

Lesson 5

Calculation of shares:

- Daughter
- Son's Daughter's

Islamic Laws of Inheritance

Dr. Assaina Beary

Lesson 5

- In this lesson we will cover **Daughter** and **Son's Daughter's** shares.
- **Daughter's** share is easy.
- But **son's daughter** is difficult. Go through it again and again to master it

Daughters & Sons Daughter

- They are the only descendants getting fixed share
- For practical purposes they are classified as daughter's class

D & SD - Salient Features

Holy Quran fixes maximum and minimum shares

- If son/s and Daughters are there they share 2:1
- If no son/s

Maximum = **2/3** - if **2 or more**

Minimum = **1/2** - if **single**

D & SD- Salient Features

1. With the **son of equal degree** they become residuary in the ratio of **2:1 M:F**

2. **Nearer son excludes – all lower daughters**

3. In the **absence of equal degree** son/s

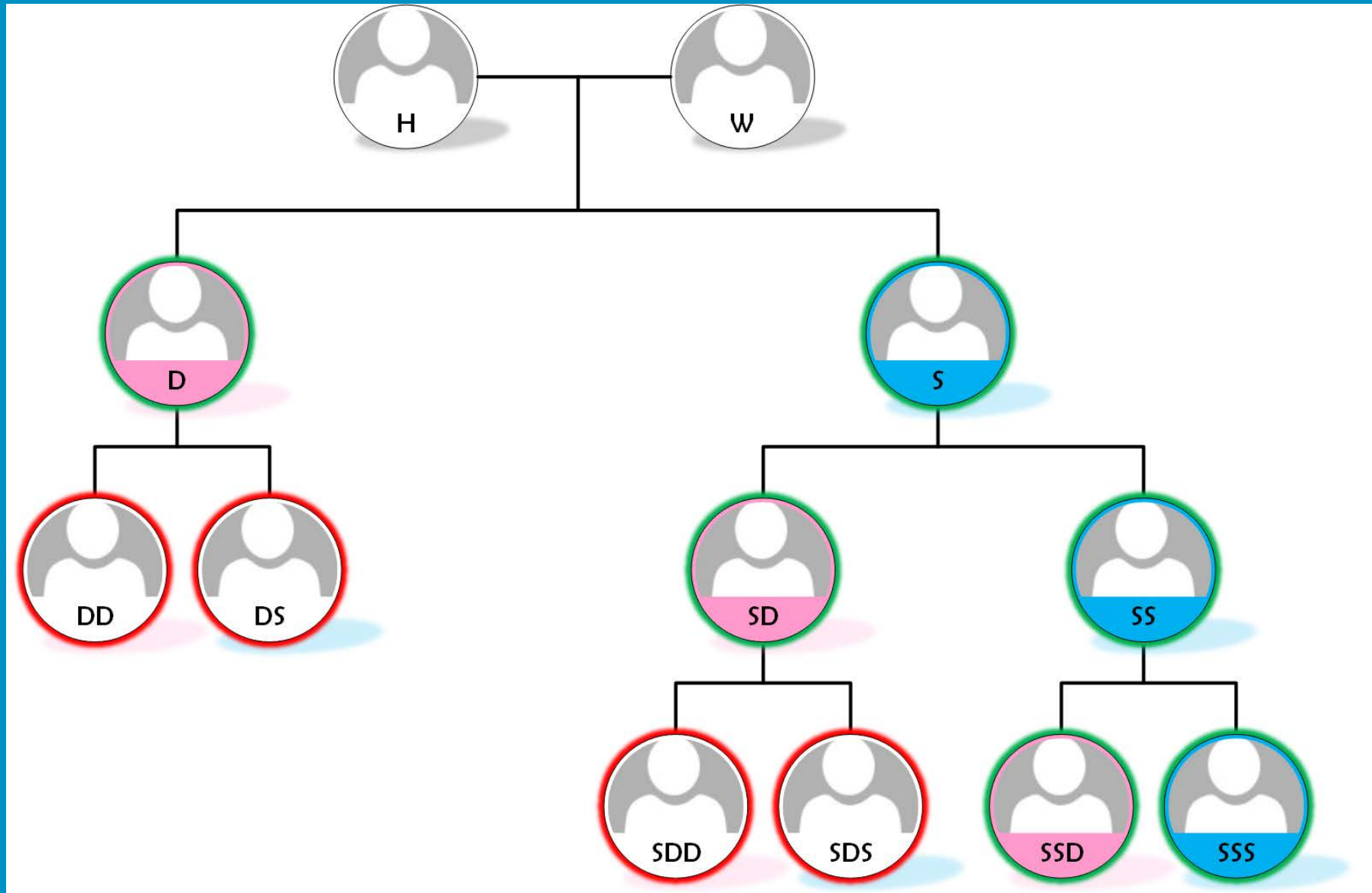
Maximum **2/3 - if 2 or more**

Minimum **1/2 - if single**

a). If claimants are more than 2 and equal in degree they divide $2/3$ equally among them

b). If not equal in degree then the superior daughter is given first from $2/3$ quota and remaining to lower SD, total not exceeding $2/3$

Daughter



Daughter

Daughter will have **3 states**

1. If **Single** = **1/2** share
2. **2 or more** = **2/3** equally divided
3. With **Son of equal degree** = she becomes **residuary M:F ratio 2:1**

D

No. of D	Conditions	Share
Single	No S	1/2
2 or more	No S	2/3
Any No.	With S	Balance M:F = 2:1

Learn and remember this

D & SD - Difference of opinion

1. Ibn Abbas's opinion :

Only if Daughters are 3 and above they will get $2/3$

2. Most other scholars disagree with this :

2 or more than 2 are same according to them.

D & SD - Saad b. Rabia's case

Jabir bin Abdullah reports

Saad b. Rabia's wife with her 2 D reaches prophet's place and complains that Saad "s property (after his death becoming shaheed in Uhud) has been taken by his brother . Nobody was willing to marry Saad's daughters without property.

Prophet told her to wait as Allah has not given any knowledge regardin this. During this time prophet started getting Vahy and recited the ayah from Sura A-Nnisa.

Prophet then called Saad's brother and commanded him to give $\frac{2}{3}$ to 2D and $\frac{1}{8}$ to W and the rest for him to take.

The first division of property in Islam is this incident.

D - Problem Solving

Now solve the following cases. Living heirs are given.

Find the share of D only.

Confirm that they are correct by looking at the answers in the next slide

1.	F, D	6.	W, SD, SS
2.	H, 2D, Bc	7.	F, M, D, SD, SS
3.	H, D, SD, SSD	8.	M, SD, SS, SSD
4.	W, 3SD, SSD, SSSD	9.	H, D, SD, SS, SSS
5.	M, D, S		

In problem solving cases relations mentioned are to the person died (male/female).

E.g. H, F, D means lady has died leaving the husband, father and daughter.

D- Problems - SOLUTIONS

No.	Question	Answer
1.	F, D	D = 1/2, F = 1/6 + bal
2.	H, 2D, Bc	H = 1/4, 2D = 2/3, Bc = balance = 1/12
3.	H, D, SD, SSD	H = 1/4, D = 1/2, SD = 1/6, (for D class 2/3), SSD = nil (2/3 for D class over)
4.	W, 3SD, SSD, SSSD	W = 1/8, 3SD = 2/3, SSD & SSSD = nil
5.	M, D, S	M = 1/6, D & S = 5/6 (D = 5/18, S = 10/18)
6.	W, SD, SS	W = 1/8, SD & SS = Residue SD = 7/24, SS = 14/24, W = 3/24
7.	F, M, D, SD, SS	F = 1/6, M = 1/6, D = 1/2, SD & SS = Residue = 1/6, SD=1/18, SS=2/18
8.	M, SD, SS, SSD	M = 1/6, SD&SS = Residue, SD = 5/18, SS = 10/18, SSD = Nil (Excluded by SS)
9.	H, D, SD, SS, SSS	H = 1/4, D = 1/2, SD&SS = Residue = 1/4 SD = 1/12, SS = 2/12, SSS = Nil

Note: Actual shares may vary, after considering other heirs.

Shares vary when Radd or Awl is required to be applied.

D – Sum Up

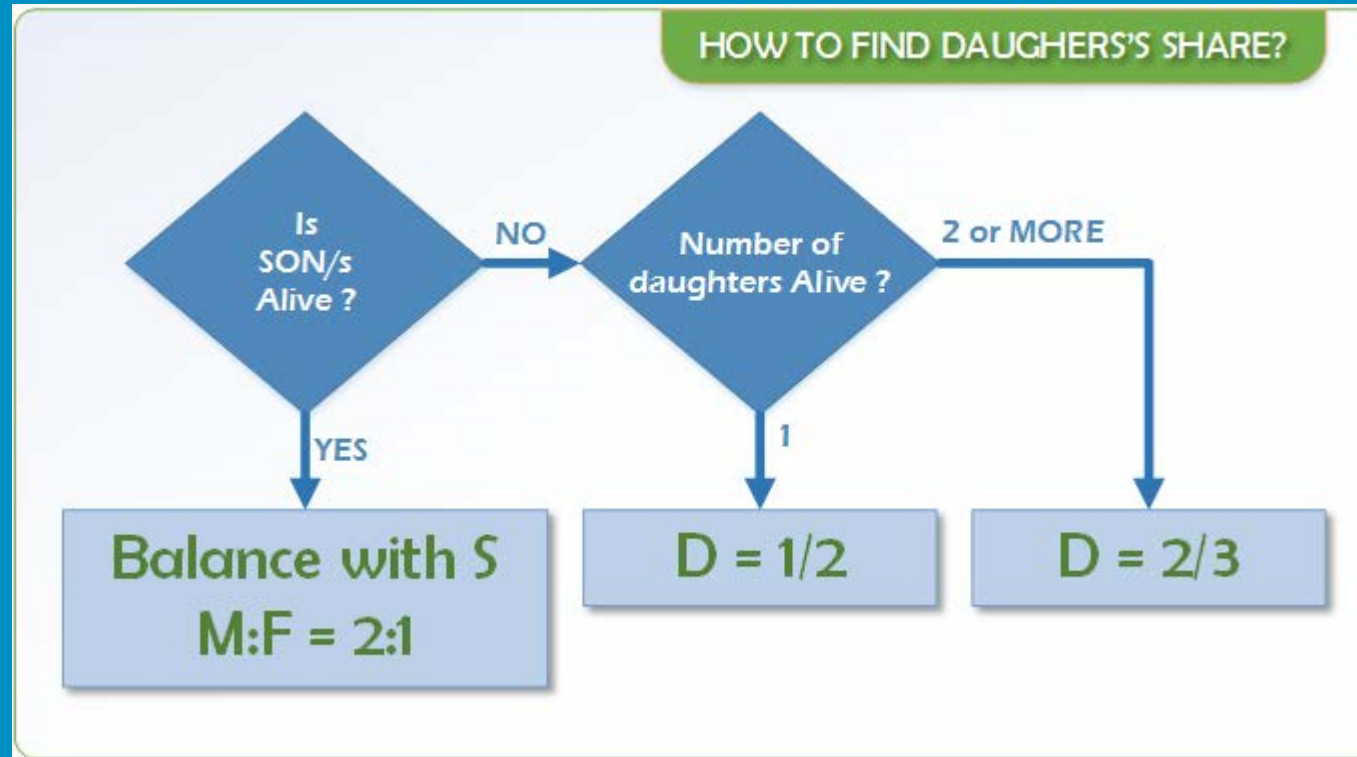
Pr./Sec	Primary Heir
Excluded by	None
Excludes	Excludes lower SD if her no. is 2 or more Excludes Bu & Su
Share fraction	Refer back
Effect on others	Reduces SD share. Reduces share of mother. Converts Sf & Sc into residuary.
Effect of others	S converts her into residuary
Effect of Awl	Share reduces
Effect of Radd	Eligible
Special occasion	Nil

How To Find D Share?

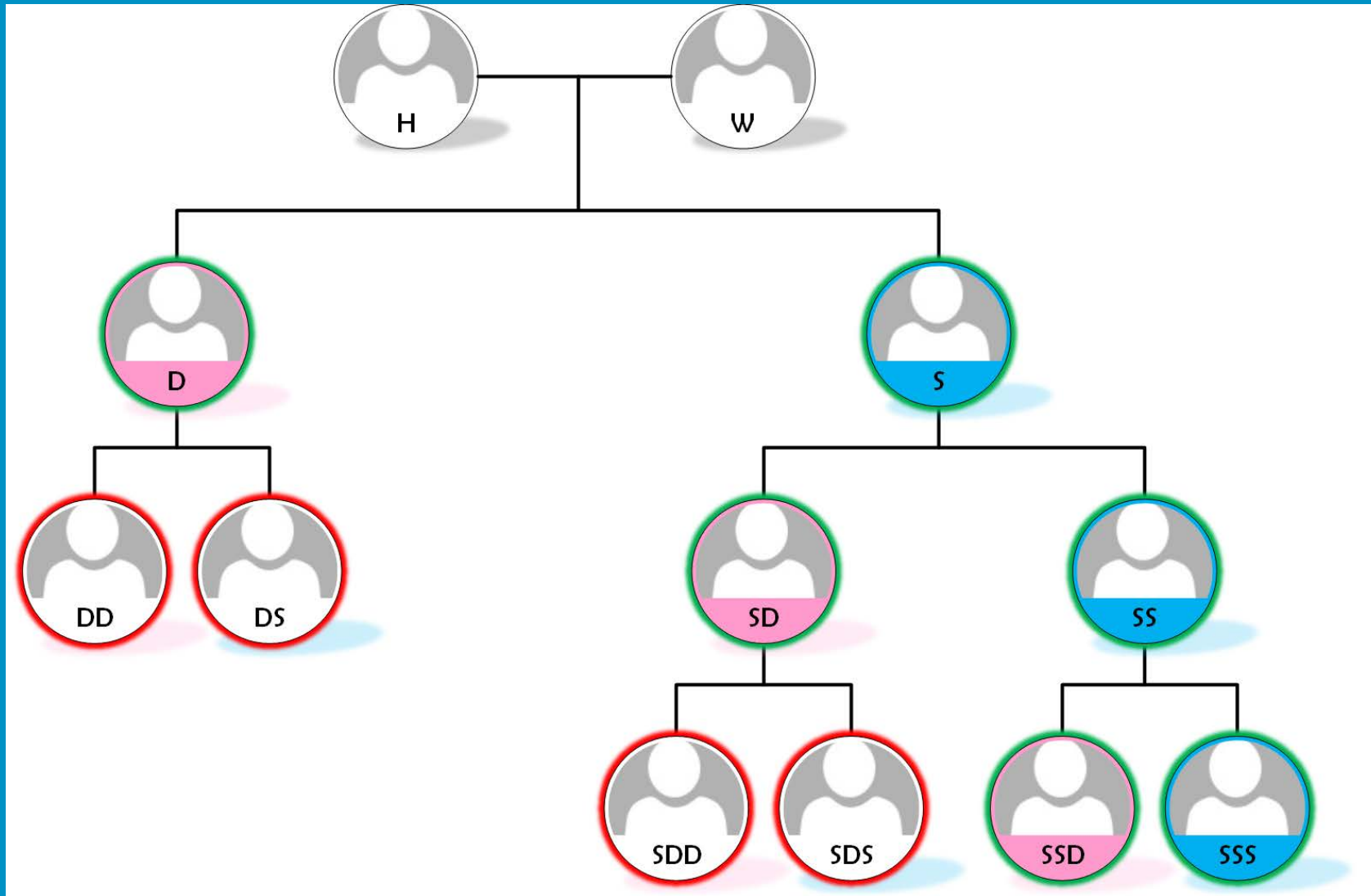
Since D is primary heir she is never excluded

- See if S is there : D goes for residue
- No S + Single D : $1/2$
- No S + 2 or more D : $2/3$ equally divided

How To Find D Share?



SD - Exercise



SD - Salient Features

1. With the son of equal degree they become residuary in the ratio of 2:1 M:F
2. Nearer son excludes – all lower daughters
3. In the absence of equal degree son/s

Maximum = $2/3$: if 2 or more than 2

Minimum = $1/2$: if single

- a) If claimants are more than 2 and equal in degree they divide $2/3$ equally among them
- b) If not equal in degree then the superior daughter is given first from $2/3$ quota and remaining to lower SD, total not exceeding $2/3$
- c) As above for daughters class plus in addition, Lower SSS will make higher SD residuary if she is not getting share otherwise

Hudail B. Shurahbil reports:

Once **Abu Moosa al Ashaari** was approached for share of D, SD, Sf

He told D will get $1/2$ and Sf will get $1/2$.

Then when **Ibn Masoud** was approached he said it is against prophets verdict which says. **D will get $1/2$ SD = $1/6$ and Sf = balance = $1/3$**

	CONDITIONS	SHARE
Higher S	S Present	Nil
With SS of equal degree	No S	Balance. M:F = 2:1
If unequal & single superior D	1D, No S, SS	1/2 to superior D and 1/6 to lower SD
2D-exclude	2D with no S, SS	Nil
2 D	with SS	Bal with SS
2 D	2D & No S, SS With SSS	Balance if not getting share otherwise
Single	No S,SS & D	1/2
2 or more	„	2/3

Learn and remember this

How to Find SD Share?

- | | |
|-----------------------------------|------------------|
| 1. Higher S present | SD excluded |
| 2. See if equal SS is present | balance with SS |
| No S, No SS - See No. of D | |
| 3. 1 D | SD will get 1/6 |
| 4. 2 D-No SSS | SD will get NIL |
| 5. 2 D –lower SSS present | Balance with SSS |
| 6. No S, SS + No D + Single SD | 1/2 |
| 7. No S, SS + No D + 2 or more SD | 2/3 |

Learn and remember this

SD - Exercise

1. If single
2. If 2 or more
3. With SS
4. If with single D in the absence of S
 if higher S is present
 if equal SS
5. If 2 or more D No SS or SSS
 with SS
 With SSS
6. In the presence of higher S

SD - Exercise : Answers

1. If single $\frac{1}{2}$ share
2. If 2 or more $\frac{2}{3}$
3. With equal SS Balance share(also with L –SSS)
4. If with single D $\frac{1}{6}$ in the absence of S,SS
Nil if higher S is present
Residuary if equal SS
5. If 2 or more D Nil (2/3 quota over)
exception with SS –Residuary
With SSS-Residuary
6. In the presence of higher S = Excluded

SD - Problem Solving

Now solve the following cases. Living heirs are given.

Find the share of SD only.

Confirm that they are correct by looking at the answers in the next slide

1.	SD, M, F	4d.	M, F, D, S, SD -- b
2.	3SD, M, F	4e.	H, M, D, SD, SS -- c
3.	M, GF, 2SS, 2SD	5a.	H, 2D, F, SD -- a
4a.	D, 3SD, B -- a	5b.	H, M, 2D, SD, SS -- b
4b.	M, F, H, D, SS, SD -- c	5c.	M, F, 2D, SD, SSS -- c
4c.	M, F, H, D, SD -- a	6	H, D, S, SD

In problem solving cases relations mentioned are to the person died (male/female).

E.g. H, F, D means lady has died leaving the husband, father and daughter.

SD – Problems - SOLUTIONS

No.	Question	Answer
1.	SD, M, F	SD = 1/2, M = 1/6, F = 1/6 + bal = 2/6
2.	3SD, M, F	3SD = 2/3, SD = 2/9, M = 1/6 = 3/18, F = 1/6 + bal = 3/18 + 0(No balance)
3.	M, GF, 2SS, 2SD	M = 1/6, GF = 1/6, 2SS+2SD = balance = 4/6 = 12/18 (SD = 2/18, SS = 4/18)
4a.	D, 3SD, B -- a	D = 1/2, 3SD = 1/6, B = balance = 2/6
4b.	M, F, H, D, SS, SD -- c	M = 1/6 = 2/12, F = 1/6 = 2/12, H = 1/4 = 3/12, D = 1/2 = 6/12, Total = 13/12 SS + SD = balance = Nil
4c.	M, F, H, D, SD -- a	M = 1/6, F = 1/6 + bal, H = 1/4, D = 1/2, SD = 1/6, Total = 15/12

Note: Actual shares may vary, after considering other heirs.

Shares vary when Radd or Awl is required to be applied.

SD – Problems - SOLUTIONS

No.	Question	Answer
4d.	M, F, D, S, SD -- b	$M = 1/6, F = 1/6, D+S = \text{bal} = 4/6, SD = \text{nil}$
4e.	H, M, D, SD, SS -- c	$H = 1/4, M = 1/6, D = 1/2,$ $SS+SD = \text{bal} = 1/12$
5a.	H, 2D, F, SD -- a	$H = 1/4, 2D = 2/3, F = 1/6 + \text{bal} = 2/12 + \text{nil}$ $\text{Total} = 13/12, SD = \text{nil}$
5b.	H, M, 2D, SD, SS -- b	$H = 1/4, M = 1/6, 2D = 2/3,$ $SS+SD = \text{balance} = \text{Nil}, \text{Total} = 13/12$
5c.	M,F, 2D, SD, SSS -- c	$M = 1/6, F = 1/6, 2D = 2/3,$ $SD+SSS = \text{balance} = \text{nil}$
6	H, D, S, SD	$H = 1/4, D+S = \text{balance}, SD = \text{excluded by S}$

Note: Actual shares may vary, after considering other heirs.

Shares vary when Radd or Awl is required to be applied.

D & SD - Problem Solving

Now solve the following cases. Living heirs are given.

Find the share of SD only.

Confirm that they are correct by looking at the answers in the next slide

1.	F, D	6.	W, SD, SS
2.	H, 2D, Bc	7.	F, M, D, SD, SS
3.	H, D, SD, SSD	8.	M, SD, SS, SSD
4.	W, 3SD, SSD, SSSD	9.	H, D, SD, SS, SSS
5.	M, D, S		

In problem solving cases relations mentioned are to the person died (male/female).

E.g. H, F, D means lady has died leaving the husband, father and daughter.

D & SD – Problems - SOLUTIONS

No.	Question	Answer
1.	F, D	D = 1/2, F = 1/6 + bal
2.	H, 2D, Bc	H = 1/4, 2D = 2/3, Bc = balance = 1/12
3.	H, D, SD, SSD	H = 1/4, D = 1/2, SD = 1/6, (for D class 2/3), SSD = nil (2/3 for D class over)
4.	W, 3SD, SSD, SSSD	W = 1/8, 3SD = 2/3, SSD & SSSD = nil
5.	M, D, S	M = 1/6, D & S = 5/6 (D = 5/18, S = 10/18)
6.	W, SD, SS	W = 1/8, SD & SS = Residue SD = 7/24, SS = 14/24, W = 3/24
7.	F, M, D, SD, SS	F = 1/6, M = 1/6, D = 1/2, SD & SS = Residue = 1/6, SD=1/18, SS=2/18
8.	M, SD, SS, SSD	M = 1/6, SD&SS = Residue, SD = 5/18, SS = 10/18, SSD = Nil (Excluded by SS)
9.	H, D, SD, SS, SSS	H = 1/4, D = 1/2, SD&SS = Residue = 1/4 SD = 1/12, SS = 2/12, SSS = Nil

Note: Actual shares may vary, after considering other heirs.

Shares vary when Radd or Awl is required to be applied.

With S or SS, SD will have 3 states

1. Higher S or SS will exclude lower SD or SSD
2. If same degree ,he will drag her into residue
3. If SSS is lower than SD and if SD is not getting any share with D, then he will drag her into residuary class. Here presence of SSS benefits SD

SD - sum up

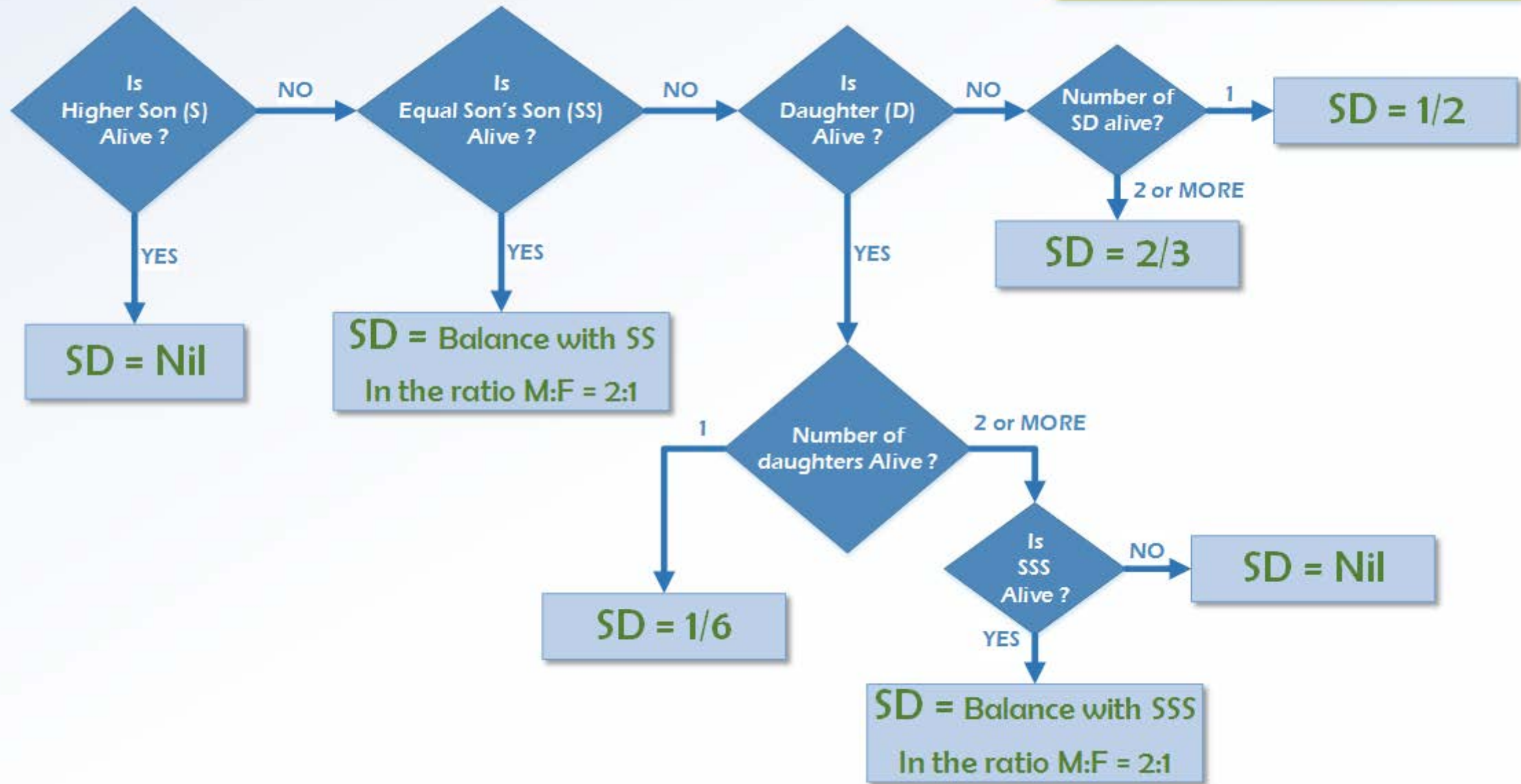
Pr./Sec	Secondary Heir
Excluded by	More than 2D, Higher S, Higher SD >2
Excludes	Excludes lower SD if her no. is 2 or more Excludes Bu & Su
Share fraction	Refer back
Effect on others	Reduces lower SSD share. Reduces share of mother. Converts Sf & Sc into residuary.
Effect of others	SS converts her into residuary D reduces her share and >2D exclude her
Effect of Awl	Share reduces
Effect of Radd	Eligible
Special occasion	SD with lower SSS, if SD is not getting share

How to Find SD Share?

- | | |
|-----------------------------------|------------------|
| 1. Higher S present | SD excluded |
| 2. See if equal SS is present | balance with SS |
| No S, No SS - See No. of D | |
| 3. 1 D | SD will get 1/6 |
| 4. 2 D - No SSS | SD will get NIL |
| 5. 2 D - lower SSS present | Balance with SSS |
| 6. No S, SS + No D + Single SD | 1/2 |
| 7. No S, SS + No D + 2 or more SD | 2/3 |

Learn and remember this well

HOW TO FIND Son's Daughter's (SD) SHARE?



D & SD share at different occasions

	D1	D2	SD1	SD2	SSD1	SSD2
S	b	b	-	-	-	-
SS	1/2		b	b	-	-
		2/3	b	b	-	-
	*	*	b	b	-	-
SSS	1/2	*	1/6	1/6	b	b
	*	2/3	b	b	b	b
	*	*	1/2	*	b	b
	*	*	*	2/3	b	b
	*	*	*	*	b	b
None from above	1/2	*	1/6	1/6	-	-
	*	2/3	-	-	-	-
	*	*	1/2	*	1/6	1/6
	*	*	*	2/3	-	-
	*	*	*	*	1/2	-
	*	*	*	*	*	2/3

D1 = single

D2 = 2 or more

الْحَمْدُ لِلَّهِ

رَبَّنَا تَقَبَّلْ مِنَّا إِنَّكَ أَنْتَ السَّمِيعُ الْعَلِيمُ

وَتُبَّ عَلَيْنَا إِنَّكَ أَنْتَ التَّوَّابُ الرَّحِيمُ

اللهم اغفر لنا، يا أرحم الراحمين

رَبَّنَا آتِنَا فِي الدُّنْيَا حَسَنَةً وَفِي الْآخِرَةِ حَسَنَةً وَقِنَا عَذَابَ النَّارِ

رَبَّنَا ظَلَمْنَا أَنفُسَنَا وَإِن لَّمْ تَغْفِرْ لَنَا وَتَرْحَمْنَا لَنَكُونَنَّ مِنَ الْخَاسِرِينَ

اللهم صلِّ وسلِّم وبارك على عبدك ورسولك محمد سيد الأولين

والآخرين، وعلى آله وصحبه أجمعين