Lesson 10

Calculation of shares:

o **Grand Father's Share – Zaid bin Thabit's Scheme**

Islamic Laws of

Inheritance

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Zaid bin Thabit's Scheme

Accepted by **Shafei, Maliki & Hambali** schools

Main Features

1. Sf & Sc are converted into residuaries by GF in the absence of Bf or Bc unlike Ali's scheme. GF becomes residuary with Br / Sr.

2. GF will get minimum 1/3 of balance or balance with Br/Sr whichever is greater

3. In any case it should not be less than 1/6 his Quranic share

4. Disadvantage in this rule is that he cannot exclude Bc like Bf

Learn and remember this well

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o   Make 3 calculations.

o   GF goes for the calculation with higher share

1. **GF takes fixed share of 1/6**

2. **GF taking 1/3 of balance**

3. **GF as balance with Br. And Sr.**

Learn and remember this well

o   Presence of Bf + Sf with Bc + Sc

o   Bc + Sc is included in share calculations because GF does not exclude them but after GF is allotted his share Bc/Sc share goes to Bf under disadvantage rule to GF

o   Here actually Bc + Sc reduce share of TGF.

o   Presence of Bf with or without Sf with Bc (with or without Sc)

o   Bc + Sc is included in share calculations because GF does not exclude them but after GF is allotted his share Bc/Sc share goes to Bf under disadvantage rule to GF

o   Here actually Bc + Sc reduce share of TGF.

o   Initial calculations are made strictly on the earlier said 3 calculations and GF is given his share and then afterwards Bc and Sc (with or without Sc) share is given to Bf and Sf (with or without Sf)

o   No Bf but Presence of Sf with Bc(+Sc)

o   Bc + Sc is included in share calculations because GF does not exclude them. Here Sf also cannot exclude Bc or Sc but she reduces their share by increasing her share to the limit given to her ie 1/2 or 2/3.

o   Initial calculations are made strictly on the earlier said 3 calculations and GF is given his share and then afterwards Sf share is increased to her Quranic share. Whatever the balance left is shared by Bc and Sc

Zaid bin Thabit's Scheme

conditions	Share of Collaterals	TGF Share
Bf (and Sf)	Take bal with GF. Bc and sc included for share calculations but after Gf share is given their share is taken by Bf + Sf	Make 3 calculations. **1.** Gf getting 1/6 **2.** Gf getting 1/3 of balance after other fixed shares are given **3.** Gf getting balance with Br and Sr. Which ever share is higher Gf goes for that
No Bf but Sf +	Sf goes for bal with Gf. If Bc or Sc is there they are included for share calculations but after Gf share is given Sf share is increased to her fixed share the rest is given to Bc and Sc	
No Bf, Sf but Bc (with Sc)	Bc takes bal with GF	
No Bf, Sf, Bc, but Sc+	Sc goes for bal	

1. SD, Sf, FF

3 calculations are made as we said earlier

a) FF Fixed share of 1/6
SD = 1/2 FF = 1/6, Sf = balance = 2/6

b) FF takes 1/3 of balance
SD = 1/2 FF = 1/3 of balance = 1/3 x 1/2 = 1/6, Sf = balance = 2/6

c) FF takes balance with Sf

SD = 1/2, Sf + FF = balance = 1/2, Sf + FF = 1 + 2 share of balance

= 3 shares of balance(1/2). One share = 1/2 x 1/3 = 1/6.

Sf = 1/6, FF = 2/6 (balance with Sf in the ratio 2:1)

Option (c) is advantageous to GF. He goes for that.

2. D, Sf, FF

3 calculations are made:

a) <u>FF Fixed share of 1/6</u>
D = 1/2 FF = 1/6, Sf = balance = 2/6

b) <u>FF takes 1/3 of balance</u>
D = 1/2 FF = 1/3 of balance = 1/3 x 1/2 = 1/6, Sf = balance = 2/6

c) <u>FF takes balance with Sf</u>

D = 1/2, Sf + FF = balance =1/2, Sf + FF = 1 + 2 share of balance

= 3 shares of balance (1/2). One share = 1/2 x 1/3 = 1/6.

Sf = 1/6, FF = 2/6 (balance with Sf in the ratio 2:1)

Option (c) is advantageous to GF. He goes for that.

3. H, M, 2Bf, FF

3 calculations are made:

a)   FF Fixed share of 1/6
H = 1/2, M = 1/6, FF = 1/6, 2Bf = balance = 1/6
H = 9/18, M = 3/18, FF = 3/18, 2Bf = 3/18

b)   FF takes 1/3 of balance
H = 1/2, M = 1/6, FF = 1/3 of balance = 1/3 x 2/6 = 2/18, 2Bf=bal=4/18

c)   FF takes balance with Bf

H=1/2, M=1/6 2Bf+FF=bal=2/6, 2Bf+FF=2+1 share of balance =3 shares of balnce

2/6. One share=2/6*1/3=2/18. 2Bf=4/18. FF=2/18

Option (a) is advantageous to GF. He goes for that.

4. FM, FF, 2Bf, Sf

3 calculations are made:

a) <u>FF Fixed share of 1/6</u>
FM = 1/6, FF = 1/6 = 7/42, 2Bf + Sf = balance = 4/6

b) <u>FF takes 1/3 of balance</u>
FM = 1/6 = 3/18, FF = 1/3 of balance = 5/6 x 1/3 = 5/18 =10/36,
2Bf + Sf = balance = 10/18, Sf = 2/18, 2Bf = 8/18

c) <u>FF takes balance with Bf</u>

FM = 1/6, 2Bf + Sf + FF = balance = 5/6, 2Bf + Sf + FF = 4+1+2 share of balance

= 7 shares of balance (5/6). One share = 5/6 x 1/7 = 5/42.

Sf = 5/42, 2Bf = 20/42, FF = 10/42

Option (b) is advantageous to GF. He goes for that.

5. M, D, 2Bf, FF

3 calculations are made:

a) <u>FF Fixed share of 1/6</u>
M = 1/6, D = 1/2, FF = 1/6, 2Bf = balance = 2/12

b) <u>FF takes 1/3 of balance</u>
M = 1/6, D = 1/2, FF = 1/3 of balance = 1/3 x 1/3 = 1/9,
2Bf = balance = 2/9

c) <u>FF takes balance with Bf</u>

M = 1/6, D = 1/2, 2Bf + FF = balance = 1/3, 2Bf + FF = 2+1 share of balance

= 3 shares of balance (1/3). One share = 1/3 x 1/3 = 1/9.

2Bf = 2/9, FF = 1/9

Option (a) is advantageous to GF. He goes for that.

6. Bf, Bc, FF

3 calculations are made:

a) <u>FF Fixed share of 1/6</u>
FF = 1/6, Bf = balance = 5/6, Bc = Nil (Excluded by Bf)

b) <u>FF takes 1/3 of balance</u>
FF = 1/3 of balance = 1/3 x 1 = 1/3, Bf = balance = 2/3, Bc = Nil (Excluded by Bf)

c) <u>FF takes balance with Bf</u>
Bf + FF + Bc = balance = 1, Bf = 1/3, FF = 1/3, Bc= 1/3,
Under the disadvantage rule Bc is excluded by Bf and his share is taken by Bf
Bf = 2/3, FF = 1/3

Option (b,c) are same & advantageous to GF. He goes for that.

7. SD, Sf, Bf, Sc, FF

3 calculations are made:

a) <u>FF Fixed share of 1/6</u>
SD = 1/2, FF = 1/6, Bf + Sf = balance = 1/3, Sf = 1/9, Bf = 2/9, Sc = Nil (Excluded by Bf)

b) <u>FF takes 1/3 of balance</u>
SD = 1/2, FF = 1/3 of balance = 1/3 x 1/2 = 1/6, Bf + Sf = balance = 1/3,
Sf = 1/9, Bf = 2/9, Sc = Nil (Excluded by Bf)

c) <u>FF takes balance with Collaterals</u>
SD = 1/2, FF + Bf +Sf + Sc = balance = 1/2, FF + Bf +Sf + Sc = 2 + 2 + 1 + 1 share
= 6 share of balance (1/2), One share = 1/2 x 1/6 = 1/12,
Sf = 1/12, Bf = 1/6, FF = 1/6, Sc = 1/12.
Bf excludes Sc and her share goes to Bf & Sf. Renewed share is:
SD = 1/2, FF = 1/6, Bf = 2/9, Sf = 1/9

All the Options are same.

8(a). Sf, Bc, Sc, FF

3 calculations are made:

a) <u>FF Fixed share of 1/6</u>
FF = 1/6, Sf = 1/2, Bc + Sc = balance = 1/3, Bc = 2/9, Sc = 1/9

b) <u>FF takes 1/3 of balance</u>
FF = 1/3 of balance = 1/3 x 1 = 1/3, Sf = 1/2, Bc + Sc = balance = 1/6, Bc = 2/18, Sc = 1/18

c) <u>FF takes balance with Collaterals</u>
FF + Sf + Bc + Sc = 2 + 1 + 2 + 1 Shares = 6 shares of balance (1)
FF = 2/6, Sf = 1/6, Bc = 2/6, Sc = 1/6
Sf share is increased to 1/2 as per quranic ayat. Balance 1/6 is shared between Bc and Sc.
Hence, FF = 1/3, Sf = 1/2, Bc = 2/18, Sc = 1/18

Option (b,c) are same & advantageous to GF. He goes for that.

8(b). Sf, Bc, FF

3 calculations are made:

a) <u>FF Fixed share of 1/6</u>
FF = 1/6, Sf = 1/2, Bc = balance = 1/3

b) <u>FF takes 1/3 of balance</u>
FF = 1/3 of balance = 1/3 x 1 = 1/3, Sf = 1/2, Bc = balance = 1/6

c) <u>FF takes balance with Collaterals</u>
FF + Sf + Bc = 2 + 1 + 2 Shares = 5 shares of balance (1)
FF = 2/5, Sf = 1/5, Bc = 2/5
Sf share is increased to 1/2 as per quranic ayat. Balance 1/10 goes to Bc.
Hence, FF = 2/5 = 4/10, Sf = 1/2 = 5/10, Bc = 1/10

Option (c) is advantageous to GF. He goes for that.

8(c). Sf, Sc, FF

3 calculations are made:

a) FF Fixed share of 1/6
FF = 1/6

b) FF takes 1/3 of balance
FF = 1/3 of balance = 1/3 x 1 = 1/3

c) FF takes balance with Collaterals
FF + Sf + Sc = 2 + 1 + 1 Shares = 4 shares of balance (1)
FF = 2/4, Sf share is increased to 1/2 as per quranic ayat. There is no Balance left.
So Sc gets Nil.

Hence, FF = 1/2, Sf = 1/2, Sc = Nil

Option (c) is advantageous to GF. He goes for that.

8(d). Sf, 2Sc, FF

3 calculations are made:

a) <u>FF Fixed share of 1/6</u>
FF = 1/6

b) <u>FF takes 1/3 of balance</u>
FF = 1/3 of balance = 1/3 x 1 = 1/3

c) <u>FF takes balance with Collaterals</u>
FF + Sf + 2Sc = 2 + 1 + 2 Shares = 5 shares of balance (1)
FF = 2/5, Sf = 1/5, 2Sc = 2/5
Sf share is increased to 1/2 as per quranic ayat. Balance 1/10 is goes to 2Sc.

Hence, FF = 2/5 = 4/10, Sf = 1/2 = 5/10, 2Sc = 1/10

Option (c) is advantageous to GF. He goes for that.

GF – Problem Solving

	Ali's scheme	Zaid's scheme
1. SD, Sf, FF	SD = 1/2, Sf = balance = 1/3, FF = 1/6	SD = 1/2, Sf + FF = balance = 1/2, Sf = 1/6, FF = 2/6 (bal with Sf 2:1)
2. D, Sf, FF	D = 1/2, Sf = 1/3, FF = 1/6	D = 1/2, Rest same as above
3. H, M, 2Bf, FF	H = 1/2, M = 1/6, 2Bf = 1/6, FF = 1/6	H = 1/2, M = 1/6, 2Bf = 1/6, FF = 1/6 (Quranic share which is more than than the bal with Bf)
4. FM, FF, 2Bf, Sf	FM = 1/6, FF = 5/21, 2Bf = 10/21, Sf = 5/42	FM = 1/6, FF = 5/18 (1/3 of bal is more than bal with Bf & Sf = 10/42 = 5/21) 2Bf = 8/18, Sf = 2/18

	Ali's scheme	Zaid's scheme
5. M, D, 2B, FF	M = 1/6, D = 1/2, 2Bf = 2/12, FF = 1/6	M=1/6, D=1/2, 2B=2/12 (BAL), FF=1/6 Quranic share is advantageous
6. Bf, Bc, FF	Bf = 1/2, Bc = 0, FF = 1/2	Bf = 1/3, Bc = 1/3, FF = 1/3 Here under disadvantage rule Bc is excluded by Bf and his share is taken by Bf. Hence final share is Bf = 2/3, FF = 1/3
7. SD, Sf, Bf, Sc, FF	SD = 1/2, Sf = 1/10, Bf = 2/10, FF = 2/10, Sc = 0	SD = 1/2, Sf = 1/12, Bf = 1/6, Sc = 1/12, FF = 1/6 (Quranic share and 1/3 of are same). Bf excludes Sc and her share goes to Sf &Bf. Renewed share is: SD = 1/2, FF = 1/6, Bf + Sf = balance =1/3, Bf = 2/9, Sf = 1/9.

GF – Sum up

Pr./Sec	**Secondary Heir**
Excluded by	**F**
Excludes	**All Bu & Su, higher GF** **In One view Brothers/sisters (f, c)**
Share fraction	Refer back
Effect on others	**Excludes as above.**
Effect of others	**F excludes, Br, Sr reduce/not reduce shares**
Effect of Awl	**Share reduces**
Effect of Radd	**Eligible**
Special occasion	**With Collaterals**

ربنا تَقَبَّلْ مِنَّا إِنَّكَ أَنْتَ السَّمِيعُ الْعَلِيمُ

وَتُبْ عَلَيْنَا إِنَّكَ أَنْتَ التَّوَّابُ الرَّحِيمُ

اللهم اغفر لنا، يا أرحم الراحمين

ربنا آتنا في الدنيا حسنة وفي الآخرة حسنة وقنا عذاب النار

ربنا ظلمنا أنفسنا وإن لم تغفر لنا وترحمنا لنكو نن من الخاسرين

اللهم صلِّ وسلِّم وبارك على عبدك ورسولك محمد سيد الأولين والآخرين، وعلى آله وصحبه أجمعين