MUSLIM LAW OF SUCCESSION

Sunni (Hanafi) & Shia (Ithna Ashari) — a visual guide

- Inheritance opens on death
- no right by birth
- shares arise only after payment of estate obligations (maximum 1/3 of estate)

DEATH
Succession opens

NET ESTATE
Expenses • debts

HEIRS
Sunni / Shia distribution

SUNNI — HANAFI
Sharers
Residuaries
Distant Kindred

SHIA — ITHNA ASHARI
Class I
Class II
Class III

Sunni Muslim inhertance Sharers — A Quick View

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A few recurring fractions explain many practical distributions.

½ Husband

½ if no child / son's child; otherwise ¼.

Never entirely excluded.

¼ Wife / Wives

¼ if no child / son's child; otherwise ⅛.

Multiple wives share collectively.

⅓ Mother

Generally ⅓; reduced to ⅙ where descendants or multiple siblings exist; subject to Umariyya rule.

½ Daughter

Sole daughter ½; two or more ⅔ collectively.

SON:DAUGHTER

1

Residue

Male : Female = 2 : 1

SPOUSE

2

Protected Share

Fraction reduces with descendants but spouse remains an heir.

FACT-SENSITIVE

3

Recalculate

One surviving relative can change several fractions.

Shia Muslim (Ithna Ashari) Succession — Overview - Class & Proximity

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No separate Sunni-style residuary category; nearer blood class excludes the remoter class.

1

CLASS I

Parents + children + descendants of children.

If any Class I heir survives, Classes II & III are excluded.

2

CLASS II

Grandparents + siblings + their descendants.

Nearer degree excludes more remote relations within the class.

3

CLASS III

Paternal & maternal uncles / aunts and their descendants.

Nearer relation excludes remoter relation.

Spouse

Separate category; inherits alongside whichever blood class survives. (1/8 with lineal descendant; 1/4 without (subject to the childless-widow rule)

Representation

↳

Branch of a predeceased child may represent that child within the applicable limits.

No Separate Asaba

≠

Male and female blood relations inherit within the class structure.

Indian Law - Muslim Personal Law Prevail

Separate the substantive question 'who gets what?' from estate administration and procedure.

§ MUSLIM PERSONAL LAW — WHO GETS WHAT?

Intestate succession: Muslim Personal Law (Shariat) Application Act, 1937 directs personal law to govern succession, subject to applicable statutory qualifications.

Wasiyat: Muslim-law limitations govern substantive testamentary entitlement;

⚖ INDIAN SUCCESSION ACT — PROCEDURAL / LIMITED ROLE

Section 58(1) of the Indian Succession Act excludes

Muhammadan testamentary succession from Part VI.

BOTH STREAMS MEET BEFORE DISTRIBUTION

1. **Administer Estate**

   Identify estate → funeral expenses → lawful debts

2. **Give Effect to Wasiyat**

   Apply valid bequest from net estate within Muslim-law limits

3. **Distribute Balance**

   Applicable Sunni / Shia rules decide heirs and fractions

How to transfer assets to successor

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INSTRUMENTS OF SUCCESSION & PROCESS OF TRANSFER OF PROPERTIES

- Probate from court no more necessary.
- The executor can execute transfer based on Will itself.
- A Registered Will be more effective.
- In case, will is disputed, court's decision on validity of Will.
- Administrator to be appointed by court to implement the Will in case Executor is not named in the will or executor is not able to act for any reason.
- In case of Intestate Succession:
    - Succession Certificate from court.
    - Legal Heir certificate (Surviving Member Certificate) .
- Relinquishment Deed can be given by any legal heir.

DEATH

Succession opens

HEIRS

Identity / entitlement

ASSET

Claim / transmission

Succession Certificate

Judicial certificate for specified debts & securities.

Legal Heir Certificate

Administrative proof identifying surviving family / heirs for transferring immovable property.

The two certificates serve different functions and are not interchangeable.

TRANSMISSION OF SECURITIES

A visual guide to SEBI’s simplified & standardised framework

SEBI CIRCULAR • 23 JULY 2026

DEATH

Security holder

CLAIM

Legal heir

RECORDING

Transmission

Simplified Framework Effective 24th August 2026 - Monetary Thresholds

The revised framework creates clear low-value processing bands.

Quick Transmission Processing (QTP)

Claims threshold:

Physical Mode: ₹ 10 thousand.
(Limits applicable per listed entity / Mutual Funds)

Demat Mode: ₹ 30 thousand.
(Per beneficial owner for securities)

SIMPLIFIED DOCUMENTATION

Claims threshold:

Physical Mode: ₹ 10 lakh.
(Limits applicable per listed entity / Mutual Funds)

Listed entity may enhance the threshold for simplified documentation at its discretion.

Demat Mode: ₹ 30 lakh.
(Per beneficial owner for securities)

Simplified Documentation

Fewer procedural hurdles, but verification remains central.

No Probate

Probate of Will is no longer a mandatory transmission document under the revised framework.

Combined Affidavit-cum-NOC

Legal heirs can give combined affidavit-cum-No Objection Certificate.

Death Certificate

- copy of a death certificate carrying a QR code enough.
- original / attested copy, not needed.

Foreign Death Certificates

Verification may be carried out through **overseas branches of Indian banks** or **foreign** banks having correspondent banking relationships.

SUCCESSION OF FINANCIAL ASSETS

Intestate demise under Succession Law — a visual guide

Nomination is the best option.

DEATH

Intestate holder

HEIRS

Succession entitlement

ASSETS

Transfer / payout

Bank accounts • FDs • securities • mutual funds • insurance • pension • digital assets

Core rule:

- nomination facilitates transfer and payment;
- beneficial ownership follows succession law.

Documentation — The Common Claim Kit

Exact requirements vary by institution and value, but the core documents are broadly similar.

† Proof of Death

Original / attested death certificate. QR-code death certificate may be accepted where the applicable framework permits.

§ Proof of Entitlement

Succession Certificate / Legal Heir Certificate / Will-related proof, depending on the asset and institutional requirement.

✓ Identity & KYC

PAN, KYC, bank details and identity/address documents of the claimant heirs.

Claim / Transmission Forms

Institution-specific claim, transmission, discharge voucher or transfer forms are filed with supporting records.

Affidavit / Indemnity / NOC

A combined Affidavit cum NOC is suggested to be executed by all legal heirs.

Probate of Will is not a universal pre-condition for transmission; the applicable succession and institutional framework must be checked.