proximity criterion of 'ila aqrab fala aqrab' he stands excluded. All the eligible heirs are tabulated according to their code numbers as shown in example 1. All being single, the number row is omitted in the table. In accordance with Method 4, make separate columns for males and females. Columns 1, 3 and 5 being columns for fathers (male) have a fraction of 2/3. Whereas columns 2, 4 and 6 are for mothers (female) with a fraction value of 1/3. Father of paternal grandmother is receiving his share from column 1 with a fraction value of 2/3. As such this is his share. Father of maternal grandfather receives his shares from columns 2, 3 and 5 (1/3x2/3x2/3=4/27). So his share comes to 4/27. Following the same method shares work out to be; mother of maternal grandfather (1/3x2/3x1/3=2/27), father of maternal grandmother (1/3x1/3=1/9).

Method 5

In this method all participants are considered as their ancestors because they mostly are the brothers and sisters of the deceased. Shares received by them as primary and secondary heirs will therefore determine shares to be given to their siblings in accordance with Methods1and 2.

Example 3

Distribute estate between three maternal grandsons and two maternal granddaughters of real brother of the deceased, two paternal grandsons and one maternal granddaughter of the real sister (agnate), one paternal grandson of consanguine sister and paternal grandson of the uterinal brother.

In this example, the real brother has five, real sister three, consanguine sister one and uterinal brother one descendant. Following Method 5, let's suppose that estate is to be distributed between five real brothers, three real sisters, one consanguine sister and one uterinal brother. In the presence of the real brothers the consanguine sister is excluded but the uterinal sister will receive four out of the 24 share (se'hams). Remaining 20 shares will be given to the real brothers and sisters as residuaries following (Liz zikr misl hiz ul unsyn). Converting brothers to sisters we have a total of thirteen sisters (5x2+3=13). Since 20 is not equally divisible by 13, so let's suppose that each sister will receive 20 shares. Brothers will therefore receive double the share i.e. 2x20=40. Now according to the rule the uterinal sister will now receive (13x4=52) shares thus making a total of 13x24=312 shares. These will be given as real brothers 40 each, real sister 20 each and uterinal sister 52.

Let us now distribute the shares of the real brothers between their siblings; three maternal grandsons (MTS) and two maternal grand daughters (MTG). In table 2, these siblings are listed in group 1. According to Table 3, method 3 will be applied here (Liz zikr misl hiz ul unsyn). Converting males into females makes 8 MTGs. Forty shares of the real brother will divided as 40/8=5. So a MTS will get 5x2=10 shares and MTG will receive 5 shares each.

Method 2 will be applied to distribute shares of the real sister between her siblings i.e. two paternal granddaughters and a maternal grandson. Make the table as shown below.

Heirs	Number	First Generation	Second Generation
Paternal Grandsons of Real Sister	2	Son Column 1	Son
Maternal Granddaughter of real Sister	1	Daughter Column 2	Daughter

Since there is a change of gender in the first generation, two separate columns will be drawn. Fractional values of these columns are 4/5 (column 1) and 1/5 (column 2). If a column is only related to a single heir no further column will be made. It will remain the same till the very end. In this example no more than two columns can be made. Paternal grandsons receive their shares from column 1 so their individual share is 4/5 x1/2=**2/5**. The granddaughter will receive 1/5 shares from column 2. So out of the 20 shares of the real sister, grandsons will receive 20x2/5=8 shares each and granddaughter will be given 20x1/5= 4 shares. Paternal grandson of the uterinal sister will receive all of her 52 shares.

Method 6

This method only relates to uterinal brothers and sisters. So estate will be divided equally between them.

Method 7

a. If both paternal and maternal relations are present then 2/3 of the remaining estate will be shared by the paternal relatives and 1/3 will be given to maternal relations. In case only one side is present then whole of the remaining estate will be divided amongst them.
b. In both categories of relatives, those in the lower group will receive shares. In case of there being only males or females; it will be distributed equally otherwise a male shall receive twice the share of a female (Liz zikr misl hiz ul unsyn).

Example 4

Divide estate between two real paternal aunts, one consanguine paternal aunt, four uterinal paternal uncles, two uterinal paternal aunts, two real maternal uncles and three real maternal aunts.

Being in the fourth gender they are all eligible. After checking their group and code numbers from Table 2, it is seen that real paternal aunt is in group 19, consanguine paternal sister 20, uterinal paternal uncle 21 and real maternal uncle and aunt are in group 22. Thus group 19 is the lowest. Method 7 will be used to solve this problem.

Based on Method 7, separately list the paternal and maternal relations. In the paternal relatives 19 is the lowest group comprising of real paternal aunts, so only they are entitled to the 2/3 share of the paternal side. Being two in number they will receive 1/3 share each. On the maternal side the uncle and aunt will share the 1/3 as per (Liz zikr misl hiz ul unsyn) i.e.both uncles getting twice the share given to aunts. Converting males into females, there are 4+3=7 aunts.

Each receiving 1/3x1/7=1/21. Uncle will get 2x1/21=2/21 and each aunt will receive 1/21 shares.

Method 8

Only difference from Method 7 is that after determining the eligible group, estate will be distributed according to method 1or method 2.

Example 5

Distribute between maternal granddaughters of two maternal grandsons of real paternal aunt, a paternal granddaughter of a maternal granddaughter, maternal grandsons of two maternal granddaughters, three great great paternal grandsons of uterinal paternal uncle and two sons and three daughters of the great granddaughters of the real maternal aunt.

Being in the fourth gender all the heirs are eligible, but some have priority over others. Table 2 shows that descendants of the real paternal aunt, paternal granddaughter of the maternal granddaughter is in group 36, and covered under siblings 2 of the real paternal

aunt. The descendants of the uterinal paternal uncle are listed in siblings 3 of the uterinal paternal uncle with group 39. The female descendants of the real maternal aunt are covered under the siblings 3 of the real maternal aunt in group 40. Out of them all, group 36 is the lowest, so according to Table 3, Method 8 will apply here. The descendants of the real paternal aunt are eligible to receive the 2/3 rd share of the father. Descendants of the uterinal paternal uncle will be excluded. Descendants of the real maternal aunt will be eligible to 1/3 maternal shares. Descendants of the real paternal aunt will get shares according to method 2 (See example 1). Descendants of the real paternal aunt will receive as; maternal granddaughter of maternal grandson 2/3x2/7=4/21, paternal granddaughter of maternal granddaughter 2/3x3/14= 1/7 and maternal grandson of maternal granddaughter 2/3x3/28=1/14. Maternal side shares will be distributed according to Liz zikr misl hiz ul unsyn. Converting males into females there are 7 daughters so a daughter gets 1/7 and son 2/7. The remaining estate is distributed as 1/3x1/7=1/21 and 1/3x2/7=2/21.

Substitution Method (Tariqa e Tanzil)

Hazrat Ahmed Hanabl (RA) has decreed it and some Maliki and Shafi jurist have adopted it as a method of share distribution between distantly kindred heirs. In this method the distant relatives are equated to their related primary heirs and residuaries. As such estate is divided between them as primary heirs and residuaries. Then they are further sub allotted their privileged shares. For example, amongst heirs of a deceased; maternal grandsons, paternal nieces, real paternal aunt and a maternal aunt are present. Maternal grandson being a descendant of the daughter will be considered as a daughter. Likewise parental nieces as brothers, paternal aunt as father and maternal aunt will be treated as the mother. Shares will be so distributed as if parents, brother and sister were present. These claimed shares are then given to the distantly kindred descendants.

a. According to the famous quote of Imam Ahmed bin Hanbal (RA), no differentiation is made between genders of the linked heirs. Both males and females are treated equally. His second quote, however, advocates ‘Liz zikr misl hiz ul unsyn’ to be applied. Some later Shafi and Maliki jurist follow the second option.
b. According to Al Mughni, three groups of distantly kindred are formed. First those related to the deceased through descendants, second is those related to the deceased through his father and the third group comprises of the maternal

relations. The group nearest to the deceased will be considered eligible while the rest will be excluded. However no comparison will be made between the relations and groups. According to another quote all the distantly kindred heirs are in the same group and only the nearest ones are eligible. A few more thoughts also exist but these have been ignored by the later jurists. They do not subscribe to the method of'Liz zikr misl hiz ul unsyn' for maternal relations.

c. An heir with multiple links with the deceased will only be granted the nearest connection e.g. maternal grandson of paternal great grand daughter is also a maternal grandson of daughter of the son. So here he will be included as the maternal grandson of paternal great grand daughter being two links away against as against three links of the son.

d. Every link is allowed its real strength in number and number of descendants is not considered e.g. a real sister has four great grandsons and the other has a son of her maternal granddaughter. Considering them as two sisters their will be subdivided separately.
e. A link on receipt of its share will be treated as a deceased for subdivision of accrued shares.

Possible Links

Distantly kindred relation can participate through the following links:-

a. Descendants of daughters as daughters.
b. Descendants of paternal granddaughters as paternal granddaughters.
c. Descendants of paternal great granddaughters as paternal great granddaughters.
d. Descendants of paternal great great granddaughters as paternal great great granddaughters.
e. All parental aunts, uterinal uncles and their descendants as father.
f. All maternal uncles, aunts and their descendants as mother.
g. Descendants of real sister as real sister.
h. Descendants of consanguine sister as consanguine sister.
i. Descendants of uterinal brothers and sisters as uterinal brothers and sisters.
j. Uterinal brothers and all type of sisters of paternal grandfather as paternal grandfather.
k. Parents, brothers and sisters and their descendants of paternal propitious as paternal propitious.
l. Parents, brothers and sisters and their descendants of maternal propitious as maternal propitious.

m. Primary (obligatory) and distantly kindred descendants of real brothers.
n. Primary (obligatory) and distantly kindred descendants of consanguine brothers.

Those listed from ‘a to d’ above are the paternal descendants and those from ‘e to l’ are maternal descendants. Maternal grandson of the paternal great granddaughter and sons of paternal and maternal aunts will be eligible being from different ancestral categories. Some of them despite being closer to the deceased are not preferred over others except paternal grandson of the daughter excludes the maternal grandson of the maternal great granddaughter. Similarly son of maternal aunt is excluded in the presence of maternal uncle or aunt.

Example 6

Divide the estate of Abdul Azim between his maternal grandfather, two real paternal nieces, a real maternal niece and a maternal cousin sister.

Assume that a mother, a brother and a real sister are present.

Heir	Link
Maternal grand father	Mother
Real paternal nieces	Brother
Real maternal niece	Sister
Maternal cousin sister	Mother

After allocating 4 shares to the mother the remaining 20 shares have to be divided between the real brother and sister in accordance with ‘Liz zikr misl hiz ul unsyn’. As such now there are three sisters getting 20/3 shares each. If shares of sisters are raised to 20 each, then the mother will receive 12shares instead of 4 making a total of 72 shares. Thus mother will receive 12 shares, real sister 20 and real brother 40. There are two real paternal nieces so each will get 40/2=20. The only maternal niece will receive all the 20 shares of the real sister. Shares (20) of the mother will go to the maternal grandfather and the maternal cousin sister. Here the maternal grandfather at a single link excludes the maternal cousin sister who is two links away. All twenty shares of the mother will go to the maternal grand father.

Example 7

A uterinal paternal aunt, a real paternal niece, a real paternal cousin sister, a real maternal niece, a real maternal aunt and a consanguine maternal aunt.

Heir	Link
Uterinal paternal aunt	Father
Real paternal niece	Brother
Real paternal cousin sister	Father
Real maternal niece	Sister
Consanguine maternal aunt	Mother
Maternal aunt	Mother

The uterinal parental aunt, real paternal niece, real parental cousin sister and real maternal niece belong to the paternal group of relations. Real paternal cousin sister being three links away is excluded because others have only two links. Mother side of relations have the real and consanguine aunts. Table above shows their substituted linkage. In the presence of father, sister and brother are excluded but their presence qualifies the mother for 1/3 rd shares. So after giving four shares to the mother the remaining will go the father which will be exclusively received by the paternal aunt. Mother's share will be distributed between the real and consanguine maternal aunts. Real aunt (M) being the real sister will receive 3 shares while one share will go the consanguine aunt.

Chapter 4 -Simultaneous Death (Ma'nasikha)

Dictionary meaning of 'ma'nasikha' is to revoke or compensate. This terminology is basically used to describe the procedure of distributing shares of an heir received from progenitor after his/her demise, between his/her bonafide heirs. It is possible for an heir to not only inherit the estate of the progenitor but also one of the other heirs due to his/her death. The jurists have therefore formulated an easy procedure for the simultaneous distribution of this kind of inheritance. General principle of Mirath is that the claimant of inheritance must be alive at the time of death of the progenitor. Hence, if two mutual heirs die simultaneously, then they cannot inherit from each other.

a. Hanbali, Shafii 2and Maliki jurists profess that if sequence of death of two mutual heirs is not ascertained, then it is assumed to be simultaneous. They cannot inherit from each other; this is based on practice of Hazrat Abu Bakr and Hazrat Umar Al-Khttab (RA).

b. Shafiis believe that if sequence of death of two mutual heirs cannot be ascertain, then the inheritance is suspended until it is ascertained or there is mutual agreement amongst the heirs on who died first.

c. Hanafis think that even if sequence cannot be ascertained; they can still inherit from each other. This is based on view of Hazrat Ali (RA) and Hazrat Abdullah bin Masood (RA).

d. If there is simultaneous death of mutual heirs and sequence is known, then this situation is called Manasikha. Inheritance is divided number of times i.e. firstly between immediate kin and then their heirs.

Timely distribution of estate of a deceased can obviate the hassle of 'ma'nasikha'. Like the other important religious responsibilities being ignored these days, timely transfer of inheritance is generally delayed. Deaths occurring in the family later compel distribution of estates at multiple tiers ranging between many generations. As a result of such inordinate delays things can become complicated. In the reckoning of this author, if total worth of an estate is known, then it is advisable to adopt the routine practise laid down in the Sharia rather then taking recourse to 'Manasikha'. This will not only be easy but can lend itself to a simple counter check. Beside the progenitor, estate of those expiring later can also be distributed equitably. However in this book working out

inheritance with manasikha has been made easy, for those proficient in working with arithmetical fractions. It is, however, advisable to follow the original methodology. Original method involves listing the heirs of each dead person and their shares against each. Once the estate of the progenitor has been asertained; divide it between the eligible heirs. There after distribute estate of the remaining dead amongst their heirs including that received from others. Putting a circle against the name of every dead person, keep on adding his/her receivable shares. To simplify calculations personal assets of the dead should be included here. In order to counter check the calculations, add the personal estates of each dead with the estate of the progenitor, If the sum of the share of all heirs is equal to this figure, then the solution is correct otherwise it has to be re done. To elucidate the working of the both the methods, let's solve an example.

Example

On her death, Salima left behind a husband Zaid, a daughter Karima and her mother Azima. Before the estate could be divided, Zaid also expired leaving behind his father Omar and mother Rahima. Subsequently Karima also died with two sons Khalid, Abdullah and daughter Raqia left as her heirs. Estate was still to divided that Azima also left for the eternal abode leaving behind her second husband Abdul Rehman (Salima's father had died earlier), two sons Abdul Rahim and Abdul Karim and her brother Abdul Rashid. Divide the estate of Salima between the living heirs.

Brother of Azima being the maternal uncle of Salima is a distantly kindred relative thus ineligible along with her step father. After dividing Salima's estate between her husband Zaid(6 shares), Daughter Karima (12shares) and mother Azima (4 shares), two shares are left. Since no residuary is alive so these will be returned to the blood related (agnate) primary heirs. To solve the problem, first find out the sum of shares of the agnatic heirs (A), which is 16. Share of the casual primary heirs (C) is 6. Subtracting it from the total shares 24 we get 24-6=18 or S. Multiply A with 18 and C with 16 and the total shares (24) with 16. Resultantly out of the total 384 shares, Zaid will receive 96, Karima 216 and Azima 72 shares. Now out of 24 shares of Zaid, His mother Rahima receives 4, daughter Karima 12 and father Omar 4 shares. Left over 4 shares will also go to Omar as a residuary making his shares 4+4=8.

Estate of Karima after her death is also considered as 24. Azima is her maternal grandmother, Rahima her paternal grandmother and Omar is her paternal grandfather. Her children include two sons Abdullah and Khalid and daughter Raqia. Azima and Rahima in the absence of Karima's parents and being from the same generation will receive equal shares. Omar being the husband of Rahima, without any linkage with Karima is also eligible to 2 out of the four shares. So Omar will receive a total of 4 shares. Estate between the children will be divided in accordance with 'Liz zikr misl hiz

ul unsyn'. Converting all to daughters makes it five. So after multiplying 24 with 5 we get 120. Now Raqia will receive 16, Khalid and Abdullah 32 each, Omar 20, Rahima and Azima will get 10 shares each.

Azima on her death left behind her husband Abdul Rahman, brother Abdul Rashid and two sons Abdul Karim and Abdul Raheem. Out of 24 shares of her estate, her husband will receive 6 shares, remaining 18 will be divided between the sons, each getting nine shares.

Total worth of the divisible estate of Salima is Rs. 384000. Zaid who is entitled to 96 out of 384 shares will get Rs.96000 (Unity Method), Karima receives Rs.216000 and Azima gets Rs.72000. Out of Zaid's share (Rs.96000) after his death, Karima will get Rs. 48000, azima Rs.16000 and Omar Rs.32000. Karima had received Rs. 216000 from Salima and Rs. 48000 from her father Zaid making a total of Rs. 264000. According to unity method Khalid and Abdullah will receive Rs.70400 each, Raqia will get Rs.35200. Besides them Rahima and Azima as grandmothers will receive Rs.22000 and the grandfather Omar will get Rs.44000. Out of Zaid's estate Omar gets Rs.32000 and Rahima Rs.16000 making their total receivables as Rs. 76000 and Rs.38000 respectively. Azima receives Rs. 72000 from Salima and Rs.22000 from Karima making it Rs.96000.Her husband receives Rs.23500 and sons Rs.35250 each. Adding it all makes 480000 which corroborate the answer as being correct.

Let's solve it in a different way, supposing that the **worth of estate is unknown** and complete shares have to be determined (no fractions). Find out the shares of all the dead heirs receivable from all others including the progenitor. Make a separate row for each dead heir as shown below (Table A):-

Table A

Shares of dead heirs out of Salima's (Progenitor) Estate

Heirs	From Salima	Through Zaid	Through Karima	Total
Zaid	1/4	x	X	1/4
Karima	9/16	1/4x1/2	X	11/16
Azima	3/16	X	1/12x11/16	47/192

Shares of the live heirs in the estate of dead heirs

Make a separate account of the shares of all living heirs received from the dead heirs including the progenitor. Sum of shares received by a living heir from the dead heirs will be his/her share in the estate of the progenitor e.g. Omar got 1/3 from Zaid and Zaid received ¼ from Salima, so Omar gets 1/3x1/4=1/2 from Salima's estate through Zaid .Multiply the shares received from a dead heir with the share received by him/her from the progenitor and write it in the columns to determine individual shares.

Table B

Shares of the live heirs in the estate of dead heirs

Heirs	Through Zaid	Through Karima	Through Azima	Total	Out of 7680
Omar	1/3x1/4	1/6x11/16	x	19/96	1520
Rahima	1/6x1/4	1/12x11/16	x	19/192	760
Khalid	x	4/15x11/16	x	11/60	1408
Abdullah	x	4/15x11/16	x	11/60	1408
Raqia	x	2/15x11/16	x	11/120	704
AbdulRahman	x	x	1/4x47/192	47/768	470
Abdul Karim	x	x	3/8x47/192	47/512	705
Abdul Rahim	x	x	3/8x47/192	47/512	705

Account of personal Estate of the Dead Heir.

If a dead heir also possessed personal assets, then these have also to be accounted for. In the above example, shares of the dead heir received from Salima's estate have to be added to their personal assets as shown in the Table below. Zaid received Rs.96000 from Salima's estate. He also had personal assets worth Rs.100000 raising his estate to 196000. Now Karima instead of receiving Rs.48000 will get Rs.98000. Personal assets of the entire dead heirs have to be similarly added to the shares received by the living heirs from the progenitor.

Heir	Through Salima	Through Zaid	Through Karima	Personal Assets	Total
Zaid	96000	x	x	100000	196000
Karima	216000	98000	x	150000	464000
Azima	72000	x	38666.67	50000	160666.67

Shares of the Live Heirs

The table below shows shares of live heirs received from the total estate of a dead heir. Calculations have been done according to the unitary method. In accordance with Table 6, Omar receives 19/96 shares from Zaid's estate. Value of Zaid's estate is Rs.196000. One third of this given to him is Rs. 65333.33. Karima is receiving 1/6th of Omar's estate. This share plus her own assets come to Rs.464000. One sixth of her estate is Rs.77333.33. Omar does not get any share from Azima. He only got Rs.142666.67.

Live Heir	Through Zaid	Through Karima	Through Azima	Total
Omar	65333.33	77333.33	x	142666.67
Rahima	32666.67	38666.67	x	71333.34
Khalid	X	123733.33	x	123733.33
Abdullah	X	123733.33	x	123733.33
Raqia	X	61866.67	x	61866.67
Abdul Rahman	X	x	40166.67	40166.67
Abdul Rahim	X	x	60250	60250
Abdul Karim	X	x		60250
			Grand Total	**684000**

Sum of estate of dead heirs and progenitor is:-

Salima: 384000

Zaid : 100000

Karima: 150000

Azima: 50000

Total 684000

Since both totals are tallying so the solution is correct.

Chapter 5 – Miscellaneous Rules

Renunciation (ta'kharij)

A composition entered into by some heirs by mutual consent, to renounce their share of the inheritance in consideration for some specific things / interests is called 'Takhrij'. This is permissible in Sharia. Subtract the unitary share the heir from the sum total of all the remaining heirs without disturbing the unitary value of the individual shares.

Example

Rashida left behind a husband, two daughters, a real agnate sister and a consanguine sister. Her husband has decided to renounce his share in lieu of the dower (meh'r). Find out shares of the remaining heirs.

Husband and sons receive six and sixteen shares as the primary heirs – a total of twenty two. The real sister being a residuary receives the remaining two shares. The husband got 6/24, sons 16/24 and the real sister 2/24 shares. Husband has renounced his shares. Subtracting them from the total shares leaves behind 24-6=18. Now share of sons will calculated out a total of 18 shares (se'ham). Thus sons will receive 16/18, daughter 8/16 and real sister will receive 2/18 shares.

In a situation where shares have to be returned (radd), first find the share of each heir and then apply the renunciation method.

Out of two daughters, a mother and a wife one the daughters renounces her shares to claim a sofa set. Out of the total 24 shares two sons will get 16, mother 4 and the wife will receive 3 shares. These make a total of 23 shares. So the one remaining share will be returned to the mother and three daughters:-

A =	16+4=20
S=	24-3=21
Share of daughters	16xS=16x21=336
Share of Mother	4xS=4x21= 84
Share of Wife	3xA=3x20=60
Total	20x24=480

The daughter renouncing her share was entitled to 168 shares. Subtract her shares from the total 480-168=312. So the distribution will be based from a total of 312 shares. Thus wife will get her 60 shares out of 312 and so on and so forth.

Unborn Child (ja'neen)

General rule is that an unborn child is only eligible to inherit if he/she is born alive. If born alive but dies subsequently, then his/her shares are distributed amongst his/her heirs. Hanfi, Shafii and Hanabli Schools allow division of shares before the childbirth provided shares of the unborn child have been reserved based on all possible calculations (either as male or female). Malikis suspend the distribution process until the child is born and gender has been determined. Best is to wait for the delivery of the child. However, if the division is inevitable then considering the unborn child to be a boy first and then a girl make two separate division matrix. Make the distribution according to the lower figures. Remaining shares be distributed after the birth of the child. Heirs should pledge to return extra shares, if needed. A guarantee should also be sought in this respect. This has been advocated by Imam Yousaf (RA). Imam Muhammad (RA) professes a two pronged boy and girl hypotheses which is being explained with the help of an example.

Heirs	Wife	Mother	father	Daughters	Sons	Real Brother	Real Sister
Number Unborn Child (Boy)	1	1	1	1 3	1	2	1
Shares	3	4	4	R 13	R	E	E
Shares/head out of 72	9	12	12	13	26	E	E
Number Unborn Child (Girl)	1	1	1	2	0	2	1
Shares	3	4	4	16	0	E	E
Shares/head out of 27	3	4	4	8	0	E	E
27(girl) x72	216	288	288	576	0	E	E
27(boy)x27	243	324	324	351	702	E	E

Value of the estate is Rs.24000. Heirs include a pregnant wife, a mother, a father, a daughter, two real brothers and a real sister. Pre supposing the unborn child to be a boy

and after applying correction, share are worked out of a total 72. Considering the baby to be a girl, shares are worked out of a total of 27 shares. To make a comparison in case of a boy model, shares of the heirs are multiplied by 27 and in case of a girl model these are multiplied by 72. In both the cases, shares have to be divided out of a total of 1944 shares. In the girl model, wife, mother and father get 216,288 and 288 shares which lesser than their shares in the boy version. So they will be given the lesser shares. In the boy model daughter receives lesser shares i.e.351. So she will be only given these shares. Remaining 801 shares will be pended till the birth of the child and distributed on determination of the gender. In case of baby being a girl, daughter will be given 225 more shares and rest will go to the child. If it's a baby boy then the wife will receive 37 more, mother and father will also be given 36 more shares each, while the rest 702 shares will go to the baby boy.

Adopted Child

In Shariah, the adopted child is not considered as a real son; hence he is not entitled to any share in inheritance. His guardian can however, bequeath him in the Will (which is max of 1/3 of estate).

33:4 ... nor has He made your adopted sons your real sons. That is but your saying with your mouths. .....

33:5 Call them (adopted sons) by (the names of) their fathers, that is more just with Allah. But if you know not their fathers (names, call them) your brothers in faith and Mawaleekum (your freed slaves). -Al Quran

Illegitimate Child

Our holy Prophet (SAW) said: "If a man commits fornication with a free woman or a slave woman, the child is the product of fornication, he neither inherits nor may anyone inherit from him" [Thirmidi] 54. Illegitimate children do not inherit from the father and the father does not inherit from them.

Missing Person (maf'qud ul khab'r)

A missing person about whom it is not known whether he is dead or alive is called Mafqud ul khab'r. In Shariah such a person is considered alive unless his death is confirmed. Share of the missing person is reserved until he returns. If he doesn't return and his death is confirmed then his shares are distributed amongst his heirs.
His death date is considered from the day he went missing. Based on that date his legal heirs are ascertained. There is difference of opinion on the wait period for return of a missing person:-

a. Imam Abu Hanifa (RA) considered 120 years; Imam Muhammad (RA) considered 110 years, Imam Abu Yusuf (RA) 105 years. Hanafi jurist generally puts it as 90 years (as normal life span).

b. Maliki considered it to be 70 years.

c. Shafii and Hanbali allowed courts to determine the length of time. However, Imam Ahmed (RA) considered minimum 4 years, and Imam Shafi (RA) minimum 7 years if there is strong presumption of death (like in war).

A missing person is considered to be alive as far as his own property and assets are concerned. He is treated as dead for estate of others. His assets cannot be divided until his death has been declared by a bonafide court order. In the estate of others his/her share as an heir is worked out considering him/her to be alive first and then as a dead. Other heirs are given lesser share till his/her return or declaration of his/her death. A declaration of death is a based on circumstantial probability of death to be decided by a Governmental functionary (Court of Law). On this decision being made, other heirs of a progenitor will receive their shares. Shares of the missing person will not be inherited by his/her heirs because a missing person is treated as dead in the estate of others. In case his/her death has been ascertained (sure death) through circumstantial evidence then date of his death will be used to work out the inheritance. If it is a court declaration then only those heirs still alive after the date of the order will be eligible. Those who died later but were alive between the period of disappearance and declaration of death will be considered as ineligible because a missing person is treated as alive for his/her assets.

Example 1

Heirs of a person include a wife, mother, father two daughters and an additional missing son whose assets valuing at Rs.300000 have been frozen. How will the estate be divided?

In order to treat the missing son both as alive and dead, two sets of calculations have been performed. LCM of 27 and 96 is worked out for a comparison. It is 864. Considering this figure as the total number of shares (se'ham) his share is determined for both the eventualities. First divide 864 by 27 (864/27=32). Multiply shares of all the heirs with 32. Similarly calculate with 96 (864/96=9). Multiply all individual shares with 9. If the missing son is considered as dead then the wife, mother and father receive lesser shares. If he is considered as alive then the daughters will receive lesser. So out of 864 shares wife, mother and father will be given 96, 128 and128 shares respectively (lesser shares) and daughters will get the lesser shares considering the son to be alive i.e.117 shares each.

Heirs	Wife	Mother	Father	Daughters	Missing Son
Number	1	1	1	2	1
Share/head out of 27	3	4	4	8	Dead
Shares/head out of 24	3	4	4 R	13/4 R	26/4 (Alive)
Shares/head out of 96	12	16	16	13	26
Shares/head out of 864 (dead)	96	128	128	256	Dead
Shares/head out of 864 (live)	108	144	144	117	234 (Alive)

Return of the missing son will be awaited or declaration of death proclaimed or death ascertained through reliable circumstantial evidence. If he returns alive, his shares will be given to him; besides the wife and the parents who will receive their left over shares. Otherwise incase of the other two eventualities daughters will be given their left over shares. His frozen asset of Rs.300000 will not be touched unless his death has been ascertained or ordered. Till then he will be treated as alive for his assets.

Example 2

Continuing with example 2, one of daughters had died before the death of the missing was officially declared. She left behind a son. Distribute the estate?

Since a missing person is considered alive for his assets and dead for other's estate so the estate will be divided according to the death hypothesis (missing son treated as dead) in example 1. From the remaining estate as in example 1, share of the dead daughter will go to her son. She was given 117 shares. Now the remaining 139 shares will be received by her son. Other daughter will also get the same number of shares. However the dead sister's son will not be eligible for the personal asset (Rs.300000) of the missing brother because his mother who could have been a claimant died before the declaration of death. His paternal grandfather, paternal grandmother, mother (wife of his father) and his sister will be eligible. Out these heirs the grandmother is excluded because of the presence of his mother. Mother of the missing brother in the absence of off springs and more than two brothers and sisters (a'khaw) will receive 8 shares out of 24. In accordance with Hanfi and Hanbli fiqa in absence of the father and children of the missing person, his paternal grandfather will be eligible to the remaining 16 shares excluding the sister. However in the Shafi and Maliki fiqa sister will be eligible along with the grandfather.

An Apostate (mur'tid)

An apostate who dies as a renegade or moves to a country of non believers (dar ul har'b) or his/her annexation from Islam has been declared by a judge (qazi) or he/she has been murdered, according to Imam Abu Hanifa (RA) his/her assets and property made as a Muslim shall be distributed amongst his/her Muslim heirs while the rest will be deposited into the treasury (bait ul ma'al). Jurist of other School recommend its total distribution amongst the Muslim heirs. Imam Shafi (RA) advocates that it all be deposited into the treasury. The entire jurists are unanimous on division of the property of feminine apostate to be divided among her relations. An apostate is barred from being an heir to a Muslim or those like him.

Prisoner of War

There is no change in the normal laws for a prisoner of war held by non Muslim belligerents till he holds fasts to the religion. In case he becomes an apostate or is missing, special laws applicable in those situations will apply to him as well.

Collective Death

A number of persons can die collectively in of a disaster, calamity or accident. When it is difficult to determine the sequence of their deaths; it will be assumed that they all died together. Their estates will only be shared by their living heirs. The dead will not be eligible to be included in the estate of other dead persons.

Example

Abdul Rashid (father) and his bachelor son Salim died together in an accident. Divide Rashid's estate between his wife, two living sons and a daughter. Rashid's estate is valued at Rs.1200000 and Salim had personal assets of Rs.24000.

Rashid				
Heirs	Wife	Sons	Daughter	Conversion to daughters
Number	1	2	1	5
Total Shares	3	R	R	21
Share/head	15	42	21	
Simplified/head	5	14	7	
Value in Cash (Lacs)	1.5	4.2	2.1	

Salim				
Heirs	Mother	Real Brothers	Real Sister	Conversion to sisters
Number	1	2	1	5
Share /head	4	R	R	20
Shares Simplified	4	8	4	
Share in thousands	4	8	4	

Rahid and Salim have not exchanged any estate amongst them which was only distributed between the living heirs.

Hermaphrodite (khunta al mushkal)

If an individual's gender cannot be determined then he is called Hermaphrodite (Khunta al-Mushkal). Such person's sex is determined based on his physical (genital organs) and sexual characteristics (beard, breaths, menstruation). Their share is calculated both as male and female:-

a. Hanafis profess that a hermaphrodite gets whichever share is smaller (either as male or female). This is the majority opinion of the Companions (RH) of the Prophet (SAW).

b. Amir bin Shurahbil Al-Shabi (RA) who based his opinion on Abdullah bin Abbas (RA) stated that a hermaphrodite gets half of the combined shares (both as male and female), hence making it as an average share. Hanbali and Shafii advocate that if gender cannot be determined then this approach is to be taken.

In a hermaphrodite, if the male characteristics are predominant then he is to be considered as a male. One with predominant feminine traits is to be treated as a female. Difficulty arises with those hermaphrodites who display a mix of both sides. They are the ones to be called as 'Khunta al Mushkal'. In their case calculations are done twice considering them as a male and female alternatively. They will be given the least share of both sides. This calculation is a mirror image situation of a missing person and an unborn child. Decision of the ruler shall be final irrespective of the opinion the affected person.

Example

Faheem left behind a wife, mother, father, a real brother and a hermaphrodite sibling. How will estate worth Rs.48000 be distributed?

Heir	wife	Mother	Father	Real brother	Hermaphrodite Sibling
Number	1	1	1	1	1
Share of Son	3	4	4	E	13
Share of Daughter	3	4	4	1	12

If the hermaphrodite sibling is treated as a son, then wife will receive Rs.6000, mother and father Rs. 8000 each and the hermaphrodite sibling will get Rs.26000. Treating him as a daughter will not alter the shares of wife, mother and father but curtail his/her share to Rs. 24000. Thus the real brother will receive the remaining amount. Since this is the lesser share; so this will be given to the hermaphrodite.

To Quit Inheritance

Any heir has the right to quit his/her share from the inheritance. The better way to do it to transfer the acquired estate in his/her name which can then be transferred to the chosen person. Not doing so can result in many complications. These days it is common to dissuade the women folk from claiming their shares. Conditions are created that sisters are left with no other option but to quit. Learned religious scholars profess that the shared estate be hand over to the women folk and be kept in their possession for a year. Later they can chose to transfer it anyone else, if so desired. Women are even deceived to quit their shares under duress or temptation or ignorance. Either of these tricks is wrong and forbidden.

Chapter 6 - Dissentions among the Jurists

The Prophet (SAW) had said,' Difference of opinion among my followers is a blessing'. It is essential therefore to comprehend the dissentions in their correct prospective lest a costly mistake is committed. There can be two extremes. Firstly based on our research; we completely ignore the research carried out by others especially those pious luminaries who had spent their life time in it. Secondly abiding rigidly by teachings of own Imam/sect, discard the other's point of view to the extent of condemning and ridiculing them. Our eminent elders certainly never desired to be imitated so rigidly. They were never satisfied with their own research and findings and always felt that there was still much to do. Hazrat Ali's (RH) famous quote is a true manifestation of this right approach, 'mun' sara in yaq'tahum jahanm fal'yaqde bain el jad e wal ikhwa' ( ). Hazrat Omar (RH) was always skeptical and fearful of his decisions. Compliance of the learned ones is basically suggested to avoid temptations and personal biases especially in financial matters. A wrong decision can even threaten one's beliefs and faith (e'man). It is purely to obviate any such complications, that conceptions from all the four Schools of Islamic jurisprudence have been included in this book. It has been ensured that followers of a particular Imam/School find it easy to apply their methods in correctly working out the inheritance. It is advisable to only follow one's own sect and School of jurisprudence and their established set of rules/practices. Mixing around things to suit personal interest can be a harmful profligacy. Basis of all jurisprudence is Quran and Sunna. So to brand a rule as a deviation from Sunna is a misleading fallacy and it must be avoided. There are not many areas of dissent in the Islamic Laws of Inheritance because of their Quranic origin and consensus (ijmah). The differences in opinion only relate to the interpretation of the similar (likening) hadiths rendered by these revered Imams.

Differences about Primary Heirs and Residuaries

Father/Grandfather shielding a paternal grandmother

According to the Hanafi, Maliki and Shafii Schools anyone out of the primary heirs can preclude a feminine ancestor from inheritance i.e. mother, father or a grandfather (paternal). Hanbalis however contend that no one else but only the mother can exclude feminine ancestors.

Propositus and Brothers/Sisters (akho ma al jadd)

Hanafi and Hanbli jurist advocate that in the presence of propositus, real and consanguine brothers and sisters stand excluded. Shafiis and Malikis differ here and include brothers and sisters in inheritance along with the propositus. Read Chapter – for further details.

Joint Inheritance (mas'la mushter'ka)

In the joint inheritance problems, in the presence of uterinal brothers, real brothers are excluded. Hanfis and Hanblis subscribe to this practice. Whereas Shafiis and Malikis include them with the uterinal brothers and sisters in the one third share of inheritance.

Doctrine of Ar Radd (Return)

Hazrat Zaid bin Haris (RH) has quoted that in such situations, only the heirs prescribed in Sharia be given their shares and the left over estate be deposited into the treasury (bait ul maal). Imam Malik (RA), Imam Shafi (RA), Imam Ozaee (RA) and Imam Daud Zahiri (RA) have issued decrees based on this quote. However other renowned Companions (RH) do not support this logic. Hanfi and Hanbli jurists have therefore introduced the 'Doctrine of Ar Raad' (Return). In view of the mismanagement of the treasury (bait ul maal) the later Maliki and Shafi jurists have consented to the doctrine of Ar Raad. In this doctrine there are also three dissenting views:-

a. Imam Hanifa (RA) professes that except for a wife and husband, estate must be returned to all other heirs.
b. Hazrat Usman (RH) quoted to include even a husband and wife in the return. No jurist practises it.
c. Hazrat Abdullah bin Masud (RH) has narrated that except for the six all other primary heirs are eligible to 'return'. The six include husband, wife, a paternal granddaughter in the presence of daughter and a step sister in presence of a real sister, siblings of a mother in her presence and a paternal grandmother in presence of any other primary heir (Obligatory Sharer).

Distantly Kindred Heirs (dhawul arham)

Initially the earlier Shafi and Maliki jurists had advocated that the left over estate be preferably deposited into the treasury rather than distributing it amongst the distantly kindred successors. The later jurists, however in view of the mismanagement of treasury, conceded to the eligibility of distantly kindred. Hanfis and Hanblis differ in application of these rules. Even amongst the Hanfis, Imam Yousaf and Imam Abu Muhammad have introduced different methodologies. See Chapter – for more details.

Example
A deceased left behind a wife, paternal grandfather, paternal great grandmother, two real brothers, a consanguine brother and a real sister. Divide the inheritance in accordance with all the Schools of jurisprudence.

Hanafi. According to the table of the primary heirs; in the presence of paternal grandfather the paternal great grandmother is excluded. In the absence of deceased's sibling, wife will receive six shares. Paternal grandfather disqualifies all brothers and sisters. He will get four shares as a primary heir and 14 as a residuary (4+14=18).

Shafii and Maliki. Here the paternal great grandmother is excluded as well. After giving six shares to the wife, remaining eighteen will be shared by the paternal grand father and all the brothers and sisters. Paternal grandfather will receive four shares which are less than the one third (solus mabaqi) of the total shares, so he will be given six as the propitious. Remaining 12 will be divided amongst brothers and sisters. Real sister will get 12/5; real brothers 24/5 and consanguine brother will be excluded.

Hanbali. The paternal great grandmother is not excluded here. After giving six shares to the wife and four to paternal great grandmother remaining 14 will go to the paternal grandfather. He will receive four shares as the primary heir and ten as a residuary.

In the above solutions, the paternal grandfather gets maximum shares as a Hanifi follower, then as a Hanbli, followed by Maliki sect and he gets the least as a shafii. If not being a Hanafi, he changes his sect (jurisprudence), and then according to the scholars, he is prone to quashing his faith (e'man). This is a ploy often used by the devil to endanger faith of believers near their end. In the older times, a person switched over to Shafii fiqa to marry a woman of that sect. The contemporary scholars then ruled that the person was prone to non believer's end because he had done so for a paltry gain. To be on the safe side, it is advisable to divide inheritance according to the sect of the deceased.

Chapter 7 – Propositus With Brothers/Sisters (A'khu ma al'Jadd)

An ancestor or propositus means a real agnatic person from whom a line of descent is derived on a genealogical table. In the absence of father and presence of siblings, a propositus is entitled as a primary heir to the one sixth (sudus) shares in inheritance. All Schools of Islamic Jurisprudence are in unanimous agreement on this division. Differences only arise when after giving due share to father/ ancestor as a primary heir; the father takes all the remaining shares as a residuary. Unlike father a propositus (jadd) is however treated differently. Imam Malik (RA) and Imam Shafi (RA) include brothers and sisters along with him in the shares left over for the residuaries.

Hazrat Abu Bakr Siddique (RH) and his followers narrate that all type of brothers and sisters are excluded in the presence of a paternal grandfather. Imam Abu Hanifa (RA) subscribes to this notion and it has been decreed by the Hanafis. On the other hand, Hazrat Ali (RH), Hazrat Zaid bin Haris (RH) and Hazrat Abdullah bin Masood (RH) include the real and consanguine brothers and sisters in the left over estate with the propositus. This is what has been quoted by Sahabeen ( ) and Imam Shafi (RA) and Imam Malik (RA) are in unison with them. Lineage Chart of residuaries given in Chapter -1, paternal grandfather is ranked with real brothers and sisters for ease of application for the followers of the doctrine. There is difference of opinion amongst these Imams on the methods of distribution.

Method of Hazrat Ali (RH)

Three conditions have been laid down for the eligibility of a propositus. If a deceased has no siblings but has brothers and sisters then an ancestor will only participate as a residuary. He will claim the share as one of the brothers. If his share is less than 1/6 th, then he will be given more to complete his one sixth shares. Other brothers and sisters will receive their shares in accordance with 'Liz zikr misl hiz ul unsyn.' It must be remembered that in the presence of real brothers, consanguine brothers and sisters are excluded and real sisters take their share as residuaries. A consanguine brother cannot exclude a real sister; she will always hold her Quranic right as a primary heir. Along with a propositus if there are only real or consanguine sisters, then they will receive their shares as primary heirs and will not be excluded because of an ancestor.

Method of Hazrat Zaid bin Haris (RH)

Hazrat Zaid bin Haris (RH) reckoned that a propositus will be treated as a residuary in the presence of brothers and sisters of the deceased. In the presence of the primary heirs, a propositus will be conceded the better of the following three options:-

a. Division of estate considering him to be one of the brothers.
b. Accept one third of the remaining estate after the primary heirs have taken their shares.
c. Take one sixth of total estate.

If no primary heirs are present then he will be considered for one third of the total estate and not one sixth (which is lesser).

Granting the status of a brother to the propositus, consanguine brothers and sisters will be counted. However after giving his shares to the ancestor, consanguine sisters and brothers will excluded in the presence of the real brothers (who claim as residuaries and leave behind nothing). However in the presence of a real sister with no real brothers; after giving her half the shares, remaining will be shared by consanguine brothers and sisters. Let's consider an example here. Along with a propositus there are a real sister and two consanguine sisters. Treating him as a brother, now there are a brother and three sisters. Brother gets twice the share of a sister. So out of five total shares the propositus will get 2/5 which is more than one third. Out of the remaining 3/5, the real sister will receive ½ leaving behind 1/10 for the two consanguine sisters to be divided equally.

Let's suppose that instead of two there is only one consanguine sister. So the propositus as a brother takes ½. The remaining ½ is to be divided amongst the sisters. The real sister will receive this ½ as the primary heir and the consanguine sister will stand excluded.

Method of Hazrat Abdullah bin Masood (RH)

This is a midway course of the above two methods. If there are only sisters with an ancestor then Method of Hazrat Ali (RH) will be followed. In case of brothers only, estate will be shared with the propositus. If there are other primary heirs also present, then method of Hazrat Zaid bin Haris (RH) should be followed.

Shafii and Malik Practices

Hanafis and Hanblis do not altogether subscribe to the concept of sharing of estate by brothers and/or sisters with the propositus. Shafis act on the method of Hazrat Zaid bin Haris (RH). Malikis usually practice the same method except in two situations where they deviate.

a. When deceased has left a husband, a mother, more than one uterinal brothers and sisters, a consanguine brother and an ancestor. Husband will receive half, mother will receive one sixth and the ancestor will be given1/3 rd shares. Uterinal brothers and sisters have been excluded because of the ancestor. The propositus gains by exclusion of the uterinal brothers and sisters.
b. When deceased has a husband, mother, more than one uterinal brothers and sisters, a real brother and a propositus. Here the husband will receive half, mother one sixth and the ancestor one third shares. Uterinal brothers and sisters are excluded because of the propositus. Had they not been excluded they would have shared with real brothers in accordance with 'hamaria'. Since real brothers are partnered in hamaria, therefore they should also be excluded here.

Which is better for a Propositus?

a. To benefit a propositus, when left behind along with husband, brother/ sister or three or more than three brothers or three sisters or one brother or a brother and a sister then it is better to adopt simple division (muqas'ma).
b. Left along with two brothers and a sister or three or more than three brothers or two brothers and two sisters or five/ more than five sisters then giving one third of the left over estate (solus ma'baqi) will suits him.
c. In case left with a daughter and two brothers or a feminine ancestor, daughter and three sisters or husband and five daughters then it is better for the propositus to receive one sixth of the total estate.

Ik'darya Problem

Hazrat Zaid bin Haris (RH) found it difficult to solve this problem. A deceased left behind a husband, mother, propositus and a sister. Solving it through the conventional method, husband receives 12 shares, mother 8 and the ancestor 4 shares (he cannot be given less than four). The real sister is excluded here. Hazrat Zaid bin Haris (RH), in accordance with the method for primary heirs worked out 12 shares for the real sister making a total of 36 shares. By application of the doctrine of 'awl (reduction), the husband received 12 shares and 8 shares were given to the mother. Remaining 16 shares have to be divided between the ancestor and the real sister by'Liz zikr misl hiz ul unsyn'. So the propositus received 32/3 and the sister 16/3. After correction these shares become; husband 36, mother 24, propositus 32 and the real sister 16. After being briefed finally these become; husband 9, mother 6, propositus 8 and the real sister 4.

Heirs	Husband	Mother	Propositus	Real Sister
Number	1	1	1	1
Conventional Shares	12	8	4	E
Ikdarya Shares	12	8	4	12
	12	8	16	
Gender Preference	12	8	32/3	16/3
Corrected Shares	36	24	32	16
Briefed Shares	9	6	8	4

Solved Examples

Question 1

Find out the LCM of 18,12,8 and 4?

2	18	12	8	4
2	9	6	4	2
3	9	3	2	1
	3	1	2	1

First divide them all by 2. While keeping 9 (not divisible by 2) as it is, divide the remaining accrued figures again by 2. Now divide 9 and 3 by 3. Figure 2 not being divisible by 3 remains as it is. Now multiply the resultant of (hasil e zarb) of 3, 1, 2 and 1with the quotients i.e. 2x2x3x3x1x2x1= 72 which is LCM (Lowest Common Multiple).

Question 2

Divide estate between a husband, real sister and murderer of the deceased; her real brother?

Husband will receive 12 out of the 24 shares. The real brother being a murderer is excluded as if nonexistent. Because of this exclusion the real sister will remain a primary heir and not become a residuary thus she is entitled to12 shares. Total of husband and sister's shares comes to 24, so no further change is required. It can yet be simplified by dividing it by 12. Now both will receive a share each. The difference between a secluded/veiled (mah'joob) person and an excluded (mah'room) is that a secluded person though not himself eligible can affect the shares of others e.g. brothers and sisters themselves become ineligible in the presence of the siblings but reduce mother's shares from 1/3 to 1/6. Murderer of his sister is not excluded himself but also affect the shares of his other sister.

Question 3

Heirs are a wife, father, mother and two daughters with one missing out of them. Divide the estate?

Since the deceased has children; so out of 24 shares, wife will receive 3, mother 4 and the father 4 shares. Shares of all heirs will be worked out, firstly assuming that the

missing daughter is alive and then as dead. Lesser of the two shares will be distributed while the remaining will be preserved till a decision on her status is finalized.

In the first hypothesis (dead), there are a wife, mother, father and a daughter to claim the estate. Besides the above distributed shares the other daughter will get 12 shares totaling to 23 shares. The left over single share will go to the father as a residuary thus increasing his shares to five.

Considering her to be alive, the distribution will be; wife receives 3 shares, mother 4, father 4 and each daughter 8 shares. It totals to 27. Principally the lesser shares are to be divided. To compare both hypotheses multiply the shares in both situations with the LCM of 24 and 27, this is 216. After multiplications in the first hypothesis (dead) we have 216 shares. Thus wife will receive 27, mother 36, father 45 and daughter 108. In the second hypothesis (alive), wife will receive 24, father and mother 32 each and daughters 72 shares each. After the distribution, shares of the missing daughter will be preserved till finalization of decision on her status.

Question 4

Heirs: Two wives, three daughters and one consanguine sister.

Because of deceased's children, both wives will together get 3 out of 24 shares. Since there are no sons so the daughters as primary heirs will receive 16 shares. In the presence of siblings a consanguine sister is excluded from the primary heirs. Total shares of the primary heirs add up to 16+3=19 which is 5 less than 24. Remaining 5 shares will go to the residuaries. A consanguine sister in the absence of siblings, propositus and real brothers and sisters has become a residuary. So she will be given the remaining 5 shares.

Since fractions are occurring in the shares of the wives and daughters, so correction will have to be applied. LCM of the fractions 2 and 3 is 6. So multiplying it with individual shares the estate is divided as; wife (3/2x6=9), daughter 16/3x6=32 and the consanguine sister 5x6=30.

Question 5

Heirs	Feminine Ancestor	Real Sister	Real Paternal Nephews	Real Paternal Cousin Sister
Number	2	1	2	1
Shares	4	12	R	P*
Shares	4	12	8	E ^
Shares/Head	2	12	4	E”

* Primary Heir

^ Residuary.

“ Excluded

Question 6

Total Estate is 96 Kanals.

Heirs	Wife	Mother	Uterinal Brother	Real Paternal Nephew	Real Paternal Uncle
Number	1	1	1	2	1
Shares Primary Heirs	6	8	4	R	R
Shares Residuary				6	E
Shares/Head	6	8	4	3	E

Question 7

Number of shares has increased to more than 24, so the doctrine of ‘awl (Reduction) is being applied in this example. Correction method has been used to work out share per head.

Heir	Wives	Mother	Uterinal Brothers	Real Sisters	Consanguine Sisters
Number	3	1	2	3	2
Shares	6	4	8	16	E
Shares/Head	2	4	4	16/3	E
Shares/Head (Corrected)	6	12	12	16	E
Briefed Shares	3	6	6	8	E

Question 8

Heirs	Wife	Pregnant Step Mother	Consanguine Sisters
Number	1	1	2
Shares of consanguine sister	6	x	16+2
Shares of Consanguine Brother	6	2	16

The step mother can give birth to a consanguine brother or sister. In the absence of consanguine brothers a consanguine sister is excluded in the residuaries. In case of a baby boy the real sisters shall receive the lower shares i.e. 8 shares each. The wife however will get the same share in both the eventualities. So these shares will not be distributed till the child birth.

Question 9

Heirs	Husband	Consanguine Sisters	Real Sisters	Mother	Paternal Great Grandfather	Mother of Paternal grandfather
Number	1	3	1	1	1	1
Shares	12	E	E	4	R	E
Shares	12	E	E	4	8	E
Briefed Shares/Head	3	E	E	1	2	E

The mother has received 4 shares because the number of sisters is more than two, though they themselves are excluded. It's not because of the husband and paternal great grandfather. Why is it so? Think about it.

Question 10

Heirs	Real Sisters	Consanguine Sisters	Consanguine Brother	Wife
Number	3	2	3 (8)	1
Shares	16	R	(2) R	6
Shares/Head	16/3	2/8		6
Corrected Shares/Head	128	6	12	144
Briefed Shares/Head	64	3	6	72

Consanguine sisters along with their brothers can participate as residuaries (asba ma ghaira) with more than one real sister. Converting son to daughters we get 8 daughters. LCM of 16/3 and 2/8 is 24. After applying the correction method we find the whole

shares. These become to 6 for consanguine sisters and 6x2=12 for consanguine brother. Later these have been briefed.

Question 11

Heirs	Wife	Father	Consanguine Brother	Mother	Paternal Grandfather
Number	1	1	1	1	1
Shares	6	R	R	6	R
Shares	6	12	E	6	E
Briefed Shares	3	6	E	3	E

The father has screened the consanguine brothers and paternal grandfather, but why has the mother received 6 out of 24 shares?

Question 12

Heirs	Real Sisters	Consanguine Sisters	Uterinal Sisters
Number	2	3	4
Collective Shares	16	E	4
Shares/Head	8	E	2
Briefed Shares/Head	4	E	1

He consanguine sisters are excluded but the uterinal sisters are participating. Because of their whole number LCM method has not been applied. The shares have only been briefed.

Question 13

Heirs	Wife	Father	Consanguine Brother	Mother	Paternal Grandfather
Number	1	1	1	1	1
Shares	6	R	R	6	R
Shares	6	12	E	6	E
Briefed Shares	1	2	E	1	E

Both mother and father of the deceased are alive. He has neither left behind any siblings nor more than one brother/sister, so the mother will receive 6 out of the 24 shares. Wife in the absence of siblings will also receive 6 shares. Remaining shares will go to the father as the most eligible residuary.

Question 14

Heirs	Paternal Grandmother	Paternal Grandfather	Paternal Real Uncle	Paternal Real Aunt	Real Brother	Real Sister
Number	1	1	2	1	1	1
Shares	4	20	R	P	R	R
Briefed Shares	1	5	E	E	E	E

In the Hanafi and Hanbali Schools brothers and sisters are excluded in the presence of paternal grandfather. Shafiis and Malikis following the practice of Hazrat Zaid bin Sabit (RH) divide the shares as; paternal grandfather and real brother 8 shares and real sister receives 4 shares.

Question 15

Heirs	Mother	Daughters	Wife	Real Brother
Number	1	5	1	3
Shares	4	16	3	1
Shares/Head	4	16/5	3	1/3
Out of 360	60	48	45	5

LCM (15) increases the shares to 360. Wife wants to renounce her shares in exchange for the house. Subtracting her 45 shares leaves behind 315 shares. Out of these mother will receive 60 shares, each daughter 48 and real brothers will get 5 shares each. This is renunciation (takha'ruj).

Question 16

Heirs	Wife	Paternal Granddaughter	Paternal Great granddaughters	Paternal great great grand Sons	Mother
Number	1	1	2	4	1
Shares	3	12	4	R	4
Shares	3	12	4	1	4
Shares/Head	3	12	2	1/4	4
Out of 96	12	48	8	1	16

Paternal granddaughter and great granddaughters have received their shares as primary heirs. Only one share was left for the residuaries which divided amongst the 4 great great grandsons each receiving ¼ share. To find the share of each heir, multiply the LCM (4) with individual shares to find their shares out of 96 shares.

Question 17

Heirs	Mother	Daughters	Paternal Granddaughter	Paternal great great grandson	Paternal great great Granddaughter
Number	1	2	1	1	1
Shares	4	16	R	R	R
Shares/Head	4	8	1	2	1

There are only four shares left for the residuaries. Here the paternal granddaughter, in absence of a paternal grandson could have been excluded but the paternal great great grandson has made her an eligible residuary on the basis of 'Liz zikr misl hiz ul unsyn'. This is called 'Tashbeeb'.

Question 18

Heirs	Husband	Consanguine Sisters	Real Sister	Mother	Paternal Great Grandfather	Mother of Paternal Grandfather
Number	1	3	1	1	1	1
Shares	12	E	E	4	R	E
Shares	12	E	E	4	4	E
Briefed Shares	3	E	E	1	2	E

Consanguine sisters have excluded the paternal great grandfather and mother of grandfather has been excluded by mother of the deceased. Paternal great grandfather will receive the left over shares as the most eligible residuary.

Question 19

Heirs	Father	Daughters	Real Brother	Real Sisters
Number	1	3	2	4
Shares	4+4 R	16	E	E
Shares/Head	8	16/3	E	E
Corrected Shares	24	16	E	E
Briefed Shares	3	2	E	E

The father received four shares as a primary heir and another four were given to him as a residuary. Real sisters and brothers are excluded in presence of the father. Corrected total was 72 which was briefed to 9.

Question 20

Abdul Wahid bequeathed in his will to donate Rs 700000 to a mosque. A loan of Rs.200000 taken from Ehsan Ullah was confirmed outstanding against him. Rs.6000 was spent on his funeral and burial arrangements. He left behind an estate worth Rs.1700000. His heirs comprise of a widow, three sons, four daughters and his mother. Additionally three sons and two daughters of one of his dead son are also present. Distribute the estate according to the Sharia.

First of all subtract the loan and funeral expenses from the estate i.e. 1700000-6000-200000=1494000. Amount bequeathed in the will can be a maximum of 1/3rd. So it comes to 498000. Thus this will be donated to the mosque. Remaining Rs.996000 will be divided amongst the heirs.

Heirs	Wife	Sons	Daughters	Mother	Grand Sons	Grand Daughters
Number	1	3	4	1	2	3
		10				
Shares	3	R	R	4	E	E
		17				
Shares/Head	3	17/10			E	E
Out of 240	30	34	17	40	x	x
Shares in Cash(Rs)	124500	141100	70550	166000	x	x

Total shares of the primary heirs are 4+3=7 and residuaries 24-7=17.

Converting sons into daughters we have 10 daughters. So every daughter will receive 17/10 shares. With the LCM method fractions have been corrected and out of a total of 240 shares every son will receive 34 shares and daughters 17 shares each. Widow will get 30 shares and 40 shares will be given to the mother. Siblings of the dead son are excluded in the presence living sons.

Question 21

Heirs	Wives	Real Sisters	Consanguine Sister	Real Paternal Uncle
Number	2	3	1	5
Shares	6	16	E	2
Shares/Head	3	16/3	E	2/5
Corrected out of 360	45	80	E	6

Since real sisters are more than one and there are no consanguine brothers so the consanguine sister is excluded.

Question 22 (Um illa Remul)

Heirs	Wives	Feminine Ancestors	Uterinal Sisters	Real Sisters
Number	3	2	4	8
Shares	6	4	8	16
Shares/Head	2	2	2	2

Shares of primary heirs have increased from 24 to 34. Reduction (‘awl) has to be applied. Shares/head come to two per head after being briefed, which is strange.

Question 23 (Examination)

Heirs	Wives	Feminine Ancestors	Daughters	Consanguine sisters
Number	4	5	7	9
Shares	3	4	16	1 R
Shares/Head	3/4	4/5	16/7	1/9
Corrected Shares out of 30240	945	1008	2880	140

This was considered to be a difficult problem that why it is called an examination problem. LCM method has made it easy to solve.

Question 24

Heirs	Mother	Wife	Hermaphrodite consanguine brother/sister	Consanguine Sister	Uterinal Brothers & Sisters
Number	1	1	1	1	3
Share Hermaphrodite (male)	4	6	R	6	R 8
Share/Head	4	6	2 each sister		8/3
Corrected & Briefed Shares	6	9	4		2 4
Shares Hermaphrodite (female)	4	6	16 two sisters		8
Shares/Head	4	6	8 per sister		8/3
Corrected & Briefed Shares	6	9	12 per sister		4

Considering the hermaphrodite a male, entitles him as a consanguine brother to take 6 out of 36 shares. If considered as a female, 12/54 shares are due as a consanguine sister which is more than 1/6. So he/she will be given the lesser share.

Question 25

Heirs	Daughter	Son	Mother	Pregnant Wife	Missing Father
Number	?	?	1	1	1
Girl Born & Missing Dead (32)	21	x	7	4	x
Boy Born& Missing Dead (24)	x	17	4	3	x
Girl Born & Missing Alive (24)	12	x	4	3	4+1 R
Boy Born & Missing Alive (24)	x	13	4	3	4

Heirs	Daughter	Son	Mother	Pregnant Wife	Missing Father
Number	1	?	1	1	1
Girl Born & Father Dead	63	x	21	12	x
Boy Born & Father Dead	x	68	16	12	x
Girl Born & Father Alive	48	x	16	12	20
Boy Born & Father Alive	x	52	16	12	16

Principle to be followed for mother, a pregnant wife and the missing father is that they will be given the lesser shares till the confirmation of their status/delivery. Remaining shares will be held back till then. In this example because of the differing total shares, LCM method will be used to determine shares/head. Working with LCM 96, lesser share of wife is 12 and mother 16. They will be given these shares straightaway while the rest will be pended till the child is born. In case he is a boy then till the final decision on the missing father he will be given 52 shares. A daughter born will get 48 shares. The missing person will be given his shares if he returns alive otherwise these will be given to the new born baby and the wife.

Question 26 – Solve in accordance with Imam Ahmaed bin Hanbal's (RA) School.

Heirs	Mother	Daughter	Paternal Granddaughters	Wife
Number	1		2	1
Shares	4	12	4	3
Multiplication	X17		X16	
Shares after reduction	68	204	64	48

The total shares are 4+12+4+3=23. There are no residuaries. Return has to be done here. According to Hanbli School of Jurisprudence, share of a wife and paternal granddaughters (in presence of daughters) cannot be returned (raad). Only one share will be returned to the mother and daughter. Total number of shares of those eligible for return is 4+12=16 or N and that of ineligible ones is 4+3=7. Thus 24-7=17 or S. When N

is multiplied with the share of the ineligible and S with the eligible ones, share of a paternal granddaughter is determined.

Question 27

A wife, two real paternal nephews, three consanguine maternal nieces and an uterinal maternal nephew are the heirs. Wife will receive 6 shares out of 24. The real paternal nephews are residuaries. Remaining heirs are distantly kindred. So the nephews will receive the remaining 18 shares to be divided equally.

Question 28

Heirs	Real Paternal Nieces	Maternal Nieces	Uterinal Maternal Nephew
Number	3	1	1
Substituted Heirs (mud ‘la bh)	Real Brother	Real Sister	Uterinal Sister
Number	3	1	1
	7		
Shares	R	20	R 4
Shares/Head	20/7		4
Corrected Shares out of 168	40	20	28

All the heirs belong to the second generation. Their parents in the same number will be substituted to work their shares. It is being considered that three real brothers, one real sister and one uterinal sister are present. After giving 4 shares to the uterinal sister the remaining shares will be divided according to ‘Liz zikr misl hiz ul unsyn’. See table above.

Question 29

Heirs	Real Paternal Nieces	Real maternal Nephews	Real Maternal Nieces	Uterinal Maternal Nephews	Consanguine paternal Nieces
Number	3	2	4	3	2
Substituted Heirs	Real Brother	Real Sisters		Uterinal Sister	Consanguine Sisters
Number	3	12	6	3	2
Shares	R	16	R	8	E
Shares/Head	8/3			8/3	E
Shares out of 288	32	16		32	E

All of them are third stage heirs. Considering them to be alive; through whom these heirs are claiming the heritage, estate was first divided among them. Then it was given to their siblings according to the rules for the first gender. Share of three real brothers was given to the three real nieces, every niece receiving 32 out of 288 shares. 96 shares of the real sisters have been divided between the two real nephews and 4 real nieces. Share of the uterinal was received by the uterinal nephew.

Question 30

Divide the estate in heirs given in the chart below in accordance with the method of Imam Muhammad (RA).

Heirs	No	Gen 1	Generation 2	Generation 3	Generation 4	Share/Head
Maternal Grandsons of Paternal Granddaughter	2	Son	Daughter	Daughter	**5** Son	10/17x4/7= 20/119
Maternal Granddaughters of Paternal Granddaughter	3	**1** Son	Daughter	Daughter	**6** Daughter	10/17x3/7= 10/119
Paternal grandsons of Maternal Grandson	2	Daughter	**3** Son	Son	Son	7/17x4/9= 14/153
Paternal Granddaughters of Maternal Granddaughter	5	**2** Daughter	**4** Daughter	Son	Daughter	7/17x5/9= 7/153
Column Number		1	2	3	4	5	6
Fractions		10/17	7/17	4/9	5/9	4/7	3/7

All heirs belong to group 5, so are partnered. In generation 1 two columns are made. Column #1 in Generation 4 has been divided in columns 5 and 6. Similarly column #2 has been divided in two columns 3 and 4. To find the fraction of a column, count number of persons in it e.g. in column #1 there are 5 sons and there are 7 daughters in column # 2. After doubling the numbers of sons add them with the daughters. There are strength is 17. Since the strength of column #1 is 10 so its fraction is 10/17 and that of Column is 7/17. Find the fractions for every column in this way. Now to find the share of a heir; divide the sum total of fractions of donor columns with their number e.g. share of a maternal grandson of the paternal granddaughter 40/119 divided by 2 = 2o/119.

Question 31

Solve the same example according to the method of Imam Yousaf (RA).

According to the method of Imam Yousaf, estate will be divided among all the heirs according to 'Liz zikr misl hiz ul unsyn'. There are 4 males and 8 females. A total of 16 females. So every female will receive 1/16 shares and 1/8 shares will be given to the men.

Question 32

Distribute estate amongst a maternal grandfather, paternal grandmother of maternal grandmother, real maternal niece and areal paternal aunt.

The first two in the Gender 2, real maternal niece is in gender 3 and the real paternal aunt is in gender 4. In the presence of gender 2 relatives all others become in eligible. Maternal grandfather is in group 6 and maternal grandmother in group 8. So maternal grandfather is eligible; the rest will be excluded.

Question 33

Solve question 32 in accordance with the Imam Ahmed bin Hanbal's (RA) School of Jurisprudence.

In this School, every ascendant is treated as alive and given shares. Through them their shares are then transferred to their respective descendents. Here, the real niece will receive shares of the real sister, maternal grandfather those of the mother, paternal grandmother of the maternal grandmother will receive the shares of maternal grandmother and the real paternal aunt will be considered to receive shares of the father. It will be imagined as if a mother, a father, a maternal grandmother and a real sister are present. As maternal grandfather and paternal grandmother of the maternal grandmother are from the same generation "jehat" (amut) so paternal grandmother of the maternal grandmother is excluded because of the maternal grandfather; because he is nearer to the mother of the deceased. In presence of the father, real sister will also be excluded. So mother and father are left only. Father will receive 2/3 shares, mother 1/3, maternal grandfather 1/3 and the real paternal aunt will receive 2/3 shares.

Question 34

Two great grand granddaughters of the real brother, two maternal grandsons and three maternal granddaughters of the real sister and four maternal grandsons of consanguine brother have succeeded the deceased.

Heirs	Real Sister		Consanguine Brother
	Grandson	Granddaughters	Grandsons
Number	2	3	4
Converted number	7 Nieces		4
Shares	16		8
Shares/Head	32/7	16/7	2
Corrected Shares	32	16	14
Briefed Shares	16	8	7

Great granddaughters are sibling #1 in the third degree whereas maternal grand children are second degree siblings. Real brother and sister are also in the same category. Great granddaughters are farther from the deceased so they will be excluded. The real sister has five grand children and the consanguine brother has four siblings. Let's suppose that there are five real sisters and four consanguine brothers. Shares will be accordingly divided as shown above.

Question 35

Great granddaughter of the real paternal uncle, three granddaughters and two grandsons of the daughter of real paternal aunt and three great grandsons of the con sanguine maternal uncle are the heirs.

All being from the same degree they will be considered on the basis of nearness to the deceased. Descendents of the real paternal uncle siblings #1 are listed in group 34. Siblings# 2 of the real paternal aunt are in group 36. So siblings of the real paternal

uncle will be considered for 2/3rd shares of distantly kindred. Siblings of the maternal uncle will receive the 1/3rd shares of distantly kindred reserved for maternal relations i.e. each receiving 1/9th shares.

Question 36

Heirs	Husband	Mother	Father	Sons	Daughters	Real Brother
Number	1	1	1	4	10 2	3
Shares	6	4	4	R	10 R	E
Share/Head	6	4	4	2	1	E
Share Value (Rs.)	12000	8000	8000	4000	2000	E

Value of the estate is Rs.48000. Sum of shares of the primary heirs is 6+4+4=14. Ten shares are left over for the residuaries i.e. 4 sons, 2 daughters and three real brothers. In the presence of daughters and sons who are at # 1 the rest are excluded. Converting sons into daughters, there are 10 daughters. Since there are 10 left over shares, so a daughter receives one share and a son two shares. Value of a single share is therefore Rs.2000. (24 shares with a total value of Rs. 48000).

Question 37 (um al farudh)

Heirs	Husband	Mother	Real Sisters	Uterinal Sisters
Number	1	1	2	2
Shares	12	4	16	8
Share/Head	12	4	8	4
Briefed Shares	3	1	2	1

This is a reduction problem (‘awl). Share of the husband is reduced from ½ to 3/10.

Question 38

Hanfi & Hanbli Solution					
Heirs	Mother	Paternal Grandfather	Real Sister	Consanguine Brother	Consanguine Sister
Number	1	1	1	1	1
Shares	4	20 R	E	E	E
Briefed Shares	1	5	E	E	E

In presence of the paternal grandfather all sisters and brothers are excluded.

Shafi & Maliki Solution					
Heirs	Mother	Paternal Grandfather	Real Sister	Consanguine Brother	Consanguine Sister
Number	1	1	1	1	1
Shares	4	40/6	80/6		
Out of 24	4	40/6	40/6	40/6	
Out of 144	24	40	40	40	
Out of 144	24	40	40	80/3	40/3
Corrected (out of 432)	72	120	120	80	40
Briefed Shares (Out of 54)	9	15	15	10	5

Question 39 (Denayrat al kubra Problem)

Heirs	Wife	Mother	Daughters	Real Brothers	Real Sister
Number	1	1	2	12	1
Shares	3	4	16	R	1 R
Shares/Head	3	4	8	1/25	
Corrected Shares	75	100	200	2	1

This is also known as Shakia, rakabia and dawoodia.

Exercise Questions

Question 1

a. Under which conditions a father receives the total inheritance as a primary heir?
b. Value of estate is Rs.40000. Heirs are husband, Daughter, two paternal granddaughters and a real brother.

Question 2

a. Under which conditions a father receives the total inheritance as a residuary heir?
b. Estate valued at Rs.120000. Heirs Paternal grandfather, three consanguine brothers, one real sister and two uterinal brothers.

Question 3

a. In which situation does a father participates both as a primary heir and residuary?
b. Value of estate is Rs.95000. Heirs are three daughters, two paternal granddaughters, mother, two real sisters and great great grandson.

Question 4

a. What is the change in shares of a mother in the presence of a paternal grandfather instead of father?
b. Estate value is Rs.112000. Heirs are a maternal grandmother, paternal grandmother of the father, mother and two consanguine brothers.

Question 5

a. Under what condition is a consanguine sister excluded?
b. Estate is valued at Rs.24000. Heirs: Maternal grandmother, paternal grandmother of the father, mother and two consanguine brothers.

Question 6

a. Explain in detail the ‘Tashbeeb’ problem.
b. Total estate is valued at Rs.24000.Heirs are three daughters, mother and wife.

Question 7

a. Which relations affect the share of a mother?
b. In question 3, mother decides to renounce her share in lieu of the house. Work out the new shares.

Question 8

a. What are the views of Imam Ahmed bin Hanbal (RA) about an unborn child?
b. Total is worth Rs.100000. Heirs are a pregnant wife, mother, father and a daughter.

Question 9

a. It is said that a missing person is alive for his own assets but dead for the estate of others. What does it mean?
b. Estate is worth Rs.50000.Heirs are; two sons, mother and missing father.

Question 10

a. What are distantly kindred heirs? What are the different juristic notions on the subject?
b. Total estate is valued at Rs. 54000. Successors are two paternal granddaughters of maternal granddaughter, a maternal granddaughter of the maternal granddaughter, two maternal grandsons of the paternal grandson, three maternal grandsons of the maternal grandson and two paternal grandsons of the paternal granddaughter.

Question 11

a. Husband of maternal grandmother is excluded in her presence. Why?
b. Estate is worth Rs.30000. Heirs are two real maternal nephews and two real maternal nieces.

Question 12

a. What is the importance of figure 24 in division of inheritance?
b. Total estate: 900 Kanals. Heirs: Two paternal grandsons and three paternal granddaughters of the real sister and two maternal grandsons of the consanguine sister.

Question 13

a. What is the difference between renunciation (takharuj) and return (raad)? Can the both be combined?
b. Estate: Rs.40000.Heirs: Maternal grandfather of paternal grandfather, Maternal grandfather of paternal grandfather, paternal grandfather of maternal grandfather, maternal grandmother of maternal grandfather and paternal grandfather of maternal grandmother.

Question 14

a. What are the basic differences between Imam Muhammad (RA) and Imam Abu Yousaf (RA) on their views about the distantly kindred heirs?
b. Estate: Rs.18000. Heirs: three paternal granddaughters of the real brother and three maternal granddaughters of the real brother.

Question 15

a. What is the difference between excluded (mahroom) and veiled (mahjoob)?
b. Estate: Rs.90000. Heirs: Two consanguine paternal aunts, one uterinal paternal aunt, three consanguine maternal aunts and one uterinal maternal aunt.

Question 16

a. Collective differences (iktalaf e dar'een) are hindrance to inheritance. Explain?
b. Estate: Rs.850000. Heirs: Three consanguine paternal cousin brothers, two uterinal paternal (father's sister) cousin sisters, two uterinal maternal (mother's brother) cousin brothers, two uterinal maternal (mother's sister) cousin brothers and an uterinal maternal (mother's sister) cousin sister.

Question 17

a. Explain the doctrine of Hazrat Ali (RH) on 'Propositus along with brothers/sisters'.
b. Divide the inheritance between a husband, mother, propositus and two brothers according to the doctrine.

Question 18

a. What are the rights associated with the inheritance of a deceased?
b. Divide estate between a wife, propositus, maternal grandmother and three real sisters in accordance with the doctrine of Hazrat Ibne Masood (RA).

Question 19

a. What do you do if value of the estate is less than the loans taken by the deceased?
b. Heirs: Three great great paternal granddaughters of the real paternal aunt, two great great paternal grandsons of uterinal paternal aunt, three maternal grandsons of uterinal maternal aunt and two maternal granddaughters, two great great paternal grandson and four great great paternal granddaughters of consanguine maternal uncle.

Question 20

A thing was mortgaged with the deceased, against a loan, has not been paid back so far. What will be done with the mortgaged item?

Question 21

a. Explain the basic principle of the lineage chart for the residuaries.
b. Divide estate between two real and three consanguine sisters.

Question 22

a. What are the essential clauses of a decree on heritance?
b. A person mortgaged some of his house hold items against a loan of Rs.5000 but died before paying it back. He left behind a wife and two sons. He had not even paid the dower worth Rs.15000 to his wife. His total estate is a house which can be sold for Rs.225000. He had even made a commitment a substituted Hajj costing Rs.80000. How will his inheritance be divided? Write down detailed decree.

Question 23

a. Explain in detail the method/principle advocated by ‘Ahle Tanzil’ for distribution of estate amongst the distantly kindred relations.
b. Solve question 19 b, in accordance with the teachings of Imam Ahmed bin Hanbal (RA).

Question 24

a. Explain the doctrine of Imam Abu Hanifa (RA) about an apostate.
b. An unfortunate man who owned two factories worth twenty three crores rupees turned an apostate. After his act, he was awarded the Nobel Prize worth five crores. He was later killed. How will his inheritance be distributed?

Question 25

Irfan on his demise left behind his wife Nabila, a son Jamil, a daughter Salma, mother Nahid, a consanguine brother Ajmal, a consanguine sister Sadiqa and his step father Mahmud. Before the estate could be divided Naheed also expired. Both the estate had yet to be divided that daughter Salma also died leaving behind a daughter Noreen, Husband Suliman and son Makaial. Later the wife Nabila also left for the eternal abode. How will the estate of Irfan divided in the living heirs?

Chapter 8- The Islamic Will (al wasia)

Narrated Abdullah bin Umar: Allah's Apostle said, "It is not permissible for any Muslim who has something to will to stay for two nights without having his last will and testament written and kept ready with him." [Sahih al-Bukhari] 55. In Shariah, the term Al-Wasiyyah is used for Islamic Will, and it is very important to write one's will as recommended by the Prophet (SAW). Al-Wasi means executor. Al-Musi is testator, the one who madewill. Al-Musa Lahu refers to the person who is the beneficiary of the will.

What can be in bequeath/will

Shariah has placed two restrictions on the testator, one who make Will

a. Firstly, to whom he can bequeath his wealth/assets - Al-Musa Lahu.

b. Secondly, the amount that he can bequeath (which is maximum of 1/3 of overall estate)

Maximum Limit of 1/3rd

:

a. The limit of 1/3 is based on following Hadith narrated by Hazrat Saad bin Abu Waqqas (RH)) "The Prophet came visiting me while I was (sick) in Makkah, ('Amir the sub-narrator said, and he disliked to die in the land, whence he had already migrated). He (i.e. the Prophet) said, "May Allah bestow His Mercy on Ibn Afra (Sad bin Khaula)." I said, "O Allah's Apostle! May I will all my property (in charity)?" He said, "No." I said, "Then may I will half of it?" He said, "No". I said, "One third?" He said: "Yes, one third, yet even one third is too much. It is better for you to leave your inheritors wealthy than to leave them poor begging others, and whatever you spend for Allah's sake will be considered as a charitable deed even the handful of food you put in your wife's mouth. Allah may lengthen your

age so that some people may benefit by you, and some others be harmed by you." At that time Sad had only one daughter." [Sahih al-Bukhari] 56

b. If the legal heirs of the testator agree then it is allowed to bequest more than 1/3. However, Maliki fiqh states 1/3 as absolute which cannot be overridden.

Rules for a Will (al-wasiyyah)

a. No specific wording is needed for a will.
b. Will does not necessarily need to be written, it can be oral, as far as there are witnesses to testify.
c. Two witnesses are required to declare the will.
d. Will is paid after the funeral / burial expenses and payment of debts.
e. A will may be general or specific. E.g. 1/3 of my estate or Rs.158000 etc).