

Share Distribution - Step by Step

1. Following map illustrates the shares of 5 primary heirs that always gets their share, these include:

■ 1) Father 2) Mother 3) Husband 4) Wife 5) Daughters:

■ 6) Real Grandfather (father's father) 7) Uterine Sister (half-sister from mother's side) 8) Uterine Brother (half-brother from mother's side) 9) Granddaughter (Son's Daughter) 10) full Sister 11) Consanguine sister (half-sister from father's side) 12) True Grandmother (mother of father or mother)

2. Step # 1: Identify Members of Dhul-Furud (فُشوك الرو) include 12 members, these include:

a. Group 1: 1) Father 2) Mother 3) Husband 4) Wife 5) Daughters:

b. Group 2: 6) Real Grandfather (father's father) 7) Uterine Sister (half-sister from mother's side) 8) Uterine Brother (half-brother from mother's side) 9) Granddaughter (Son's Daughter) 10) full Sister 11) Consanguine sister (half-sister from father's side) 12) True Grandmother (mother of father or mother)

3. Step # 2: Exclude anyone who is disqualified due to any impediment:

4. Step # 3: First consider Group-of-Five (G5) who always inherits & assign the shares of Group-of-Five:

a. Wife: If deceased is Husband, then assign Wife (ves) their share (either 1/4 or 1/8)

b. Husband: If deceased is Wife, then assign Husband his share (either 1/2 or 1/4)

c. Uterine Brother: If deceased is Kalala and has Uterine Brother, then give him his share (either 1/6 or 1/3)

d. Uterine Sister: If deceased is Kalala and has Uterine Sister, then give her share (either 1/6 or 1/3)

e. Real Grandmother: If deceased has no mother but has Grandmother(s), then give them share (1/6)

5. Step # 5: Second Consider Group-of-Seven (G7) and Assign the shares of Group-of-Seven:

a. Mother: If deceased has a mother, then give her share (1/3 or 1/4 or 1/6)

b. Father: If deceased has a father, then give her share (1/6 or 1/6+Residue or all residue)

c. Real Grandfather: if decease has no father, then give grandfather his share (same as father)

d. Daughter: if deceased has daughter, then give her share (1/2 or 2/3 or half of son)

i. Please note, If there is a son, then Daughter is treated as a Secondary Heir (Residuary) / Al-Asbah bighayriha (بئذ غير قججاي), i.e. Asabah because of others, and she gets half of son's share.

e. Full Sister: if deceased is Kalala and has a full sister and she is entitled, then give her share (1/2 or 1/3 or half of brother or residue)

i. Please note, If there is a full-brother, then Full-Sister is treated as a Secondary Heir (Residuary) / Al-Asbah bighayriha (بث غير حجباي), i.e. Asabah because of others, and she gets half of brother's share.

ii. If there is and there is Daughter or Grand Daughter (Son's Daughter) then Full-Sister is treated as a Secondary Heir (Residuary) / Al-Asbah ma'a ghayriha (ب غير حجباي), i.e. Asabah together with other.

f. Consanguine Sister: if deceased has consanguine sister and she is entitled, then give her share (1/2 or 1/3 or half of brother or residue)

i. Please note, If there is a Consanguine brother, then Consanguine Sister is treated as a Secondary Heir (Residuary), and she gets half of Consanguine Brother's share.

6. Step # 6: Add up shares of Dhul-Furud (فشوك ارو) Primary Heirs:

When distributing shares amongst Dhul-Furud (فشوك ارو), we will encounter one of the following situations

a. When total allocation of shares equals 1 \square No further action is needed.

b. When total allocation of shares is greater than 1 \square then we apply Doctrine of Al-Awl

c. When total allocation of shares is less than 1 \square then we apply Doctrine of Al-Radd

■ Please note that before apply Doctrine of Al-Radd, we need to distribute shares amongst Residuaries (both Nasabiyyah and Sababiyyah)

■ If after giving all the shares to Residuary, any residue is still left, then Doctrine of Al-Radd is applied

7. Step # 7: Identify if there is Residue:

a. If after assigning shares of Dhul-Furud (فشوك ارو) there is any residue left, then it should be further distributed amongst Secondary Heirs.

8. Step # 8: Identify and Assign Shares of Al-Asabat Nasabiyyah (أخ عَجَّ قجباي) – Secondary Hiers (Residuary):

a. First, identify Descendants of Deceased i.e.

i. Son

ii. Daughter (when daughter is accompanied by son)

iii. Grandson (Son's Son)

iv. Granddaughter (Son's Daughter, when accompanied by grandson and however low in hierarchy)

b. Secondly, identify Ascendant of Deceased, (if there is still residue) i.e.

- i. Father (if father was treated as residuary)
- ii. True grandfather (however high in chain, if GF is treated as residuary)
- c. Thirdly, identify Ascendant of Father, (if there is still residue) i.e. six siblings
 - i. Full Brother
 - ii. Full Sister (when she is treated as residuary)
 - iii. Consanguine Brother
 - iv. Consanguine Sister (when she is treated as residuary)
 - v. Full brother's Son (however low in chain)
 - vi. Consanguine brother's son (however low in chain)
- d. Lastly, identify Ascendant of Grandfather, (if there is still residue) i.e. uncles or granduncles
 - Offspring of true grandfather (father's father, however high in hierarchy)

- i. Paternal uncle
- ii. Male descendants of paternal uncle

9. Step # 9: Identify if there is still Residue & Assign to Dhawul-Arham (بَيْتُشْ أَرُو) - Distant kindred:

- a. If after assigning shares of Al-Asabat Nasabiyyah (خُ غُجُّ قَجِبِكُ ا) there is any residue left, then it should be further distributed amongst Dhawul-Arham (بَيْتُشْ أَرُو) - Distant kindred
- b. Distribution is similar to Nasabbiyyah but for female agnates and those residuary who are not in Nassabbiyyah:
 - i. Descendants of the deceased (who are excluded from residuary). (Children of daughter(s)).
 - ii. Ascendants of the deceased (who are excluded from residuary)
 - iii. Descendants (however low in chain) of the siblings of the deceased. (Children of sister(s), daughter(s) of brothers, and son(s) of half-sister on mother side etc.)
 - iv. Descendants (however low in chain) of ascendants (uncles/aunts)

10. Step # 10: Identify if there is still Residue:

- a. If there is still residue, then apply Doctrine of Al-Radd

11. Step # 11: Identify if there is still Residue,

- a. If there is still residue, then it will go to Bait-ul-Maal
- b. Few contemporary Ahnaf considered giving Al-Radd can be given to spouse (husband/wife), however, the Doctrine of Al-Radd is based on Quranic verse (33:6), that only allows giving Al-Radd to blood relatives (hence keeping spouse disqualified from it).