



MINISTER FOR COMMUNITY DEVELOPMENT AND SPORTS
SINGAPORE

28 May 2001

Ms Nor Hidayah bte Mohd Amin
Blk 543 Bedok North Street 3
#02-1304
Singapore 460543

Dear Ms Nor Hidayah

Thank you for your letter dated 13 May 2001.

2. In your letter, it was stated that your late great grandfather had passed more than 50 years ago. That means he passed away sometime before 1950. This date is a significant factor in the problem raised by you in your letter.

3. The Administration of Muslim Law Act (AMLA) became law only on **1 July 1968**. AMLA provides that the estate of a deceased Muslim shall be distributed according to Islamic law. This provision is mandatory. A Muslim may make a will but that will must be made in accordance with Islamic law, e.g. one cannot will his estate to an heir and one cannot will more than one-third of his estate. In other words, if the will contravenes or conflicts with the principles of Faraid, then that will is not valid. **It must be noted, however, that this applies only to Muslims who passed away after 1 July 1968.**

4. AMLA also provides that all disputes on the disposition of estates will be adjudicated and determined in the civil courts and for Muslims the civil courts **shall apply Islamic law principles** in determining the case. In so doing, they may acquire assistance from experts in Islamic law on matters concerning the principles of Islamic law and the application of those laws.

5. However, for Muslims who passed away before 1 July 1968 (ie before AMLA became law), and who had made a will, the position is not the same. The will made by your late great grandfather is a legally valid document although the contents may have contradicted the Islamic principles of inheritance. This is because the provisions in AMLA do not apply to your late great grandfather's case. Therefore the terms of the will made by your great grandfather would have to be complied with and the civil courts will give effect to the intention of the deceased, which takes precedence over all other interests.

6. It is pertinent to note that following from paragraph 4 above, the Syariah Court has no jurisdiction to adjudicate and make determination on cases involving disputes on the distribution of the estate of a deceased Muslim. It cannot therefore make any ruling in this matter. And no one in Singapore can interfere with the decisions of the courts here, not even a Minister. I therefore cannot compel the trustees to act against what the existing laws provide

7. I sympathise with the plight of your two elderly uncles who are presently in great difficulties and I have asked the Social Support Division of my Ministry to look into their case.

My best wishes to your family.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Abdullah Tarmugi', written over a large, stylized circular scribble.

ABDULLAH TARMUGI