

Rulings regarding Inheritance & Will♦

19.1. Inheritance Law is one of the most important parts of Sharia and it is Sharia duty of Muslims to distribute the inheritance only according to it. Therefore, if inheritance system is not in force in a country for Muslims according to Sharia commandments, the Muslims should demand the Government for implementation of Inheritance System. Peaceful struggles should be undertaken and voluntary attempts should be made for its implementation until such system of law is implemented.

19.2. It would be mandatory to write such a will as may be the basis of the distribution of inheritance in accordance with Islamic Law after passing away of ancestor in those countries where Islamic Inheritance Law is not applied and the heirs cannot get their rights as per Sharia without will, however, the ancestor should appoint someone as attorney in his life to get the will applied so that he could avail the right to increase or decrease in line with the rulings of Sharia, in case there emerges increase or decrease in inheritance after the ancestor breaths his last.

19.3. To write a will of share of inheritance as per Sharia would not be in contravention to the saying “There is no will for the heir” because this saying applies to the will that is meant to harm the heirs.

19.4. To make the will of more than the Sharia right in favor of a heir is not permissible, however if other heirs agree, it would be justified and this approval of the heirs shall be permissible only after the death of the ancestor.

19.5. A Muslim to an infidel and an infidel to a Muslim cannot be an heir in accordance with Sharia.

19.6. In a non-Muslim country where inheritance is granted to non-Muslim from Muslim and from Muslim to non-Muslim as per the Country Law, it would be permissible for the Muslim to take it assuming that he is getting the same from the Government.

19.7. If the ancestor writes a deed in his lifetime for the distribution of inheritance shares as per Sharia to avoid disputes in the distribution of the inheritance, it is permissible, however, when the number of heirs increase or decrease before the death of the ancestor, the inheritance shall be distributed only according to this new situation emerged.

19.8. In case the husband is without any child and there is no heir except wife, the wife shall be entitled to the inheritance in two manners. Firstly, accordingly to her Sharia share, secondly, being included in the terminology of Inheritance Discipline “*Man Yaruddo Alaihim*”, however, even if the husband writes a deed to protect the right of his wife, it does not matter.

19.9. The consent of the heirs is not needed in making a will upto one third for non-heir.

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19.10 In case the will is made for the heir or the will of more than one third of the inheritance is made for the non-heir, the permission of the heirs is not sufficient in the life of the ancestor. The consent of all the heirs is required after the ancestor passes away.