



مال وراثت میں خیانت نہ کیجئے (English)

Don't be Deceitful about Inheritance



Presented by
Majlis-e-Ifta (Dawat-e-Islami)

Translated into English by
Majlis-e-Tarajim (Dawat-e-Islami)

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Maal-e-Wirasat mayn Khiyanat na Ki-Jiye

DON'T BE DECEITFUL ABOUT INHERITANCE

THIS booklet was presented by **Majlis Ifta** (Dawat-e-Islami) in Urdu. **Majlis-e-Tarajim** (the Translation Department) has translated it into English. If you find any mistake in the translation or composing, please inform the Translation Department on the following postal or email address with the intention of earning reward [Sawab].

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Don't be Deceitful about Inheritance

An English translation of 'Maal-e-Wirasat mayn Khiyanat na Ki-Jiye'



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أَلْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ وَالصَّلَاةُ وَالسَّلَامُ عَلَى سَيِّدِ الْمُرْسَلِينَ
أَمَّا بَعْدُ فَأَعُوذُ بِاللَّهِ مِنَ الشَّيْطَانِ الرَّجِيمِ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Du'a for Reading the Book

Read the following Du'a (supplication) before you study a religious book or an Islamic lesson, you will remember whatever you study, إِنَّ شَاءَ اللَّهُ عَزَّوَجَلَّ:

اللَّهُمَّ افْتَحْ عَلَيْنَا حِكْمَتَكَ وَأَنْشُرْ
عَلَيْنَا رَحْمَتَكَ يَا ذَا الْجَلَالِ وَالْإِكْرَامِ

Translation

O Allah عَزَّوَجَلَّ! Open the door of knowledge and wisdom for us, and have mercy on us! O the One Who is the Most Honourable and Glorious! (*Al-Mustatraf*, vol. 1, pp. 40)

Note:

Recite Salat-‘Alan-Nabi ﷺ once before and after the Du'a.

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DON'T BE DECEITFUL ABOUT INHERITANCE

Excellence of reciting Salat- 'Alan-Nabi ﷺ

The Beloved and Blessed Rasool ﷺ has said: On the Judgement Day, there will be no shade other than the 'Arsh of Allah عَرْشُ اللَّهِ. Three people will be under the shade of the 'Arsh of Allah عَرْشُ اللَّهِ. Someone asked, 'Ya Rasoolallah ﷺ! Who are they?' He ﷺ answered, '(1) The one who removes trouble from anyone from my Ummah. (2) The one who revives my Sunnah. (3) The one who recites Salat upon me abundantly.' (Al-Budoor-us-Saafirah lis-Suyuti, pp.131, Hadees 366)

صَلُّوا عَلَى الْحَبِيبِ صَلَّى اللَّهُ تَعَالَى عَلَى مُحَمَّدٍ

Do not commit fraud regarding inheritance

Any 'wealth and possessions' left by a deceased person is called 'inheritance' which is distributed amongst the relatives of the deceased in accordance with specific rules and laws. Different nations of the world have different methods to distribute

inheritance. The Arabs of the pre-Islamic era of ignorance used to deprive women and children of inheritance. The powerful and the influential amongst them seized the entire inheritance, depriving the weak inheritors of their shares. Asian nations and inhabitants of other regions would completely deprive women of their share of inheritance. All such methods were immoderate, unfair and unjust.

Inheritance in Islam

It is an honour of Islam that not only has it removed inequalities from many important matters but has also established an excellent method for the distribution of inheritance. It is Islam that ensured the fulfilment of the rights of the deprived people and prevented the cruel people from going beyond the limit. Islam bestowed an appropriate share of inheritance upon everyone. Specific commandments were issued regarding the inheritance of women and orphans. Breaking the tradition of depriving women and children of their inheritance, the Holy Quran declared a share for each man and woman in the inheritance of their parents and other relatives. The commandments of particularly protecting the wealth of the orphans, giving it to them when they need it and refraining from every type of fraud regarding their wealth were strongly issued.

It was declared that unlawfully taking the wealth of the orphans is like filling one's belly with fire and is a cause of entering

Hell. The guardians of the orphans were also admonished and advised. They were asked to ponder what would happen to their own vulnerable offspring if they¹ had died. As they would have become careful and concerned about their own offspring, they should also be careful and concerned about the orphans who are the offspring of others. Fearing Allah **عَزَّوَجَلَّ**, they should act upon the religious rulings on the wealth of the orphans.

Muslims and inheritance today

The above Quranic commandments should suffice to advise any Allah-fearing and pious Muslim. But sadly, like other financial issues, Muslims are showing extreme negligence in following the Quranic laws of inheritance distribution. It is as though the same injustice and inequalities that existed before Islam exist even today amongst Muslims in various forms. For example, disinherited offspring or daughters are not given their share of inheritance out of ignorance. In many places, widows who remarry are deprived of the inheritance left by their deceased husbands. The wealth of the orphans is unjustly and unfairly taken by uncles or other relatives in many places.

In view of these crucial circumstances, we have compiled this vital booklet aimed at encouraging Muslims to abide by the commandments of Allah **عَزَّوَجَلَّ** and His Beloved and Blessed Rasool **صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ** about inheritance and making them

¹ i.e. the guardians of the orphans.

fearful of the Divine punishment in case of violating these laws. May Allah عَزَّوَجَلَّ make this brief booklet beneficial for Muslims and enable them to study it and rectify their shortcomings! ﴿أَمِينَ﴾

Islam and rules of inheritance

Inheritance distribution is a crucial matter. It involves high risks of injustice, cruelty, violation of rights, financial fraudulence and mutual disputes. For these reasons, Allah عَزَّوَجَلَّ described most inheritance laws in the Holy Quran in great detail and emphasised compliance with them in various ways. For example, in the beginning of the following Ayah, the Holy Quran states that Allah عَزَّوَجَلَّ commands you and then explains the method of distributing inheritance:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ ^٥ فَإِنْ كُنَّ نِسَاءً
فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ ^٦ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ ^٧
وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ ^٨ فَإِنْ
لَّمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ أَبَوُهُ فَلِأُمِّهِ الثُّلُثُ ^٩ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ
السُّدُسُ مِنْ بَعْدِ وَصِيَّةٍ يُوصَى بِهَا أَوْ دِينَ ^{١٠}

Allah commands you regarding your offspring; the share of a son is equivalent to that of two daughters. If there are only girls, even if more than two, so for them will be the two third share of the inheritance. And if there is one daughter, then for her is half a share. If the deceased has offspring, then the share for each of the deceased's parents is one sixth. If the deceased does not have offspring and leaves behind parents, then the share for his mother is one third. If the deceased has brothers and sisters, then his mother's share is one sixth. (All these rules) are (to be implemented) after (fulfilling the deceased's) will and (paying any) debt.

[Kanz-ul-'Irfan (Translation of Quran)] (Part 4, Surah An-Nisa, Ayah 11)

He عَزَّوَجَلَّ also said:

وَكُم نَصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لِهِنَّ وَوَلَدٌ فَإِنْ كَانَ لَهُنَّ
 وَوَلَدٌ فَلَكُمْ الرُّبْعُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ يُوصِينَ بِهَا أَوْ دَيْنٍ ^ط وَلِهِنَّ
 الرُّبْعُ مِمَّا تَرَكَتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَوَلَدٌ فَإِنْ كَانَ تَكُمُ وَوَلَدٌ فَلِهِنَّ
 الشُّنُّنُ مِمَّا تَرَكَتُمْ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ ^ط وَإِنْ كَانَ رَجُلٌ
 يُورَثُ كَلَلَةً أَوْ امْرَأَةً وَوَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ فَإِنْ
 كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ مِنْ بَعْدِ وَصِيَّةٍ يُوصَى بِهَا
 أَوْ دَيْنٍ ^ط غَيْرَ مَضْبَرٍ ^ع وَصِيَّةً مِنَ اللَّهِ ^ط وَاللَّهُ عَلِيمٌ حَلِيمٌ ^ط

And for you is half of what (i.e. the wealth which) your wives leave behind if they have do no leave behind offspring. And if they leave behind any offspring, so for you is a quarter of their inheritance after fulfilling any will that they may have made and (after paying their) debt. And if you have no offspring, so for women is a quarter of the inheritance you left. And if you have offspring, so for them is one eighth share of your inheritance after [fulfilling] the will that you have made and [paying] the debt. And if the inheritance of such a man or woman is to be distributed who has not left behind [any] parents and offspring, but he has a (maternal) brother or (maternal) sister, then the share for each of them is one sixth. If he left more than one (maternal) brother or (maternal) sister, then they will all share one third, after [fulfilling] any will of the deceased and [paying] debt; (a will) in which he did not harm any [heirs]. This is a command from Allah, and Allah is the All-Knowing, the Forbearing.

[Kanz-ul-'Irfan (Translation of Quran)] (Part 4, Surah An-Nisa, Ayah 12)



Only Allah عَزَّوَجَلَّ knows full wisdom and benefits of the inheritance shares declared by Him, our intellect and minds cannot understand the depth of this wisdom. Allah عَزَّوَجَلَّ has also said:

أَبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ نَعْمًا فَرِيضَةً مِّنَ اللَّهِ
إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا ﴿١١﴾

Your fathers and your sons; you do not know which one of them will benefit you more, (this) is a fixed share declared by Allah. Indeed Allah is All-Knowing, All-Wise.

[Kanz-ul-'Irfan (Translation of Quran)] (Part 4, Surah An-Nisa, Ayah 11)



Allah عَزَّوَجَلَّ further states:

تِلْكَ حُدُودُ اللَّهِ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِن تَحْتِهَا
الْأَنْهَارُ خَالِدِينَ فِيهَا وَذَلِكَ الْفَوْزُ الْعَظِيمُ ﴿١٣﴾ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ
وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا فِيهَا وَلَهُ عَذَابٌ مُّهِينٌ ﴿١٤﴾

These are the bounds of Allah, and whoever obeys Allah and His Rasool, He will make him enter Heavens beneath which streams are flowing. They will live inside them for eternity, and this is a great success. Whoever disobeys Allah and His Rasool and gets beyond (all of) His bounds then He will make him enter fire in which he will live for eternity, and for him is humiliating torment.

[Kanz-ul-'Irfan (Translation of Quran)] (Part 4, Surah An-Nisa, Ayah 13-14)

Importance of distributing inheritance

How essential it is to give each inheritor their share of inheritance can further be realized by studying the following points taken from the above Ayahs:

1. In the beginning, Allah ﷻ commanded the distribution of inheritance.
2. At the end of the Ruku', Allah ﷻ said that the commandments of inheritance are the bounds declared by Allah ﷻ. It is not allowed to get beyond these bounds.
3. Whoever obeys Allah ﷻ and respects His bounds by distributing inheritance justly will live eternally inside Heavenly gardens.
4. Whoever violates the right of any inheritor and goes beyond the Divinely-declared bounds related to inheritance is disobedient to Allah ﷻ and His Rasool ﷺ.
5. Such a person will be thrown into the blazing fire of Hell.
6. Anyone who does not believe in these laws at all and consequently does not abide by them will eternally remain in Hell and suffer humiliating torment.



Precautions of saints with regard to inheritance

If only every Muslim studies the above warnings and makes a firm intention of distributing inheritance following the commandments of Allah ﷻ and His Rasool ﷺ and fear from being afflicted with the humiliating and severe punishment of the hellfire from Allah ﷻ in case of violating them. How greatly our saints رَحْمَةُ اللَّهِ تَعَالَى were careful and cautious about the extremely important matter of distributing inheritance can be realized by studying the following parables:

Extinguishing inheritance lamp

It is reported that a saint رَحْمَةُ اللَّهِ تَعَالَى visited a man who was on his death bed. That night, the man died, so the saint instructed that his lamp be extinguished because after his death his inheritors had also gained their right over the oil of that lamp.¹

Prohibiting the use of an inheritance mat

Sayyiduna ‘Abdur Rahman Bin Mahdi رَحْمَةُ اللَّهِ تَعَالَى has said: When my uncle passed away, my father fainted. After he recovered, he said, ‘Include the mat in the inheritance (and do not use it anymore because inheritors have also gained their right over it).’

¹ Ihya-ul-‘Uloom-id-Deen, Kitab-ul-Halal wal-Haraam, chapter 1, vol. 2, pp. 122

Warning to an inheritance-mat user

Sayyiduna Ibn Abi Khalid رَحْمَةُ اللهِ تَعَالَى عَلَيْهِ has said: I once met Abul Abbas Khattab رَحْمَةُ اللهِ تَعَالَى عَلَيْهِ. He went to offer his condolences to a man whose wife had died. In home, he رَحْمَةُ اللهِ تَعَالَى عَلَيْهِ saw a mat and, standing at the door, he asked the man, 'Is there any other inheritor besides you?' The man replied, 'Yes.' He رَحْمَةُ اللهِ تَعَالَى عَلَيْهِ asked, 'How is it for you to sit on something that does not belong to you.' (After being admonished in this way,) the man stood up from the mat.¹

I have not given my children what belongs to others

These were a few examples of our saints رَحْمَتُهُمُ اللهُ تَعَالَى about the wealth of a deceased person. Here is now an example, showing how careful our saints were about their own wealth and its potential inheritors.

It is reported that Sayyiduna Maslamah Bin 'Abdul Malik visited Sayyiduna 'Umar Bin 'Abdul 'Aziz رَحْمَةُ اللهِ تَعَالَى عَلَيْهِ during his dying moments and humbly said, 'O leader of the believers! You have done what none of your predecessors did. You are leaving behind children but no wealth for them (because he رَحْمَةُ اللهِ تَعَالَى عَلَيْهِ lived an ascetic lifestyle without accumulating wealth).' Sayyiduna 'Umar Bin 'Abdul 'Aziz رَحْمَةُ اللهِ تَعَالَى عَلَيْهِ said, 'Sit me up.' And so he رَحْمَةُ اللهِ تَعَالَى عَلَيْهِ was sat up. He رَحْمَةُ اللهِ تَعَالَى عَلَيْهِ then

¹ Ithaf-us-Sadaat-il-Muttaqeen, Kitab-ul-Halal wal-Haraam, vol. 6, pp. 488

responded: You said that I have not left behind any wealth for my children. This does not mean that I have violated their right. In fact, I did not give them what belonged to other people. My children will be in any of the two conditions:

1. They will obey Allah ﷺ. In this case, mercy of Allah ﷺ will be sufficient for them because He ﷺ helps pious people.
2. They will disobey Allah ﷺ. In this case, I do not care about what happens to them (because they are responsible themselves for their deeds).

Shar'i ruling on your own wealth

In view of the above-mentioned parables, every single individual can realize how great care one should take about the matters of inheritance. Here is a Shar'i ruling to be kept in mind regarding this parable. It is incorrect to spend your entire wealth in the Divine path and to leave your heirs needy and destitute. Therefore, if you wish to make a will for your wealth to be spent on religious activities, you can do so for less than one third of the total wealth; and for one third at the most. The remaining two third part of wealth must be left for the heirs. Sayyiduna Sa'd Bin Abi Waqas رضى الله تعالى عنه narrated: The Beloved Rasool ﷺ said:

إِنَّكَ إِنْ تَرَكْتَ وَلَدَكَ أَغْنِيَاءَ خَيْرٌ مِّنْ أَنْ تَتْرُكَهُمْ عَالَةً يَتَكَفَّفُونَ النَّاسَ

For you to leave your heirs wealthy is better than to leave them destitute who will then beg people.¹

7 Benefits and blessings of distributing inheritance

Whatever commandments, principles and laws Islam has established for Muslims, they all consist of countless worldly and religious advantages, blessings, bounties and benefits. Here are 7 religious and worldly benefits and blessings of distributing inheritance in accordance with Islamic laws and principles:

1. Distributing inheritance in accordance with Islamic laws and principles will earn you the pleasure of Allah **عَزَّوَجَلَّ**.
2. Anyone who acts upon Shar'i rulings on inheritance deserves Heaven and remains safe from the humiliating torment of hellfire, which is a great success in the afterlife.
3. If anyone acts upon Islamic rulings on the distribution of inheritance and motivates others to do the same, he will also earn the reward of those who act upon Shar'i rulings on this matter.

¹ Sahih Bukhari, Kitab-ul-Faraaid, vol. 4, pp. 316, Hadees 6733

4. Any inheritance gained in accordance with Islamic laws is Halal and any financial worship that is carried out with Halal wealth will be accepted, which is highly beneficial in one's afterlife.
5. Distribution of inheritance in accordance with Islamic laws and principles is an absolutely fair and just distribution of wealth. Otherwise this matter usually results in disputes and quarrels.
6. Making sure that weak relatives, women and children receive their shares of inheritance is one of the ways of being a well-wisher of them; and well-wishing of Muslims is one of Islam's fundamental objectives. This will also earn you their prayers, sympathy and affection.
7. One who distributes inheritance following Shari'ah succeeds in avoiding cruelty and tyranny. He also remains safe from enmity from relatives; and grudge, jealousy, taunts and criticism from people.

Seven harms of not distributing inheritance

As there are a lot of worldly and afterlife benefits and blessings of distributing inheritance in accordance with Islamic principles, there are also a lot of worldly and afterlife harms of not distributing inheritance in accordance with Shari'ah. Mentioned here are seven harms in this regard:

1. Not distributing inheritance according to Shari'ah is disobedience to Allah **عَزَّوَجَلَّ** and His Rasool **صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ** and it is also the violation of the Divinely-declared bounds. Warning of torment of Hell has been mentioned in the Holy Quran for such a person.
2. The one unlawfully taking the wealth of any inheritor will be held accountable for every single penny on the extremely horrific Day of Judgement. Anyone who violated the right of any rightful person will be made to fulfil his right.
3. Not distributing inheritance according to Islamic principles and depriving inheritors of their right is the act of deviating from an Islamic practice and of following the practice of the disbelievers. This is beneath the dignity of the Muslims.
4. Anyone unlawfully taking the wealth of rightful heirs is an oppressor and in many cases, a 'usurper'¹. Such a person deserves Hell due to cruelty and usurpation.
5. Unlawfully obtained inheritance of any other person is 'Haraam wealth'. The charity given with Haraam money is rejected and the prayer of such a person also remains unanswered.

¹ The meaning of usurpation in this context is given on page 22.

6. Unlawfully taking the inheritance of others results in the weak people cursing the oppressor who has deprived them of their inheritance. The Du'a of the oppressed made against the oppressor is accepted in the Divine court.
7. Not giving inheritance to inheritors causes enmity and such a person loses his respect and dignity among people.



5 MAJOR SINS RELATED TO INHERITANCE

Mentioned here are major sins related to inheritance. If only we would develop the mind-set of repentance and avoidance of these sins while reading about warning of punishment for them. If only we would become the people of the sort about whom Allah عَزَّوَجَلَّ has said:

الَّذِينَ يَسْتَمِعُونَ الْقَوْلَ فَيَتَّبِعُونَ أَحْسَنَهُ ۗ أُولَٰئِكَ الَّذِينَ هَدَاهُمُ
اللَّهُ وَأُولَٰئِكَ هُمُ الْأَوْلِيَاءُ ﴿١٨﴾

Those who listen attentively and then obey the best of it. These are the ones whom Allah has guided and these are the wise ones.

[Kanz-ul-'Irfan (Translation of Quran)] (Part 23, Az-Zumar, Ayah 18)

First sin – Depriving heirs in the will

It is preferable for a person who is near his death to make a will about his wealth. He is allowed to make a will in accordance with Islamic rulings regarding one third of his total wealth at the most. But sadly! An act of injustice is commonly observed in our society. Some people make the will that not a single penny be given to so-and-so person from their wealth due to worldly disagreements and disputes despite the fact that the person they want to deprive actually deserves his Shari'ah-approved share. The following two narrations contain a severe warning for these types of people:

First warning – Anyone who violates the right of an heir in his will deserves hellfire

Sayyiduna Abu Hurayrah رَضِيَ اللهُ تَعَالَى عَنْهُ reported that the Noble Rasool صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ said, 'If a man and woman obey Allah عَزَّوَجَلَّ for sixty years (i.e. for a long time) and then their death approaches and they harm (an heir) in their will, hellfire becomes Wajib for them.'¹

Second warning – Injustice in 'will' could cause bad end

Sayyiduna Abu Hurayrah رَضِيَ اللهُ تَعَالَى عَنْهُ reported that the Greatest Rasool صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ said, 'A man performs the deeds of

¹ Sunan-ut-Tirmizi, Kitab-ul-Wasayah, vol. 4, pp. 41, Hadees 2124

Heaven-dwellers for seventy years but then he commits injustice in his will, so he dies whilst committing a bad deed and enters Hell. And a man commits the deeds of Hell-dwellers for seventy years but then he maintains justice in his will, so he dies whilst performing a good deed and enters Heaven'.¹

Second sin – Depriving a rightful inheritor of his share

The second major sin is to deprive a rightful heir of his share either as a result of ignorance, negligence or injustice. In many cases, sisters, brothers, grandparents are rightfully entitled to an inheritance share but their rights are ignorantly violated. Sometimes a mother deserves a share but is not given it due to negligence. Not giving it to her oppressively is already clear.

We must all ponder over the aforementioned situations. We are Muslims and we prefer the commandments of Allah ﷻ and His Beloved Rasool ﷺ to everything else. Let us look at the commandments of our beautiful religion.

Warnings about depriving people of inheritance

Giving an heir his rightful share is obedience to a commandment of Allah ﷻ. On the other hand, depriving heirs of their rightful shares is a practice of the disbelievers,

¹ Sunan Ibn Majah, Kitab-ul-Wasayah, vol. 3, pp. 305, Hadees 2704

disobedience to Divine commandments and a sin that leads to Hell. Allah عَزَّوَجَلَّ has said:

وَتَأْكُلُونَ التَّرَاثَ أَكْلًا لَتًّا ﴿١٩﴾ وَتُحِبُّونَ الْمَالَ حُبًّا جَمًّا ﴿٢٠﴾

And you readily devour the inheritance with greed. And you love wealth excessively.

[Kanz-ul-'Irfan (Translation of Quran)] (Part 30, Al-Fajr, Ayah 19-20)

After explaining rulings on inheritance in detail, Allah عَزَّوَجَلَّ has said:

تِلْكَ حُدُودُ اللَّهِ ۚ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا ۚ وَذَلِكَ الْفَوْزُ الْعَظِيمُ ﴿١٣﴾ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا فِيهَا ۖ وَلَهُ عَذَابٌ مُهِينٌ ﴿١٤﴾

These are the bounds of Allah; and whoever obeys Allah and His Rasool, Allah will make him enter Heavens which have rivers flowing beneath them, wherein they shall reside for eternity, and this is great success. And whoever disobeys Allah and His Rasool and gets beyond (all of) His bounds, Allah will make him enter fire wherein he shall live for eternity, and for him is a disgraceful torment.

[Kanz-ul-'Irfan (Translation of Quran)] (Part 4, Surah An-Nisa, Ayah 13-14)

Sayyiduna Anas رَضِيَ اللهُ تَعَالَى عَنْهُ has narrated that the Noble Rasool صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ said:

مَنْ قَطَعَ مِيرَاثَ وَارِثِهِ قَطَعَ اللهُ مِيرَاثَهُ مِنَ الْجَنَّةِ يَوْمَ الْقِيَامَةِ

If anyone cuts [i.e. deprives] the inheritance of his heir, Allah عَزَّوَجَلَّ will cut his inheritance from Paradise on the Judgement Day.¹

Third sin – Unlawfully taking inheritance of any other inheritor is Haraam wealth

Unlawfully obtained inheritance of any other person is 'Haraam, i.e. unlawful wealth' for the one who has taken it. Taking and consuming unlawful wealth is a major sin and is severely disliked by Allah عَزَّوَجَلَّ.

4 Warnings about taking and consuming unlawful wealth:

There are numerous blessed Ahadees which contain strict warnings about unlawful wealth. Here are four in this context.

First warning – Donations with unlawful wealth are rejected and leaving it behind after death leads to Hell

Sayyiduna 'Abdullah Bin Mas'ood رَضِيَ اللهُ تَعَالَى عَنْهُ has narrated that the Greatest and Noblest Rasool صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ has said, 'If a

¹ Mishkat-ul-Masabih, Kitab-ul-Faraaid, section 3, vol. 1, pp. 567, Hadees 3078

person gets Haraam wealth and gives it in charity, it is not accepted. If he spends it, there is no blessing for him in it; and if he leaves it after death, it is a means of entering Hell. Allah عَزَّوَجَلَّ does not remove an evil with an evil. Instead, He عَزَّوَجَلَّ removes an evil with a virtue. Indeed filth does not remove filth.¹

Second warning – Heaven is Haraam for the body fed with Haraam nutrient

Sayyiduna Abu Bakr Siddeeq رَضِيَ اللهُ تَعَالَى عَنْهُ has narrated that the Holy Rasool صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ said, 'Allah عَزَّوَجَلَّ has made Heaven Haraam for the body that has been fed with Haraam nutrient.'²

Third warning – Forty days' deeds of Haraam-morsel-eating person are rejected

The Beloved Rasool صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ advised Sayyiduna Sa'd رَضِيَ اللهُ تَعَالَى عَنْهُ: O Sa'd! Purify what you eat. You will become Mustajaab-ud-Da'waat ﴿مُسْتَجَابُ الدَّعَوَاتِ﴾ i.e. the one whose prayers are answered. I swear by the One under Whose Power the life of Muhammad (صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ) is! A man puts a Haraam morsel into his stomach, so his forty days' deeds are

¹ Musnad Imam Ahmad, vol. 2, pp. 33, Hadees 3672

² Kanz-ul-'Ummal, Kitab-ul-Buyoo', chapter 1, Juz: 4, vol. 2, pp. 8, Hadees 9255

not accepted. And the bondman who is fed with Haraam, fire is better for him.¹

Fourth warning – the prayers of a man who eats and drinks Haraam are not answered

Sayyiduna Abu Hurayrah رَضِيَ اللهُ تَعَالَى عَنْهُ has said that the Greatest Rasool صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ mentioned a person who goes on a long journey with untidy hair and dusty body. The person invokes ‘O Lord! O Lord!’ with his hands raised towards the sky, but his food is Haraam, his drink is Haraam, his clothing is Haraam and his nutrient is Haraam. How can his prayer be answered!²

May Allah عَزَّوَجَلَّ enable Muslims to refrain from Haraam wealth and to gain Halal wealth! ﴿أَمِينَ﴾

Fourth sin – Usurping an heir's share

Unlawfully taking the inheritance share of anyone is unlawful consumption of wealth, which has been prohibited by Allah عَزَّوَجَلَّ. He عَزَّوَجَلَّ has said:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ

O believers! Do not unjustifiably consume each other's wealth.

[Kanz-ul-'Irfan (Translation of Quran)] (Part 5, Surah An-Nisa, Ayah 29)

¹ Al-Mu'jam-ul-Awsat, vol. 5, pp. 24, Hadees 6495

² Sahih Muslim, Kitab-uz-Zakah, pp. 506, Hadees 65 (1015)

When an inheritor has taken his share of inheritance under his possession and then any other inheritor unlawfully takes the share of that inheritor, this is called unjustified usurpation of the wealth of a Muslim.

3 Warnings about unjustifiably usurping a Muslim's wealth:

There are numerous Ahadees which contain strict warnings against unjustifiably usurping a Muslim's wealth. Here are three narrations:

First warning – On Judgement Day the usurper will be forced to wear all seven earths around his neck

Sayyiduna Sa'eed Bin Zayd رضي الله تعالى عنه reported that the Rasool of Rahmah صلى الله تعالى عليه وآله وسلم warned, 'If anyone unjustifiably seizes even a hand span of earth, then on the Judgement Day, he will be made to wear the seven earths around his neck.'¹

Second warning – Fard and Nafl worship performed by usurper is not accepted

Sayyiduna Sa'd رضي الله تعالى عنه has narrated that the Holy Rasool صلى الله تعالى عليه وآله وسلم said, 'If anyone unlawfully seizes any piece of land, the seven earths will be put around his neck; and none of his Fard and Nafl will be accepted.'²

¹ Sahih Bukhari, Kitab Bid-ul-Khalq, vol. 2, pp. 377, Hadees 3198

² Musnad Abi Ya'la, vol. 1, pp. 315, Hadees 740

Third warning – On Judgement Day usurper will appear in the court of Allah as a leper

Sayyiduna Ash'as Bin Qays Kindee narrated that the Beloved Rasool صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ said, 'Anyone who (unjustly) takes another's wealth will meet Allah عَزَّوَجَلَّ on the Judgement Day after becoming a leper.'¹

May Allah عَزَّوَجَلَّ protect us from this bad deed! ﴿أَمِينَ﴾

Fifth sin – Depriving orphan heirs of their shares

One of the worst instances of injustice in inheritance is to not give orphan heirs their rightful inheritance shares.

4 Warnings about unlawfully taking the wealth of orphans:
The following Ayah and 3 Ahadees contain severe warning for such sinners:

First warning – Those who unlawfully take the wealth of orphans will burn in Hell

Allah عَزَّوَجَلَّ has said:

إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا
إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا ۖ وَسَيَصْلَوْنَ سَعِيرًا ﴿١٠٤﴾

¹ Al-Mu'jam-ul-Kabeer, vol. 1, pp. 233, Hadees 637

Don't be Deceitful about Inheritance

Certainly, those who cruelly consume the wealth of orphans fill their bellies with fire; and soon they will be thrown into blazing fire.

[Kanz-ul-'Irfan (Translation of Quran)] (Part 4, Surah An-Nisa, Ayah 10)

Second warning – Fire will come out of the mouths of those who unjustly consume the wealth of orphans

Sayyiduna Abu Berzah رَضِيَ اللهُ تَعَالَى عَنْهُ has narrated that the Holy Rasool صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ has said: On the Judgement Day some people will be resurrected from their graves with fire coming out of their mouths. Somebody humbly asked, 'Ya Rasoolallah صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ! Who are those people?' He عَزَّ وَجَلَّ responded: Have you not seen this saying of Allah

إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا^ط

*Certainly, those who cruelly consume the wealth of orphans fill their bellies with fire.*¹

[Kanz-ul-'Irfan (Translation of Quran)]

Third warning – Severe punishment for people who unjustly consume the inheritance of orphans

Sayyiduna Abu Sa'eed Khudri رَضِيَ اللهُ تَعَالَى عَنْهُ has narrated that the Beloved Rasool صَلَّى اللهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ said: On the night of Mi'raaj

¹ Ad-Dur-rul-Mansoor, An-Nisa, Taht-al-Ayah 10, vol. 2, pp. 443

[Ascension], I saw the people whose lips were like the lips of camels and some people were appointed to hold their lips and to insert stones of fire into their mouths which were being excreted from the anus. I enquired, 'O Jibra'eel (عليه السلام)! Who are these people?' He answered, 'These are the people who used to consume the wealth of the orphans oppressively.'¹

Fourth warning – Those unjustifiably consuming inheritance of orphans will remain deprived of Heaven

Sayyiduna Abu Hurayrah رضى الله تعالى عنه has narrated that the Holy Rasool صلى الله تعالى عليه وآله وسلم said: There are four people who will neither be made to enter Heaven nor be made to taste its blessings by Allah عز وجل: (1) An alcoholic (2) A usurer [i.e. one who receives interest] (3) Anyone who unfairly consumes an orphan's wealth (4) Anyone who disobeys his parents.²

What does consuming an orphan's wealth mean?

Unlawful consumption of an orphan's wealth is a major sin and strictly Haraam. The Holy Quran has very severely declared it to be Haraam. Sadly, people are careless about it. Usually, orphans fall victim to injustice and cruelty at the hands of their uncles etc. These people should ponder over it.

¹ Tahzeeb-ul-Aasaar, vol. 2, pp. 427, Hadees 725

² Al-Mustadrak lil-Haakim, Kitab-ul-Buyoo', vol. 2, pp. 338, Hadees 2307

There is also another important issue that needs to be addressed here. Openly consuming an orphan's wealth with a bad intention is not the only form of unlawfully consuming it. There are many other cases in which a person does not even know that he has been involved in the Haraam act of unlawfully consuming the wealth of the orphan because of being unaware of Shar'i rulings. For example, if any of the inheritors is an orphan, then making food for Fatihah or Teejah etc. for people by spending the wealth of the orphans or his share along with the shares of others is Haraam. This is because it is a type of the violation of the orphan's right to inheritance.

Therefore, these foods should be prepared only for the poor with the money of adult inheritors only. Otherwise, whoever deliberately consumes the wealth of the orphan will eat the fire of Hell; and smoke will come out of his mouth on the Day of Judgement.

8 Common acts of heedlessness regarding inheritance wealth

Some of the reasons for various kinds of heedlessness and carelessness about inheritance in society include unawareness of relevant Shar'i rulings, lack of concern for the afterlife and lack of enthusiasm to abide by Islamic laws. Mentioned below are 8 forms of heedlessness. Muslims should pay attention towards them and make efforts to avoid them.

First act of heedlessness – Covering expenses of Fatihah, Niyaz, Soyam etc., using wealth of orphan heirs

When a Muslim dies, his family members usually hold gatherings of Isal-e-Sawab on the 3rd, the 10th and the 40th day. Similarly, Fatihah and Nazr-o-Niyaz are also held. No doubt these are good deeds and acts of reward but sometimes a serious mistake is committed in these rituals. That is, sometimes the expenses for these rituals are covered spending the inheritance left by the deceased, whereas orphans and non-pubescent¹ children are also the inheritors. Money from the share of these orphans and children is also spent on these rituals, whereas cooking or buying food and serving it to people using the inheritance shares of orphans or other non-pubescent heirs is impermissible and Haraam. Even if the orphan or non-pubescent child gives permission, it is still not permissible to spend their money on these rituals. Therefore, it is essential that expenses for such foods be covered only by the shares of consenting adult inheritors.

Furthermore, it should also be kept in mind that the meal served after funeral and on the 3rd day of the demise is normally and customarily served to all attendees as a 'funeral feast', whereas this food is permissible only for the Faqeer (the poor), not for

¹ Non-pubescent children are those who have not yet reached puberty.

the rich. Therefore, even if adult inheritors prepare these foods, they should serve it to the poor only.

Note: In order to get information about Isal-e-Sawab, please study the booklet '*Fatihah aur Isal-e-Sawab ka Tareeqah*' [Method of Fatihah and Isal-e-Sawab] by Shaykh-e-Tareeqat, Ameer-e-Ahl-e-Sunnat, the founder of Dawat-e-Islami, 'Allamah Maulana Muhammad Ilyas Attar Qadiri Razavi دامت برکاتہم العالیہ.

Second act of heedlessness – Unlawfully spending inheritance of orphans and non-pubescent inheritors

Many acts of heedlessness and negligence are usually committed about spending the inheritance of the orphans or about any money they have lawfully earned or any gift they have been given, etc. For example, the shares of the orphans and non-pubescent inheritors are not separated but are left with the shares of others. Now various expenses such as charity, giving gifts or financial help to relatives on different occasions, hospitality of guests, marriage or education of siblings etc. are covered by the very same un-separated and 'shared' wealth. Spending this shared wealth on these things is impermissible and Haraam because the wealth of the orphan is also included in it.

Remember that it is not permissible to spend the wealth of orphans on these things. Therefore, it is safer to separate the shares of the orphans and other non-pubescent inheritors.

Once it is separated, other adult inheritors can spend money from inheritance on these things with mutual consent. It is permissible to share the wealth of the orphan with other family members in preparing the meal cooked for the entire family and in other similar things but it is not permissible at all to spend it on charity, hospitality and gifts etc. to relatives.

Third act of heedlessness – Not giving the share of inheritance to daughters and sisters

Not giving inheritance to daughters and sisters has been very widespread in our society, whereas the share of daughters in the inheritance left by their fathers is proved by the unambiguous evidence of the Holy Quran. This share can never be terminated by anyone. It must be remembered that not giving shares to rightful female heirs is absolutely Haraam.

Therefore, if parents deprive daughters of inheritance by means of will etc.; or brothers distributed all inheritance among themselves instead of giving the sisters their shares; or the shares of daughters were given to anyone who is not a rightful heir, so all of these are certainly the acts of cruelty. These people must repent and give the shares of daughters and sisters to them. Arguing that daughters and sisters are not rightful heirs because their weddings were held with pomp and ceremony is not a valid excuse.

Fourth act of heedlessness – Making daughters and sisters forgive their share of inheritance

Inheritance is a financial right that must be fulfilled. An inheritor is definitely entitled to inheritance, i.e. an inheritor certainly becomes the owner of his share of inheritance. He must receive it under any circumstance. He can neither forgive it nor can he be made to forgive it. Sometimes, some of the rightful female heirs such as daughters and sisters forgive their share instead of receiving it or sometimes other relatives ask them or even force them into forgiving their share. Both of these cases are wrong. Even if they forgive or are made to forgive their share, it will still not be terminated.

It is obligatory for men to give the shares of the rightful female heirs to them; and it is also obligatory for women to take their share into their possession. However, once they have taken their share into their possession, they can willingly give it to any other inheritor provided they are not pressurized, forced or threatened.

Fifth act of heedlessness – Not giving share to widow who has remarried

If the period of a woman's Nikah or 'Iddat with her deceased husband was in progress at the time of his death, she is an inheritor of her husband. Even if she has remarried after the

period of 'Iddat has passed, she still has her right to inheritance. This right of her is not terminated. In our society, the widow who has remarried is not given her share due to this reason. This is obvious violation of the Divine commandment, impermissible and a Haraam act which every Muslim must refrain from.



Sixth act of heedlessness – Forcing parents into distributing property during their lifetime

In his lifetime, every person is the owner of his wealth and can use it as he wishes. He can give as much of his wealth to anyone as he wants because this is not inheritance. Distribution of inheritance takes place after a person has died. However, if any person wants to distribute his wealth among his offspring in his lifetime, it is preferable for him to give an equal share to each son and each daughter. If any of his offspring is busy learning religious knowledge and serving religion, he can be given more than others.

In our society, offspring force their parents in different ways into distributing their property within their lifetime. This forceful demand is not permissible because it is a cause of hurting the feelings of parents, which is impermissible and a sin.

Seventh act of heedlessness – Not giving share to parents from the inheritance of offspring

If both of or any of the parents are alive at the time of the death of offspring, they are also rightful heirs of the inheritance left by their offspring and will be given their share from it. In our society, some people are under the impression that only offspring deserve a share in the wealth of parents and parents deserve no share in the wealth of their offspring. This is obviously wrong and is in contradiction to the Holy Quran and Hadees.

Another act of heedlessness is that though parents are considered to be heirs, they are not given their share. If parents do not demand their share instantly, it is not necessary to immediately give their share to them but this eventually ends in completely depriving them of their share. That is, if not given their share at any lawfully suitable time, then parents are never given their share at all.

Eighth act of heedlessness – Not giving share to the other wife of the father

When the inheritance of the father is distributed, each of his wives deserves a share in it even if she is the stepmother of the offspring, and not the real one. No doubt, she is the stepmother of the offspring but a real wife of her husband and thus rightfully deserves her share in his inheritance. In our society, the other

wives of the father, i.e. stepmothers are sometimes deprived of their share in the inheritance at the time of distribution despite the fact that they deserve inheritance like the wife who is the real mother of offspring.

In view of the above-mentioned details and discussion, it is advised that every Muslim should distribute inheritance among the rightful and deserving heirs by giving them the shares fixed by Quran and Hadees. There must not be any delay in the distribution of the inheritance but rather each rightful heir should be given their share as soon as possible so that they can spend it as they wish. Delay in the distribution of inheritance adds complications as the time passes. Not distributing inheritance usually results in a situation in which the inheritance is used from generation to generation by those people who have no right over it. These undeserving people continue to enjoy it but the real owners of the inheritance live their life facing hardships and difficulties. Sometimes, they even have to borrow money from others and keep waiting anxiously for their inheritance share.

But regretfully! Even after the distribution of inheritance, their hopes are dashed due to the improper and unfair distribution as a result of the death of many heirs. This ends in depriving many rightful heirs of their share of inheritance which is then given to undeserving people. Therefore, it is better and safer that inheritance be distributed in accordance with Islamic

commandments as soon as possible. May Allah عَزَّوَجَلَّ enable us to act accordingly! ﴿أَمِين﴾



SHAR'I RULINGS ON INHERITANCE

Question 1: What are the Shar'i rulings on the wealth and property of a deceased Muslim?

Answer: Shari'ah has declared four rulings on the wealth and property of a deceased Muslim:

1. Firstly, give the funeral bath to the deceased, wrap him into a shroud and bury him in accordance with the Sunnah using his inheritance money.
2. If the deceased owes any debt, pay it with the remaining wealth. If the Mahr of the wife is not yet paid, it will also be considered debt.
3. If the deceased has made any lawful will, it will be fulfilled by one third of his wealth after debt has been paid. If all the inheritors are adults and all of them give consent to the fulfilment of the deceased's will with more than one third of the wealth, then it will be permissible to do so. Otherwise, the shares of only consenting inheritors can be used.

4. After the will has been fulfilled, the remaining wealth must be distributed amongst heirs in accordance with the shares determined by Shari'ah.¹

Question 2: Who are the inheritors of the wealth left by a deceased person and what is the share of each inheritor?

Answer: The inheritors of the wealth and property left by a deceased person have been identified by Quran and Hadees. Certain people have certain shares. Similarly, certain people are preferred to certain others. For example, the share of a sister is different from that of a daughter. The son is preferred to the grandson, i.e. the grandson is not deserving of inheritance if the son is alive. Therefore, whenever you are confronted with an inheritance issue, then before taking any action, you must consult a Sunni scholar who is an expert in inheritance-law.

Question 3: If a husband has died without paying his wife's Mahr, then how can she get her Mahr? And if wife has died, how can he now pay her Mahr?

Answer: If the husband did not pay his wife's Mahr in his lifetime and the wife did not also happily forgive it, her Mahr will be paid from his inheritance in this case. As Mahr is a kind of debt, it will be paid after paying the shrouding and burial

¹ Bahar-e-Shari'at, part 20, vol. 3, pp. 1111-1112; summarized

expenses and before fulfilling the deceased's will and before distributing his wealth amongst inheritors.

In some communities, the widow is made to place her hand on the deceased's body and then is forced into forgiving Mahr. This is quite wrong. It has no basis in Shari'ah and must not be done. As for the case in which the wife dies before she is given her Mahr, the amount of Mahr will be distributed in this case amongst all of her heirs including even the husband according to their respective Shari'ah-fixed shares.

Question 4: What is the Shar'i ruling on making a will? How much wealth should 'will' be made for?

Answer: Here is the Shar'i ruling on making a will. If there is no such right of Allah ﷻ that still needs to be fulfilled by the dying person, it is preferable for him to make a will. However, if there are such rights of Allah ﷻ that still need to be fulfilled by the dying person – such as unoffered Salahs, unperformed Hajj despite it being Fard, unobserved Siyam ﴿صِيَام﴾ – then it is Wajib for him to make a will in this case for the Fidyah [i.e. financial compensations] of these acts of worship.

Unpaid debts and other unfulfilled financial rights of people have not been mentioned in the will because there is a separate command to pay debts before fulfilling the will, as is already explained in the process of distributing inheritance. In other words, no matter whether the deceased person who has left

wealth behind makes the will to pay his debt or not, it will be paid under any circumstance.

It is preferable for the dying person to make a will for less than one third of his wealth regardless of whether the inheritors are poor or rich. However, if he has only a small amount of wealth then it is preferable not to make the will [regarding wealth]. Even a rich person is not allowed to make a will regarding more than one third of his wealth.

Question 5: Is it permissible to make a will for any of inheritors such as a son?

Answer: It is not permissible to make a will for any of the inheritors. The Beloved Rasool ﷺ said: No 'will' can be made for the inheritor, unless the inheritors permit it.¹

However, if anyone makes a will for his inheritor and all other inheritors are adults and they all consent to this, then the will for the inheritor will be permissible and be implemented.

If some of the inheritors are adult and some others are non-pubescent and only some of them give their consent, then the 'will' shall be permissible regarding the shares of only adult consenting inheritors and will also be applicable only to them. On the other hand, this 'will' shall not be permissible and

¹ Dar Qutni, Kitab-ul-Faraaid, vol. 4, pp. 113, Hadees 4108

applicable to the shares of those inheritors who are orphan or non-pubescent or are adult but have not given their consent.¹

Question 6: Does a son-in-law or a daughter-in-law deserve a share in the inheritance of the father-in-law or the mother-in-law?

Answer: A son-in-law or a daughter-in-law cannot be the inheritors of their father-in-law or mother-in-law merely on the basis of this relationship. However, they may become inheritors due to any other relationship. For example, if the son-in-law is also a nephew and there is no other preferred inheritor, so he will become the inheritor in this case.

It is stated in *Fatawa Razawiyyah*: Being a son-in-law or father-in-law does not establish any right to inheritance; no matter whether there are other inheritors or not. However, if there is any other relationship between the son-in-law and the father-in-law, then inheritance is possible on the basis of it. For example, if the son-in-law is also his nephew and the father-in-law is his paternal uncle, right to inheritance may be established. For example, if a man dies and leaves behind only two heirs – a daughter and a nephew – and the nephew is also his son-in-law, the son-in-law will receive half of the inheritance in this case because of being the son of the deceased's brother. If the son-in-law had no previous relationship and was a stranger

¹ Fatawa Razawiyyah, vol. 25, pp. 332; summarized

before his marriage with the daughter of the deceased, then the deceased's daughter is entitled to the entire inheritance and the son-in-law is not entitled to any of that wealth. ﴿وَاللَّهُ تَعَالَىٰ أَعْلَمُ﴾ Allah عَزَّوَجَلَّ is All-Knowing.¹

Question 7: Will an adopted son become an heir of the one who has brought him up?

Answer: According to Shari'ah, an adopted child cannot become the heir of the one who has brought him up. Instead, he will become the heir of his biological parents.

Imam-e-Ahl-e-Sunnat رَحْمَةُ اللَّهِ تَعَالَىٰ عَلَيْهِ stated: Merely being an adopted child does not establish any right to inheritance according to Shari'ah. If you ask whether Zayd is entitled to the inheritance of his biological parents or not, so he is definitely entitled to their inheritance because being adopted and cared for by other people does not mean that he is no longer the son of his biological parents.²

Question 8: Some people treat a certain person as their son or sister or brother, whereas they are not real son, brother or sister. Is this type of so-called son or sister or brother etc. entitled to inheritance?

¹ Fatawa Razawiyyah, vol. 26, pp. 331

² Fatawa Razawiyyah, vol. 26, pp. 84; summarized

Answer: Imam-e-Ahl-e-Sunnat رَحْمَةُ اللهِ تَعَالَى عَلَيْهِ gave the following reply to a similar question: This type of so-called son is not actually a son nor does his relationship with his biological father ends because realities do not change. By Shari'ah, he is an heir of his own biological father and not of the person who is only treating him as a son without any parental relationship. If the person wants, he can make a will in favour of his so-called son so that his wealth is given to him. Remember that it is not inheritance.

Beware! No will is made for heirs. And becoming the so-called son of anyone cannot invalidate the entitlement of this son to the inheritance of his own biological father.¹



Question 9: If a son or daughter dies whilst his or her parents are still alive; and then the father or the mother also dies; will such a son or daughter have any share in inheritance or not?

Answer: According to Islamic law, when a person dies only his living relatives will be his inheritors. Therefore, if a son or daughter dies whilst his or her parents are still alive, then he/she will have no share in his/her parents' inheritance.

However, if any inheritor dies after the death of his parents and before the distribution of inheritance, he will be considered an

¹ Fatawa Razawiyyah, vol. 26, pp. 179

inheritor in this case and his share will be distributed amongst his own inheritors.



Question 10: Are step-brothers and step-sisters entitled to inheritance?

Answer: There is detail to this issue. If they are step-brothers or sisters from only one side – for example – if their father is same but their mother is not the same, these are called ‘Allaati ﴿عَلَاتِي﴾ brothers and sisters; and if their mother is same but their father is not the same, these are called Akhyaafi ﴿أَخْيَافِي﴾ brothers and sisters; and they are entitled to inheritance under certain conditions. However, if they are step-brothers or sisters from both the sides of the mother as well as the father, then they cannot be entitled to inheritance through the relationship of brothers and sisters.

Question 11: Are grandchildren entitled to their paternal grandfather's inheritance?

Answer: If a man dies and he does not have any living offspring, but he does have a grandson then this grandson will inherit his paternal grandfather's wealth. However, if the deceased has a living son as well as a grandson, in this case the grandson will not be entitled to his grandfather's inheritance. In this case, it

is preferable for the heir to gift a portion of his share to the grandson. Allah عَزَّوَجَلَّ says:

وَإِذَا حَضَرَ الْقِسْمَةَ أُولُو الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينُ فَأَرْزُقُوهُمْ مِنْهُ
وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا ﴿٨﴾

And if relatives, orphans, and poor people come at the time of distribution, so give them some of that wealth too and say a good thing to them.

[Kanz-ul-'Irfan (Translation of Quran)] (Part 4, Surah An-Nisa, Ayah 8)

Muslims are very negligent in acting upon this commandment. In fact, many Muslims are totally unaware of it. However, it must be remembered that one is not permitted to give anything from the share of the heir who is non-pubescent or is not present and permission cannot be taken from him.

Question 12: Many people disinherit their disobedient offspring by making a will, is this permissible?

Answer: Anyone who disobeys any lawful command of his parents without any Shari'ah-approved reason or, مَعَادَ اللَّهِ عَزَّوَجَلَّ causes pain to them is disobedient and is deserving of severe punishments even if the parents neither disinherit him nor feel upset with him in their hearts due to a strong feeling of affection for them.

On the other hand, if a person is obedient to his parents but his parents remain upset with him without any Shari'ah-approved reason or if he refuses to obey any of their unlawful commands, then he is certainly not disobedient. The commandment of Shari'ah is that a person will not be deprived of the inheritance of his parents even if he has been disinherited by them. Even if a father claims a thousand times that he has disinherited his disobedient or even obedient son, this will have no effect and will not deprive the inheritor of inheritance.

However, if any of his offspring is a sinner and transgressor and the father suspects that after his death, the offspring will misuse inheritance by spending it on evils such as fornication, alcohol etc., then it is permissible for the father to give his entire wealth to his obedient offspring with possession whilst he is still alive or to donate his property for a pious cause whilst he is still alive. In reality, this is not aimed at depriving a rightful heir of his inheritance; instead it will save his wealth and earnings from being spent on Haraam acts.

Question 13: Who will own the dowry of a wife after her death?

Answer: According to our social norms, a wife is the owner of her dowry. Therefore, after her death her dowry must be distributed amongst her inheritors including her husband, according to the Shari'ah-fixed shares.

Question 14: Before death, if someone transfers his property to the name of an inheritor or a non-inheritor but then he dies before that other person actually takes possession of the property, then who is the owner of that property?

Answer: Transferring property to somebody is actually a type of gift. According to Shari'ah, the process of gift will be completed when the gift has come into possession. By Shari'ah, the process of gift will not be completed without transferring possession. Therefore, if somebody transfers his wealth or property to someone else's name, either verbally or in writing, but the other person does not take possession of it, then the process of gift will not be completed and the gifting person will himself remain its owner. If any one of the two dies before the transfer of possession, then this gift will become invalid and it must be distributed amongst the inheritors of the gifting person.

There are great details in possession-related issues. What does possession actually mean? How can a certain thing be taken into possession under certain situations? These are important matters. You should contact any reliable Sunni Dar-ul-Ifta for the solutions of these issues.

Question 15: Sometimes, after a father's death, some inheritors take charge of the father's business. In this case, will all inheritors be the owners of the business and receive its profit or only the ones who actually run the business?

Answer: All inheritors are partners in the ownership of inheritance. If the business is run with the consent of all inheritors, then each inheritor will be entitled to profit or loss according to his share. If some of the inheritors run the business without the consent of other inheritors and further developed the business, every inheritor will be the owner of the specific quantity of his share in the actual business that existed at the time of the testator's¹ death. As far as the extra profit earned from the actual business is concerned, the other inheritors are not entitled to that profit. In fact, only those inheritors who ran and developed the business are entitled to it.

Even these inheritors are only entitled to their specific share of the profit. If they take profit according to the shares of other inheritors as well, it will be 'unlawful wealth' for them. They should either give the amount of profit, which is in addition to their shares, to the other inheritors according to their shares or should donate it. They cannot make a personal use of it. The same ruling applies to the rents of inherited properties, etc.²



¹ i.e. the person who has died, leaving inheritance to be distributed among his inheritors.

² Fatawa Razawiyyah, vol. 26, pp. 131; summarized

Will

Saying of Beloved Mustafa ﷺ: Whoever dies after making the will, dies whilst following a great Sunnah and he dies with piety and martyrdom and with forgiveness.

(Sunan Ibn Majah, Kitab-ul-Wasayah, vol. 3, pp. 304, Hadees 2701)



Making one 'will' concerning a third of wealth

Sayyiduna Sa'd Bin Abi Waqas رضى الله تعالى عنه said: The Greatest Rasool ﷺ came to visit me during my sickness and asked me, 'Have you made a will?' I replied, 'Yes.' Then he ﷺ asked, 'In what portion of your wealth?' I answered, 'All of it in the path of Allah.' He ﷺ asked, 'What have you left for your children?' I responded, 'They are all rich.' He ﷺ instructed me, 'Make a will for one tenth of your wealth.' I continued to suggest that the amount be reduced until he ﷺ eventually said, 'Make a will for one third of your wealth and one third is enough.' *(Mishkat-ul-Masabih, Kitab-ul-Faraaid wal-Wasayah, chapter 2, vol. 1, pp. 566, Hadees 3072)*

اَلْعَمَلُ لِلّٰهِ رَبِّ الْعَالَمِيْنَ وَالصَّلٰوةُ وَالسَّلَامُ عَلٰى سَيِّدِ الْمُرْسَلِيْنَ اَقَابَعْدُ قَاتَعُوْا بِاللّٰهِ مِنَ الشُّجْبَةِ الرَّجِيْمَةِ بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْمِ

دار الافتاء اہلسنت (دعوت اسلامی) کے پتے

نمبر شمار	نام	مقام	اوقات کار و تھیلی
1	دار الافتاء اہلسنت	چرائی مسجد کھڑکھڑاں (پہلی باب) اگرہ صدر باب اللہ بندہ (کراچی)	4:10-10 تھیلی بندہ مبارک
2	دار الافتاء اہلسنت	جامعہ مسجد بنارہی نزد پتھن چکی گھر داد باب اللہ بندہ (کراچی)	5:11-11 تھیلی بندہ مبارک
3	دار الافتاء اہلسنت	جامعہ مسجد رضائے عظمیٰ بالٹائن مہا ایل مارکیٹ کوٹلی جسر باب اللہ بندہ (کراچی)	5:12-12 تھیلی بندہ مبارک
4	دار الافتاء اہلسنت	آفسی مسجد، ایمریز اورنگل بھدر باب اللہ بندہ (کراچی)	4:11-11 تھیلی بندہ مبارک
5	دار الافتاء اہلسنت	آفسی ٹاؤن بالٹائن لیڈان بندہ باب اللہ امام (جواہر)	4:11-11 تھیلی بندہ مبارک
6	دار الافتاء اہلسنت	جامعہ مسجد نواب محمد یگانوی سوسائٹیز نزد مین سڑک سرور آباد (مل جل آباد)	4:10-10 تھیلی بندہ مبارک
7	دار الافتاء اہلسنت	نور مستجاب اللہ بندہ سٹیج کشمیر مارکیٹ، حاجی دربار مرکز الاولیاء (جواہر)	4:10-10 تھیلی بندہ مبارک
8	دار الافتاء اہلسنت	الیف بازار (جدی مارکیٹ) فرسٹ فلور، ٹیڑ پورہ ڈاکٹر محمد مرکز الاولیاء (جواہر)	4:10-10 تھیلی بندہ مبارک
9	دار الافتاء اہلسنت	نور جامع مسجد کوٹلی مہا ایل مارکیٹ، جواہر (کراچی)	4:10-10 تھیلی بندہ مبارک
10	دار الافتاء اہلسنت	نورانی گیسٹ ہاؤس نزد ہاٹھوڑ بنگلہ نزد پتھن (مرگھہ)	4:10-10 تھیلی بندہ مبارک

دار الافتاء اہلسنت کے فون نمبر اور میل ایڈریس

فون نمبر کے اوقات کار	0300-0220113	0300-0220112	پانچویں پاکستان اور دنیا بھر کیلئے
پاکستانی اوقات کے مطابق 4pm-10am (بہار کے اوقات کے مطابق)	0300-0220115	0300-0220114	پانچویں پاکستان اور دنیا بھر کیلئے
پاکستانی اوقات کے مطابق 2pm-7pm (بہار کے اوقات کے مطابق)	0044 121 318 2692		پانچویں برطانیہ اور دنیا بھر کیلئے
پاکستانی اوقات کے مطابق 2pm-7pm (بہار کے اوقات کے مطابق)	0015 8590 200 92		پانچویں امریکہ اور دنیا بھر کیلئے
پاکستانی اوقات کے مطابق 2pm-7pm (بہار کے اوقات کے مطابق)	0027 31 813 5691		پانچویں ساؤتھ افریقہ اور دنیا بھر کیلئے

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