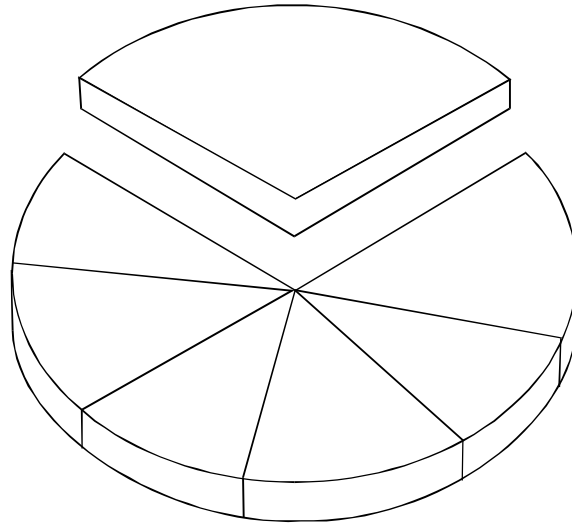


# **TESTAMENT**

## **(Wasiyatnama)**

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

(Al Baqarah : 180)



Name of Testator : .....

Father's name : .....

A

***JA'FARI OBSERVER***

**PRESENTATION**

Najafi House  
159, Nishanpara Road,  
Bombay - 400 009.

Compiled by : **Mohammed Haider**

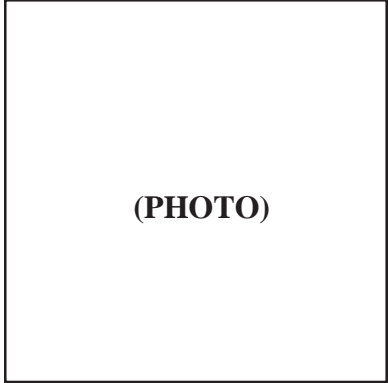
# Important Instructions Regarding Will

**Hereunder we give in short some guidelines for a person who is going to execute a Will. For details please see our issue of May 1996**

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.

# THE WILL

- 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-e-Jamisuh Shariat .....  
(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 : .....

.....  
.....

**First Part**  
**APPOINTMENT OF EXECUTOR**

I, hereby appoint the following person/persons as my trusted executors (wasi) who would be authorised 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 should be consulted.

1. Name of the Executor : .....

Address : .....

.....

2. Second executor.....

(in case first executor apologises)

Address : .....

.....

3. Name of Mujtahid or his Vakil : .....

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

(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 particularly they should be made to learn 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 wakil 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 Rs. .... approx.) (as far as possible approx. amounts to mention)

1. Expenditure on my ghusl, coffin and burial. Rs.....

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

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

My Husband should bear these expenses.

2. Mehar of my wife Mrs. Rs. ....

Has been paid  To be paid

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

Names and address of lenders :

(i) ..... Rs. ....

(ii) ..... Rs. ....

(iii) ..... Rs. ....

No loan is payable

Loans are to be paid

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

(i) ..... Rs. ....

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

5. To be payable

Not payable

Saham-e-Imam  Rs. ....

Saham-e-Saadaat  Rs. ....

Zakat  Rs. ....

Fitra  Rs. ....

\* 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 has 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 to do computation and if he finds that Hajj was due then he should depute someone from my city/from miqat.

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 the part four of this Will.

Original assets to be disbursed from ‘part three’ of this will.

\* See verdict nos. 1932 (iii to vi) 1996 & 1997 Tauzihul Masael of Ayatullah seestani

8. Taxes and dues pertaining to 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).

**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 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 only for..... %
- I Will only for Rs.....
- I Will as per the following amounts :

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

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

payment Cancelled	Little Reduction	Total Payment	Details of the Will	amounts (if possible)
			1. Expenses on ‘Ghusl’, Coffin, and burial.	Rs.....
			2. On ambulance, Majlis, Fateha and charities etc.	Rs.....
			These expenses should not exceed	Rs.....
			3. Charity on the night of burial.	Rs.....
			4. Wages on Namaz ‘Wahshat’.	
			(Namaz performed on the night of burial)	Rs.....
			5. Remuneration of executor	Rs.....
			6. Wages for qaza Namaz)	Rs.....
			<input type="checkbox"/> Qaza since.....	



7. Wages for undone fasts.	Rs.....
<input type="checkbox"/> Qaza for.....days / months	
8. Obligatory Hajj	Rs.....
<input type="checkbox"/> Deputed to perform Haj from his city.	
9. Obligatory Kaffaras (Expiations)	
<input type="checkbox"/> Kaffara of Hajj (Qurbani)	Rs.....
<input type="checkbox"/> Kaffara of fasts	Rs.....
<input type="checkbox"/> Kaffara of Nazr/pledge etc.	Rs.....
<input type="checkbox"/> No Kaffara is due	Rs.....
10. Optional prayers	
<input type="checkbox"/> Haj	Rs.....
<input type="checkbox"/> Umrah	Rs.....
<input type="checkbox"/> Ziarath	Rs.....
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. On feeding to the persons who had taken part in my <u>Funeral</u>	.....

		<p>15. Following expenses in the way of Allah s.w.t.</p> <ul style="list-style-type: none"> <li>i. Donation for Mosque at.....</li> <li>ii Donations to Philanthropic institutions <ul style="list-style-type: none"> <li>a. To.....</li> <li>b. To.....</li> <li>c. To.....</li> </ul> </li> <li>iii. Donations to aalims/Mujtahids <ul style="list-style-type: none"> <li>To.....</li> <li>To.....</li> <li>To.....</li> </ul> </li> <li>iv. To following persons : <ul style="list-style-type: none"> <li>To Mr./Ms.....</li> <li>To Mr./Ms.....</li> <li>To Mr./Ms.....</li> </ul> </li> <li>v. Apart from the abovementioned I hereby Will for the following matters : <ul style="list-style-type: none"> <li>i. ....</li> <li>ii. ....</li> <li>iii. ....</li> <li>iv. ....</li> </ul> </li> <li>vi. For following Miscellaneous purposes : <ul style="list-style-type: none"> <li>.....</li> <li>.....</li> <li>.....</li> <li>.....</li> </ul> </li> </ul>	
--	--	--	--

Note : After the disbursement of the above mentioned expenses the residue should be distributed among my heirs according to 'Shariat' (Islamic Jurisprudence)

*It is Mustahab (recommended to Will for feeding person who took part in burial.*

## MODEL FORM FOR FIXATION OF FINANCIAL ESTIMATES OF ASSETS

This model form has been formulated for the fixation of the one-third portion of the estate to be distributed. The figures quoted hereunder are presumptuous the actuals to be finalised at the time of death

Personal assets	assumed amounts (in Rs.)
Cost of House or any other consideration	2,50,000/-
Plot / land	-
Furniture	10,000/-
Ornaments	30,000/-
Other household items (T.V., Refrigerator)	40,000/-
Vehicles (car, scooter, etc.)	30,000/-
Loans to be recovered	-
Value of life insurance policy	20,000/-
shares	10,000/-
bonds	-
Other misc, recoveries	10,000/-
bank balance	20,000/-
Cash in hand	10,000/-
Business assets (as per last financial year) for service class	
Salary in Balance	-
Gratuity	15,000/-
Provident fund	30,000/-
Insurance amount	20,000/-
other recoveries	5,000/-
Total	5,00,000/-

**MODEL FORM  
OBLIGATORY LIABILITIES  
AS PER PART III OF THE WILL**

Liabilites	Assumed amounts (in Rs.)
On coffin and burial	5,000/-
Wife's Meher	40,000/-
*Khums (to be calculated from annual date till date of death)	?
*Zakat (As an obligatory precaution Zakat should also be paid upon the wealth in business) (verdict no. 1861,1932(iii) & 1996)	?
*Hajj (if to be deputed someone)	?
*Other debts	1,000/-
Government dues	1,000/-
Renumeration of executor	?
Miscellaneous	?
<b>Approx. Total</b>	<b>1,10,000/-</b>

Dividable assets (one-third of which is to be Willed) 3,90,000/-  
 One-third amount (for which the Will to be executed) **1,30,000/-**

Total value of assets  
 Less Obligatory expenses (approx.)

Rs 5,00,000/-  
 Rs. 1,10,000/-  
 -----  
 Rs. 3,90,000/-  
 Rs. **1,30,000/-**

1/3 prescribed for Executing a Will

**Enclosure No. 1**

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

S.I.	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.

\* See verdict nos. 1996 & 1997 Tauzihul Masael of Ayatullah seestani

**Enclosure No. 2**

**DETAILS OF SHARES**

S.No.	Name of Company	Quantity of Shares	Original Value	Names of joint share holders
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 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 Debtors	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 persons. 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 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 EARNEST LONGING**

If a testator wants to Will in the following matters 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)

**APPOLOGIES**

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 / heirs 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, maligned or tale-bearers by me I seek that I am excused by them.

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

Date : .....

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