



Answers to Frequently Asked Questions About Nizam-e-Wasiyyat

**Wasaya Department, USA Jama'at
15000 Good Hope Road
Silver Spring, MD 20905**

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Lexicon

- **Āmad:** income.
- **Hissa Āmad:** *Chanda* which a *Musi* is obliged to pay on his real income whose minimum rate is 1/10 and can be enhanced up to 1/3.
- **Hissa Jaidad:** *Chanda* which a *Musi* pays after making formal assessment of his/her property.
- **Jaidad:** property.
- **Musi:** a *male* person who makes the Will. [*female: Musiah*] (*Plural: Musis, Musiān*).
- **Nizam-e-Wasiyyat:** the System of The Will.
- **Tashkhees:** assessment, evaluation, appraisal.
- **Wasiyyat:** The Will.

DEFINITION OF INCOME

For the purposes of Chandas, Income is defined hereunder.

I.

- a. Income means all kinds of Income, derived from various sources. Every Chanda-paying member shall pay his Chanda at the prescribed rate in keeping with the demands of Taqwa and the verdict of his faith and conscience. House rent and miscellaneous expenses of similar nature are not to be deducted from Income for the purposes of Chanda. However, travel allowance & daily allowance (per diem) paid to perform professional or official duties are exempt from being included into Income. However, it is commendable, if someone pays Chanda on any savings from such allowances.
- b. If a Chanda-paying member finds it difficult to pay Chanda or to pay it at the prescribed rate, he can seek full or partial remission from Hadrat Khalifatul Masih by submitting an application through Amir Jama'at stating reasons. Those who are permitted to pay Chanda at reduced rates shall remain eligible to vote in any election but it will be essential to obtain prior permission from Markaz before appointment or election of such persons at responsible offices. This is because an Office-bearer who lags behind in financial sacrifices may not become an example for others to follow.

Note: This relaxation does not apply to Chanda Wasiyyat. In case a Musi is unable to pay Chanda at the prescribed rate he had better get his/her Wasiyyat cancelled on account of extreme hardship.

- c. If some definite evidence comes to the knowledge of Jama'at about a Musi indicating that he/she has declared his/her income wrongly, and that being a Musi such a deed on his/her part demands disciplinary action, the case of such a person shall be presented, along with relevant evidence, to Majlis Karpardaz for consideration.

Minimum Income: A proper scrutiny of Wasiyyats requires each country to decide about the minimum income needed for subsistence in that country, so that while approving Wasiyyats this income is kept in view. (*Minimum standard of income (also known as 'pocket money' for non-earning members, including housewives/homemakers) fixed by Markaz for the USA Jama'at is \$250 (two hundred and fifty dollars) per month. Based on this income, payable Chanda Hissa Āmad Wasiyyat is \$25 (twenty five dollars) per month. However, this rule will not apply to students.*)

- d. If Income of a family (either in the form of salary or allowance) depends on the number of family members or is paid according to a fixed percentage or formula based on head of

family, his wife and children, e.g. social allowance given by the government or allowance paid to a missionary by the Jama'at, then the total of such salary or allowance will be deemed to be the income of the head of that family himself on which he shall pay the subscription according to the prescribed rate. However, such allowance which is paid to a child by the government for a specified purpose and the parents receive or keep that allowance merely being his guardians and the money is actually spent on that specified purpose for which the allowance is actually given, then on such an allowance father or mother are not required to pay any Chanda.

- e. Professional people and persons doing any business are to pay Chanda on their net income, which is to be determined after deducting from their gross income only such expenses as are required to generate income. It is not proper to pay Chanda only on the sums drawn from business, to meet personal monthly expenses.
- f. Student scholarships/stipends will not be subject to Chanda at the prescribed rates. However, students are expected to get a sum fixed after consultation with the Jama'at and pay their Chanda accordingly.

II. CHANDA ON LOAN/DEBT

- a. If a member has no source of income and his livelihood depends solely on loan/debt, then he would pay Chanda even on such a loan/debt.

However, when he pays back his loan/debt, he will pay his Chanda on his Income after deducting the amount of loan/debt, he has paid back.

- b. REPAYMENT ON MORTGAGE/LEASE AMOUNT

If a Chanda-paying member acquires any property on Mortgage/Lease, the amount of installment paid back will not be deducted from his/her income. Chanda will be payable on his/her total income.

III. WOMEN NOT HAVING THEIR OWN SOURCE OF INCOME

- a. The procedure usually followed for the payment of Chanda Wasiyyat by a woman not having her own source of Income is, that the husband should fix an appropriate amount as pocket money that would be considered the Income of such a woman and she, for the sake of maintaining the continuity of her financial sacrifice, will pay Chanda Wasiyyat on her pocket money.
- b. Women are required to pay Chanda according to their living standard. The sacrifice made by a Musi should stand out as compared to the sacrifice made by a person paying Chanda Ām.

IV) EXEMPTIONS

A Chanda payer's Income includes every kind of income. However, any allowance received by an employee, which he cannot spend at his sole discretion, is exempt from inclusion into his/her income. Similarly, Government's dues, viz. taxes, local rates, land revenue, compulsory insurance, etc. which are levied under Government orders may be deducted from Income. Likewise, Uniform allowance & Educational allowance for children are exempt for the purposes of Chanda.

Note: house rent and miscellaneous expenses of similar nature are not allowed to be deducted from Income for purposes of Chanda.

QUESTIONS RELATING TO INCOME

Question 1: What is the rate of Wasiyyat payments on income and Wasiyyat payment on property?

Answer: A Musi is required to:

- a) Bequeath $1/10^{\text{th}}$ to $1/3^{\text{rd}}$ of his/her property on his death.
- b) Pay Chanda Hissa \bar{A} mad at the rate of $1/10^{\text{th}}$ to $1/3^{\text{rd}}$ on income from all sources during his lifetime except income from property.
- c) Pay Chanda Hissa \bar{A} mad at the rate of Chanda \bar{A} m (i.e., $1/16^{\text{th}}$) on income arising from any property.

Question 2: At the time of filing for Wasiyyat, if he doesn't have a steady income what would an applicant write as his monthly income?

Answer: If someone does not have a steady income, he/she can write estimated monthly income, or average income of 6 months or a year.

Question 3: Is there any guiding principle regarding women who do not themselves have a source of income and Chanda is received from them on the basis of pocket-money?

Answer: The procedure usually followed for payment of Chanda Wasiyyat by a woman not having her own source of income is that the husband should fix an appropriate amount as pocket money that would be considered as income of such a woman and she, for the sake of maintaining the continuity of her financial sacrifice, will pay Chanda Wasiyyat on her pocket money. Women are required to pay Chanda according to their living standard. The sacrifice made by a Musi should stand out as compared to the sacrifice made by a person paying Chanda \bar{A} m. But the pocket money so arrived at should not be less than the minimum amount fixed for the country of residence. *Minimum standard of income (also known as 'pocket money' for non-earning members, including housewives/homemakers) fixed by Markaz for the USA Jama'at is \$250 (two*

hundred and fifty dollars) per month. Based on this income, payable Chanda Hissa Āmad Wasiyyat is \$25 (twenty five dollars) per month. However, this rule will not apply to students.

Question 4: Is it binding upon a Musi student to pay Chanda Wasiyyat upon his pocket money/stipend?

Answer: Student scholarships/stipends will not be subject to Chanda at the prescribed rates. However, students are expected to get a sum fixed after consultation with the Jama'at and pay their Chanda accordingly.

Question 5: Along with paying Hissa Āmad upon their full salaries, employees also contribute a certain amount each month on the basis of which they receive pension upon retirement. Will Chanda be payable on the pension in such a case?

Answer: Yes, Hissa Āmad shall be payable upon pension. This is because the monthly contribution consists of a very minor amount, whereas the monthly pension received upon retirement is more substantial. If someone still wants to deduct this amount from his pension, he will deduct only the amount which he has contributed. Chanda will be payable on the rest.

Question 6: What types of expenses are allowed to be deducted from one's income with regard to Chanda?

Answer: The income upon which Chanda is payable refers to all kinds of income from all sources. Only the following payments can be deducted from the actual income.

- 1) Allowances given to employees, whose expenditure is not in the hands of the employee.
- 2) Mandatory taxes levied by the government e.g., taxes, mandatory insurance, local rates.
- 3) Allowances given to employees which are meant for specific expenditure e.g., uniform allowance, education allowance, children's allowance.
- 4) Allowances, which are paid for the performance of official duties e.g., TA (traveling allowance), DA (Per Diem).

Question 7: Will the amount paid for house insurance be deducted from the actual income with regard to Chanda?

Answer: The amount paid for house insurance, even if it is mandatory, will not be deducted from the total income with regard to Chanda. If it is necessary to have the house insured in order to borrow from a mortgage company, the buyer is still the beneficiary. Such expenses will, therefore, be considered usual. It is not permissible to deduct any installment, mortgage payment, interest or insurance from one's real income with regard to Chanda.

Question 8: Can health insurance be deducted from income with regard to Chanda?

Answer: The amount paid for health insurance will not be deducted from income even if it is mandatory. Except in circumstances where it is deemed to be tax and its benefits cover the whole community instead of the said individual or family.

Question 9: If a Musi owns an immovable property e.g., a house, which he has rented out to someone, does he need to pay Hissa Āmad on income coming as rent on that house?

Answer: In case any income accrues from property of the Musi then Hissa Āmad shall be payable on such income at the rate of Chanda Ām i.e., $1/16^{\text{th}}$.

QUESTIONS RELATING TO PROPERTY

Question 10: If a person pays full Hissa Āmad on his income and does not deduct the amount which he pays as installments for a new property, will such a person still pay full Hissa Jaidad on that property? If yes, at what rate? And on current market value of the house or on the price against which it was bought?

Answer:

- a) When a person does not possess means to buy a property all at once, he acquires a loan in order to buy it. If he wishes to pay Hissa Jaidad upon that property during his life, he shall bear the responsibility for the loan and shall have to pay Hissa Jaidad in accordance with the value of that property at the time of *Tashkhees* (assessment). Loan acquired during one's life shall not count (for everyone acquires loan now and then and pays it back).
- b) A person first produces a source of income and pays Hissa Āmad upon it. He then buys a property with the rest of his income either with ready money or in installments. Payment of Wasiyyat upon that property becomes binding after the death of that Musi. But he also has the easy option that, if he so wishes, he can pay this amount during his life.
- c) The rate of Hissa Jaidad will be same as the Musi opted for himself i.e., between $1/10^{\text{th}}$ to $1/3^{\text{rd}}$.
- d) Hissa Jaidad will be payable at current market value when formal assessment is made except in case the Musi paid off Hissa Jaidad on that very property at the time of purchase.

Question 11: How is Wasiyyat to be paid upon moveable property like shares and other such investments?

Answer:

- a) Such property (shares) will be taken at its current market value, and Hissa Jaidad will be payable upon it.
- b) Hissa Āmad shall be payable at the prescribed rate on any profits gained from such property (at the rate of 1/10 or whatever the Musi has pledged). This also applies to all other forms of investments.

Question 12: If a Musi owns a house at the time of filing for Wasiyyat, what would be the rate of Wasiyyat on the house?

Answer: Minimum rate of Chanda Wasiyyat is 1/10th and maximum is 1/3rd. One can decide what he would like to fix for himself and inform the office. Keeping within the said limit one can have different rates for his property and income.

Question 13: Is car included in the property of a Musi?

Answer: Car, like other dispensable items, is not included in anyone's property for the purpose of Chanda Wasiyyat, except if one has no other property as the basis for his Wasiyyat and he willingly pays Chanda Hissa Jaidad on his car and similar items.

Or

One's property mainly consists of such items.

Or

One has an expensive collection of such item that can be considered to be his property.

Question 14: Can the items of common use like TV, computer, car, etc. be submitted as property when filling the Wasiyyat form?

Answer: The above-mentioned items are considered items of household use. Wasiyyat is, therefore, not payable upon them. Similarly Wasiyyat will also not apply to household articles including sewing machines, cameras, cassette recorders, VCRs, etc.

Question 15: In some countries, property is generally owned equally by husband and wife according to law of the land despite the fact that actually it is bought only by one spouse. If only one of them is a Musi, on what portion of the property will Hissa Jaidad be payable?

Answer:

- a) If the property is equally bought by husband and wife, and only one of them is a Musi, the Musi spouse will have to pay Hissa Jaidad on half of the property.

- b) If they both share the property merely out of constitutional/statutory requirement while the property has actually been bought by one of them, the spouse that has actually paid for it will have to pay Hissa Jaidad on the whole property. If the other spouse is a Musi and has not spent anything on that property, it will not be considered his/her property, nor will he/she have to pay Hissa Jaidad upon it.
- c) It is necessary to disclose to the Office as to who is the actual owner of the property. If one partner dies and the property is inherited by the other, who happens to be a Musi, he/she will then have to pay Wasiyyat upon that property at the prescribed rate.

Question 16: If Hissa Jaidad has been paid upon a certain property, and that property is then sold and a new property is purchased, will Hissa Jaidad be payable on the new property?

Answer: The following shall apply to the amount received by selling a property such as land, house, commercial plot, etc.

- a) If a new property is bought with the same or lesser amount, then Hissa Jaidad shall not apply on it. However, if any income generates from that property, Hissa Āmad shall have to be paid upon it (at the rate of 1/16).
- b) If more money is added to the amount at which the previous property was sold, for the purpose of buying a new property, then Hissa Jaidad shall apply on the new property in proportion to the extra amount which was added to purchase it. Full Hissa Āmad shall also be payable on any income that ensues from that property (at the rate of 1/16).
- c) From the income on which Hissa Āmad is already paid off, if a portion is set-aside as saving, Hissa Jaidad is not payable on such saving. However, Hissa Āmad will be payable on any income or profit that accrues from such saving.

Question 17: What is the rule regarding items which have been bought by selling jewelry?

Answer: If jewelry, on which Hissa Jaidad has been paid off, is sold and new jewelry is bought with the same amount, then Hissa Jaidad shall not be payable on the new jewelry. But it shall be necessary to give detailed information, including type and weight, of new jewelry to the Office and to state that it has been bought with the amount gained by selling the old jewelry. But if the new jewelry has been purchased by adding more money to that which was gained by selling the previous jewelry, then Hissa Wasiyyat (Jaidad) shall be payable on the new jewelry in proportion to the extra amount which has been added.

Question 18: When making Wasiyyat, is it necessary to set down in the Wasiyyat form the property which has been acquired on mortgage or loan?

Answer: Any property acquired on loan or mortgage shall be considered property of the Musi and it shall be essential to mention it in the Wasiyyat form. It shall also be necessary to give approximate market value and address of the property in question. If the Musi acquires other such property in future, he is bound to inform Markaz about that as well.

Question 19: What is the status of property acquired on loan or mortgage?

Answer: The following is a quotation by Hadrat Khalifatul Masih IVth regarding property acquired on loan. “The basic way to approach this issue is as follows. If a person wishes to pay his Hissa Jaidad during his life, his request is granted with some conditions. But if a Musi says that I have a certain amount of loan to pay upon my property, please deduct this amount and I shall pay Hissa Jaidad on the rest, this will create some complications. In order to avoid such complications, the best method is that if such a person requests to pay Hissa Jaidad on his property, it will be accepted only if he shall himself be responsible for such loans. He will, therefore, pay Hissa Jaidad on total market value of his property. If he wishes to deduct the loans and is granted permission, such permission shall only mean that he shall pay Hissa Jaidad only upon the property on which there are no loans to be paid. The matter of property upon which loans are still to be paid shall be considered postponed till the death of the Musi. This means that if the loan has been paid by that time, then Hissa Jaidad shall be demanded upon this property at his death, as he did not pay Hissa Jaidad on it citing the loan. If some loan still remains, then an estimate of the property shall be made, the loan shall be deducted from it, and Hissa Jaidad shall be payable on the rest. This is the basic rule which shall apply in all such cases”.

Question 20: What shall be the procedure for paying Hissa Jaidad on property acquired on mortgage?

Answer: There are only two ways to pay Hissa Jaidad on property that has been acquired on mortgage.

- a) If a Musi wishes to pay Hissa Jaidad in his lifetime, then the property shall be assessed according to the market value and amount of mortgage shall not be deducted from it, as loan does not count while a person is alive.
- b) If a Musi does not pay Hissa Jaidad during his life, then, at the time of his death, his loans have to be paid first, then Wasiyyat and lastly his inheritance. In such a case, if there is a property on which mortgage installments still need to be paid, then that amount shall be deducted and Hissa Jaidad shall be paid on the remaining amount.

Question 21: Can a Musi get assessment of his house and payoff the dues during his lifetime? At what rate? Is there a time limit to make the complete payment after the assessment is done?

Answer:

- a) Yes, one can get the value of his/her property assessed during his/her lifetime and pay Hissa Jaidad accordingly.
- b) The rate for such payment will be the one fixed by the Musi/Musiah and approved by Majlis Karpardaz.
- c) The time limit for such payment is two years after the date of assessment for all types of property.

- d) The above time limit extends up to five years if the said property is a house and the Musi himself is residing in it.

Question 22: If a property is in the name of a Musi but he is not the sole owner of the property, does he still have to make Hissa Jaidad payment on that property?

Answer: If a Musi is not the sole owner of a property, he will have to pay Hissa Jaidad according to his share of ownership. But if he has no share whatsoever and in substance the said property is someone else's, then the fact should be conveyed to Majlis Karpardaz.

Question 23: What if a Musi bought a house by getting a loan and is still paying loan installments, and wants to get assessment of the house's value and payoff Wasiyyat dues, does he need to make the Hissa Jaidad (Wasiyyat) payment on the total value of the house or only on his share?

Answer: Hissa Jaidad is due after the Musi's demise. However, to avoid complex and unforeseen situations relaxation is granted to pay off one's Hissa Jaidad during one's lifetime. So, if a Musi wants to pay his Hissa Jaidad during his lifetime then he will bear the obligation of loan upon himself and pay Hissa Jaidad on current market value. But if he dies while the loan amount on such property is still outstanding, then the net amount so arrived at by subtracting the outstanding amount of loan from the current market value will be subjected to Hissa Jaidad.

QUESTIONS ABOUT PAYMENT OF WASIYYAT AFTER MUSI'S DEMISE

Question 24: If a Musi has already paid Hissa Jaidad on his house during his lifetime, after his demise do his inheritors have to pay Hissa Jaidad again on the house?

Answer: If a Musi paid Hissa Jaidad on his property during his lifetime, his heirs do not have to pay Hissa Jaidad on such property on behalf of the late Musi.

Question 25: What is the procedure for payment of Hissa Jaidad after the demise of a Musi?

Answer: Payment of Hissa Jaidad becomes incumbent immediately after the death of a Musi. If his heirs are unable to pay Hissa Jaidad immediately, in such a case, if they produce a reliable guarantor, Majlis Karpardaz can grant exceptional permission for burial. Such a guarantee, however, shall be valid for no more than one year. It shall be binding to make the full payment within this time.

QUESTIONS RELATING TO BUSINESS OR TRADE

Question 26: Will the principal amount which has been invested in business be considered a Musi's property?

Answer: The principal amount invested in business shall be considered a Musi's property, and its full details are required to be given in the Wasiyyat Form.

Question 27: Will Chanda Wasiyyat be payable on the net income from business or will it be payable only on the amount which a businessman sets aside from his profit for his daily use?

Answer: Businesspersons shall pay Chanda on their net total income after deducting such expenses from their gross income as are required to generate income. It is not right to pay Chanda only on the amount which has been drawn from the business for monthly expenses.

Question 28: At what rate shall Chanda Hissa Āmad be paid on the income from business?

Answer: A Musi will pay Chanda Wasiyyat at the rate which he has pledged to pay in the Will, and not at the rate of Chanda Ām. During a Musi's life, Wasiyyat shall be paid only on the income that is derived from his business. Payment upon net assets i.e., total business assets minus total business liabilities, shall be made after his death, or in case a Musi wishes to pay it during his own life. There is no Chanda on working capital.

Question 29: Will the machinery, used for construction, be included as property in Wasiyyat?

Answer: In any kind of business, whether it is related to factory, mill or construction, only the portion which belongs to the Musi will be considered his property. For instance, if the total value of all assets, including fixed assets, receivables, bank balances, etc., of a factory /mill/ construction company is 10 million, of which it owes 6 million to banks and in other dues, the portion of the Musi shall be 4 million. This will be considered Musi's property, and upon it he will be Hissa Jaidad. In other words, the total value of a property minus the liabilities will be equal to the portion of the Musi upon which he will pay Hissa Jaidad. Hissa Jaidad on businesses is required to be paid after the Musi's death. But if he wishes to pay it during his life, *Tashkhees* (assessment) will be made of the total value of the business, all the amounts owed by the business will be subtracted, and Hissa Jaidad will be payable on the rest of the property.

MISCELLANEOUS QUESTIONS

Question 30: Will the same rules as apply to the Bahishti Maqbarah, Rabwah apply to local Maqbarah Musian?

Answer:

- a) Yes, the same rules and regulations apply to any Maqbarah Musian as do to Bahishti Maqbarah. As written in the regulations, a Musi's Hissa Āmad must be paid before the burial though exception can be made in case of Hissa Jaidad. If a Musi's Hissa Jaidad has not been paid, burial can go ahead if a reliable person guarantees its payment. At the time of a Musi's death, it is essential to acquire all the accounts relating to the Musi's Hissa Āmad and Hissa Jaidad, and to receive the dues accordingly.
- b) Cemeteries for Musis located in other countries cannot be given the name of Bahishti Maqbarah. They will be called Maqbarah Musian.
- c) The National Amir will be the President of the committee that runs the affairs of the Maqbarah Musian, and the National Secretary Wasaya will be its Secretary. The National Finance Secretary and Missionary In Charge will also be members of the Committee. The total number of members should be from five to seven. The quorum will consist of three members. This committee will continuously motivate members in their countries to make Wasiyyat. It will also be responsible for tasks related to burial of Musis as well as Maqbarah Musian.

Question 31: In view of a country's circumstances, is it possible for the Committee responsible for burial to fix a sum, to be received from Musi's heirs, for the care of Cemetery since ordinary cemeteries also charge some amount for the burial?

Answer: If such a necessity does arise in a country, the Committee should present its specific recommendations to Markaz through the National Amir. Markaz will then deliberate upon the matter and reach a decision.

Question 32: Is there any justification for extracting expenses for burial from a Musi's property?

Answer: Since the time of the Promised Messiah^{as}, the Musi makes the following affirmation in the first clause of the Wasiyyat Form.

"That after my death, my body should be sent to Bahishti Maqbarah, Qadian for burial. ___ If I have not paid the expenses for conveying my body to Qadian to Sadr Anjuman Ahmadiyya before my death, then these expenses shall be paid from the property I leave behind. But these expenses will not affect Hissa Jaidad which, according to this Wasiyyat, I submit to Sadr Anjuman Ahmadiyya." When Hadrat Khalifatul Masih IVth was asked the same question, he

said, "Musis should continue to make the same affirmation which was made by Musis at the time of the Promised Messiah^{as}. There is no need whatsoever to change it."

Question 33: What is the minimum age to write the Will (Wasiyyat)?

Answer: An Ahmadi who has attained the age of majority (which is generally of 15 years) shall be competent to make Wasiyyat. However, when the legal age of majority differs from the age of majority prescribed by *Shari'ah* the Wasiyyat shall be renewed after the attainment of majority according to law of the land. (Wasiyyat Rule #20)

Question 34: At the time of filing for Wasiyyat, if a Musi does not have any income then can he still do Wasiyyat? If yes what would be his Chanda?

Answer: If at the time of filing for Wasiyyat someone has neither property nor any income, then such a person is not required to make a Will (Wasiyyat). However, in case one has reasonable property but does not have independent source of income (e.g., married housewives) they will fix a sum so arrived at on the basis of their living standard to be considered as their pocket money and pay Chanda accordingly. *Minimum standard of income (also known as 'pocket money' for non-earning members, including housewives/homemakers) fixed by Markaz for the USA Jama'at is \$250 (two hundred and fifty dollars) per month. Based on this income, payable Chanda Hissa Āmad Wasiyyat is \$25 (twenty five dollars) per month. However, this rule will not apply to students.*

Question 35: If a person has, for whatever reason, obtained remission in Chanda Ām, is he eligible to make Wasiyyat later on?

Answer: If a person had at one time asked Hadrat Khalifatul Masih for remission in Chanda Ām due to some compulsion, and later started paying Chanda Ām regularly, there is no rule which hinders such a person from making Wasiyyat.

Question 36: Is it permissible to make Wasiyyat while one is under debt?

Answer: If an aspiring Musi fulfils all the conditions including those relating to income and property, he cannot be stopped from making Wasiyyat. Debt or loan is no hindrance in the way of Wasiyyat, for debt does not count while a person is alive. But it is important to analyze the circumstances of the person in debt. If he has made some new property by acquiring loan, and that property is producing an income, or if he has started a business with a loan and is receiving profit from it, in such a case he can make Wasiyyat. But if there is a member who has no source of income, nor any property, and he is permanently dependent upon loan for subsistence, then it is not obligatory upon him to make Wasiyyat.

Question 37: How much is the Chanda *Ai‘lan-e-Wasiyyat* (publication of Wasiyyat)?

Answer: There is no specified amount for Chanda *Ai‘lan-e-Wasiyyat*. It varies depending on the circumstances of a country. Amir/President of every country will recommend to Markaz and get permission.

Question 38: How much is Chanda *Shart-e-Awwal* or subscription dues under First Condition?

Answer: The guiding principle in this regard is that the aspiring Musi should pay this Chanda in view of his own capacity, so that the requirements of running and maintaining the cemetery can be met. The aspiring Musi should, therefore, pay this Chanda in keeping with his income, assets and the requirements of the Maqbarah Musian.

Question 39: What is the definition of *Tarka*, and what items does it constitute?

Answer: All moveable and immovable property of a Musi at the time of his death shall be considered as his *Tarka*. A Musi’s house, land, jewelry, cash, bonds, shares, etc., shall all be part of his *Tarka*. In short, all items which are divided between heirs shall be considered as Musi’s *Tarka*. Essential items of everyday use shall, however, be considered as exception when paying Hissa Jaidad.

Question 40: What will happen in case one Wasiyyat (Will) has been made under Nizam-e-Jama‘at and another made at local level?

Answer: Every Musi is fully bound by the Wasiyyat which he has made under Nizam-e-Jama‘at, and this Wasiyyat shall be effective according to its text. The reason why Wasiyyat under Nizam-e- Jama‘at is required from a Musi is that it shall be his final Wasiyyat (Will). After this he cannot make any other will which can in any way affect his Wasiyyat made under Nizam-e-Jama‘at. Any will made locally shall, therefore, not be in conflict with the Wasiyyat made under Nizam-e-Jama‘at. In the local will, the portion which has been assigned to Sadr Anjuman Ahmadiyya should be shown as a debt.