

Doctrine of Radd

The Doctrine of Radd (or Doctrine of Return) is a principle in Islamic inheritance law under the Hanafi school. This doctrine becomes relevant when the estate of a deceased Muslim does not exhaust itself among the heirs entitled to specific shares (known as Quranic heirs or Sharers).

The Doctrine of Radd comes into effect when the fixed shares of inheritance assigned by Islamic law to the Quranic heirs do not sum up to exhaust the entire estate of the deceased. In such cases, the surplus is distributed proportionally among the Quranic heirs according to their prescribed shares.

Relevant Heirs

The Quranic heirs include daughters, parents, spouses, and certain other relatives who are assigned fixed shares by the Quran. These shares are explicitly defined, with each relative receiving a part of the estate as stipulated.

heirs who receive a fixed share. The redistribution is done in proportion to the initial shares prescribed to them. For instance, if daughters and a wife are the heirs, and their prescribed shares leave a portion of the estate unallocated, that portion is distributed to them in proportion to the shares they originally received.

Example

Suppose a man dies leaving behind a daughter and a wife. The daughter is entitled to half the estate and the wife to one-fourth under the Quranic stipulations. If the deceased's estate is worth 100,000 units, the daughter receives 50,000 and the wife 25,000. This totals 75,000, leaving 25,000 units undistributed. Under the Doctrine of Radd, this surplus is distributed in proportion to their original shares: the daughter receives two-thirds of the surplus and the wife one-third.

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Implementation

When applying Radd, if the sum total of the shares is less than 100% of the estate, the remaining estate is redistributed among those

Implications

Fair Distribution: Radd ensures that all Quranic heirs receive a fair portion of the estate, reflecting both the intentions of Islamic law to care for family members and

the practical need to exhaust the estate without leaving any part undistributed.

Legal Uniformity: It reinforces the consistency and predictability of inheritance distributions under Islamic law, providing a clear mechanism to handle cases where the prescribed shares do not exhaust the estate.



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Exception

The Doctrine of Radd generally allows surplus estate to be distributed among the Quranic heirs. However, neither the husband nor the wife is entitled to the return as long as there is another sharer or distant kindred alive. This exception underscores that the distribution aims to benefit the direct descendants or parents before the spouse in certain cases.

In the landmark cases of *M.A. Chowdry v. S. Banoo*, (1878) I.L.R. 3 Calcutta p. 702, and *Bafatun v. B. Khanum*, (1903) I.L.R. 30 Calcutta (683), courts recognized that the husband or wife could claim the return of residue property. However, this was not acknowledged in early orthodox Muslim laws, highlighting a shift towards a slightly more flexible interpretation in modern jurisprudence.