

# ISLAMIC LAWS OF **THE WILL**

MUHAMMADI WA... ASSOCIATION



TESTAMENT



# (Wasiyatnama)

Bequest is prescribed for you when death approaches one of you...

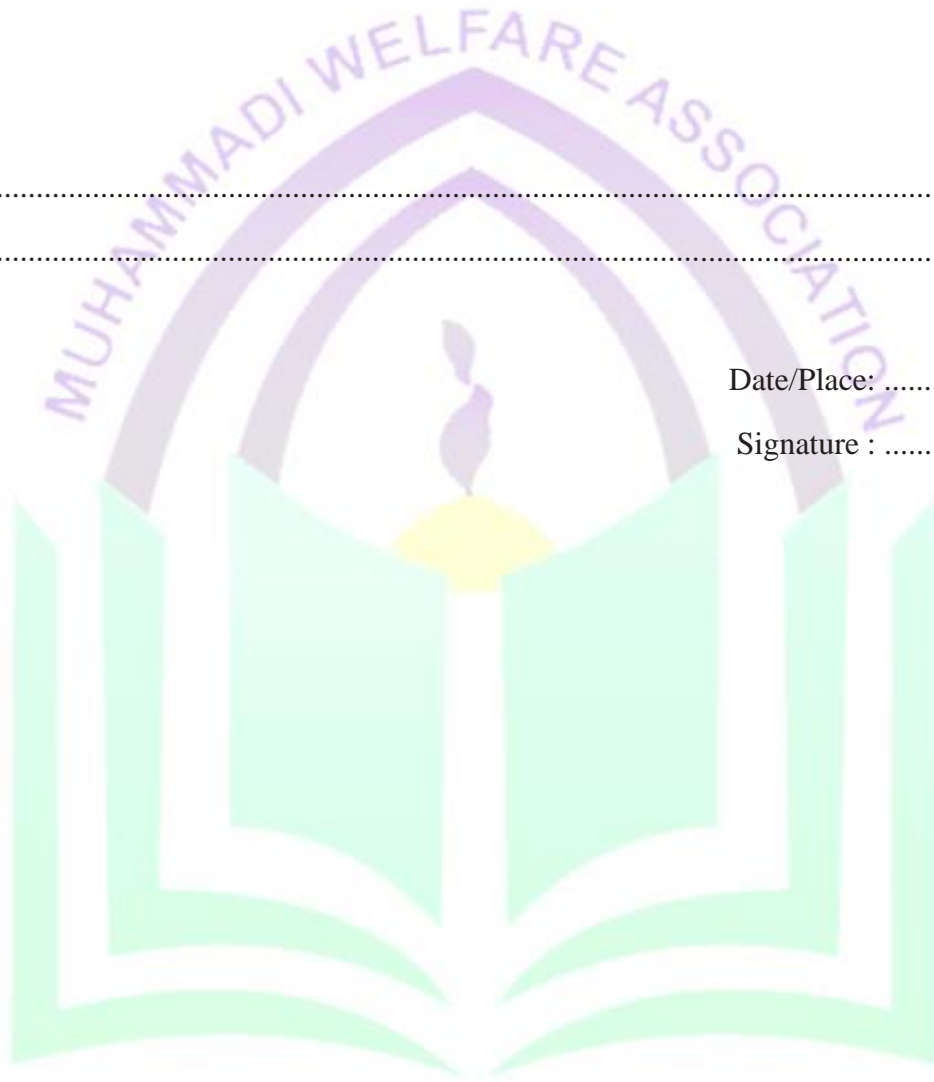
(Al Baqarah : 180)

Name of Testator : .....

Father's Name : .....

Date/Place: .....

Signature : .....



**Note: This form is solely for assisting in the preparation of your Will. You must authorize and adhere to your local authorities' requirements.**



# Important Instructions Regarding Will

Here under we give in short some guidelines for a person who is going to execute a Will. For details please see our Presentation and Masail of will in Islamic practical law books ([Syed Sistani](#)) ([Rehbar](#)).

**Syed Sistani:** <https://www.sistani.org/english/book/48/8235/>

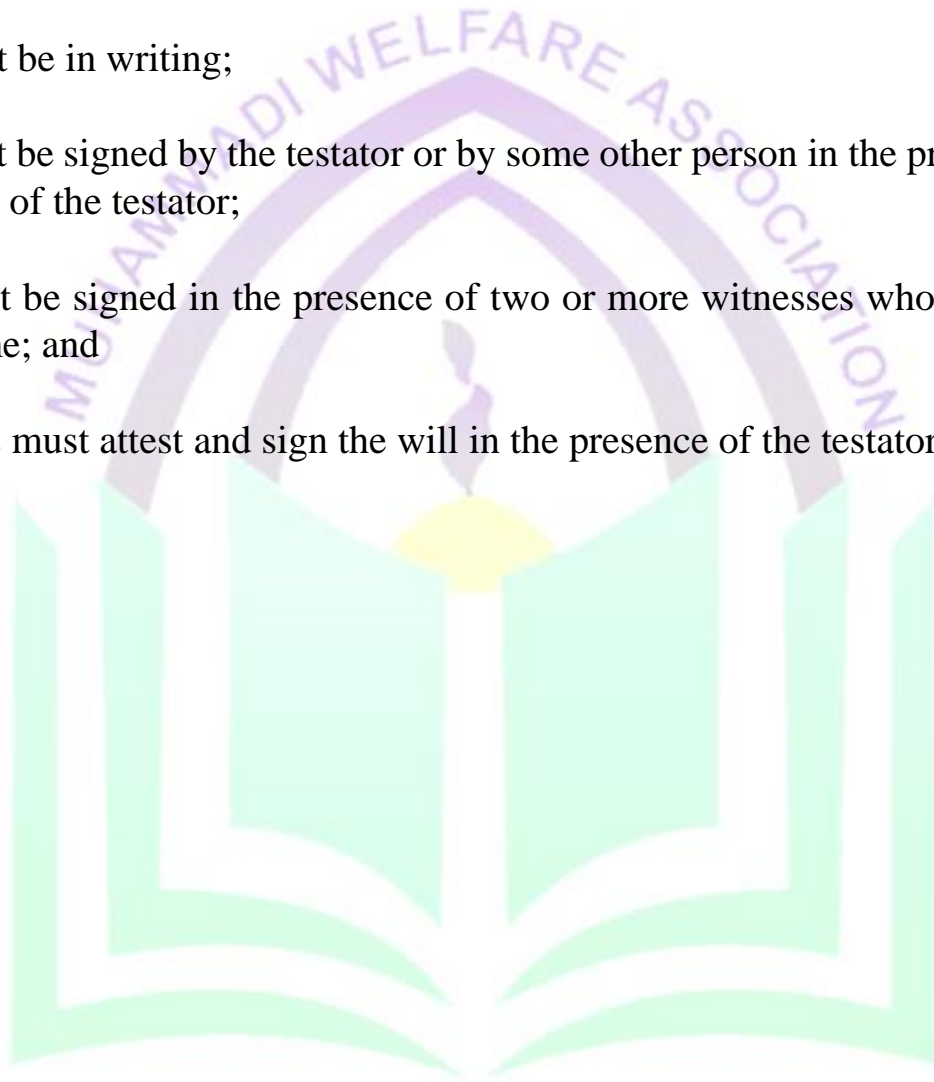
**Rehbar:** <https://www.leader.ir/en/book/32/Practical-Laws-of-Islam>

1. Will is one of the important commandments of Islam and by executing a Will one gets the blessings of Allah s.w.t.
2. Will should be executed well in advance. Imam Sadiq a.s. said, *“It is compulsory for every Muslim that his will should be under his pillow while he goes to sleep”*.
3. A testator can bequeath only one third portion of his property.
4. A testator should be Baligh (mature under Islamic tenets).
5. The Will should be executed by the testator with his own free will and choice. He should not be compelled to Will.
6. Will should be full of wisdom and common sense.
7. The person/persons for whom the Will is to be executed should be deserving and capable.
8. The will should be executed in such a manner that it should not create any dispute or differentiation.
9. The testator should put clauses in his will not only for the performance of good deeds (sawab), but he should also specifically mention about the rights of human beings and rights of Allah s.w.t.
10. There should not be any sort of transgression, deviation or injustice in a Will.
11. In order to give effect to his will the testator should appoint an adult, sane, sensible Muslim and trustworthy person as his executor (wasi).
12. In the end the testator should write some ethics and experiences of his life. He should

take guidance from the Wills of the great personalities of Islam such as Will of Hazrat Ali A.S. (from Nahjul Balagha) and other Imams and scholars.

### **Formal Requirements**

1. the will must be in writing;
2. the will must be signed by the testator or by some other person in the presence and by the direction of the testator;
3. the will must be signed in the presence of two or more witnesses who are present at the same time; and
4. each witness must attest and sign the will in the presence of the testator.



# THE WILL

(PHOTO)

- ORIGINAL
- 1st COPY
- 2nd COPY

Date and place of death : .....

(to be filled by executor or heir)

Full Name : .....

Father's name : .....

Date of Birth : ..... Place of Birth : .....

Present Address : .....

.....

.....

Permanent Address : .....

.....

Religion : ..... Sect : .....

Name of Mujtahid .....

(under whose taqleed the testator is)

- (1) One/Two/Three copy/copies of this Will has/have been made in case any difference is found in the copies of the Will the original copy should be treated as reliable.
- (2) The first copy of the Will has been given to Mr./Ms. ....
- (3) The second copy has been given to Mr./Ms. ....  
(Note : The original copy of the Will should be kept by the testator himself)
- (4) All the details of my property, trusts and transactions, assets etc. have been written in the enclosures of this Will. Apart from these if any other transaction is proved that should also be taken into account.

Date and place of execution of Will .....

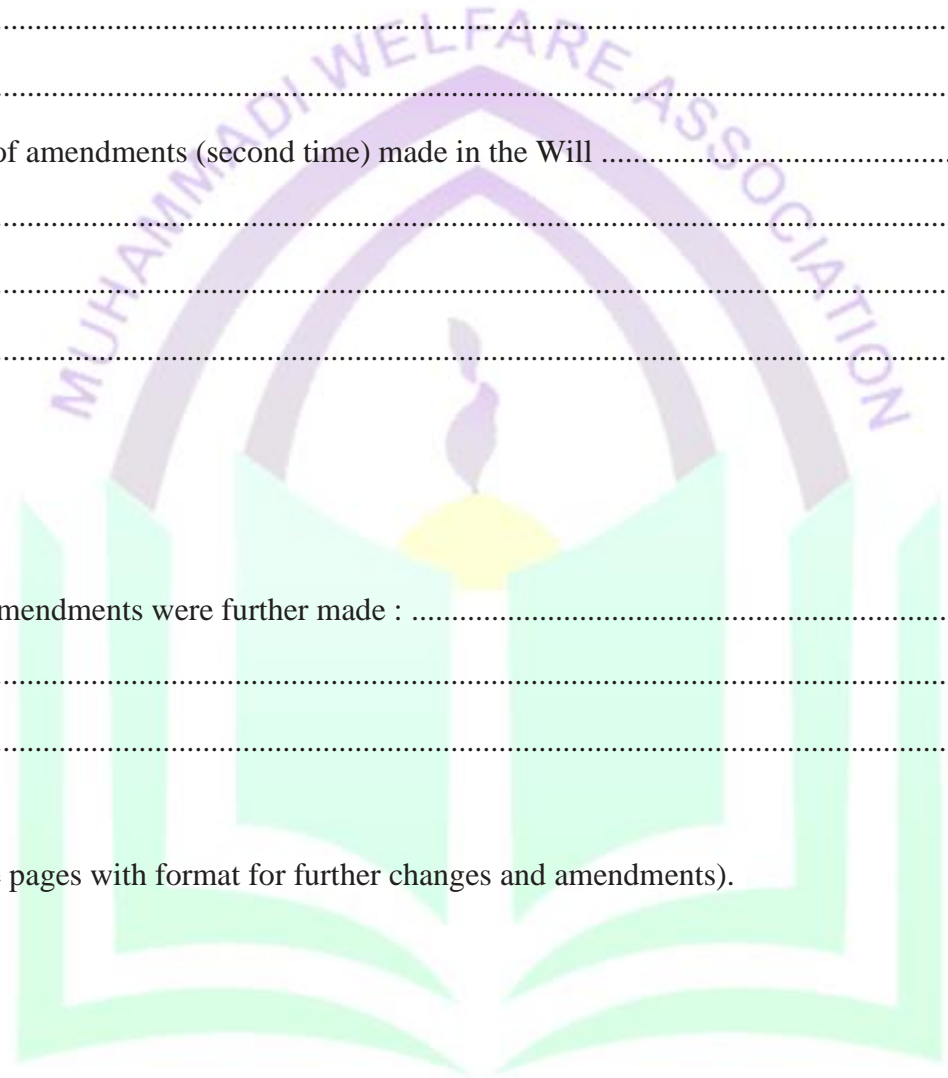
Signature of testator

(i) Date and place of amendments made in the Will .....

\_\_\_\_\_  
Signature

(ii) The following amendments were made : .....  
.....  
.....

(iii) Date and place of amendments (second time) made in the Will .....



\_\_\_\_\_  
Signature

(iv) The following amendments were further made : .....  
.....  
.....

(You can ADD more pages with format for further changes and amendments).



**First Part**

**APPOINTMENT OF EXECUTOR**

I, hereby appoint the following person/persons as my trusted executors (wasi) who would be authorized to look after all my assets, its acquisitions, disbursements and justified distribution amongst my heirs. All the heirs are instructed to co-operate with the executor. In case of any dispute Mujtahid or his Vakil / Religious Scholar should be consulted.

1. Name & Father Name of the Executor :

.....

Address : .....

.....

2. Name & Father Name of the Second executor

.....

(in case first executor apologizes)

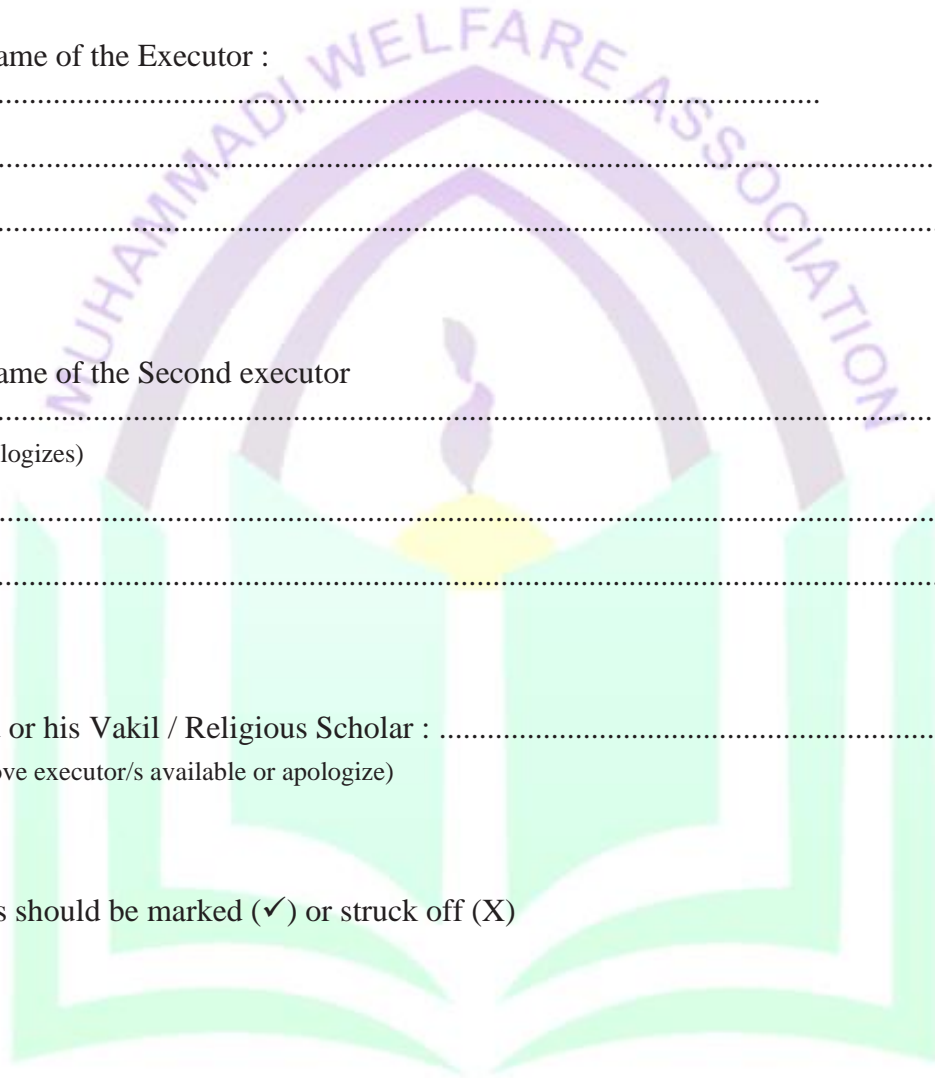
Address : .....

.....

3. Name of Mujtahid or his Vakil / Religious Scholar : .....

(In case neither of the above executor/s available or apologize)

(Non applicable items should be marked (✓) or struck off (X))



## Second Part

### APPOINTMENT OF GUARDIAN

My Father Mr. ....would function as a guardian of my minor children till they reach puberty in case of his old age or death he is unable to remain their guardian the following persons would function as their guardian :

(1) Mr./Ms. ....  
(if he/she is not ready)

(2) Mr./Ms. ....  
(if he/she is not available.)

(3) My executor (wasi) (according to part) one would function as their guardian.

The appointed guardian (except my father) shall handover the responsibilities of all my assets to my son/s, daughter/s .....

.....  
and the remaining children when they reach puberty.

- The guardian of my children is requested to look after my children properly and make arrangements for their academic and religious education. In particular, they should be made to learn the Holy Qur'an and Shia Theology and its essential propositions and problems. He should also safeguard all the assets belonging to my children and if required make expenditures to fulfill their genuine needs but with their consent.
- In case of any dispute arises between my children and guardian a mujtahid (jurist) or his vakil should be consulted whose decision would be binding on both.



**Third part**

**EXPENDITURES TO BE MADE OUT OF ORIGINAL ASSETS**

First of all my executor shall make the following payments out of my original assets (amounting to \$..... approx.) (as far as possible approx. amounts to mention)

1. Expenditure on my ghusl, coffin and burial. \$.....

I ordain my place of burial to be at the following Islamic cemetery if accomplishable:

Cemetery & Grave No (if any)	
Address	
Funeral Service (if any)	

The distributable property should be distributed from its one third portion \$..... (as per part four of this will)

The original assets should be distributed (from this part of will \$..... Other Misc. expenses of the deceased (such as ambulance, Majalis, Fateha (reciting of Qur'an) Charities etc.) should be distributed as per part four of this Will. \$.....

My Husband/Wife should bear these expenses.

2. Mehar of my wife \$. .....

Has been paid  To be paid

3. Debts/Qarz Hasana (loan W/O interest) are as follows :

Names and address of lenders :

(i) ..... \$.....

(ii) ..... \$.....

(iii) ..... \$.....

No loan is payable

Loans are to be paid

4. Radde Mazalim (compensation for financial loss effected on anyone)

(i) ..... \$.....

The executor to fill the amounts where no amount is mentioned by testator.

5. To be payable	Not payable	
<input type="checkbox"/> Saham-e-Imam	<input type="checkbox"/>	\$ .....
<input type="checkbox"/> Saham-e-Saadaat	<input type="checkbox"/>	\$ .....
<input type="checkbox"/> Zakat	<input type="checkbox"/>	\$ .....
<input type="checkbox"/> Fitra	<input type="checkbox"/>	\$ .....

\* Annual date of payment of Khums\* falls on .....

\* Annual date of payment of Zakat\* falls on .....

\* Khums/Zakat\* has been paid regularly hence my executor should take account from the annual date of my khums till the date of my death.

\* Khums/Zakat has not been paid regularly, details of which have been written on separate paper. So my executor should fix the payable amount and pay.

\* Khums/Zakat never taken out.

6. Obligatory Hajj\*.

- Not due / already performed
- Is due and some genuine person to be deputed from my city.
- The executor does the computation and if he finds that Hajj was due then he should depute someone for Performing Hajj .

Important Note : (If the testator has willed to depute someone from ‘miqat’ then the expenses would be taken out from original assets but if willed for deputation from his city then the expenses would be made from the one third portion of his assets.)

7. The expenditures done by the executor in respect of the receipts and distribution of the inherited property :

- One third portion of the distributable assets should be disbursed from part four of this Will.
- Original assets to be distributed from ‘part three’ of this will.

8. Taxes and dues pertaining to the government.

.....  
 .....

- are payable     not payable
- One third portion of the distributable assets should be disbursed from part IV of this Will.
- To be paid from original assets (part three of this will).

9. In case of any loan or any other case is proved against me.

- One third portion of the distributable assets should be paid from part IV (of this Will)
- To be paid from original assets (part three).

\* See Tauzihul Masael of Your Mujtahid



**Part four**

**WILL REGARDING ONE-THIRD PORTION OF THE DISTRIBUTABLE ASSETS**

After the payments of all the dues of the third part of the Will and on the authority by dint of my rights on the one-third portion of the balance of my assets, I, hereby, bequeath that it is the duty of my Executor to follow the guidelines hereunder mentioned on the said 1/3 portion:

- I Will for the one-third portion
- I Will Waqf to.....%
- I Will only for \$.....
- I Will as per the following amounts :

If the total of the under-mentioned expenditures exceeds the above-mentioned fixed amounts. For example, if Will is made for \$. 50,000/- but the total of the expenditure comes to \$. 70,000/- then in this condition the reductions will be made by ticking (✓) in the columns written on the right side.

**Endowment (WAQF) of property or percentage Should Be Mentioned Separately.**

**Payments in the case of reduction in fixed amounts**

Payment Canceled	Little Reduction	Total Payment	Details of the Will	Amounts (if possible)
			1. Expenses on ‘Ghusl’, Coffin, and burial.	\$.....
			2. On ambulance, Majlis, Fateha and charities etc.	\$.....
			These expenses should not exceed	\$.....
			3. Charity on the night of burial.	\$.....
			4. Wages on any other things	\$.....
			5. Remuneration of executor	\$.....
			6. Wages for qaza Namaz)	\$.....
			<input type="checkbox"/> Qaza since.....	\$.....
			7. Wages for undone fasts.	\$.....
			<input type="checkbox"/> Qaza for.....days / months	\$.....
			8. Obligatory Hajj	\$.....
			<input type="checkbox"/> Deputed to perform Haj from his city.	\$.....
			9. Obligatory Kaffaras (Expiations)	\$.....
			<input type="checkbox"/> Kaffara of Hajj (Qurbani)	\$.....
			<input type="checkbox"/> Kaffara of fasts	\$.....

		<input type="checkbox"/> Kaffara of Nazr/pledge etc. <input type="checkbox"/> No Kaffara is due	\$. ..... \$. .....
		10. Optional prayer <input type="checkbox"/> Haj <input type="checkbox"/> Umrah <input type="checkbox"/> Ziarat	\$. ..... \$. ..... \$. .....
		11. To my wife Ms..... <input type="checkbox"/> In addition to her share of Inheritance	\$. ..... \$. .....
		12. To my following children (in addition to their share of inheritance) a) To..... b) To..... c) To..... d) To.....	\$. .....
		13. To my following relatives (in addition to their share of inheritance) a) To..... b) To..... c) To..... d) To.....	\$. .....
		14. . Following expenses in the way of Allah s.w.t..... a) To..... b) To..... c) To..... d) To.....	\$. .....

Note : After the disbursement of the above mentioned expenses the residue should be distributed among my heir according to the ruling of my Mujtehad.



**Enclosure No. 1**

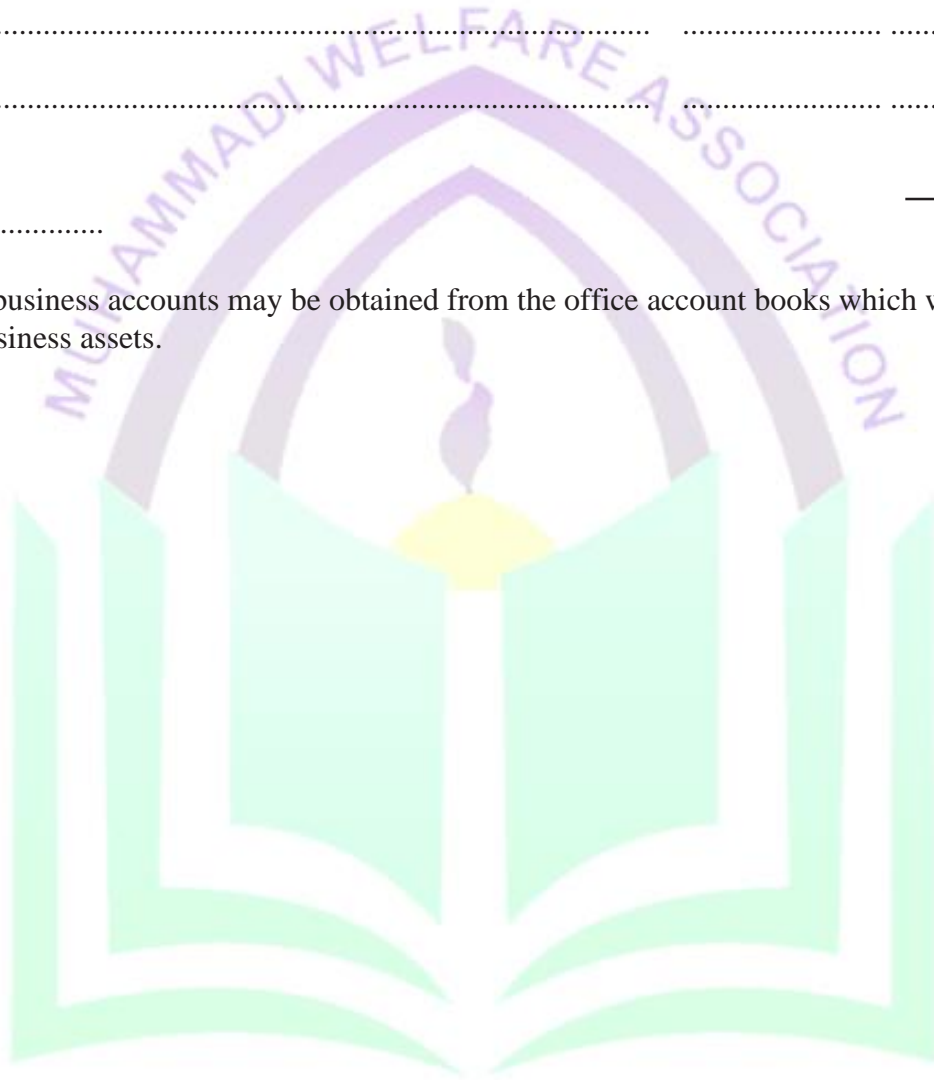
**DETAILS OF BANK ACCOUNT (NON COMMERCIAL)**

S.No.	Name of Bank	Account No.	Names of Signatory
1.	.....	.....	.....
2.	.....	.....	.....
3.	.....	.....	.....

Date :.....

\_\_\_\_\_  
(Signature)

Note : Details of my business accounts may be obtained from the office account books which would be taken in respect of business assets.



**Enclosure No. 2**

**DETAILS OF SHARES**

S.No.	Name of Company	Quantity of Shares	Original Value	Names of joint shareholders
1.	.....	.....	.....	.....
2.	.....	.....	.....	.....
3.	.....	.....	.....	.....
4.	.....	.....	.....	.....
5.	.....	.....	.....	.....
6.	.....	.....	.....	.....

Date : .....

\_\_\_\_\_  
(signature)

**Enclosure No. 3**

**DETAILS OF INSURANCE POLICIES**

S.No.	Name of insurance Co.	Policy No.	Date of Maturity	Amount (of policy)
1.	.....	.....	.....	.....
2.	.....	.....	.....	.....
3.	.....	.....	.....	.....

- Khums has been paid / not paid on paid-up premium.
- The amount received from insurance would be considered as part of the assets even though it may be in anybody's name.

Date : .....

\_\_\_\_\_  
(signature)



**Enclosure No. 4**

**DETAILS OF PROPERTY AND AMOUNT TO BE RECOVERED**

The following items of my personal, Belongings/property are to be recovered which should be added in my assets after recoveries.

The following details are apart from my business accounts :

S no.	Names and Address of Debtor	Detail	Amount
1.	*My husband	Meher	.....
2.	.....	.....	.....
3.	.....	.....	.....
4.	.....	.....	.....

\* Only for females - in case if meher is paid or excused it is to be omitted.

Date : .....

\_\_\_\_\_  
(signature)

**Enclosure no. 5**

**DETAILS OF ITEMS WHICH WERE NOT GIFTED WHILE LIVING.**

The following items / properties are my own assets even if they are in the name of others as per government or non-government documents or they are presumed that I had given these things to certain peons. These items / properties are to be included in my assets.

S No.	Detail	Name & Address of the possessor of the items	Name & address of the persons who are named
1.	.....	.....	.....
2.	.....	.....	.....
3.	.....	.....	.....
4.	.....	.....	.....

Date : .....

\_\_\_\_\_  
(signature)



**Enclosure No. 6**

**DETAILS OF THE ITEMS WHICH WERE GIFTED WHILE LIVING**

The following items / properties have been gifted by me during my lifetime. I have no claim on them even though they are written in my name or in the name of somebody else in government or non-government documents or are known as my property.

S.No.	Detail	Gifted to	Date	Witness
1.	<input type="checkbox"/> Ornaments	.....	.....	.....
2.	<input type="checkbox"/> Garments etc.	.....	.....	.....
3.	<input type="checkbox"/> Dowry	.....	.....	.....
4.	<input type="checkbox"/> Vehicle	.....	.....	.....
5.	<input type="checkbox"/> Shares	.....	.....	.....
6.	<input type="checkbox"/>	.....	.....	.....
7.	<input type="checkbox"/>	.....	.....	.....

Date : .....

\_\_\_\_\_  
(signature)



**Enclosure no. 7**

**DETAILS OF ENTRUSTED DEPOSITS**

(Apart from what have been entered in my business account books)

Some persons had entrusted with me the following securities which are preserved by me. Those should be returned to their respective owners by my Executor immediately after my death or those should be disbursed as per the instructions given by me in this regard.

S.No.	Names & Address of the owner	Details of securities	Instructions
1.	.....	.....	.....
2.	.....	.....	.....
3.	.....	.....	.....
4.	.....	.....	.....

Date : .....

.....  
(signature)

**Enclosure No. 8**

**MY DEEP WISH**

If a testator wants to Will in the following matte\$ for any particular person, he may fill up his name accordingly:

1. I wish my namaz-e-Mayyat be performed by Maulana .....
2. I wish my Suyum Majlis be addressed by Maulana.....
3. I wish my chehlum Majlis be addressed by Maulana.....
4. I wish for my Haj Mr..... be deputed (if he agrees.)
5. I wish for my Umrah Mr..... be deputed (if he agrees.)
6. I wish Ziarat of ..... be done by  
(Name of place)

Mr..... if he agrees.

Date : .....

\_\_\_\_\_  
(Signature)

## APOLOGIES

I earnestly request all my relatives, friends and other persons concerned that if, unintentionally, they are bodily, spiritually or mentally hurt by me at any time I seek that I am excused by them.  
Further I request my executor / heir to extend my apologies to the following persons :

S.No.	Names and addresses
1.	.....
2.	.....
3.	.....
4.	.....
5.	.....

I also, earnestly, request my Muslim brothers who have been, intentionally or unintentionally, slandered, smeared, and defamed by me. I seek that I am excused by them.

I also excuse all my relatives, friends, and brothers who might have slandered, smeared, or defamed me or afflicted me in any manner whatsoever.

I advise to my executor (Wasi) .....

Date : .....

\_\_\_\_\_  
(Signature)

