

# Seminar on Islamic Will

How to Make a Simple Islamic Will - (اردو سيمينار)

Saturday, Feb 20th, 2021 (Rajab 13th, 1442H)

Organized by:  
Islamic Will Canada and GTA Professional Network

# Welcome

Jazakallah khair for joining

**The Islamic Will/Al Wasiyah**

الوصية  
**AL WASIYAH**

It is not permissible for any Muslim who has something to will to stay for two nights without having his Will and Testament written and kept ready with him." *(Al-Bukhari)*.

Quran Pak recitation for  
Barakah by our young Br.  
Mujtaba Adnan

Respectfully be on MUTE and listen to the Qirat

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ ۚ فَإِن كُن نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ ۚ وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ ۚ وَلَا يُؤْتِيهِ لِلْأُنثَىٰ مِمَّا تَرَكَ إِن كَانَتْ لَهَا وَوَلَدٌ لَّمْ يَكُن لَهَا وَلَدٌ فَلَإِمْرَئَةٍ مِّنَ الثَّلَاثِ ۚ فَإِن كَانَ لَهُ إِخْوَةٌ فَلِإِمْرَأَةِ السُّدُسِ ۚ مِن بَعْدِ وَصِيَّةٍ يُوصَىٰ بِهَا أَوْ دِينٍ ۚ أَبَاؤُكُمْ وَأَبْنَاؤُكُمْ ۚ لَا تَدْرُونَ أَيُّهُم أَقْرَبُ لَكُمْ نَفْعًا ۚ فَرِيضَةٌ مِّنَ اللَّهِ ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا ﴿4:11﴾ Surah An-Nisa

اللہ تعالیٰ تمہیں وصیت کرتا ہے تمہاری اولاد کے بارے میں کہ لڑکے کے لیے حصہ ہے دو لڑکیوں کے برابر پھر اگر لڑکیاں ہی ہوں (دو یا دو سے زیادہ تو ان کے لیے ترکے کا دو تہائی ہے اور اگر ایک ہی لڑکی ہے تو اس کے لیے آدھا ہے اور میت کے والدین میں سے ہر ایک کے لیے چھٹا حصہ ہے جو اس نے چھوڑا اگر میت کے اولاد ہو اور اگر اس کے اولاد نہ ہو اور اس کے وارث ماں باپ ہی ہوں تو اس کی ماں کا ایک تہائی ہے پھر اگر میت کے بہن بھائی ہوں تو اس کی ماں کا چھٹا حصہ ہے بعد اس وصیت کی تعمیل کے جو وہ کر جائے یا بعد ادائے قرض کے تمہارے باپ اور تمہارے بیٹے تم نہیں جانتے کہ ان میں سے کون تمہارے لیے زیادہ نافع ہے یہ اللہ کی طرف سے مقرر کیا ہوا فریضہ ہے یقیناً اللہ تعالیٰ علم و حکمت والا ہے (بیان القرآن) ڈاکٹر اسرار احمد )

وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِن لَّمْ يَكُن لَّهُنَّ وَلَدٌ ۚ فَإِن كَانَ لَهُنَّ وَلَدٌ فَلِكُمُ الرُّبْعُ مِمَّا تَرَكَنَّ مِن بَعْدِ وَصِيَّةٍ يُوصِينَ بِهَا أَوْ دِينٍ ۚ وَلَهُنَّ الرُّبْعُ مِمَّا تَرَكَنَّ إِن لَّمْ يَكُن لَّكُمْ وَلَدٌ ۚ فَإِن كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكَنَّ مِن بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دِينٍ ۚ وَإِن كَانَ رَجُلٌ يُورَثُ كَلَّةً أَوْ امْرَأَةٌ وَلَا لَهُ آخٍ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ ۚ فَإِن كَانُوا أَكْثَرَ مِن ذَٰلِكَ فَهُمْ شُرَكَاءُ فِي الثَّلَاثِ ۚ مِن بَعْدِ وَصِيَّةٍ يُوصَىٰ بِهَا أَوْ دِينٍ ۚ غَيْرِ مُضَارٍ ۚ وَصِيَّةً مِّنَ اللَّهِ ۚ وَاللَّهُ عَلِيمٌ حَلِيمٌ ﴿4:12﴾ Surah An-Nisa

اور تمہارا حصہ تمہاری بیویوں کے ترکے میں سے آدھا ہے اگر ان کے کوئی اولاد نہ ہو اور اگر ان کے اولاد ہے تو تمہارے لیے چوتھائی ہے اس میں سے جو انہوں نے چھوڑا بعد اس وصیت کی تعمیل کے جو وہ کر جائیں یا بعد ادائے قرض کے اور ان کے لیے چوتھائی ہے تمہارے ترکے کا اگر تمہارے اولاد نہیں ہے اور اگر تمہارے اولاد ہے تو ان کے لیے آٹھواں حصہ ہے تمہارے ترکے میں سے اس وصیت کی تعمیل کے بعد جو تم نے کی ہو یا قرض ادا کرنے کے بعد اور اگر کوئی شخص جس کی وراثت تقسیم ہو رہی ہے کلالہ ہو یا عورت ہو اور اس کا ایک بھائی یا ایک بہن ہو تو ان میں سے ہر ایک کے لیے چھٹا حصہ ہے اور اگر وہ اس سے زیادہ ہوں تو وہ سب ایک تہائی میں شریک ہوں گے اس وصیت کی تعمیل کے بعد جو کی گئی یا ادائے قرض کے بعد بغیر کسی کو ضرر پہنچانے اور اللہ تعالیٰ سب کچھ جاننے والا کمال حلم والا ہے (بیان القرآن) ڈاکٹر اسرار احمد )

# Introduction/About Us

## Islamic Will Canada (WhatsApp & Signal Groups) (Br. Haamed Pasha)

- Volunteer-driven
- Non-profit initiative
- Promote Sunnah
- Platform for sharing knowledge
- Awareness, motivate community
- Help community one-to-one
- Not a lawyer service

## GTA Professionals Network (WhatsApp & Signal Groups) (Br. Vaqar Raees)

- Volunteer-driven
- Non-profit initiative
- Promote Professional's Network
- Platform for sharing knowledge
- Help Canadian and international communities

# Myths about Will

## **MYTH - I don't have anything to be included in my Will**

Never underestimate your belongings/liabilities.

Below items will provide guidelines to Heirs on the followings:

- Where to bury you
- Information about your Bank accounts, RRSP, RESP, lockers
- Property, other investments
- Your children's custody, who will take care of them when both the parents pass away at the same time (God forbid)
- Specific instructions, advice to your Heirs
- Recurring payments (e.g. bills, subscriptions, school fees). Your Heirs would not know for months and the organizations would continue debiting your accounts

# Importance of an “Islamic Will” from the Quran & Sunnah

Imam Ismail Ulghar

# About Imam Ismail Ulghar



- Renowned scholar, Imam and community leader
- Head of Islamic affairs - Madinatul Uloom Academy
- Imam for Jummah Prayers - GTA Masjid
- Founder - Bridge for Humanity [www.bridgehumanity.com](http://www.bridgehumanity.com)
- Teacher of Qirat-e-Sabah & Ijazat to teach the Ulemas
- Advisor to parliament on Interfaith religion
- Master in Islamic studies from Gujrat, India
- Honoured - Post Secondary Education in First Nations Technical College (FNTC)



# Islamic Will - Quran & Sunnah

- It's your Religious Obligation to create an Islamic Will
- If no Islamic Will, then your estate will be distributed per rules of the land
- Emphasized by Prophet Muhammad (peace be upon him)

*“It is not permissible for any Muslim who has something to will, to stay **for two nights** without having his last will and testament written and kept ready with him” - Bukhari 2738*

کسی مسلمان کے لیے جن کے پاس وصیت کے قابل کوئی بھی مال ہو درست نہیں **کہ دو** ”رسول اللہ صلی اللہ علیہ وسلم نے فرمایا **رات** بھی وصیت کو لکھ کر اپنے پاس محفوظ رکھے بغیر گزارے۔

*“O Abu Hurairah. Learn about the inheritance and teach it, for it is half of knowledge, but it will be forgotten. This is the first thing that will be taken away from my nation. ” - Sunan Ibn Majah 2719*

علم فرائض سیکھو اور سکھاؤ، اس لیے کہ وہ !ابوہریرہ :بوہریرہ رضی اللہ عنہ کہتے ہیں کہ رسول اللہ صلی اللہ علیہ وسلم نے فرمایا علم کا آدھا حصہ ہے، وہ بھلا دیا جائے گا، اور سب سے پہلے یہی علم میری امت سے اٹھایا جائے گا۔

# Islamic Will - Quran & Sunnah

- Islamic Will makes estate distribution easier for any muslim family and removes all complications, as stated in the Quran:

..... (Surah An-Nisa Ayat 11-12) *يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ*

- “Prescribed for you when death approaches any one of you if he leaves wealth is that he should make a bequest for the parents and near relatives according to what is acceptable – a duty upon the righteous.” (2:180)

□ *كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ إِنْ تَرَكَ خَيْرًا ۖ لِلْوَالِدَيْنِ وَالْأَقْرَبِينَ بِالْمَعْرُوفِ ۚ حَقًّا عَلَى الْمُنْفِقِينَ*

- The Prophet (PBUH) refrained from offering the funeral prayer for someone who had died owing two dinars, until Abu Qatadah (a Sahabi) promised to pay it off for him. When he saw him the following day he said, “I have paid it off.” The Prophet said: “Now his skin has become cool for him.” (Hasan-Ahmad)

# Walk-through, Writing Simple Will & Knowledge base

Br. Adnan Badar (Islamic Will Volunteer)

# Islamic Will Canada

## Knowledge Sharing

## Disclaimer

- It might take you longer time to explore everything yourself
- We share our limited knowledge with you
- We simplify & advise economical ways to create Will
- We host events & publish material
- We are not lawyers & don't promote any specific lawyer
- We don't charge for our services
- Our focus is to create basic Islamic Will
- Please consult with Ulemas & paid lawyers for your case-specific inquiries - we will provide some contact information during this seminar.

**Knowledge base:** Previous seminars' recordings, Templates, FAQs, list of paid lawyers, Ulemas etc.

[https://drive.google.com/drive/folders/1-5LzDVEcFKUveakp85x\\_fLaWxDDYD9qu](https://drive.google.com/drive/folders/1-5LzDVEcFKUveakp85x_fLaWxDDYD9qu)

# Islamic Will Templates from Canadian Masjid:

1. **Windsor Masjid** (Recommended, PDF with fillable Forms)

<https://windsorislamicassociation.com/about-us/islamic-will-testament/>

2. **Brampton Islamic Centre**

- a. <https://bsia.ca/Last%20Will.pdf>
- b. <https://bsia.ca/Last%20Will-Guide.pdf>

2. **SHAYKH YUSUF BADAT (Founder of Mathabah, Imam Nugget Masjid)**

1. <https://www.mathabah.org/faculty/>
2. <https://www.mathabah.org/registering-an-islamic-will-in-canada/>

# Who are my Heirs/Waris

Scenarios from Islamic Will - difficult to understand for common person.

## Appendix A: Distribution of the Estate in Accordance to Islamic Laws of Inheritance

### Schedule 1: One or more son, any number of daughters

Surviving Heirs	Share of the Remainder of My Estate
1a. with no other relatives	He, or they, get all the remainder such that sons are equal in their class, daughters are equal in their class, and for a daughter half of a son's share.

You could consult with scholar / lawyer OR use the following calculators

<http://www.inheritancecalculator.net/>

ShariahStandards.org  
Developing a global open standard interpretation of Islamic law in English

Prayer Times and Direction Zakat Calculator **Inheritance Calculator** Qurban About Us

### Inheritance Calculator

Gender of the deceased:  
 Male  Female

Primary heirs  
 Father  Mother  Sons  Daughters

Were any of the sons and daughters dependent on the deceased?  
 Yes  No

Other heirs  
 Wives  Brothers  Sisters

Shares

Colour	Relationship	Share as percent	Share as a fraction
	son	18.05556 %	13 / 72
	son	18.05556 %	13 / 72
	father	16.66667 %	1 / 6
	mother	16.66667 %	1 / 6
	daughter	9.02778 %	13 / 144
	daughter	9.02778 %	13 / 144
	wife	6.25000 %	1 / 16
	wife	6.25000 %	1 / 16

#### Useful Links

- Zakat Calculator
- Download Qoran
- Islamic Articles
- Software & Apps
- Islamic Lectures
- Islamic Videos
- Islamic Books

# Knowledge base

- ✓ **Knowledge base:** Previous seminars recordings, Templates, FAQs:  
[https://drive.google.com/drive/folders/1-5LzDVEcFKUveakp85x\\_fLaWxDDYD9qu](https://drive.google.com/drive/folders/1-5LzDVEcFKUveakp85x_fLaWxDDYD9qu)
- ✓ **Islamic Wills Q&A - Shahzad Siddiqui & Sh. Yusuf Badat (Recommended)**  
<https://www.youtube.com/watch?v=ptgK4K9kv18>
- ✓ **Masjid Darul Iman -by Muezzin Qureshi (Recommended)**  
<https://youtu.be/zCUIRgcUKIM>
- ✓ **Mufti Menk- Inheritance (The Final Rites) (Recommended)**  
<https://www.youtube.com/watch?v=v7xlfANdli0> (Part1)  
<https://www.youtube.com/watch?v=HNxMgdiUY7M> (Part2)  
<https://www.youtube.com/watch?v=OHGVuYnHp0I> (Part3)  
[https://www.youtube.com/watch?v=oIYuSCsSC\\_4](https://www.youtube.com/watch?v=oIYuSCsSC_4) (Part4)

# Lawyers & Ulema

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## **Imam Ismail Ulghar**

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**Disclaimer:** Above are few names we are familiar with, we do not promote any specific Lawyer



# Frequently Asked Questions

Malik Muhammad Suliman and Zeinab Khan  
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Ameer Law was founded by Malik Muhammad Suliman, with the firm name dedicated as a tribute to his late father, a World War II veteran. In establishing his firm, Malik sought to provide effective and comprehensive legal representation to his clients. In 2020, Zeinab Khan joined the firm as an Associate lawyer practicing primarily in Family Law after completing her articling term with Malik. Client satisfaction and reliability are the core values of their practice.

## Our Services...

- Family Law
- Real Estate Law
- Wills and Estates



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# Importance of Will

- Why is it important to create a Will, especially in the West?
- Who needs a Will?
- What happens if one dies without a Will?
- Who should create a Will?
  - Age requirements?
  - Will for special need/minors in my family?
- Should whole family create a single Will or spouses should have separate Wills?
- Is an “Islamic Will” recognized by the Canadian Courts?
- What happens with my assets in the absence of a Will?
- Does my Will have to be Witnessed? What are the requirements of a Witness?
- Do I have to continue to update my Will, or can it only be made once?

# Quick creation of Simple Will

## Tips:

*Create quickly - 48 hrs challenge*

*It continues to evolve*

*Keep it simple*

## Steps to create a “Simple Will”

1. Fill out a template available for free from the masjid websites, for example: <https://windsorislamicassociation.com/about-us/islamic-will-testament/>
1. Select reliable & trustworthy people:
  - a) 2 Witnesses (Ideally living in the same city/country, MUST NOT be Heirs/WARIS)
  - b) 2 Executors (person who will execute WILL instructions. Ideally living in same city/country, could also be your Heirs/WARIS)
  - c) Minor children's guardians (Local or International, if applicable)
1. Signed by yourself & witnesses
2. Give signed copies to Executors, Heirs etc.
3. Done !!!

**Don't** delay it. We never know if we will live until tomorrow -- at least have something & keep updating it, as & if required.

*\*Not compulsory to have it Notarized by a lawyer -- but highly recommended\**

# Live Questions – Break1

# Process of Will creation

- What's the process to create a Will?
- Who are the Will Testator, executors & witnesses?
  - How many executors & witnesses I need?
  - Do executors & witnesses have to be Canadian Residents/Citizens?
  - Should they be present in same city/country or can be overseas?
  - Can executors & witnesses be the same person?
  - Can my spouse be an executor & a witness?
- What decisions can Executors make?
- What if Will executors & witnesses die before Testator?
- After creating a Will, do I need to submit it to the Court (as record)?
- What if the Executor of my will conducts fraud or tries to take my estate? Who monitors their performance?

# Components of Will

## Components

- Identify heirs
- Funeral and burial rites
- Executor and administrator
- Custody of minor children and guardianship
- Power of Attorney
- Additional instructions and directives
- Charitable contributions and Testamentary Transfer
- Loans, Automatic withdrawals
- Properties, Bank Accounts, Bank Lockers
- How should I mention bank accounts, lockers etc.?
  - Shall I mention exact account balance?
  - Cash in hand?
- What about RRSP, RESP, TFSA etc.?
- What about Mortgage & other loans?
- What if I buy new property after Will creation?
- What if I open new bank accounts/investments after Will creation?
- What will happen to my overseas property & assets?

# Live Questions – Break2



# Will Execution Process/Probate

- What's the Will execution process in Canada?
  - I am Will Executor, what steps I need to take?
- How much time does it need to execute a will?
- Do I need to hire a Lawyer for this?
- Could there be a dispute?
- Can an Islamic Will be challenged/rejected by Court or Heirs?

# Will Expiry & Renewal

- Does a Will ever expire?
- When should I renew my Will?
  - Examples of must renew: Marriage/Divorce?
  - Examples of optional renew: Bank account changes?
- Are Will creation & renewal processes different?
- Do I need to pay the Lawyer again on renewal?

# Live Questions – Break 3

# Will Authenticity & Recognition

- How to make Will more authentic/recognizable by Court?
- Do I must have a Lawyer to create an Authentic Will?
- What is Will Notarization?
- Is Will valid back home/other countries?

# General Recommendations

- Keep joint accounts with your spouse so that they could immediately buy food
- Discuss your case specific situation with reliable Lawyer
- Consult with Islamic Scholar, if needed

# Live Questions – Break 4

# Takeaway:

(Haamed Pasha)

- Create a quick basic “Will Deed”
- Keep it improving and updating

Recording of this program would be available in our Knowledge base google drive, link would be emailed/WhatsApp/Signal to all the participants

# Thanks to our Volunteers

On behalf of Islamic Will Canada, GTA Professional Network and attendees we would like to thank each individual contributor and volunteer who helped us in this session.

Br. Adnan Badar  
Br. Mohammed Shabbir  
Br. Waqar Raees  
Br. Haamed Pasha  
Br. Haris Jawaïd  
Br. Hassan Fareed

## **Special thanks:**

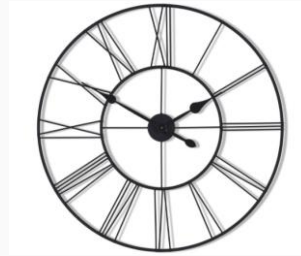
Br. Shayan Daniyal who helped and assisted with his Computer expertise  
Br. Ibrahim Daniyal for providing us technology (zoom etc)  
Br. Mujtaba Adnan for recitation of Quran Kareem  
Moulana Hafiz Ismail Ulghar for sharing the Islamic perspective on Wasaiya  
Principal Lawyer Br. Malik Suliman and Associate lawyer Sister Zeinab Khan for sharing their knowledge and guiding us in the light of Canadian Law - Legal Aspects

May Allah swt bless you all and accept your services to the community AMEN



"It is not permissible for any Muslim who has something to will, to stay for two nights without having his last will and testament written and kept ready with him. "

Bukhari



48 hours Challenge

# Join us!

We need volunteers to promote this Sunnah and motivate community

Interested to serve the community?

Contact Us:

**Website:** <https://sites.google.com/view/islamicwillcanada>

**Email:** [islamicwillcanada@gmail.com](mailto:islamicwillcanada@gmail.com)

**WhatsApp:** <https://chat.whatsapp.com/JoJMVaAFBiR5AM6mhyggiX>

**SignalApp:**

[https://signal.group/#CjQKIPngT272CSSoQ5VP\\_ghGfAw21Uheip0rtaDq6MDcLfjuEhBEW7N369y5I40cLJSy\\_7mq](https://signal.group/#CjQKIPngT272CSSoQ5VP_ghGfAw21Uheip0rtaDq6MDcLfjuEhBEW7N369y5I40cLJSy_7mq)

# Contact Us

If you need any help or have questions on “Islamic Will” writing, please contact our volunteers:

Haamed Pasha Siddiqui

[haamedpasha@gmail.com](mailto:haamedpasha@gmail.com) ; 647-964-3134

Adnan Badar

[adnanbadar@gmail.com](mailto:adnanbadar@gmail.com) ; 647-866-3967

Mohammad Shabbir

[shabbircga@gmail.com](mailto:shabbircga@gmail.com) ; 289-988-4349

WhatsApp Group Invite:

<https://chat.whatsapp.com/JoIMVaAFBiR5AM6mhyggiX>

Signal Group Invite:

[https://signal.group/#CjQKIPngT272CSSoQ5VP\\_ghGfAw21Uheip0rtaDq6MDcLfjuEhBEW7N369y5I40cLJSy\\_7mq](https://signal.group/#CjQKIPngT272CSSoQ5VP_ghGfAw21Uheip0rtaDq6MDcLfjuEhBEW7N369y5I40cLJSy_7mq)

**Knowledge Folder: (Sample Will, session recordings etc.)**

[https://drive.google.com/drive/folders/130rBOsehjV8BOBg0SVP4kXZviw74Mm\\_I](https://drive.google.com/drive/folders/130rBOsehjV8BOBg0SVP4kXZviw74Mm_I)