

INHERITANCE

Bismillah Hirrahma Nirraheem

The Laws Of Inheritance

According to the Fatwa of Ayatollah Seestani

(Translated from the original text written by
Maulana Ghulam Raza Ruhani)

Defination of Inheritance (Meeras)

When a person dies he leaves behind things which he owned.

When the things he leaves behind are distributed among his inheritors is called inheritance (meeras).

When a person dies, the following are not entitled to receiving his inheritance.

- 1) One who is a Kafir.
- 2) A slave (male) / Slave (female).
- 3) One who has murdered.
- 4) La'an.
- 5) One who was born as a result of adultery.

These things must be taken care of first, even before the implementation of the will.

- 1) All his liabilities (Whatever he owes to people / Huqooq un Nas).
- 2) Khums.
- 3) Obligatory Hajj.
- 4) Zakat.
- 5) Hibwa (A special kind of inheritance that only the eldest son is entitled to receive).

Causes of Inheritance (those who can receive the inheritance)

- 1) Blood Relatives.
- 2) Other than blood relatives e.g relationship because of marriage.

Blood Relatives

In this there are three groups.

1st Group

The first group is further classified into two types of people,

A) Father and Mother.

B) Children, and in the absence of children, the grandchildren, however low, and among them whoever is nearer to the dead person inherits his property. And as long as even a single person from this group is present, people belonging to the second group do not inherit.

2nd Group

This group is also further classified into two types of people,

- A) It consists of paternal grandfather, paternal grandmother, maternal grandfather, maternal grandmother and till this lineage goes.
- B) Sisters, brothers, and in the absence of sisters and brothers their children and till this lineage goes.

3rd Group

This group has only one type of people.

The third group of heirs consists of paternal uncle, paternal aunt, maternal uncle, maternal aunt and their children. As mentioned above, the persons constituting this group inherit when none of the persons belonging to group 1 and group 2 are present.

Those who inherit as relatives.

There are two types of people in this category:

1) Wife

2) Guardianship

Guardianship is further divided into three categories,

- A) Wilayat-e-Itq.
- B) Ziman-e-Jareerah.
- c) Wilayat-e-Imamat.

Inheritance of the Husband,

If the wife dies and she didnot have children then,

Husband gets half of the wealth and the rest is to be distributed among other heirs.

If the wife had children,

Husband gets 1/4 (one fourth) of the wealth and the rest is to be distributed among other heirs.

Inheritance of the Wife

If the husband dies and he didnot have children,

1/4 (one fourth) of the wealth will go to the wife and the rest is to be divided among other heirs.

If the husband had children,

1/8 (one eight) of the wealth will go to the wife and the rest is to be divided among other heirs.

Note: A wife does not inherit anything from the land of a house or a garden or a farm, or from any other land, nor does she inherit from the proceeds of such lands. She does not also inherit from that which stands on that land, like the house and the trees, but she inherits from their proceeds. The same rule applies to the trees and crops and buildings standing on the land of a garden, and on agricultural land, or on any other lands.

The inheritance of the 1st group.

There are a few categories,

- 1) If the heir is only one son or one daughter, then they will receive everything.
- 2) If the heirs are few sons and few daughters, then everything will be divided among them.
- 3) Son/sons and Daughter/daughters:
It will be distributed such that each son will get double of what the daughter will get.
- 4) If only father or mother is the heir, then they will receive everything.
- 5) If only father and mother
 - a) And there is no Hajib;

The wealth will then be divided into 3 parts;

Mother: Will get $\frac{1}{3}$ (one third)

Father: will get $\frac{2}{3}$ (two third)

B) If only his parents are there and that there is Hajib as well, then the wealth will be divided into six parts;

Mother: Will get $1/6$ (one sixth)

Father: Will get $5/6$ (five sixth)

Who is a Hajib?

Hajib= 2 brothers and 4 sisters or 1 brother and 2 sisters

6) Father+ Mother+ 1 Daughter

If there is hajib, then inheritance will be divided into 5 parts,

Mother: $1/5$ (one fifth)

Father: $1/5$ (one fifth)

Daughter: $3/5$ (three fifth)

(Point no 6 contd):
Father+ Mother+ 1 Daughter

If there is no hajib, then,

Father: $1/5$ (one fifth)

Mother: $1/6$ (one sixth)

Daughter $3/5$ (three sixth)

In this case $1/30$ (One thirtieth) will remain. For this portion there has to be a compromise between the three, because it either belongs to the father, mother or daughter.

7) Father + Mother + Daughters

Inheritance will be divided into 6 parts,

Father $\frac{1}{6}$

Mother $\frac{1}{6}$

Daughters: The daughters should distribute the rest equally among themselves.

8) Father + Mother + Son/Sons

The inheritance is to be divided into 6 parts,

Mother: $\frac{1}{6}$

Father: $\frac{1}{6}$

Son/Sons: They should divide it equally among themselves.

9) Father + Mother + Son/Sons + Daughter/Daughters

The inheritance is to be divided into 6 parts,

Father: $\frac{1}{6}$

Mother: $\frac{1}{6}$

Son/Sons + Daughter/Daughters, each son will get double to that of the daughter.

10) Father or Mother, Son/Sons

The inheritance is to be divided into 6 parts,

Father or Mother: $1/6$

Son/Sons: $5/6$ equal distribution

11) Father or Mother + Son/Sons + Daughter/Daughters

The inheritance is to be divided into 6 parts,

Father or Mother: $1/6$

Son/Sons + Daughter/Daughters: The 5 parts will be distributed in such a way that each son will get twice as much as the daughter.

12) Father or Mother + Daughter

The inheritance will be divided into 4 parts,

Father or Mother: $\frac{1}{4}$

Daughter: $\frac{3}{4}$

13) Father or Mother + Daughters

The inheritance will be divided into 5 parts,

Father or Mother: $\frac{1}{5}$

Daughters: $\frac{4}{5}$ to be distributed equally among daughters.

Hibwa:

- 1) The Holy Quran, its cover and lectern or bookrest.
- 2) Ring.
- 3) Sword, Gun, Dagger, sheathe, etc.
- 4) Worn clothes (which have been worn and which are ready to wear).

A Very Important Ruling

If all the inheritors would like to amicably distribute the inheritance and not go by the calculations given, then they are entitled to do so. They do not need to follow the given rules of distribution.