Lesson 8

Calculation of shares:

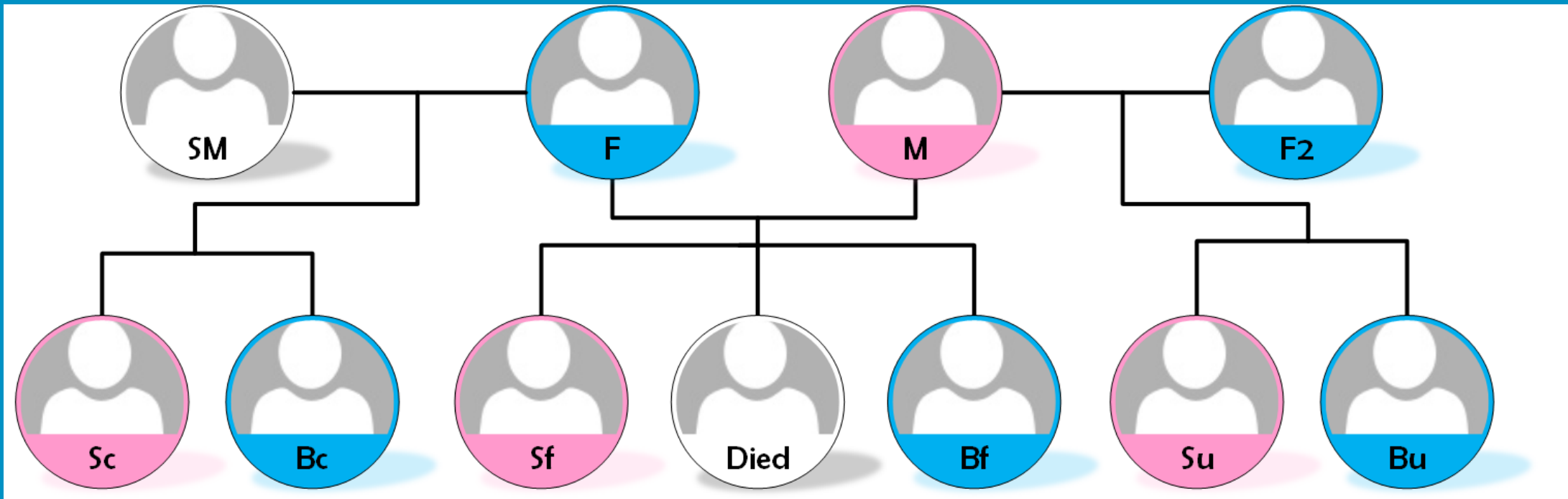o **Brother Uterine & Sister Uterine**

o **True Grand Mother**

Islamic Laws of
Inheritance

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o   In this lesson the **Brother Uterine & Sister Uterine's share** will be covered.

o   **True Grand Mother Terminology** will be familiarized.

o   **True Grand Mother's share** will be covered.

o   Understand these.

Terminology Full & Consanguineous

F=father, M=mother, SM=stepmother father's second wife,

F2=mother's previous husband before getting married to father,

Sf=sister full, Bf= brother full, Sc,Bc=sister and brother

o **Uterine** = Same Mother and different Father

o Also called **Maternal half brother** and **sister**.

o **Cognatic**.

o **Secondary heirs**.

o **Excluded by: S, SS..., F , D, SD, TGF.**

o **Bf**, **Sf donot exclude them**.

o **2 or more Bu and/or Su reduce share of M**

o **Sura Nisa Ayat 12** is the basis

If a man or a woman die in a state of Kalalath (with no ascendants or descendants) and he/she has a brother or sister then each one of them will get one sixth, but if more than two they share one third, after payment of debts and legacies, without any harm to anyone. Thus it is ordained by Allah, Allah is All Knowing, Most forbearing.

وَإِن كَانَ رَجُلٌ يُورَثُ كَلاَلَةً أَو امْرَأَةٌ وَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ فَإِن كَانُواْ أَكْثَرَ مِن ذَلِكَ فَهُمْ شُرَكَاء فِي الثُّلُثِ مِن بَعْدِ وَصِيَّةٍ يُوصَى بِهَا أَوْ دَيْنٍ غَيْرَ مُضَآرٍّ وَصِيَّةً مِّنَ اللّهِ وَاللّهُ عَلِيمٌ حَلِيمٌ

Sura Nisa:12

Exception to general rule

Bu & Su take equal parts

unlike 2:1 ratio for M:F

Verse 12 Sura Nisa is the basis

Single Bu / Su	No S, SS, D, SD, F, TGF	1/6
2 or more Bu and/or Su (2Bu/2Su/Bu+Su)	No S,SS, D, SD, F, TGF	1/3 Equally divided
Any number	Presence of S, SS, D, SD, F, TGF	Nil

Learn and remember this well

	Su/Bu /both
S	**0**
SS	**0**
F	**0**
TGF	**0**
Bf	**0-1/6-1/3**
Sf + D/SD	**0 (D/SD prevents)**
Bc	**0-1/6-1/3**
Sc + D/SD	**0 (D/SD prevents)**
other	**0-1/6- 1/3**

		Su/bu /both
S		**0**
SS		**0**
F		**0**
TGF		**0**
other	D/SD present	**0**
	No D/SD	**Single 1/6**
		2 or more 1/3

Bu & Su - Problem Solving

Now solve the following cases. Living heirs are given.

Find the share of Bu & Su.

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

1.	M, 2Sf, Sc, Bu	5.	H, Bu, Bf.
2.	2Sf, Bc, 2Su	6.	W, 2Bu, Su, Bc, Bf
3.	Sf, 2Sc, Bu, Su.	7.	M, 2Sf, Su, Bc
4.	Sf, Bf, Sc, Bc, Su, Bu.	8.	Sf, Sc, Bu, Su.

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.

Bu & Su - Problems - SOLUTIONS

No.	Question	Answer
1.	M, 2Sf, Sc, Bu	M = 1/6, 2Sf = 2/3, Sc = nil, Bu = 1/6
2.	2Sf, Bc, 2Su	2Sf = 2/3, Bc = bal = nil, 2Su = 1/3
3.	Sf, 2Sc, Bu, Su.	Sf = 1/2, 2Sc = 1/6, Bu + Su = 1/3
4.	Sf, Bf, Sc, Bc, Su, Bu.	Sf + Bf = bal = 2/3, Sc + Bc = nil(Ex by Bf), Su + Bu = 1/3
5.	H, Bu, Bf.	H = 1/2, Bu = 1/6, Bf = bal = 1/3
6.	W, 2Bu, Su, Bc, Bf	W = 1/4, 2Bu+Su = 1/3, Bc = nil, Bf = bal = 5/12
7.	M, 2Sf, Su, Bc	M = 1/6, 2Sf = 2/3, Su = 1/6, Bc = bal = nil
8.	Sf, Sc, Bu, Su.	Sf = 1/2, Sc = 1/6, Bu + Su = 1/3

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

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

Sf / Sc / Bu / Su - Shares

Balance heirs	Sf	Sc	Su/Bu /both
S	0	0	0
SS	0	0	0
F	0	0	0
TGF	0 /b	0/ b	0
Bf	b	0	0 - 1/6 - 1/3
Sf + D / SD	b	0	0
Bc	1/2 - 2/3	b	0 - 1/6 - 1/3
Sc + D / SD	# (not alive)	b	0
Other	1/2 - 2/3	1/6 – 0 -1/2 - 2/3	0 - 1/6 - 1/3

Sf / Sc - Shares

Balance heirs		Sf	Sc	Su/Bu
S		0	0	0
SS		0	0	0
F		0	0	0
TGF		0 /b	0/b	0
Bf		b	0	0-1/6-1/3
Sf (If D / SD alive)		b	0	0
Bc	Single Sf (No D/SD)	1/2	b	1/6-1/3
Bc	2 or more Sf (No D/SD)	2/3	b	1/6-1/3
Bc	No Sf but D/SD +	#	b	0
Sc (If D / SD alive)	No Sf	# (not alive)	b	0
No balance heirs as above	Single Sf (No D/SD)	1/2	1/6	1/6-1/3
	2 or more Sf (No D/SD)	2/3	0	1/6-1/3
	No Sf (No D/SD) +1 Sc	#	1/2	1/6-1/3
	No Sf (No D/SD) +2 or more Sc	#	2/3	1/6-1/3
	No Sf, No Sc but D/SD+	#	#	0
	No Sf, No Sc No D/SD	#	#	1/6-1/3

Pr./Sec	**Secondary Heir**
Excluded by	**S, SS, SSS, F, TGF, D, SD**
Excludes	**None**
Share fraction	Refer back
Effect on others	**Reduces share of mother**
Effect of others	**No effect**
Effect of Awl	**Share reduces**
Effect of Radd	**Eligible**
Special occasion	**Bf & Sf do not exclude them** **Bu & Su take equal shares**

Only True grand mothers are eligible.

True Grand mother = No untrue grand father in the lineage

True Grand father (TGF) is Grand Father with no female in between the person died and the grandfather. E.g.. Father's father (FF), or his father (FFF)…

Untrue Grand Father is a grand father with a female between the person died and the grand father. e.g. Mother's father (MF), his father (MFF) or father's mother's father (FMF)

True GM = MM, FM, MMM, FFM, FMM,

Untrue GM = MFM, FMFM.

True GM

MM   = mother's mother

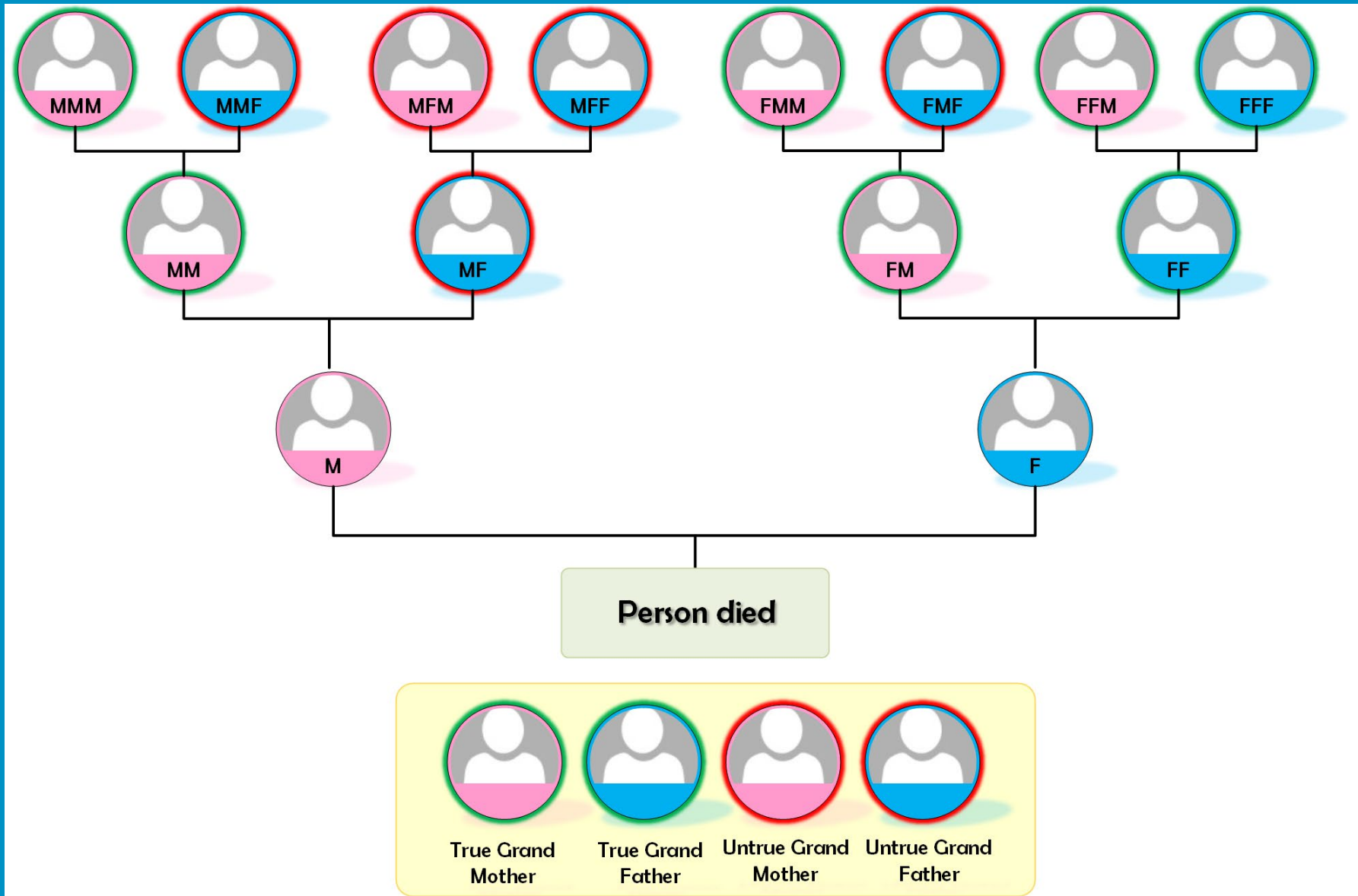FM   = father's mother

MMM   = mother's mother's mother

FFM   = father's father's mother

FMM   = father's mother's mother

Untrue GM

MFM   = mother's father's mother

True Grand Mother

Confirmed by Prophet (s.a) practice.

Khubaisath bn duaib narrates

Aboobacker (R.) made this practice into effect after GM approached him regarding her share , after confirming the prophet's practice as told by Mugeerat b Shuaib and confirmed by Muhammadubn Maslamathal ansari.

(Reported by 5)

Single   **1/6**

More than 1   **1/6 equally divided**
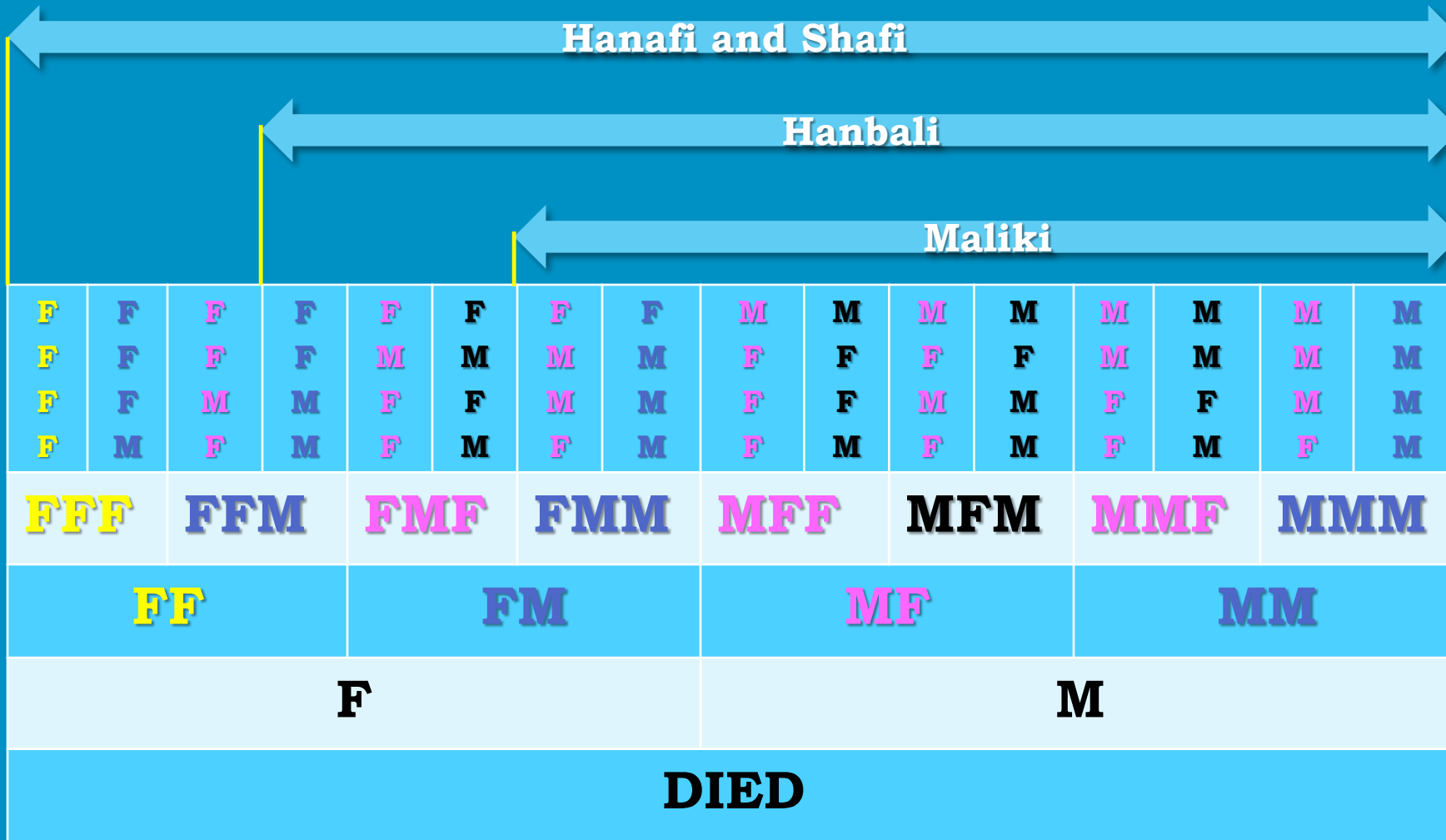
Learn and remember this well

No Share

o M will prevent FM and MM share

o That is if mother is there TGM will not get any share

o If F is there FM will not get share

o Near GM will exclude distant GM

Learn and remember this well

TGM - Difference of opinion

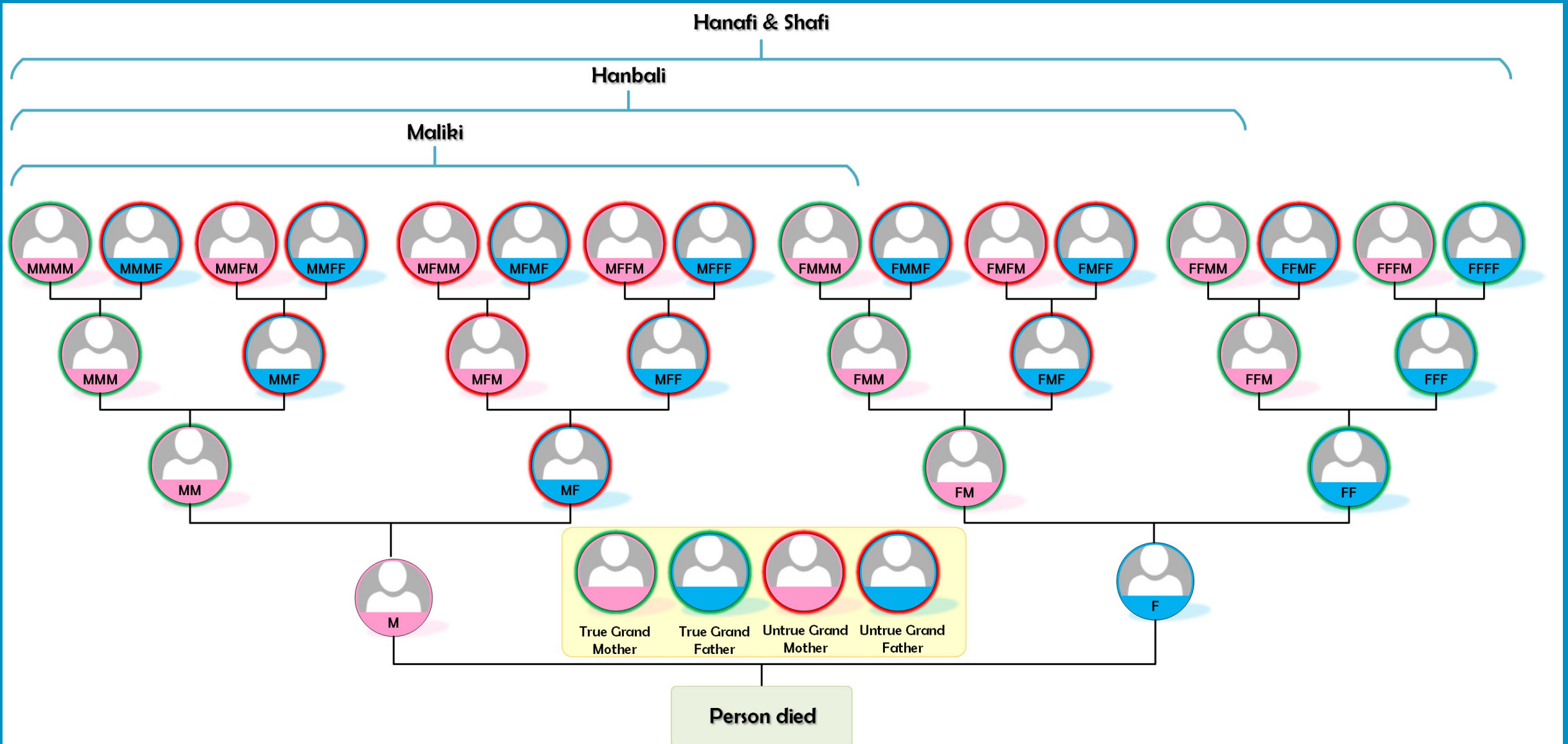|	Hanafi	Shafi	Maliki	Hanbali	
All TGM inherit	Yes	Yes	No	No	
M Excludes all TGM	Y	Y	Y	Y	
F excludes all paternal GM	Y	Y	Y	No	Because F does not exclude Maternal GM
Nearer Maternal GM excludes all remote GM	Y	Y	Y	Y	
Nearer Paternal GM excludes all remote GM	Y	Paternal Only	Paternal Only	Y	Because F does not exclude Maternal GM
UTGM as Distant Kindred	Y	Y	No	Y	

True Grand Mother

FF = TGF   FM = TGM   MF = UTGF   MFM = UTGM

TGM - Difference of opinion

Hanafi & Shafi

Hanbali

Maliki

MMMM MMMF MMFM MMFF MFMM MFMF MFFM MFFF FMMM FMMF FMFM FMFF FFMM FFMF FFFM FFFF

MMM MMF MFM MFF FMM FMF FFM FFF

MM MF FM FF

M

True Grand Mother · True Grand Father · Untrue Grand Mother · Untrue Grand Father

F

Person died

Pr./Sec	**Secondary Heir**
Excluded by	**M, F**
Excludes	**Higher GM**
Share fraction	Refer back
Effect on others	**Nil**
Effect of others	**Excluded by M and lower GM**
Effect of Awl	**Share reduces**
Effect of Radd	**Eligible**
Special occasion	-
Remarks	**Only TGM are eligible**

ربنا تَقَبَّلْ مِنَّا إِنَّكَ أَنْتَ السَّمِيعُ الْعَلِيمُ

وَتُبْ عَلَيْنَا إِنَّكَ أَنْتَ التَّوَّابُ الرَّحِيمُ

اللهم اغفر لنا، يا أرحم الراحمين

ربنا آتنا في الدنيا حسنة وفي الآخرة حسنة وقنا عذاب النار

ربنا ظلمنا أنفسنا وإن لم تغفر لنا وترحمنا لنكو نن من الخاسرين

اللهم صلِّ وسلِّم وبارك على عبدك ورسولك محمد سيد الأولين والآخرين، وعلى آله وصحبه أجمعين