



CLD Institute
Shaykaah Shafalia Younis

Inheritance Guide

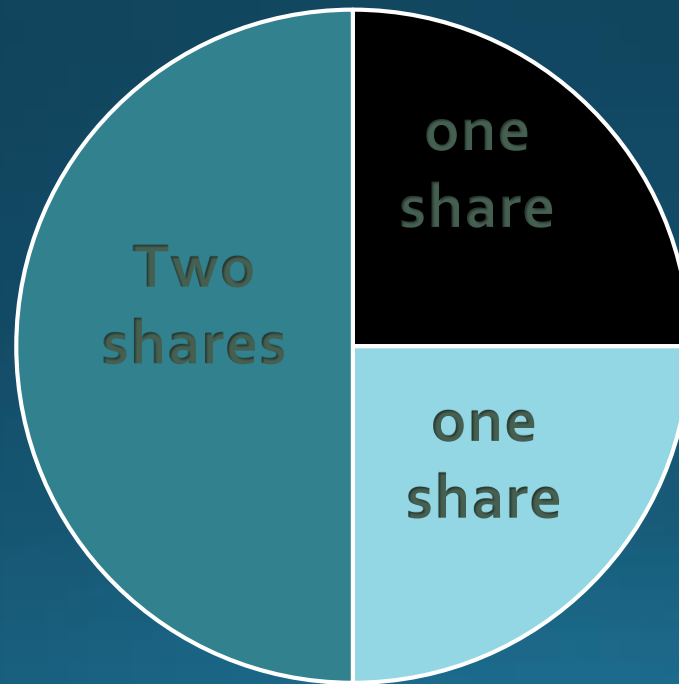
Inheritance guide

- This is a guide to understand the basic inheritance laws
- For a complete understanding one must consult a scholar/person of knowledge/take a course
- There is difference of opinion regarding the inheritance of the paternal grandfather
- There are other details that help understand the agnate relatives who can inherit with/after legal heirs
- Certain relatives block inheritance & this is based on those closest to the deceased
- Shares must be divided according to the Shariah & remainder should be given to the closest relatives (scholars have provided a list of closest relatives & one must study this when distributing wealth)

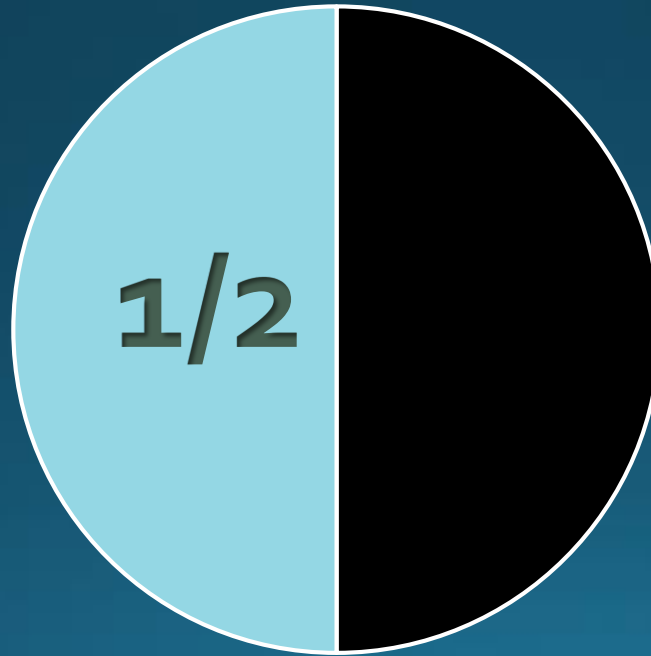
Islamic

Inheritance Laws

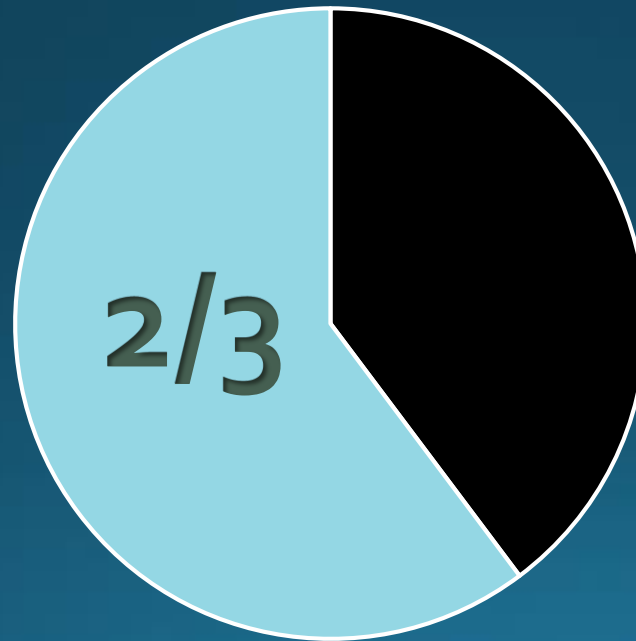
Son gets two shares of the female, while the female gets one share.



ONE daughter gets $\frac{1}{2}$ if deceased has no son/other daughters.

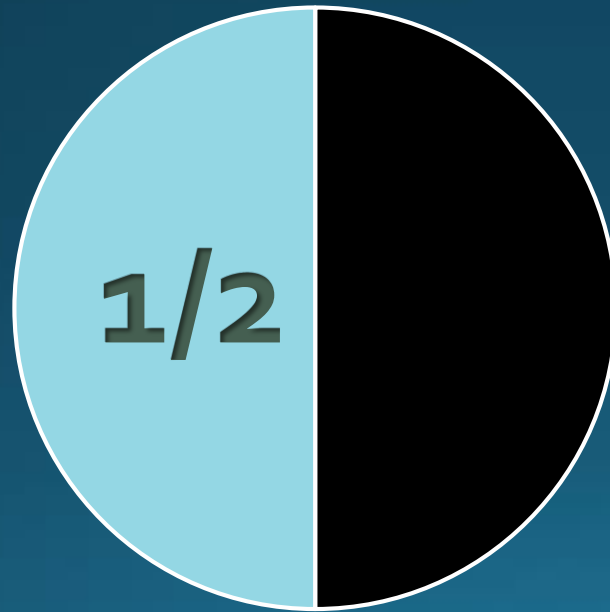


Two or more daughters gets $\frac{2}{3}$ of the state, if no son

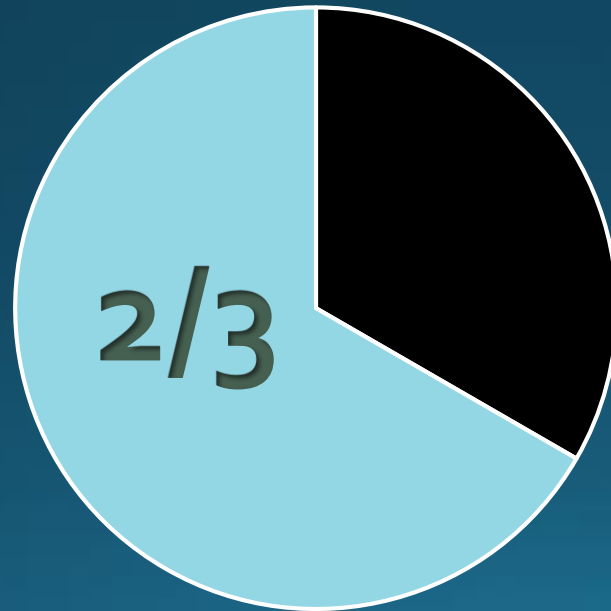


One granddaughter from the male line gets $\frac{1}{2}$ of the state in the absence of children of deceased.

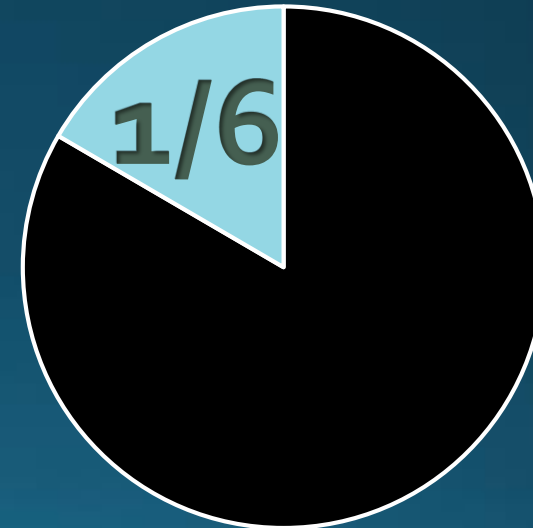
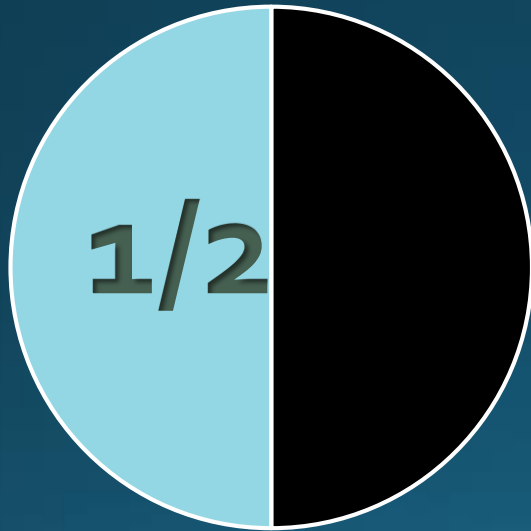
Provided these granddaughters don't have a brother/sister, or male/female cousin brother from paternal uncle & non-existent of descending heir; higher in kin



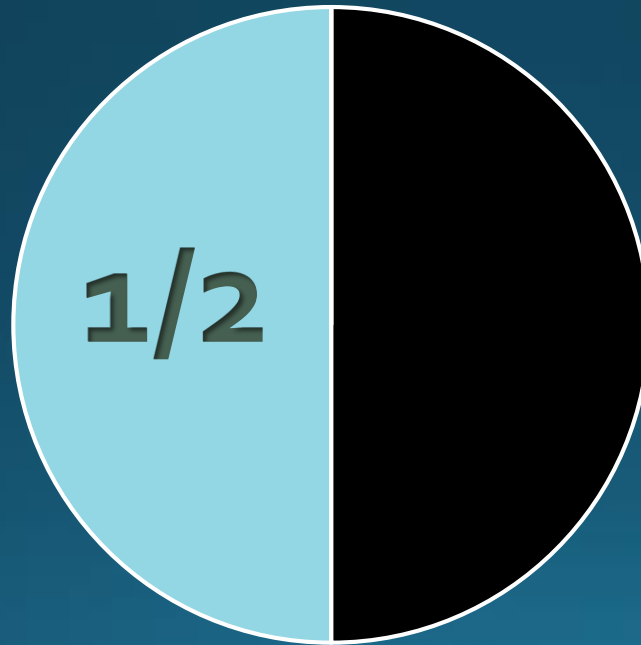
Two or more granddaughters from the male line get $\frac{2}{3}$ of the state. Provided they are 2/more & in the absence of a son/daughter of deceased. Absence of a brother/male paternal cousin



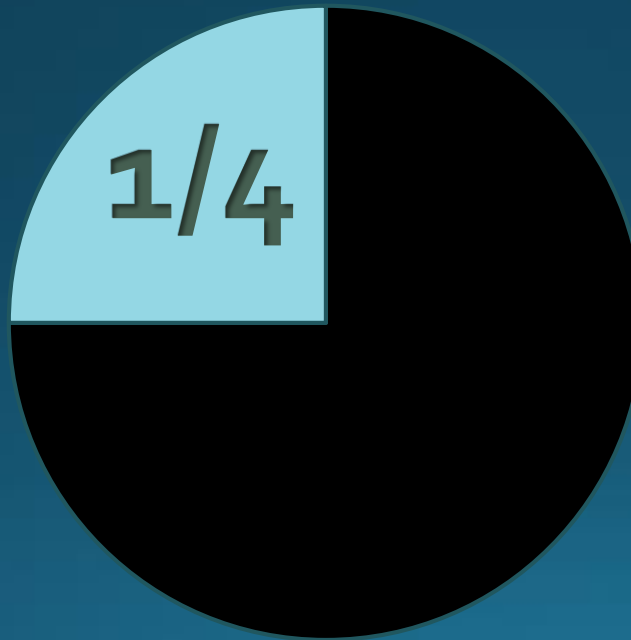
One daughter gets $\frac{1}{2}$ along with one/more granddaughters from the male line, who get $\frac{1}{6}$, as a remainder of the two-thirds. Provided no grandson from son, no brother/paternal male cousin. No other descendant heir, who is higher in level of kingship



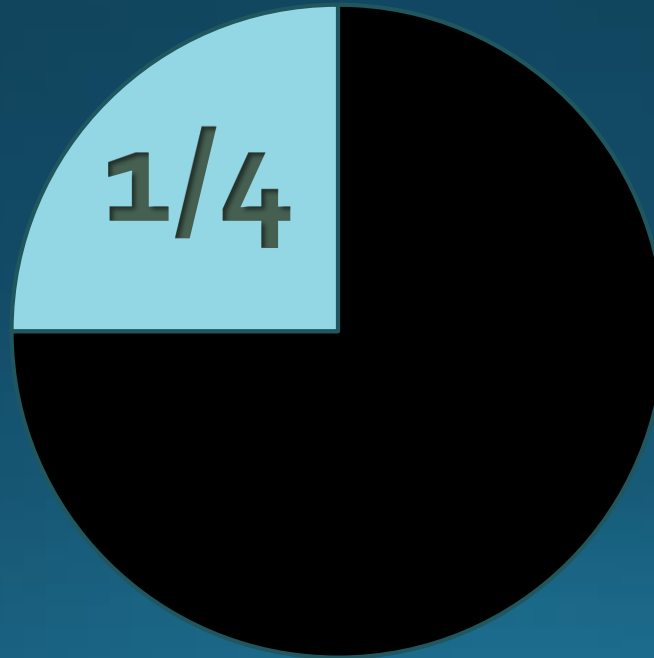
Husband gets $\frac{1}{2}$ if no children/grandchild from son



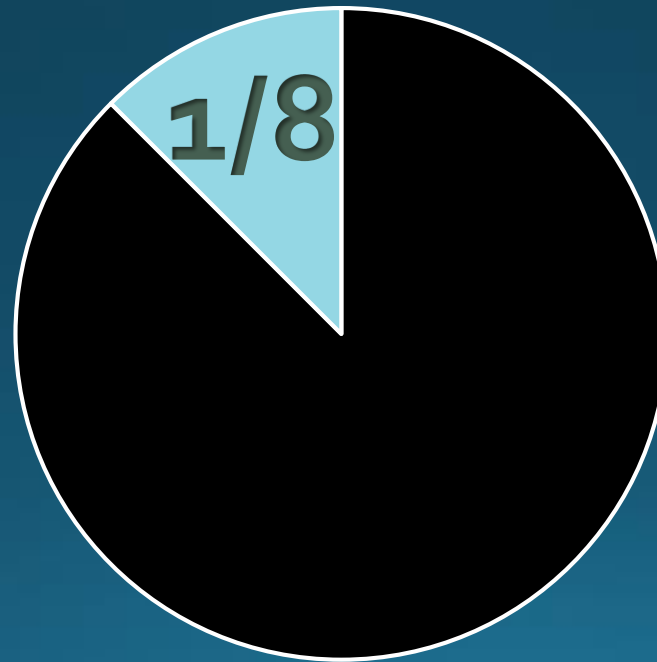
Husband gets $\frac{1}{4}$
if children/grandchildren from son



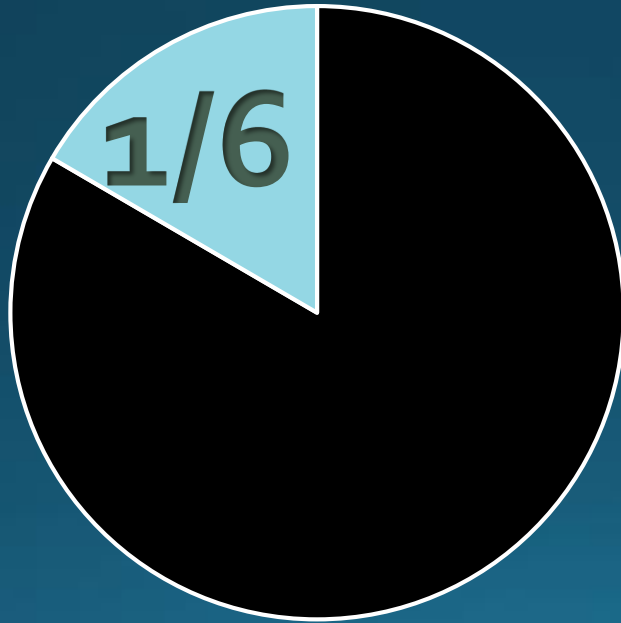
One wife gets $\frac{1}{4}$
if no children/grandchildren from the son, but if more
than one wife they share $\frac{1}{4}$



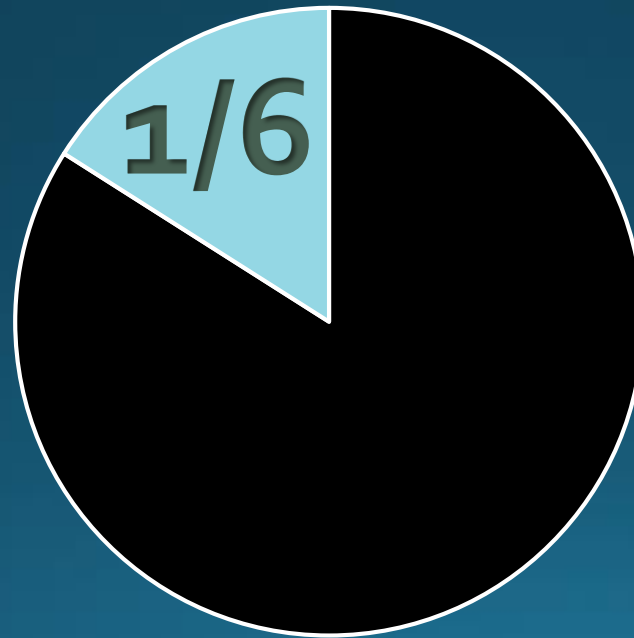
One wife gets $\frac{1}{8}$ if deceased husband has children, if more than one wife they share $\frac{1}{8}$



Father gets $\frac{1}{6}$, if deceased has son, or grandson from the son.
Father gets $\frac{1}{6}$ along with the remaining share, if deceased has daughter, or granddaughter from the son.
Father gets undefined share by virtue of agnation, if deceased has no son/grandson from male line

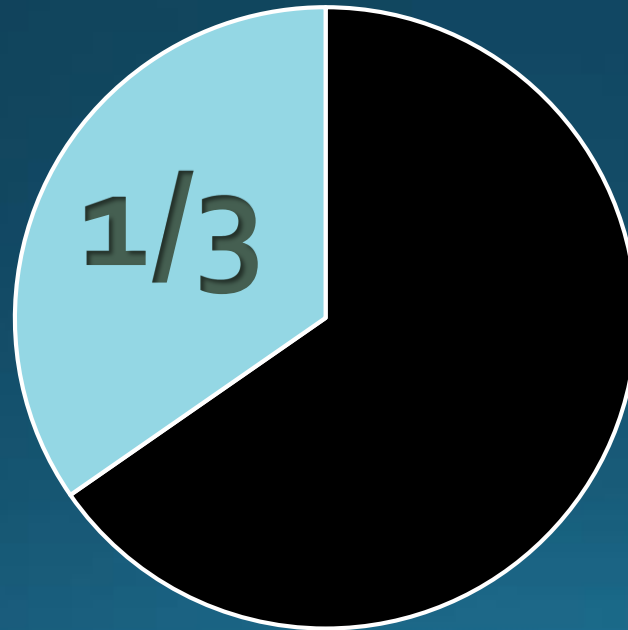


Paternal grandfather gets $\frac{1}{6}$, if deceased has children.
Grandfather takes place of deceased father & equally shares the
estate with the brothers (Opinion 1).
Others say the paternal grandfather prevents the deceased's
brothers from inheriting.

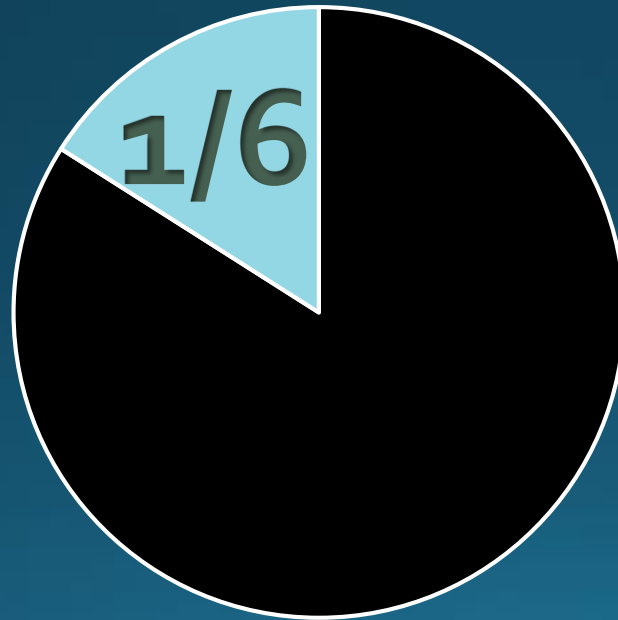


Mother gets $\frac{1}{3}$, if deceased has no children (male/female), or grandchild from son, or 2/more siblings.

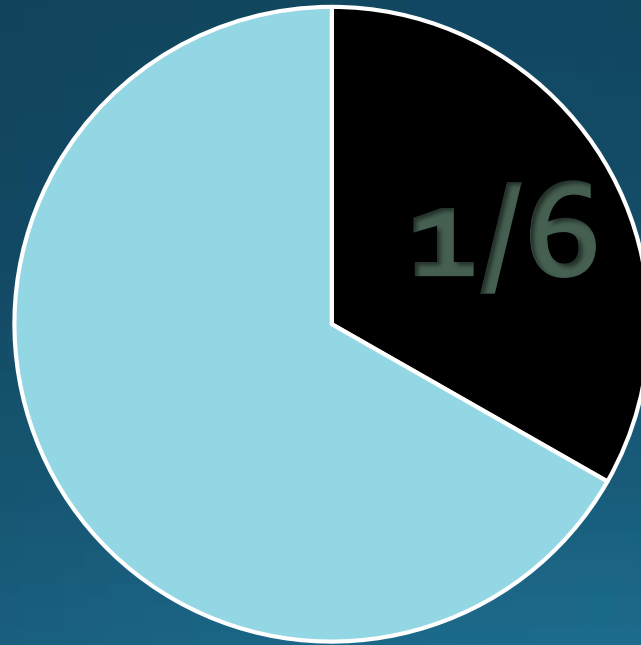
If deceased has left a spouse (husband/wife), father & mother then the mother receives $\frac{1}{3}$ of the remainder of the estate.



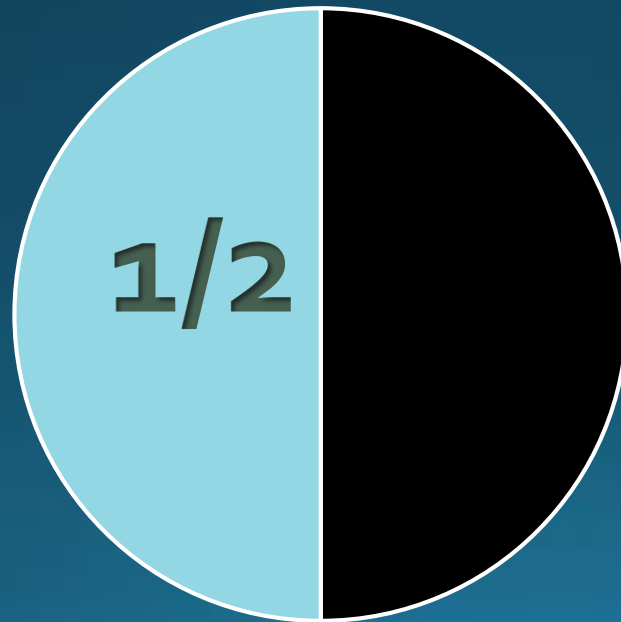
Mother gets $\frac{1}{6}$, if deceased has children male/female, or grandchild from the son, or two/more siblings.



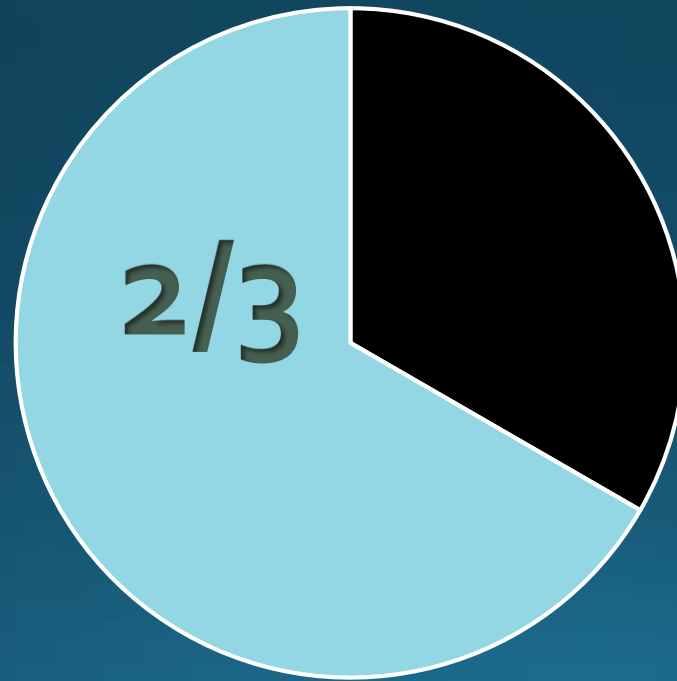
Full grandmother gets $\frac{1}{6}$, if deceased has no mother, if two grandmothers they share a $\frac{1}{6}$



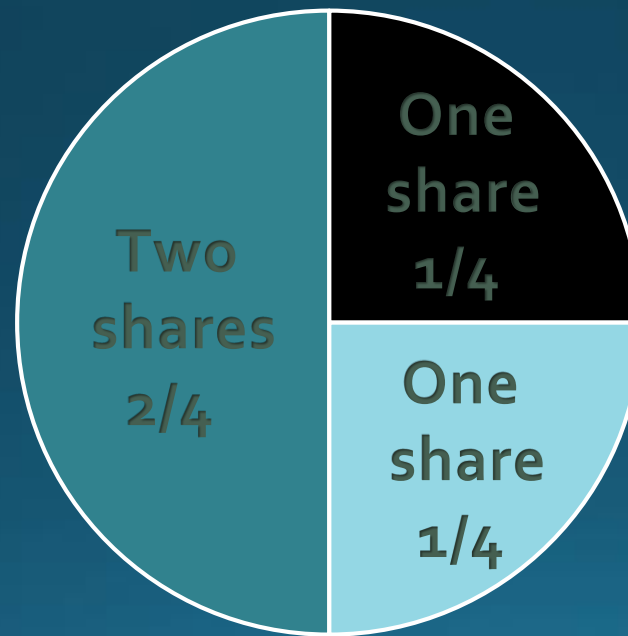
One sister gets $\frac{1}{2}$ if no children, if no other sibling & deceased has no grandchild through the son, or father/paternal grandfather



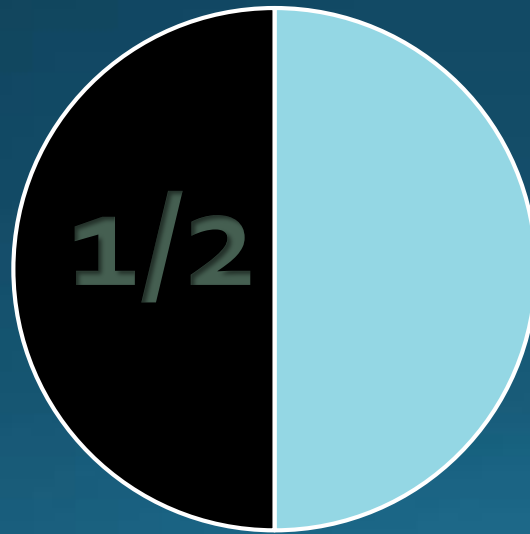
Two or more sisters share $\frac{2}{3}$, if they are 2/more, no brothers,
there are no children/grandchildren of deceased, or a
father/paternal grandfather



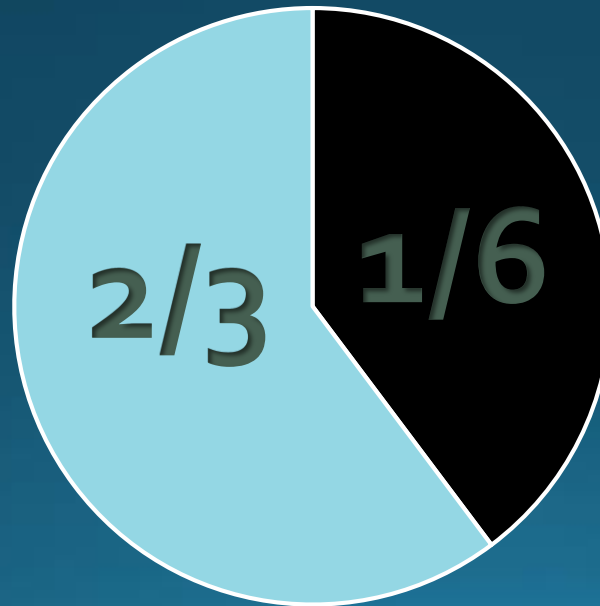
The brother/male has a share of two females, if there are both brothers & sisters inheriting together, in absences of father



Paternal half siblings (from father) inherits half the estate, if no full brother/sister; no father, or paternal grandfather, no son/daughter/grandson/granddaughter from the son line.



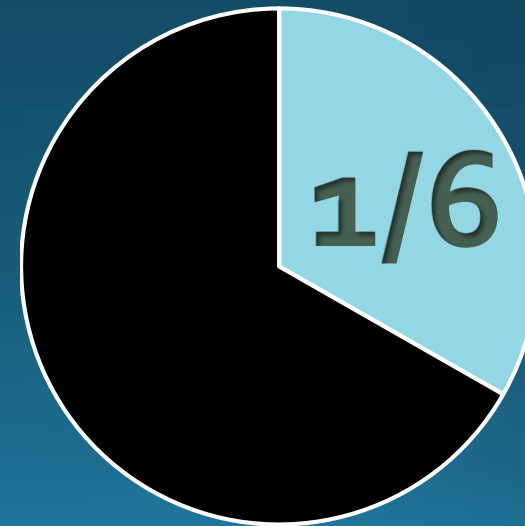
Two paternal half siblings (from father) inherit $\frac{2}{3}$, Two or more sisters share $\frac{2}{3}$, if they are 2/more, no brothers, no children/grandchildren of deceased, or a father/paternal grandfather
Paternal half sisters only inherit $\frac{2}{3}$, as long as no full brother



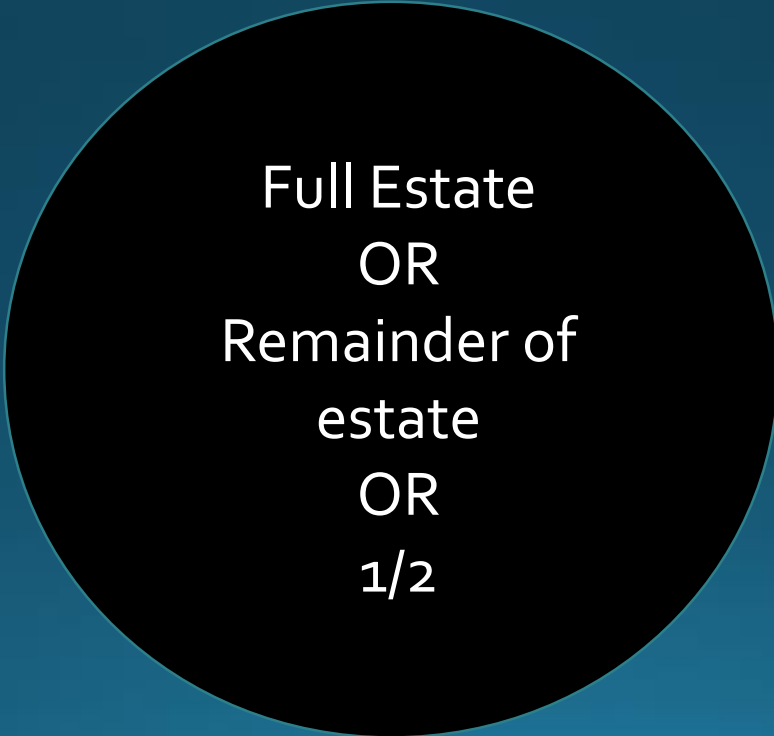
Paternal half sister (from father) with full sister takes $\frac{1}{6}$ as a remainder of the two-thirds.

Provided, there's one full sister, who inherits $\frac{1}{2}$ as a prescribed share, if there's more full sisters they take the two-third of the share; leaving nothing for her (paternal half sister).

If paternal half-sister has a brother then she & the brother inherit the remainder, after full sister receives her share. The Half-siblings follow the same rule of male receiving share of two-females.



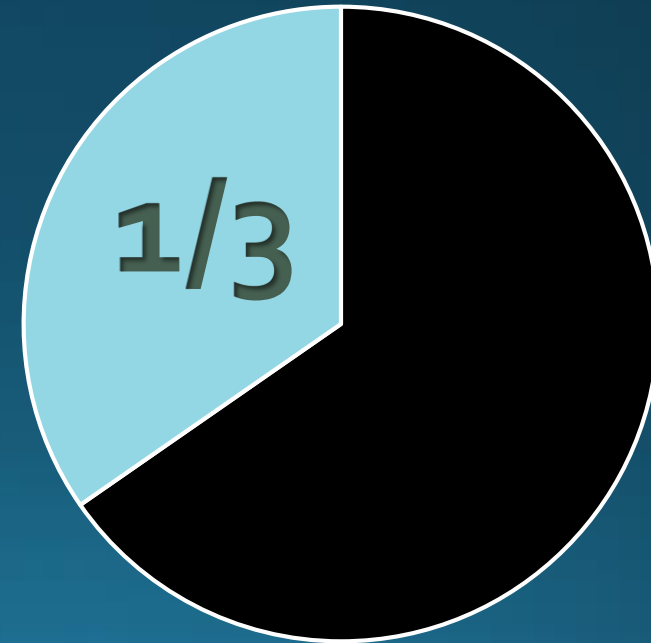
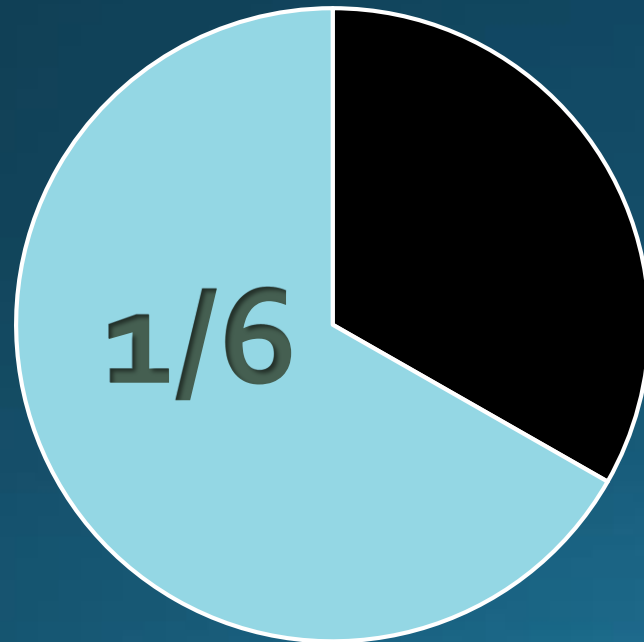
A deceased male/female leaving no ascendants or descendants,
but has ONE full brother then he will get full estate, or
remaining of the estate (what's left after allocated shares) & if
only one full sister she will get $\frac{1}{2}$



Full Estate
OR
Remainder of
estate
OR
 $\frac{1}{2}$

A deceased male/female leaving no ascendants or descendants, or full brothers/sister & the maternal (mum's side) brother/sister is alone inheriting will get a $\frac{1}{6}$.

If there is two/more maternal siblings; males/females/both & no son/grandson by the son & no father/paternal grandfather then the half maternal brother/sister they share a $\frac{1}{3}$ between them.



Agnate Relatives by themselves - Males

- Son
- Grandson from male line, so forth in descending lineage
- The father
- Paternal Grandfather, so forth in ascending lineage
- Full brother
- Paternal half-brother, so forth in descending lineage
- Father's full brother
- Father's paternal half-brother, so forth in ascending lineage
- Son of a full/half paternal uncle (cousin), so forth in descending lineage
- Manumitter of a male/female slave

Agnate Relatives, By Other Relatives - Females

- One/more daughters/sons of deceased
- Daughter of deceased's son (granddaughter) inheriting along with her brother/paternal cousin
- One/more full sister, along with one/more full brother
- One/more paternal half sister with one/more paternal half brother
- Those, who do not inherit are; paternal nieces, paternal aunts & paternal cousin sisters

Agnate Relatives, with Other Relatives - Females

- One/more full sister of deceased along with one/more daughters of deceased, or with one/more granddaughter's of the deceased from the son.
- One/more paternal half-sister of the deceased along with one/more daughters of deceased, or with one/more granddaughter's of the deceased from the son.

“Give the shares of inheritance (prescribed in the Qur’an) to those who are entitled to receive them. Then whatever remains should be given to the closest male relative of the deceased”.

(Bukhari & Muslim)

However, if nothing remains after the legal heirs take the prescribed shares, the agnate relative gets nothing.

Divorced women are not entitled to inheritance, unless in waiting period. A divorced woman can inherit if husband divorced her on his deathbed, only with the intent to disinherit her from his wealth.

Non-Muslims cannot inherit from Muslims & vice versa (scholars have permitted it only if living under Muslim rule); however Muslims can bequeath to non-Muslim relatives a third of their property upon their death.