



Recommendation for making' Will' & 1/3rd.
wealth distribution after death + Appointment
of Executor /Wasi.

It is **highly recommended to make a will** & keep it at a place known to few family members.

Sharia fixes the rules for inheritance & distribution is done accordingly.

The Islamic rules for Inheritance permit **a maximum of 1/3rd of the wealth to be used as per the will of the deceased, provided such a specific will was made.**

It is beneficial that a person makes a 'will' & stipulates in it, amongst other things, that 1/3rd of wealth left behind is to be used 'for good /charitable causes' (the type may or may not be specified) so that the benefit from it, will come to the deceased.

The **calculation of 1/3rd** will be on;

- i. Wealth at the time of death & not at time when will is made,
- ii. After deducting wajib dues like khums & loan repayment (*if applicable as per detail rules*) &
- iii. On Total Wealth (after ii)

However a person may either specify only particular assets for this calculation (*say for example include only Bank Balance & Jewelry*) .OR can specifically exclude certain assets (*for example exclude a house, which the family lives in, and is difficult to break up/sell.*)

This allocation of 1/3 to charitable causes (can even be donated to a charitable institution) has to be specifically mentioned (orally or in writing) as a will / wasiyat AND

a Wasi /Executor is to be appointed for its execution.

Even a simple one line statement for allocating 1/3rd of wealth for charitable causes & the name of the person who is to execute the decision, is sufficient as a 'will'.

A Charitable organisation and/or Alim can be informed of such an intention /will, to ensure the use for charitable causes after death.

It is recommended that the will is in writing (*though it can be verbal*) & has two witnesses.

In case there is such a will, and **no Executor/Wasi was appointed**, then the persons (including inheritors), distributing this 1/3rd wealth should take permission from 'Hakim Shar' i.e. authorized representative of persons Marja before doing so.

Note. Distribution of the inheritance only between the inheritors does not require the appointment of any Executor/Wasi.

In case the wealth includes Businesses or indivisible Assets, which cannot be liquidated, an individual can consider transferring ownership during lifetime to a trust / organization. The beneficial ownership, of this trust/Organisation can be; 2/3 the inheritors as per sharia & 1/3 for specified causes. The management of this trust /organization can also be predefined as required.

More at <http://www.islamic-laws.com/Inheritance.htm>