

## Islamic law of inheritance. As per the Quran and sunnah of Prophet (S.A.A)

When a Muslim dies some of his relatives as shown below become heirs to his property. Before the property division three things are considered. First funeral expenses and secondly any debts are to be cleared and thirdly waseeyat or will is to be implemented. Waseeyat should not exceed 1/3 of the property. The remaining is divided among the heirs. If at the time of division of property other relatives, orphans or poor are present give to them out of it. Quran 4-8. Optional and if all heirs agree.

### Heirs are classified as

1. Fixed heirs.
2. Balance heirs.
3. Distant Relatives.
4. Other heirs in the absence of first three.

### Terminology

- **Full brother / sister:** brothers from same father same mother
  - **Consanguineous brother / sister** (Paternal half brother/sister, ): Same father different mother
  - **Uterine brother / sister** (maternal half brother/sister): Same mother different father. This can arise in 2 situations:
    1. Mother has married the father after the death of first husband.
    2. Father has died and mother has married again.
  - **True grand father (TGF):** grand father with no female in between. *E.g. father's father-ff, father's father's father-fff*
  - **True grand mother (TGM):** grand mother with no untrue grand father in between. *E.g. mother's mother(MM), father's mother(FM), father's father's mother(FFM), father's mother's mother (FMM),*
- All the relations mentioned below are **relationship to the person died**. Person died can be male or female. *E.g. Father means father of the person died, son means son of the person died*
- 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.*

**Fixed heirs** are those whose share is fixed. They are 12 in number

- |                            |                                |
|----------------------------|--------------------------------|
| 1. Father (F)              | 7. Daughter (D)                |
| 2. Mother (M)              | 8. Son's daughter (SD)         |
| 3. True grand father (TGF) | 9. Sister full (Sf)            |
| 4. Husband (H)             | 10. Sister consanguineous (Sc) |
| 5. Wife (W)                | 11. Sister Uterine (Su)        |
| 6. True grand mother (TGM) | 12. Brother Uterine (Bu)       |

Out of the fixed heirs F, M, H, W & D always inherit and the share value changes. Others inherit at certain occasions and at certain occasions they are excluded by other heirs.

**Balance Heirs.** Once fixed shares are given the balance goes to the person eligible for balance. They are in order

- 1) Son with daughter if present – S + D,
- 2) Son's son with son's daughter – SS + SD,
- 3) Son's son's son with son's son's daughter – SSS + SSD,
- 4) Father – F,
- 5) True Grand father – TGF,
- 6) Brother full with sister full – Bf + Sf
- 7) Sister full Sf (only if daughter or son's daughters are present sister full will take the balance),
- 8) Brother consanguineous with sister consanguineous – Bc + Sc,
- 9) Sister consanguineous Sc (only if daughter or son's daughters are present sister consanguineous will take the balance)
- 10) Brother full's son BfS,
- 11) Brother consanguineous's son BcS,
- 12) Brother full's son's son BfSS,
- 13) Brother consanguineous son's son BcSS,
- 14) Descendants down the line can go on how low so ever
- 15) Paternal uncle full PUf,
- 16) Paternal uncle consanguineous PUC,
- 17) Paternal uncle full's son PUfS,
- 18) Paternal uncle consanguineous's son PUCS. 19) Descendants of Paternal Uncles' how low so ever.
- 20) **Radd.** If nobody from above list then Fixed heirs act as balance heirs. Balance is given to fixed heirs in proportion to their fixed shares. Here Husband/ Wife are not included for Radd
- 21) If none from above then other blood relatives not in the two lists above take the balance after allotting H/W share. These are called other blood relatives or Distant relatives.
- 22) Next in order are H/W for Radd. They take the whole balance if none from the above list are alive.
- 23) In the absence of above below 4 are considered for balance . In order of preference, they are:
  - a) One who freed the Slave
  - b) Successor by Contract
  - c) Acknowledged kinsmen
  - d) One who was given more than 1/3 as waseeyat.

Please refer to full inheritance class for the explanation.

24) If nobody property goes to Baithul Maal or public treasury in an Islamic country. Among the balance heirs whoever alive first in the list will inherit the whole balance and those below in the list are excluded for balance share except with grand father and brothers where there are two opinions. However some of them may still get fixed shares as their names are in the fixed heirs list.

### Steps for distribution

#### After Death

1. Funeral expenses to be met
2. Debts to be cleared – Debts to Allah and debts to humans
3. Waseeyat or will to be implemented not exceeding 1/3 of the property. See Will under full course
4. Remaining is divided among heirs. At the time of division consider relatives, poor, orphans and give them a portion of it with the consent of all heirs
5. Go to the table chart read how to use it and find out the Heirs
6. If living fixed heirs are there give the Fixed Heirs' share first. Some are eligible and some get excluded. Three things can happen A) If the shares add up to more than unity then apply the principle of Awl. There is no balance left for balance heirs B) If the shares add up to unity then no balance left and eligible balance heirs will not get anything. C) If after allotting fixed share balance is available then it is distributed among the eligible balance heirs.  
If no living fixed heirs then whole thing is the balance.
7. Balance is allotted to eligible balance heirs. One male gets double that of one female.
8. If no balance heirs consider radd. Balance is given to fixed heirs in proportion to their fixed shares except husband/wife.
9. If no fixed heirs except Husband/ Wife to take Radd then distant relatives are eligible. See section under distant relatives in full course
10. If no Distant relatives then Husband/wife is eligible for Radd
11. If none from the above then the balance goes to the next 4 categories of people mentioned in the balance heirs list after distant relatives one above excluding the next in order.
12. If no body then the balance goes to Baithul Maal.

Follow the Steps for distribution flow chart for further details.