

Shari'ah / legal information for Testator/ Testatrix

- 1] You must be mentally capable of understanding the nature and consequences of your will.
- 2] You must be 16 years or older.
- 3] Witnesses must be aged 14 years or older and competent to give evidence in a court of law.
- 4] Sign each page of the will [preferably in black pen], yourself and together with two competent witnesses present at the same time and in each others ' presence.
- 5] The following persons may not sign as witnesses:- heirs, those named as beneficiaries, guardians, executors or trustees [and their spouses]
- 6] Any additions, deletions and changes to the will must be legible and individually signed by the testator and each witness in the margin opposite the changes. Please avoid additions, deletions and alterations as these could cause problems later. It is preferable to make a new Will if you desire any change.
- 7] It is recommended that your Will be executed under the supervision of a person nominated by the Jamiatul Ulama or other competent Darul Ifta. You may otherwise not word provisions correctly which could invalidate your Will.
- 8] If you signing with a cross or thumb print, please do so in the presence of a commissioner of oaths.
- 9] Testator means a man who makes a Will. Testatrix means a woman who makes a Will.
- 10] Assumption means discretion given to the executor/executrix.

Advice to the Testator

- 1] Take time to ensure meticulous completion of your will.
- 2] The copy of your will should be kept with other important documents. Inform one or more responsible members of your family of its location. Without placing unnecessary burden on anyone, you may also inform them of any specific wish in relation to your Janazah. Noting this in the Will itself may often be too late as most Islamic Wills are read only after the funeral rites have been completed.
- 3] The booklet accompanying your Will "Guide to the Executor/ Executrix" must be updated regularly. Please try to keep clear records of what you own, what is owed to you and what you owe. It should not be that due to negligence or laziness we are made to repay someone in the hereafter with the currency of the Aakhira [or few precious good deeds]
- 4] If you are married in any way other than "Ante nuptial without accrual", the marriage contract may be contrary to the Shari' ah. Please seek appropriate advice in this regard and if necessary, have the contract legally altered so that it conforms to the Shari' ah.

Advice to the Heirs

- 1] Contact the family doctor or local hospital for a death certificate. Contact the local burial service for funeral arrangements. Request a calm friend or family member to assist in this regard.
- 2] Ensure family members conduct themselves in a dignified manner in keeping with Islamic principles.
- 3] Heirs [either collectively or individually as the case may be] are responsible for payment recurring accounts e.g. electricity & telephone to ensure continued services.
- 4] Do not take any action regarding any asset before proper consultation with the executor/ executrix.
- 5] Inform the employer and pension fund as soon as possible for early processing of benefits.
- 6] The estate is to be wound up as expeditiously as possible.
- 7] Do not decide collectively to donate from the estate. It may be that one of the Heirs may not be in a position to do so, but out of embarrassment will agree

Waasiyat of the Mayyit

1. Please give me a quick but proper ghusal immediately so Ibadat can commence.
2. Put me in a room without pictures and facing the Qibla. Do not allow any ghair mahram to see my

face and do not allow any with hair showing to sit in the room.

3. Do not cry loudly.

4. Do not allow any ghair mahram to carry my Janazah out of the house or inside the grave. Please do not delay my Janazah.

5. Do not make any performance for me a compulsory occasion. Read on behalf of all marhooms from anywhere at all times.

6. Do not gather at my house especially on Thursday and have parties. Do not force yourselves to bring cakes and savouries and then judge whose are nice. I won't be there to give any comments.

7. If you read the Quran or any particular Surah from the Quran, please ensure you have proper Wudhu and conform with its adhab e.g. those relating to the hijab of your body and voice. Do not feel obligated to read long Surahs. I will greatly appreciate it if you read one Kalimah or Durood or perform one good action with sincerity on my behalf. Insha Allah it may serve as a mercy for both of us.

8. If you read Surah Ikhlaas only three times, I will get the Sawaab of reading one Quran.

9. Please do not beautify my grave with flowers. Instead give the money to the poor and beautify the grave with your presence and duas.

10. If I have offended you in any way now or when alive, Please forgive me.

My dear child - some useful advices

Bismillahir Rahmaanir Raheem

My dear child, [or other relevant person]

You will be reading this after my death. Please read the following as though I am addressing you from my qabr. I may now be lying underground within a space of approximately two meters by one meter. All around me is sand except for the pieces of wood above supporting the load of sand. That too, is weakening and the entire load of sand may soon fall directly on me.

Be assured that I loved you. My heart and soul was concentrated on you from the time Allah subhanahu wata aala granted you to me. Your beautiful and innocent smile reminded me of Allah subhanahu wata aala's beauty. Your cry caused me immense pain and I went out of my way to comfort you. As you grew and attended Madrassah to learn the name of Allah subhanahu wata aala, the Quran and how to perform Salah, you represented an investment to me far greater than any worldly investment that I may have left behind. You would make duas and seek forgiveness on my behalf when I would be unable to do so.

My dear child, that day has come. You are on the face of the earth and I may be lying paralysed in its belly. How true is the Hadith of Rasulullah sallallahu alaihi wassallam that a person in the grave is like a drowning person. He awaits the rewards from his beloved. Dear child, I cannot utter a single Subhanallah. You are my flesh and blood. I love you and if you really love me, I implore you to:

1. Be obedient to Allah subhanahu wata aala, That is greatest reward for you. I am informed of whatever you do; your good deeds please me and your bad deeds cause me pain.

2. Dear child, I know the pain of my death and my absence will gradually decrease and you will carry on with your life. Don't let the engagement of the world make you oblivious of death. Think of me regularly and know that your day will come soon. To remember death and to prepare for it, send Surah Yaseen everyday for me. I will look forward to receiving it.

3. If you can, give some sadaqa and charity to the poor and needy on my behalf. Allah subhanahu wata aala, gave you, you love me, give on my behalf.

4. I am lonely in the qabr. Come and visit me and make salaam to me. You may not see me or hear me, but inshallah I may see you and hear you. Your standing beside me and making dua at my qabr will invoke Allah subhanahu wata aala's mercy on both of us.

5. Remember, we are from Allah subhanahu wata aala and to Allah subhanahu wata aala, is our return. We are merely travelers for a brief moment, but our actions here will determine our future for ever.

Dear child, exercise patience. We will meet in the Aakhira Insha Allah. For that, guard yourself against shaitaan and his tricks. Aameen

The advices “my dear child” above have been received from Mufti Desai of Darul Ifta, Camperdown. The Will has been checked and approved by Darul Ifta, Camperdown as well as a lawyer.

The Will has been prepared and distributed for Esaale Sawaab of my beloved parents and all Murhooms. May allah subhanahu wata aala shower them with mercy and accept this token of my immense indebtedness to them. Aameen

Further copies of this will and accompanying cover and booklet “guide to the executor” may be made for free distribution with intention of Sawaab of your loved ones. However, if any amendments are to be made, please verify its correctness with Darul Ifta Camperdown.

May Allah guide us to correctly fulfill our obligations.

