

Lesson 4

Calculation of shares:

- **Husband**
- **Wife**
- **Father**
- **Mother**

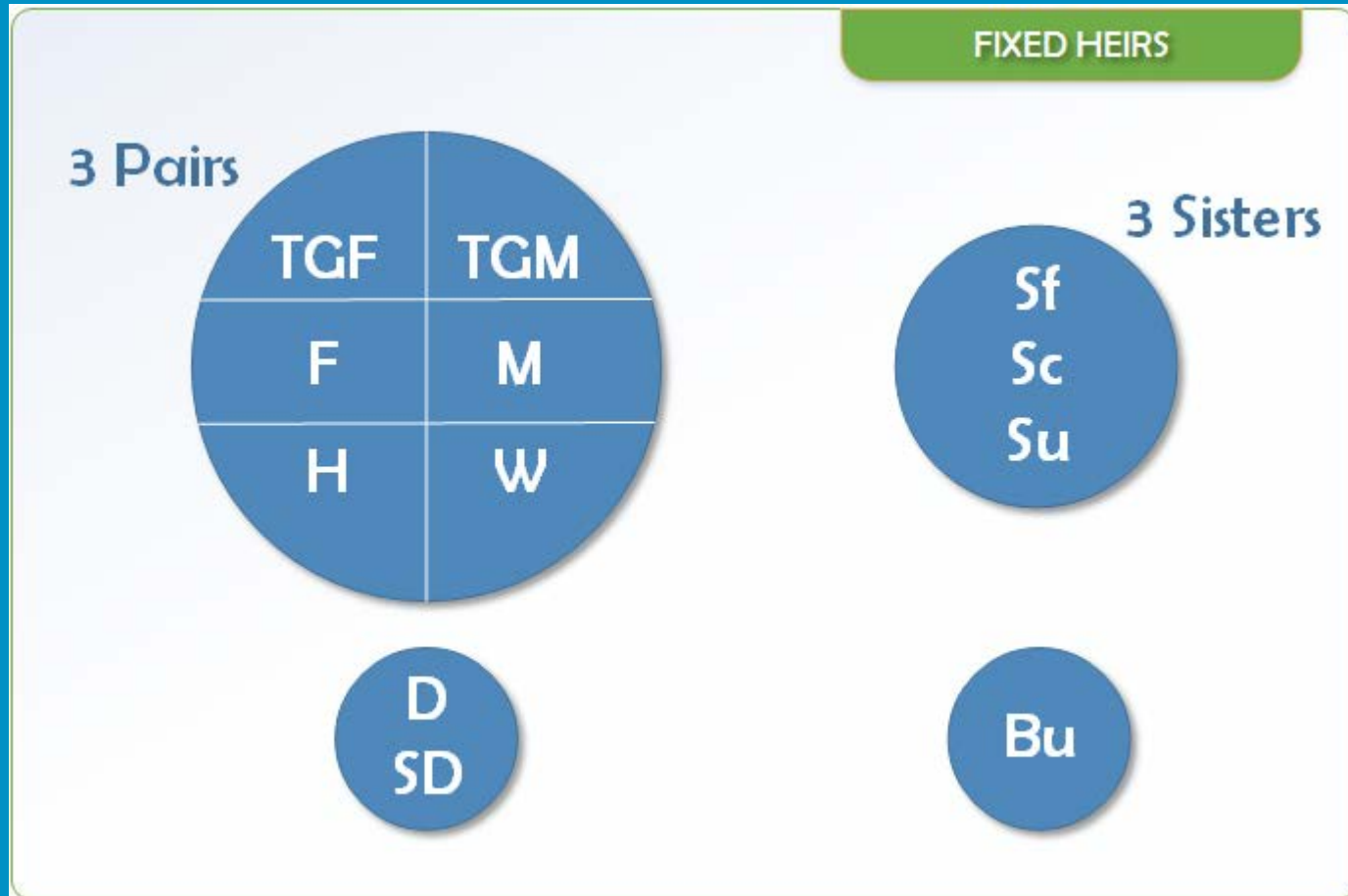
Islamic Laws of Inheritance

Dr. Assaina Beary

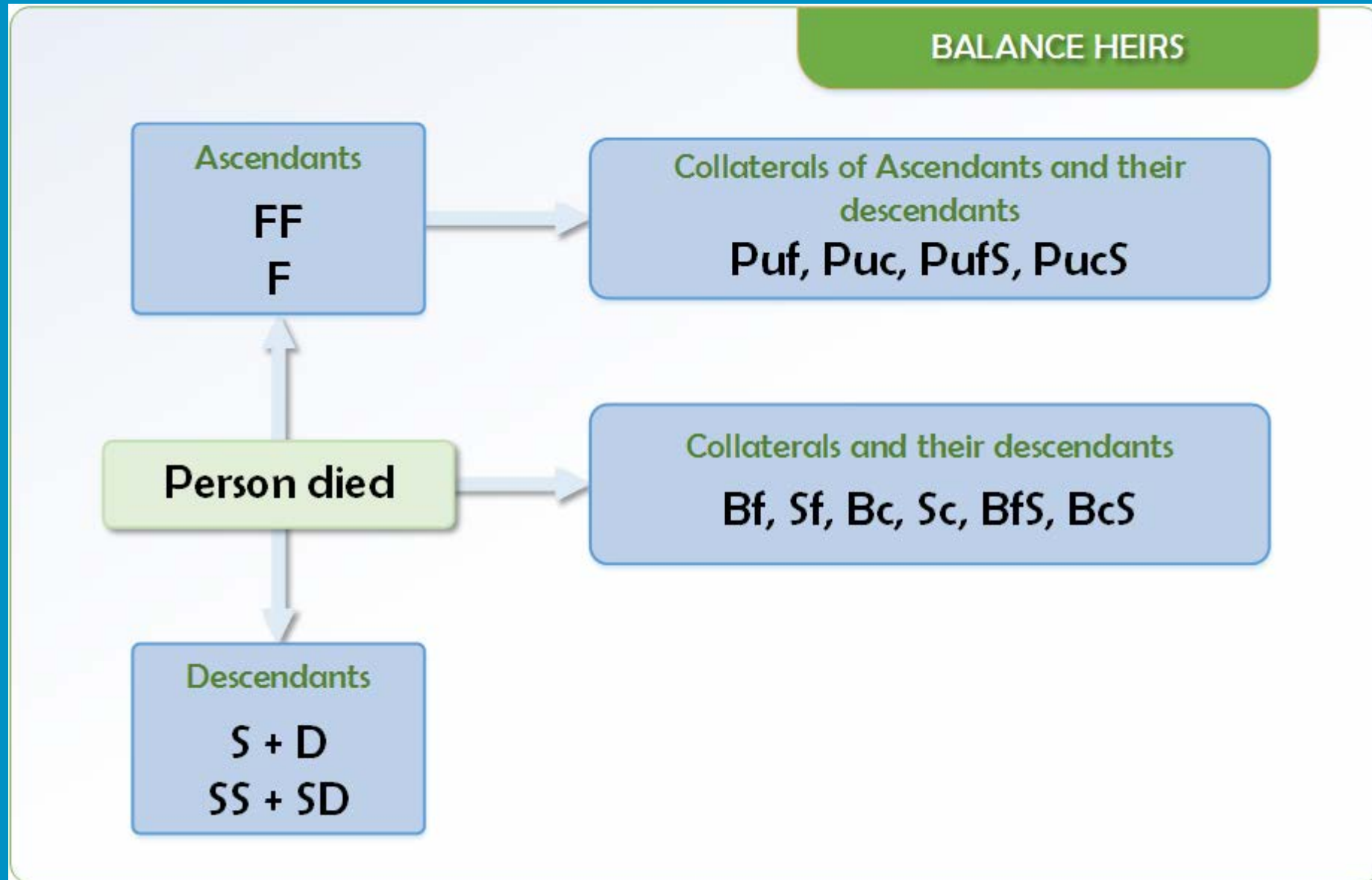
- Out of 12 fixed heirs **husband, wife, father, mother** and **grand mother** are easy.
- **Uterine brother** and **sisters** are also easy to learn.
- **Daughter's** share is simple.
- The only difficult part is **son's daughter, sisters full** and **consanguineous** and **grand father** - 4 only
- So learn these 4 carefully you have learnt the inheritance.
- **Asaba heirs** are easy to learn

- In this lesson we learn shares of **4 heirs**.
- **Husband, Wife, Father & Mother**
- For each heir there is one chart which gives the shares.
Learn that chart thoroughly. It is mentioned under each chart.

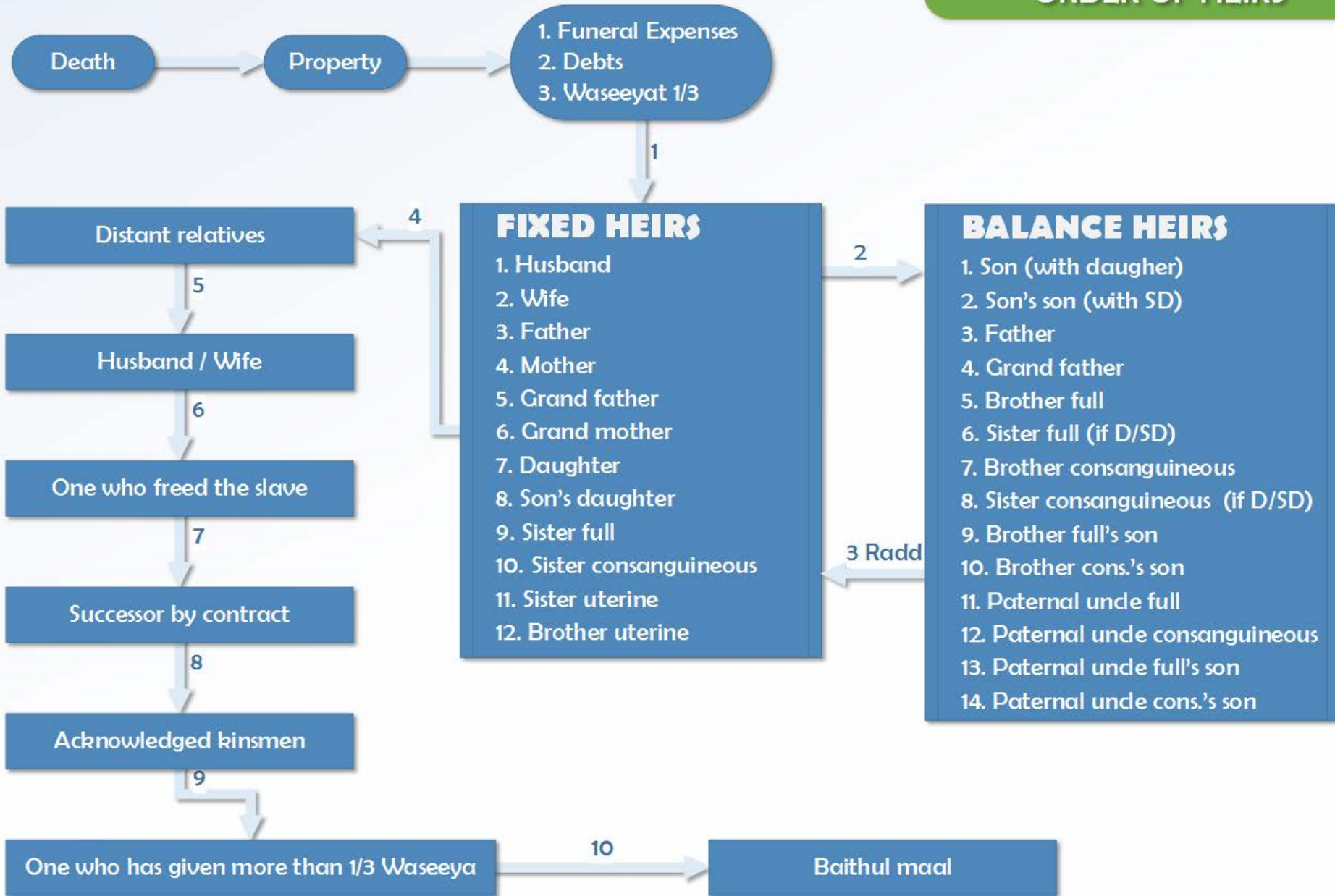
Easy To Remember



Easy to remember - Balance Heirs



ORDER OF HEIRS



Very important to know

- All Relations mentioned in inheritance are to the person died
- Person died can be male or female
- Father means father of the person died, son means son of the person died

Very important to know

- If a heir is not alive then he does not inherit.

E.g. A has died leaving 2 sons and 2 daughters. But A had one more son who had died before A's death. Here the dead son does not inherit.

Very important to know

- If more than one person is there under one heir name then they share equally between them.

E.g.: D share is $\frac{2}{3}$ for 3 D's means they 3 Daughters share $\frac{2}{3}$ among them.

Similarly W share $\frac{1}{4}$ and if more than one W then they share this $\frac{1}{4}$.

- Sons share balance means all living sons share the balance equally among them.
- If males and females of the same class and degree then males: female ratio is 2:1 with exception of Bu & Su

Fixed Share Heirs

- 12 in Number
- 4 males & 8 females
- 5 are primary heirs(always inherit Never excluded)
- rest 7 secondary heirs.
- 4 heir's share is dependent on agnatic descendents

Fixed Share Heirs

8 fixed share heirs (M, TGM, D,SD,Sf,Sc,Su,Bu,) take the balance as Radd (=return, see the chapter on Radd) if they are alone in the absence of other heirs.

It should be remembered that both cannot inherit at the same time.

One person has died. If Husband has died Wife inherits and if Wife died Husband inherits.

1. Husband & 2. Wife : share

	No child / AD	Presence of Child /AD
H	1/2	1/4
W	1/4	1/8

AD = Agnatic Descendant = children, son's children, son's son's children

Eg. S, D, SS, SD, SSS, SSD

Learn and remember this

When any person dies the share of the Husband / wife of the person died depends on the presence of agnatic descendants of the person died.

Rule Of 1/2

- Husband Gets $1/2$ if Agnatic Descendant is absent.
- Husband gets $1/2$ of $1/2 = 1/4$ if Agnatic Descendant is present.
- Wife gets $1/2$ of above.

Pr./Sec	Primary Heirs
Excluded by	None
Excludes	None
Share fraction	Ref. Previous slide
Effect on others	Reduces share of M when F, M, & Spouse
Effect of others	Child/AD –reduce their share
Remarks	They don't get excess share if other sharer are present. They get excess if no Distant Relatives
Special occasion	F,M, spouse

Special remarks

- If there are more than one wives then they divide their fraction equally among them.
- If the marriage is not valid one then H and W rule does not apply.

H & W - Problem Solving

Now solve the following cases. Living heirs are given.

Find the share of H/W only

Confirm that they are correct by looking at the answers in the next slide

1.	H , F, D
2.	H, M, Bf, DD
3.	W, D, F
4.	W, F, Bf
5.	2S, D, 4W
6.	W, F, SD

In problem solving cases relations mentioned are to the person died (male/female).

E.g. H, F, D means lady has died leaving the husband, father and daughter.

H & W – Problems - SOLUTIONS

No.	Question	Answer	Reason
1.	H , F, D	$H = 1/4$	Female Agnatic Descendant
2.	H, M, Bf, DD	$H = 1/2$	No Agnatic Descendant
3.	W, D, F	$W = 1/8$	Female Agnatic Descendant
4.	W, F, Bf	$W = 1/4$	No Agnatic Descendant
5.	2S, D, 4W	$4W = 1/8, 1W = 1/32$	Male Agnatic Descendant
6.	W, F, SD	$W = 1/8$	Female Agnatic Descendant

Note: Actual shares may vary, after considering other heirs.

Shares vary when Radd or Awl is required to be applied.

3. Father

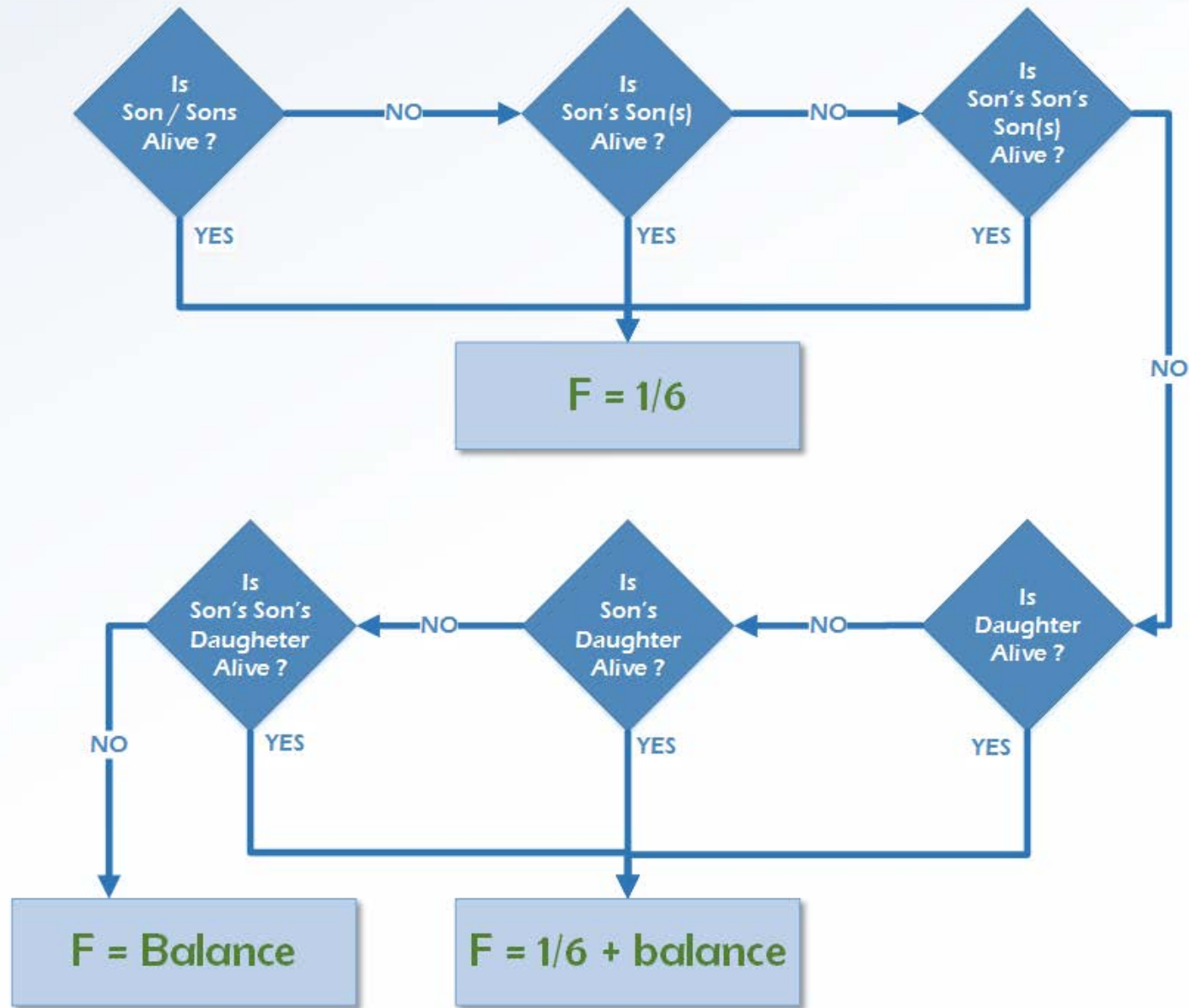
Pr./Sec	Primary Heir
Excluded by	None
Excludes	All collaterals (Brother& Sister), GF, GM through him
Share fraction	See below
Effect on others	As above
Effect of others	Son , Daughter reduces share
Effect of Awl	Share reduces
Effect of Radd	Situation does not arise
Special occasion	F, M, spouse

- F and GF (in the absence of father) are the only ones who inherit in **dual capacity**
i.e.: both as **fixed** and **balance** heirs

Father : Share

As Fixed share	1/6	When there is male agnatic descendant S, SS, SSS
As Residuary	Entire Residue	No male or female agnatic descendant
As both	1/6 + Residue	When there is female agnatic descendant D, SD, SSD

Learn and remember this



Father – Problem Solving

Now solve the following cases. Living heirs are given.

Find the share of F & H/W only

Confirm that they are correct by looking at the answers in the next slide

1.	F, W, SS
2.	F, H, Bf, Sf, Su
3.	F, H, D
4.	F, 2S, 3D, M
5.	W, F, DD
6.	SD, F
7.	F, M, W, 2D

In problem solving cases relations mentioned are to the person died (male/female).

E.g. H, F, D means lady has died leaving the husband, father and daughter.

Father – Problems - SOLUTIONS

No.	Question	Answer	Reason
1.	F, W, SS	$F = 1/6$	Male Agnatic Desc.
2.	F, H, Bf, Sf, Su	$F = \text{Balance}, H = 1/2$	No Agnatic Desc.
3.	F, H, D	$F = 1/6 + \text{Balance}, H = 1/4$	Female Agnatic Desc.
4.	F, 2S, 3D, M	$F = 1/6$	Male Agnatic Desc.
5.	W, F, DD	$W = 1/4, F = \text{Balance}$	No Agnatic Desc.
6.	SD, F	$F = 1/6 + \text{Balance}$	Female Agnatic Desc.
7.	F, M, W, 2D	$W = 1/8, F = 1/6 + \text{Balance}$	Female Agnatic Desc.

Note: Actual shares may vary, after considering other heirs.

Shares vary when Radd or Awl is required to be applied.

Note: Actual shares may vary, after considering other heirs

7. F, M, W, 2D

$$W = 1/8, F = 1/6 + \text{Residue}, M = 1/6, 2D = 2/3$$

Here there is no residue left.

	Revised (AWL)
$W = 3/24$	$W = 3/27$
$F = 4/24$	$F = 4/27$
$M = 4/24$	$M = 4/27$
$2D = 16/24$	$2D = 16/27, D = 8/27$
-----	-----
$27/24$	$27/27$

4. Mother

Pr./Sec	Primary Heir
Excluded by	None
Excludes	All GM - Both Paternal& Maternal
Share fraction	See below
Effect on others	As above
Effect of others	Son, daughter, any brother/sister more than 2 reduce share
Effect of Awl	Share reduces
Effect of Radd	Eligible
Special occasion	F,M, spouse

Mother : share

- 1) Maximum **1/3**
- 2) Minimum **1/6**
- 3) As special case **1/3 of balance**

Mother

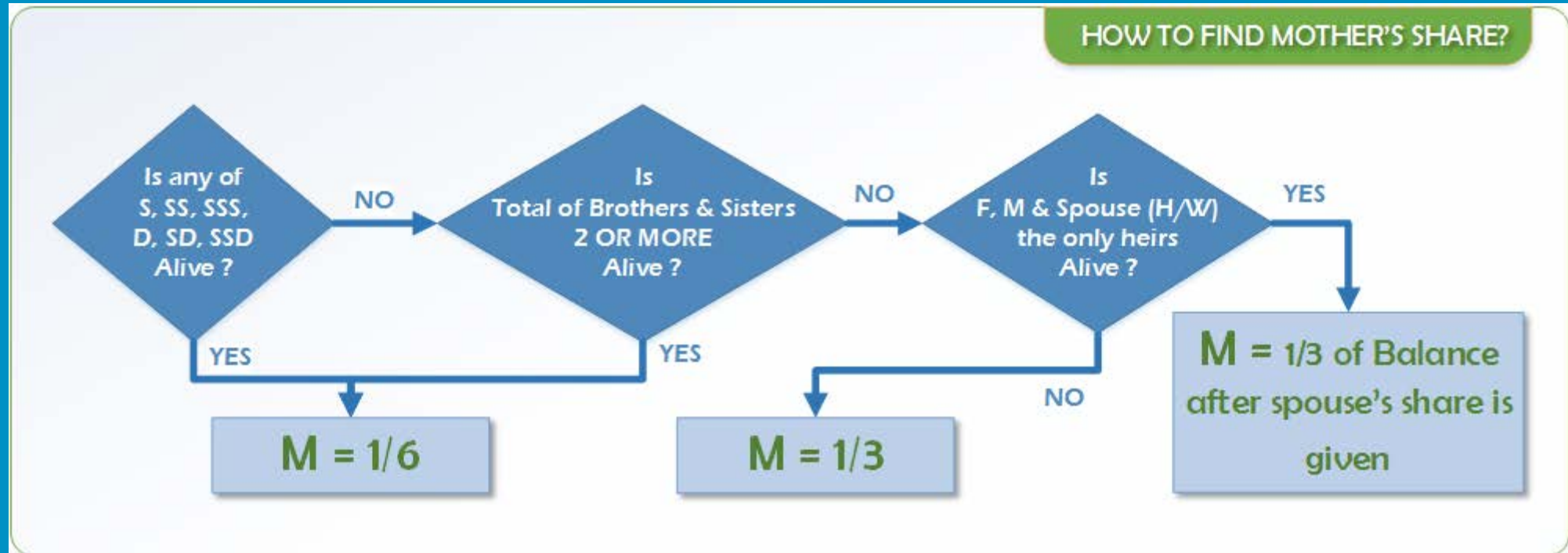
1/3 If there is	1/6 If there is
1. No Agnatic descendant. S, D, SS, SD...	1. Agnatic descendant S,D,SS,SD...
2. No more than one Br or Sr of any kind. Bf, Bc, Bu, Sf, Sc, Su	2. 2 or more B or S

Learn and remember this

Special case **1/3 of Balance**

- If M is eligible for 1/3
- In the presence of spouse and father, mother will get **1/3 of balance after spouses share is given**

How to Find Mother's Share



Mother - Problem Solving

Now solve the following cases. Living heirs are given.

Find the share of F, M & H/W only

Confirm that they are correct by looking at the answers in the next slide

1.	M, F, D, SS
2.	M, F, Bf, Sc
3.	F, M
4.	M, Bf, Sf
5.	W, M, F
6.	H, M, F

In problem solving cases relations mentioned are to the person died (male/female).

E.g. H, F, D means lady has died leaving the husband, father and daughter.

Mother – Problems - SOLUTIONS

No.	Question	Answer	Reason
1.	M, F, D, SS	$M = 1/6, F = 1/6$	Male Agnatic Descendant
2.	M, F, Bf, Sc	$M = 1/6, F = 5/6$	2 >= (Brother + Sister)
3.	F, M	$M = 1/3, F = 2/3$	No Agnatic Descendant
4.	M, Bf, Sf	$M = 1/6$	2 >= (Brother + Sister)
5.	W, M, F	$W = 1/4,$ $M = 3/4 * 1/3 = 3/12 = 1/4$ $F = \text{Balance} = 1/2$	Special case
6.	H, M, F	$H = 1/2 = 3/6$ $M = 1/2 * 1/3 = 1/6$ $F = \text{Balance} = 2/6$	Special case

Note: Actual shares may vary, after considering other heirs.

Shares vary when Radd or Awl is required to be applied.

F, M, Spouse special case

If mother is given 1/3 of total as agreed by some then the father's share may become less than the mother's share which is against the Quran. This special case of mother has not been told in the Quran. Most Sahabees based on research devised a rule and is accepted by all.

The rule is in such a case is mother will get **1/3 of balance after spouses share is given.**

Learn and remember this

F, M, Spouse

In these two cases if M is given $1/3$ then F's share is reduced which goes against the general principle of law if inheritance.

5. W, M, F	$W = 1/4, M = 1/3, F = \text{balance} = 5/12$ $W = 3/12, M = 4/12, F = 5/12$
6. H, M, F	$H = 1/2, M = 1/3, F = \text{balance} = 1/6$ $H = 3/6, M = 2/6, F = 1/6$

F, M, Spouse Special Case

So the Revised Share for case 5 & 6 above will be:

5. W, M, F	$W = 1/4$ $M = 3/4 * 1/3 = 3/12 = 1/4$ $F = 1/2$ (Balance)
6. H, M, F	$H = 1/2 = 3/6$ $M = 1/2 * 1/3 = 1/6$ $F = 2/6$

F, M, Spouse Special Case

These two special cases are called as Al Gharrawani or the Two Deceivers or Umariyyatain or the Two of Ummer.

Two deceivers because they deceived the mother's share by reducing it. Ummer bin Khattab (R.A) 2nd Khalleef of islam gave the verdict. Most of the Sahaabees endorsed it except Abdulla Ibn Abbas (R.A) and Ali (R.A.)

Mother is never excluded but on four occasions mother's share is reduced

1. Presence of children of the deceased
2. Presence of Agnatic descendant
3. Presence of 2 or more B or S
4. Presence of father and spouse with mother

F, M

	F	M
S, SS... (Male AD)	1/6	1/6
D, SD... (Female AD)	1/6 + bal	1/6
No AD	Bal	1/3
1 B or S	No effect	1/3
2 or more B or S	No effect	1/6

Important

Presence of Agnatic Descendants male or female

(S, D, SS, SD) reduce share of 5 people:

H, W, F, TGF, M

F, FF, M, H, W

	F/FF	M	H	W
S, SS... Male AD	1/6	1/6	1/4	1/8
D, SD... Female AD	1/6 + Bal	1/6	1/4	1/8
No agnatic descendants	Bal	1/3	1/2	1/4

Problem Solving

Ahmed died. Living heirs are 2 sons, wife, father and mother.

- Wife $1/8$
- Father $1/6$
- Mother $1/6$

Presence of S male agnatic descendant.

Problem Solving

Maryam died. Living heirs are Husband,

2 Daughters, Father Mother and Brother full and Brother uterine

Husband	1/4	Presence of FAD
Father	1/6 + Bal	Presence of FAD
Mother	1/6	Presence of FAD 2 Brothers

Problem Solving

Now solve the following cases. Living heirs are given.

Find the share of F, M & H/W only

Confirm that they are correct by looking at the answers in the next slide

1.	F, DD, SD, M	7.	SS, F, M, H
2.	H, M, Bf, Bc, D	8.	M, Bf, BfS, W
3.	F, S, Bf, Bc, W	9.	M, Bf, Su, F
4.	M, W, F	10.	F, M, W, BfS
5.	D, S, H, F	11.	F, SD, H
6.	F, DD, W	12.	2W, M, DD, BfS

In problem solving cases relations mentioned are to the person died (male/female).

Eg. H, F, D means lady has died leaving the husband, father and daughter.

الْحَمْدُ لِلَّهِ

رَبَّنَا تَقَبَّلْ مِنَّا إِنَّكَ أَنْتَ السَّمِيعُ الْعَلِيمُ

وَتُبَّ عَلَيْنَا إِنَّكَ أَنْتَ التَّوَّابُ الرَّحِيمُ

اللهم اغفر لنا، يا أرحم الراحمين

رَبَّنَا آتِنَا فِي الدُّنْيَا حَسَنَةً وَفِي الْآخِرَةِ حَسَنَةً وَقِنَا عَذَابَ النَّارِ

رَبَّنَا ظَلَمْنَا أَنفُسَنَا وَإِن لَّمْ تَغْفِرْ لَنَا وَتَرْحَمْنَا لَنَكُونَنَّ مِنَ الْخَاسِرِينَ

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

آله وصحبه أجمعين