



**ISLAMIC AND BUGANDA CUSTOMARY INHERITANCE LAWS, THEIR  
IMPLICATIONS ON UGANDAN COMMUNITIES:-  
ACASE STUDY OF KAWEMPE DIVISION**

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**A RESEARCH REPORT SUBMITTED TO THE DEPARTMENT OF RELIGIOUS  
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## DECLARATION

I SenyomoAbduwahab, hereby declare that this research report entitled “*Islamic and Buganda customary inheritance laws, their implications on Ugandan communities: A case study of Kawempe division.*” is a product of my own effort, hard work, knowledge and self-motivation and has never been presented to any University or Institution for any academic award.

Signed: -----

Date: -----

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## APPROVAL

This study by (SenyomoAbduwahab) (17/U/19034/GMAR/PE) entitled “*Islamic and Buganda customary laws, their implications on Ugandan communities: A case study of Kawempe division*”, has been under our supervision and is now ready for submission to the Faculty of Arts and Social Sciences of the Kyambogo University with our approval.

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**(SUPERVISORS)**

## **DEDICATION**

I dedicate this piece of work to my parents; - SheikhNserekoIdris, lovely mothers HajjatJemewoNamubiruNsereko and HajjatHamidahNanyondoNsereko, my dearly parents in law hajj and hajjatMuguluma of BuloButambala, who incurred a lot for my success and offered to me constant support, may Allah bless them, and to my brothers mainly Sheikh BusulwaAbdunoor, Hajj TaibuMagattoSsekamate,KaiwaIdris and hajj MagalaSulaiman and sisters. This work is also dedicated to my children, HibahNanserekoSenyomo, HaaniIdrisNserekoSenyomo, HibbanKaiwaSenyomo, HaniinuKaumaSenyomo and HaniahNamubiruSenyomo who missed parental care as much of my concentration was dedicated to this study, lastly but not least to my beloved wife AsiahNamuliSenyomo who gave me comfort, care and courage in the course of this work.

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## **Glossary**

This section intends to present concepts that were used by the researcher from other languages apart from English.

### **Quran:**

This term Quran refers to the words of Allah revealed to Prophet Muhammad through angel Jibril for the guidance of mankind. This is confirmed in Quran, Allah says,

### **Faraid:**

This is an Arabic word which means the study of the calculation and allocation procedure inheritance for each of the beneficiaries according to Islamic Law and teaching of Shariah.

### **Akhushaqiiqu/shaqiiqah:**

This was used to mean brothers and sisters sharing both the father and mother.

### **Hadith:**

This term was applied to refer to the sayings, practices and silent approvals of the prophet Muhammad from prophet hood to his death that has a religious bearing.

### **Namwandu:**

This term applies in this study as the wife of the deceased husband /widow.

### **Omwandu:**

This is a luganda word used to refer the estate/property left behind by the deceased husband.

### **Hijrah:**

This term is used in this study to refer to the migration of Prophet Muhammad from Mecca to Medina in 622AD.

### **Jahiriyya:**

The word was used by the research to refer to the period of “ignorance”. This was the period before the advent of Islam in the Arabian Peninsula.

### **Wasiat:**

This is an Arabic word used by the researcher in this study to refer to the will left behind by the deceased person.

**Mawaarith:**

This term applies in this study as a branch of Islamic science that deals with the distribution and allocation of inheritance to the specific beneficiaries according to the Islamic law.

**Imaam:**

This refers to the leader of the Muslim community at the village level.

**Qadhi:**

This term was applied by the researcher in this study to mean the Muslim judge. The Qadhi could be at District, Regional or National level (Qadhi's court).

**Shariah:**

This term applies in this study as an Arabic word derived from the root word, "shara'a" which means a path or way. It is technically defined as the code of conduct ordained by Allah (God) to the Muslim community to follow as the prescribed laws.

**Allah:**

This is an Arabic word used in this study to mean God. This is evidenced in Quran, where Allah says,

**Kyofatogabye:**

This means the estate left behind by the deceased. It means what the owner failed to give out is distributed upon the death of the owner.

**Omusika :**

This term has been used to mean the heir or a person in affinity and closeness to the deceased entitled to get a share from the estate of the deceased.

**Lubuga:**

This has been used to mean a sister to the heir who serves as a principal consort.

## **ABSTRACT**

*The current study deals with Islamic and Buganda customary laws, their implications on Ugandan communities taking Kawempe division as the case study. The objective of this study is to examine the implications of the Islamic and Buganda customary inheritance laws to the development of Ugandan communities especially in Kawempe division.*

*This study applied both qualitative and quantitative methods. However, the study had several findings which included the following;-*

*Inheritance is an integral part of both Islamic and Buganda customary laws, both forms of inheritance save family and community crisis, management of inheritance is one of God's commands, avoid the rift between relatives about inheritance, mismanagement of inheritance is condemned and punished, both laws advocate for the rights of people, cater for the status of a woman, both Islamic and Buganda customary inheritance laws encourage the distribution of estates promptly, inheritance caters for the needy in the community, inheritance is the continuity of life, inheritance implies generosity of man in the society, inheritance shows the difference between man and the prophets of God, inheritance serves as security, inheritance increases government revenues, inheritance is a source of capital, inheritance transfers responsibilities.*

*The study established ;Both Islamic and Buganda customary inheritance laws differ in terms of Property ownership, categories of the beneficiaries, shares allocated to both male and female inheritors, intestate succession, legitimacy of children, difference of religion, conditions for sharing inheritance, land ownership, the Muslim community refers to the 1964 marriage and divorce of Mohammedans Act, distribution of property differ from the two forms of inheritance as studied in Kawempe division.*

*The study identifies also the similarities between the Islamic and Buganda customary inheritance laws as per the perception of the people of Kawempe Division, which include the following;-*

*Both Islamic and Buganda customary inheritance laws with provision of laws pertaining to the distribution of wealth among heirs, both considers affinity and closeness in the identifying the*

*beneficiaries of the estates of the deceased, both forms of inheritance cater for the status of a woman in the society to mention but a few.*

*The study recommends to the concerned institutions responsible for inheritance in Uganda and Kawempe division in particular, the following:-*

*There is need for more awareness and sensitizing of the Uganda communities and people of Kawempe in particular about the concept of inheritance, the distribution of inheritance, how to identify and install the heir, the government to amend the succession Act, that the government of Uganda need to take firm stand against Buganda customary practices of wife inheritance, widow cleansing and property grabbing.*

*In conclusion therefore, the present study sought to examine the implications of both Islamic and Buganda customary inheritance laws on the development of Ugandan communities, taking Kawempe Division, Kampala district as a case study. The objective of this research was to examine the implications of Islamic and Buganda customary inheritance laws on socio-economic and political development of Ugandan communities, specifically to the people of Kawempe Division. The study adopted a mixed methods design that allowed for both exploration and analysis. The recommendations given for this study therefore, are to support institutions and everyone involved in inheritance issues to apply Islamic and Buganda customary inheritance laws justly and equally.*

## Chapter One

### 1.0 INTRODUCTION

#### 1.1: Introduction

This study focused on the Islamic and Buganda customary inheritance laws, their implications on Ugandan communities taking Kawempe division as the case study.

#### 1.2: Back ground of the study

Kawempe Division as part of Uganda has got a Buganda customary system of inheritance laid down in its culture and norms. The traditional norms of inheritance are not written down but are recognized as customary laws in the Constitution of Uganda.(1995). While the Islamic system of inheritance is clearly laid down in the Quran and further explained by hadith (sayings, doings and silent approvals of the prophet). The two systems exist concurrently in the region yet they contradict.

Access to and ownership of assets is critical for increasing productivity, especially in an agriculture-based economy like Uganda and empowering individuals to move out of poverty, but also improves people's life-chances and social relations. It has been argued that possessing and acquiring assets have widespread and diverse effects on people, especially on their confidence, ability and willingness to engage in the economy and plan for the long term: 'while income feeds people's stomachs, assets change their minds' (Khan, 2009). To this effect, inheritance is an important means of acquiring assets and bequeathing productive resources – or poverty – to the next generation (Doss, Truong, Nabanoga, & Namaalwa, 2012). If asset ownership is an important source development, it is equally true that exclusion of individuals from asset inheritance exacerbates vulnerability to chronic and intergenerational poverty transmission (Bird, 2007). Thus, understanding mechanisms of asset inheritance is critical to understanding the would be beneficiaries' vulnerability and opportunities to socio-economic and political enhancement and development.

Acquisition of property by inheritance can be in any form so long as it is legal, and in the Ugandan case, it is based on legal pluralism, which is the coexistence and interaction of statutory



laws with ‘multiple legal orders such as state, customary, religious, project and local laws, all of which provide bases for claiming property rights’ (Meinzen-Dick & Pradhan, 2002).

However, this study focuses on the forms of Buganda customary law, and Islamic religious laws. Inheritance is the practice of passing on property, titles, debts, rights, and obligations upon the death of an individual. The rules of inheritance differ among societies and have changed over time, and are determined by social norms, but also by laws and formal protections. As already highlighted, this current study is focusing on the implications of both Islamic and Buganda customary inheritance laws on Ugandan communities taking Kawempe Division as the case study.

First, Islamic Inheritance Law is about the distribution of property using the specific calculation according to the methods that have been determined by Islamic law that is based on the evidences verses in the Qur’an. Faraid is the study of the calculation and allocation procedure of inheritance for each of the beneficiaries according to Islamic Law. The law has been set up by Allah S.W.T precisely based on verses 11, 12 and 176 from Quran chapter four. All the details about the heritage of each of the beneficiaries following the condition that occur are explained in these verses. In the Quran (4:176), Allah decrees that,

*When there are brothers and sisters, men and women, the male’s share is equal to that of two females...*

Knowledge in Islamic inheritance is stated in detailed manner in the Al-Quran and provides strong reasons why it should be applied especially on issues which are closely related to property management. This is said to be one of the most important knowledge in Islam as a technique of mathematics applied for accurate calculation in order to calculate the property for each qualified heir (Abdul-Rahman et al., 2017). By following the Islamic Inheritance Law (Faraid), there is no doubt about the fairness because all aspects about Islamic inheritance have been recorded in the Qur’an and As-Sunnah and as Muslims we must believe that the Qur’an is the book of Allah and As-Sunnah is from Prophet Muhammad (Peace be upon him).

Without Islamic inheritance, undesirable situations such as fraud among heirs, corruption, and lamentation would occur. That is why Muslims need to practice this branch of knowledge, learn and teach it among Muslims. By doing so, it can help Muslims to achieve true justice. Also,

importantly, Islamic inheritance relates to many dimension of human life, in respect to social life and economic order of a society (Zuleika&Desinthya, 2014)

On the other hand inheritance under Buganda customary law is based on culture, which can be a force of liberation or oppression. For example in patriarchal or Male-dominated ideologies in Africa have tended to use culture to justify oppressive gender relations (Loft spring, 2007).Under customary law, when a husband dies, the majority of his property is inherited by a male heir and the rest is divided among the men of his extended clan (Ntozi, 1997).

In very limited cases a daughter can also inherit part of the property but her share is usually temporary, lasting only as long as the daughter remains single and lives on the land with her birth family, and she is prohibited from selling the land. Furthermore, families will not permit the husband's widow to be his heir (Byamukama, 2006) since she is supposed to be looked after by the male heir who inherits her.

Additionally, relatives often justify withholding inheritance rights from the widow with the erroneous argument that since the marital home was built on clan land, it must be protected from the possibility of the widow remarrying and bringing alien man, and therefore a new clan, onto the land. Compounding the discriminatory laws, under customary law the father has custody of all children over breast-feeding age and, upon death of the father, the paternal relatives are granted custody. This situation makes women completely dependent on men be it their husbands, fathers, brothers, sons, or other male relatives of the husband's clan -and places them in a precarious situation (Loft spring, 2007).

With sufficient and enforced inheritance rights, the right beneficiaries for example the women would reap the benefits of their labors and own the income of their work instead of letting it go to their husbands and other male relatives, and then the women would determine how best to spend their earnings. Similarly, women could direct their money to the rearing and education of their children, thus better preparing the next generation of Ugandan citizens. Or women could reinvest their money in their land, thereby increasing the profitability and resources in Uganda (Loft spring, 2007).

From the theoretical point of view, inheritance is closely linked to property and ownership a general term for rules governing access to and control of land and other material resources, and since these rules are disputed, both in regard to their general shape and in regard to their particular application, there are interesting philosophical issues about the justification of property (Waldron, 2004).

However, the modern philosophical discussions focus mostly on the issue of the justification of private property rights (as opposed to common or collective property). 'Private property' refers to a kind of system that allocates particular objects like pieces of land to particular individuals to use and manage as they please, to the exclusion of others (even others who have a greater need for the resources) and to the exclusion also of any detailed control by society.

Though these exclusions make the idea of private property seem problematic, philosophers have often argued that it is necessary for the ethical development of the individual, or for the creation of a social environment in which people can prosper as free and responsible agents (Waldron, 2004). It is therefore, against this background that the current study is anchored on the Occupation theory of private property and Ethical Theory of Property (particularly a Utilitarian theory).

The Utilitarian theory of property finds its root in the utilitarian philosophy coined by Jeremy Bentham probably the first systematic exponent of this theory. Bentham's view was as follows: ...it is the greatest happiness of the greatest number that is the measure of right and wrong. In other words, the Utilitarian theory of property seeks to maximize the population's utility when a property decision is made, the greatest good for the greatest amount of people (Alexander&Peñalver, 2012; Munzer, 1990). To apply this theory one must define an aggregate a measure of utility comparable for all people in a cost-benefit analysis. In relation to Bentham, the two inheritance systems must take into account the effect an action has on everyone affected by the action when determining the rightness or wrongness of the action and in this case the property distribution is the action.

On the other hand, one of the earliest justifications for private property is contained in what has been called the occupation theory of private property. This theory clearly states that a person taking over any property or land is the owner of it and hence this also brings in the First

Occupancy Theory giving the individual the superior legal right to occupy and control the property from there on. It is taken for granted that things are ours because we have acquired them from another person who has ownership to pass on to us (Heller, 1999).

Such acquisitions can occur through a voluntary transfer such as a gift or a bequest in a will or simply by a purchase for value. The essence behind the occupation theory is that given that all material resources are given to mankind in common, such material resources become the private property of individuals through the consent of, or agreement with, the rest of mankind.

Although inheritance in Uganda is practiced under three legal systems: customary law, religious law (particularly Islamic law), and statutory law with the 1995 Constitution is the supreme law of the land, it is mainly regulated by the Succession Act which confers the right to inheritance to close relatives regardless of their legal relationships to the deceased. This is different from the customary/Islamic law which requires the wife and children of the deceased to be in legitimate relationship, lest they are locked out in the distribution of the estate. Issues such as equal shares to all children, recognition of adoption as a basis for entitlement to property, disregard to legitimacy of the children and difference in religion are some of the fundamental issues that call for harmonization of the two legal regimes.

Furthermore, like many laws in Uganda, the Succession Act dates back to 1904 and replaced the succession ordinance of 1906, which was based on English common law. The Succession Act was a clear attempt to put in place a uniform law of succession that would apply to both intestate and testate succession. The amendment of the Act was aimed at addressing gender issues and customary laws. As a result, all succession matters shifted from the hands of clan leaders to the courts of law. Subsequently, new set of rules of inheritance that could neither be classified as custom or fully statutory was created.

However, since colonial era, the rights of Muslims to settle their matters of faith under the Islamic system were acknowledged (Walusimbi, 2017).

Under customary law, for most Ugandans, inheritance happens according to culture and may be overseen by customary leaders and some of them or family members make decisions about the deceased's property that deny women and girls their equal rights to inherit property.

Accordingly, women and some children (particularly girls) are not granted rights to land inheritance. Take for example in regard to the patriarchal system of inheritance in place in most of the 56 indigenous Ugandan communities, the male kin of the deceased will take care of the survived wife and children. De facto, this rarely happens and often the wife and children are dispossessed of the family's assets and forced to move back to the widow's parents' home, where she becomes dependent on her male relatives (Benschop, 2002).

In addition, widows are denied all rights to inherit land under customary regimes. A government study of men's wills showed that only 10 percent of men left their land to their wives in a trust for their children, while 90 percent of the wills directed the land to be given to the children directly and stipulated that the wife would be taken care of by the children (Hatcher, Meggiolaro&Santonico-Ferrer, 2005).A widow is only ensured of her continued occupation of the residential property she used to occupy with her husband, but does not have the right to control this property in any way. Also, as soon as a widow remarries, her occupancy rights to this property expire (Benschop, 2002).

On the other hand, the Islamic law of inheritance is also applied in Uganda. According to article 129(i) (d) of Uganda's Constitution provides that "Parliament may enact a law to provide for the establishment of Qadhi's courts to deal with Islamic matters of marriage, divorce, inheritance of property and guardianship. Although parliament has not yet enacted the said law, among Muslims it is Islamic law that is enforced in property distribution of their estate in practice. The Uganda Muslim Supreme Council (UMSC) appoints a Sheikh for every district in the country who handles property distribution in accordance with the Quran.

The Muslims in the country refer to the Islamic Inheritance law (Faraid) in the 1964 Marriage and Divorce of Mohammedans Act, which states that the Shariah Law, which is the Islamic canonical law based on the teachings of the Koran and the traditions of the Prophet, shall govern all marriages and divorces between Muslims.

On the other hand, the Islamic inheritance according to the Quran was set up by Allah S.W.T precisely based on verses 11, 12 and 176 from Quran chapter 4. All the details about the heritage

of each of the beneficiaries following the condition that occur are explained in these verses (Abdul-Rahman et al., 2017).

To this effect, a Muslim male takes double the share of the female, according to Quran (4:11). Allah says:-

*Allah (thus) directs you as regards your children's (inheritance); to the male, a portion equal to that of two females: if only daughters, two or more, their share are two-thirds of the inheritance, if only one, her share is a half. For parents, a sixth share of the inheritance to each, if the deceased left children, if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers (or sisters) the mother has a sixth.(the distribution in all cases('s) after the payment of legacies and debts.*

According to the above verse, When a man dies leaving a wife and children, the wife receives one-eighth of the net estate. When there are no children, the wife receives one-fourth. In polygamous marriages, the co-wives have to share the one-eighth or the one-fourth (Benschop, 2002). Allah decrees that,

*When there are brothers and sisters, men and women, the male's share is equal to that of two females...Quran (4:176)*

Until today, even though Islamic inheritance has been introduced since long time ago, many Muslims do not know how to implement it. In implementing the inheritance among Muslims, there are some questions of jurisdiction, lack of uniformity of laws, and procedures. In addition, there are also problems such as seizing property among heirs, disputes when dividing property among heirs and injustice that should be prevented from occurring.

Therefore, distribution of property under customary/religious provisions has not been free from criticisms based on discrimination, unfairness and injustice depending on individual perspectives. When widows and orphans become victims of unequal inheritance laws and customs, they lose not only their homes and personal possessions, but their sources of food and income. As a result, they may become homeless, malnourished, driven further into poverty and

vulnerable to further exploitation. For example when husbands die, women are left economically vulnerable in a society where they rarely own land, and due to devastatingly unequal inheritance laws and customs, have little means to support themselves or their children when widowed (Bennett, Faulk, Kovina & Eres, 2006). It is against this backdrop, therefore, that the current study entitled *“Islamic and Buganda Customary Inheritance Laws, and their implications on development of Ugandan communities: A case study of Kawempe Division.*

### **1.3: Statement of the problem**

The institution of inheritance is well laid down in Islamic Shariah (in Quran and the Prophet's traditions) and the customary laws in Buganda. However, disputes, frictions, problems continue rising in the institution regarding the legitimate heir to the deceased and distribution of the property of the deceased. As a result, widows and orphans may become homeless, malnourished, driven further into poverty. Despite the fact that in pursuant to the Law of Inheritance according to the Book of Allah (Qur'an), and the Buganda customary inheritance laws, when implementing the inheritance, there are also some questions of jurisdiction, lack of uniformity of laws, and procedures. In addition, there are also questions such as, does inheritance under Islamic and Buganda customary systems have any implications to the development of the Ugandan communities specifically in Kawempe Division, Kampala District? Then why is this so? Therefore, the current study endeavored to look into this.

### **1.4: Objectives of the study:-**

#### **1.4.1 General objective**

The major objective of the study was to examine the Islamic and Buganda customary inheritance laws, their implications on the Ugandan communities, a case study of Kawempe Division.

#### **1.4.2 Specific objectives**

1. To identify the characteristics of Islamic inheritance and customary inheritance system among the Baganda, using Kawempe Division as a case study.
2. To identify the relationship between the Islamic system of inheritance and the Buganda customary system of inheritance in Kawempe Division.

3. To examine the implications of the Islamic and Buganda customary inheritance laws in developing the people of Kawempe Division.

### **1.5: Research questions**

The above objectives shall be achieved using the following main research questions:

1. What are the customary implications of inheritance in Buganda?
2. What are the implications of inheritance among the Muslims in your community?
3. What are the basic characteristics of Islamic inheritance system?
4. . Examine the features and nature of Buganda customary inheritance system in Kawempe Division.
5. What is the relationship between the Islamic inheritance system and the Buganda customary system of inheritance in Kawempe Division?

### **1.6 Significance of the study**

- The study intended to give a critical insight into the implications of both Islamic and Buganda customary laws on developing Ugandan communities most especially Kawempe division.
- The study will also be relevant in the wider field of academia especially in the field of comparative religion and Religious studies.
- The study will help the government of Uganda, none – government organizations, policy makers in the religion and World at large to develop the strategy of dealing with Muslims especially in regards to inheritance in Uganda mostly in Kawempe Division as shall be indicated in the research recommendations.

### **1.7: Justification**

The researcher has been motivated to choose this topic due to the fact that the Islamic inheritance system is clearly described by Quran and Hadith, however, Muslim heirs in Uganda especially in Buganda region most especially in Kawempe Division, lack the knowledge on the implications of both Islamic and Buganda customary inheritance laws in developing the Ugandan communities basically in Kawempe Division hence motivating me to investigate this state of affairs among the Muslims in the study area.



## **1.8: Scope of the study**

The scope of this study involved the subject/content, geographical and time scope.

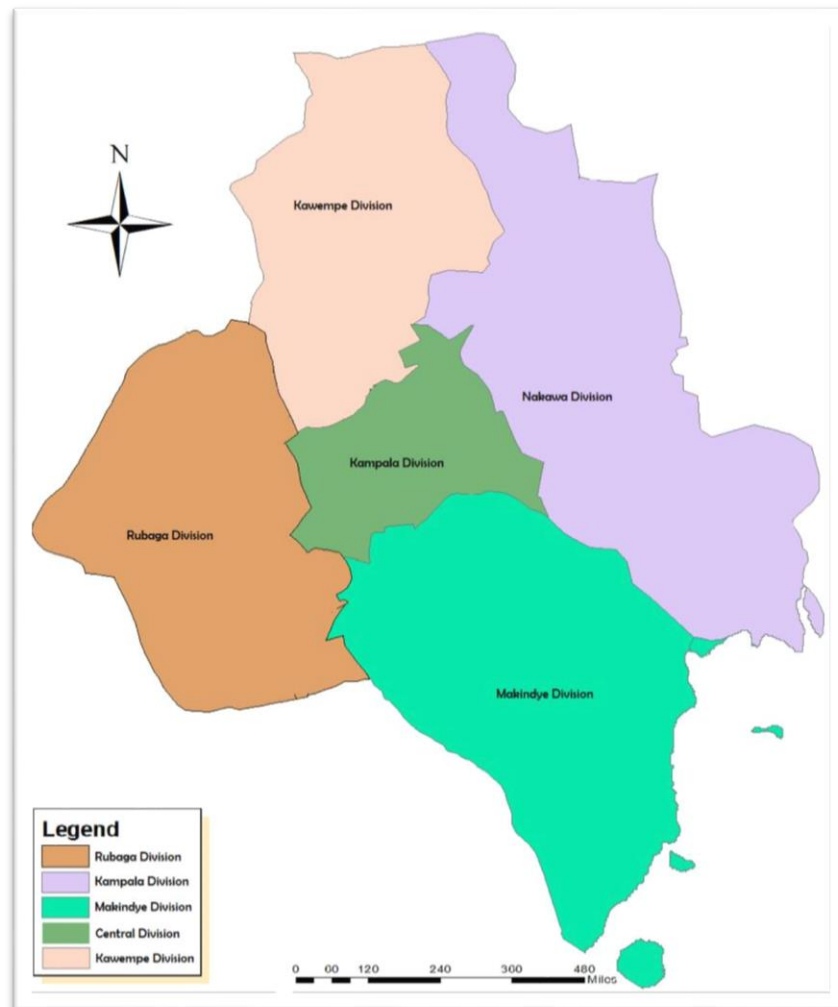
### **1.8.1 Content scope**

The study focused on examining the implications of Islamic and Buganda customary inheritance laws on the development of Ugandan communities basically Kawempe Division. This is very critical because property/piece of land acquired through inheritance or otherwise provides a crucial source of shelter, food and income to access many more services or acquire goods for the development of the individual members and the community in general.

### **1.8.2 Geographical scope**

The study was carried out in Kawempe Division, one of the divisions in Kampala district with an estimated population in of 262,500 and approximately 69,080 households in 19 parishes with a sizeable number of Muslim households and development challenges like lack of housing, lack of access to education, health and poor standards of living. The justification for choosing Kawempe division as a study area was due to the fact that there is much struggle and conflicts for the estates of the deceased in Kawempe Division compared to other divisions of Kampala like Nakawa, Makindye, Rubaga, Central to mention but a few.

### 1.8.3: THE MAP OF KAMPALADISTRICT SHOWING THE LOCATION OF KAWEMPE DIVISION



#### 1.8.4: Time scope

The study covered a period 1962 up to 2017. This is because it is the time when Uganda got its independence that rendered it to have its first constitution up to present. However, crisis concerning inheritance are still going on. In addition to the fact that this period is marked by quite a number of inheritance complaint cases referred to the Kawempe Town Clerk's office by the Administrator General's for settlement for example Hajj Kigejjogejjo and sheikh Muhammad

Sekimwanyiri of Bukoto and Kanyanya family complained after the distribution of the deceased estates .

The major reason why the researcher chose Kawempe division of Kampala district as a study area is because it is dominated by its inhabitants as both Baganda and Muslims as the study population of the research topic.

The study handled the implications related to Buganda customary and Islamic forms of inheritance to the development of Ugandan communities, taking Kawempe division as the case study.

### **1.9: Significance of the study**

- This research intends to raise people's knowledge and awareness of Islamic and customary laws on inheritance in order to make the right inheritance or property distribution decisions and avoid discriminatory action which deprive the would be beneficiaries access to property and other assets.
- The understanding of the Islamic and customary laws of inheritances and their implications on development of Ugandan communities basically those living in Kawempe division, would help all those institutions involved in administering the estates and property of the deceased that it is very important to adhere to the customs of the inheritance laws in the process uphold the principles of fairness, equality and justice.
- The study findings intend to provide an insight into the inconsistencies of the existing legal regime of inheritance including the statutory one (that was successfully challenged in the constitutional court 2007)<sup>1</sup> that have to animate discrimination, unfairness, inequality and injustices for policy makers, parliamentarians, legal practitioners, and others to seriously consider coming up new set of rules of inheritance where principles of fairness, equality and justice are entrenched.

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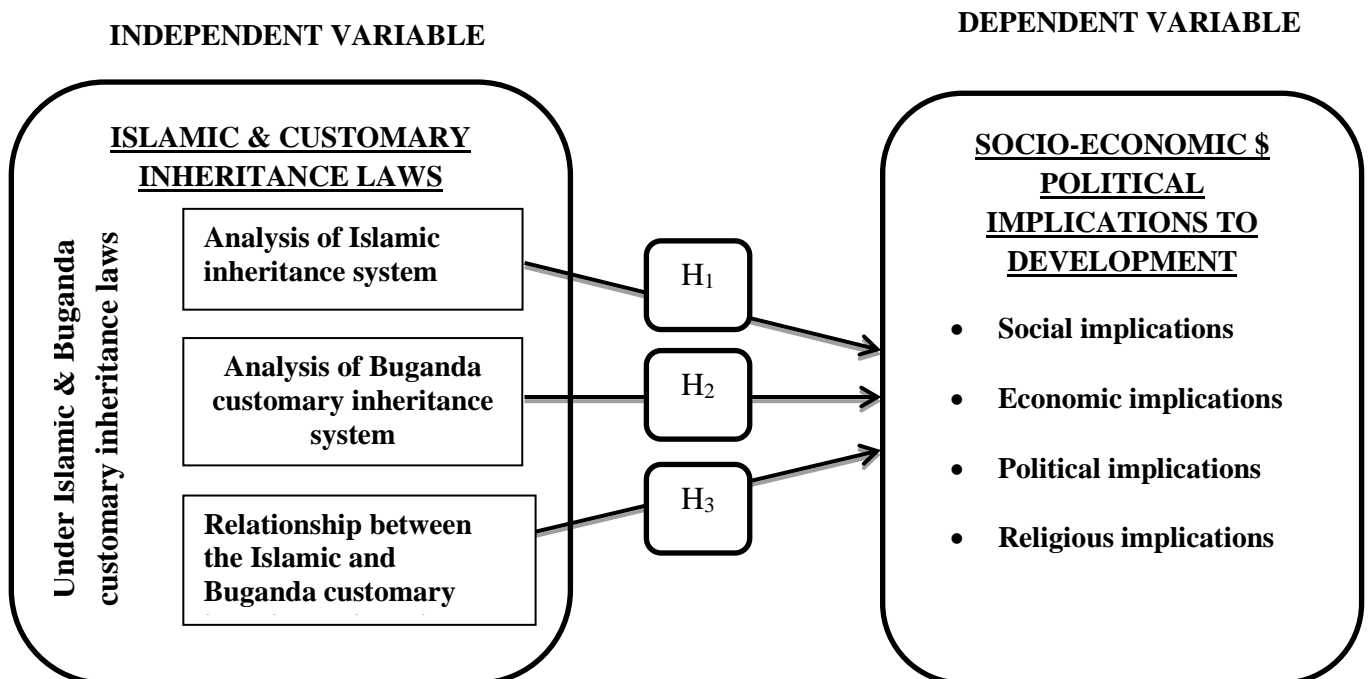
<sup>1</sup>In 2007, Uganda's Constitutional Court invalidated parts of the Succession Act, including the sections containing the formula for intestate distribution. *See Law & Advocacy for Women in Uganda v. Attorney General*, Nos. 13/05, 05/06, Const Ct. of Uganda (2007). The Court held that the Succession Act discriminated on the basis of sex because it used sex-specific language in its description of the formula.

- Findings are aimed at educating the community about the inheritance rights of vulnerable groups such as women/widows against the inheritance or property distribution decisions against the window and some orphans under the disguise of customary/religious practices of refusing women and some children the right to inherit or own property of the deceased male/husband.
- To Kyambogo University and other future researchers, the knowledge excavation by the study findings is of great benefit to them and gaps not addressed by this study will create grounds for future research.

### 1.10: Conceptual framework of the study

Conceptual framework supports and informs your research—is a key part of your design (Miles & Huberman, 1994; Robson, 2011). Miles and Huberman (1994) defined a conceptual framework as a visual or written product, one that “explains, either graphically or in narrative form, the main things to be studied—the key factors, concepts, or variables—and the presumed relationships among them”. For this current study, it is presumed that Islamic and Buganda Customary Inheritance laws influence socio-economic and political development as illustrated in figure 1.1 below:-

**Figure 1.1: Conceptual framework**



The above figure 1.1 shows a conceptual framework for this study where Islamic and Buganda customary inheritance laws practices are regarded as independent variable in this study represented by the analysis of both inheritance systems and examining the relationship between the two inheritance systems., which influence socio-economic, religious and political implications to the development of Ugandan communities especially in Kawempe division (dependent variable) in terms of individual income, social class, education/literacy, asset/property ownership, political motivation and facilitation , capital accumulation and health & nutrition among others.

It has always been argued that possessing and acquiring assets have widespread and diverse effects on people (socio-economic and political impact), and inheritance is an important means of acquiring assets and bequeathing productive resources – or poverty – to the next generation (Doss et al., 2012).

On the other hand if asset ownership is an important source of resources, it is equally true that exclusion of individuals from asset inheritance exacerbates vulnerability to chronic and intergenerational poverty transmission (Bird, 2007)

### **1.11: Definition of operational terms**

**Customary Laws is a term, this** has been designed to mean, laws which are either written declared or unwritten but recognized by the community as having the force of law, and it is applicable to African member of community irrespective of their religious affiliation.

**Individual income** refers to money a person receives, especially on a regular basis, for work or through investments

**Inheritance** is the practice of passing on property, titles, debts, rights, and obligations upon the death of an individual.

**Inheritance Rights**, has been used to refer to inheritance that is also called succession, which refers to devolution of property on an heir or heirs upon the death of the owner

**Inheritance rights under Islamic and Customary inheritance laws are the** decedent's survivors' rights to inherit property of the deceased person.

**Intestate estate** - the estate of a deceased person who dies without leaving a will

**Islamic inheritance is a** term used in this study to mean a branch of knowledge that deals with rules of the Islamic law which guides us about who will inherit and who will not and what shares will go to the specific heir from the property of the deceased.

**Knowledge and awareness of Islamic and Customary inheritance laws** refers to the familiarity, awareness, or understanding of facts, information, descriptions, or practices of Islamic and Customary inheritance laws, which is acquired through experience or education by perceiving, discovering, or learning.

**Nutrition and health** refers to a state of providing or obtaining the food necessary for health and growth so that one can be in a state of being free from illness or injury.

**Property/asset ownership** means the right to the possession, use, or disposal of building(s), land or asset belonging to it or they acquired through any means.

**Property distribution under Islamic and Customary inheritance laws** refers to the settling or allocating the estate/property of a deceased person to the beneficiaries following either Islamic or Customary law.

**Social class means** a division of a society based on social and economic status

**Testate estate** - is an estate of a deceased person who dies leaving a will

## **Will**

This term was used to mean a document written by a now dead person; clearly outlining his/her wishes concerning the distribution of his/her property.

## **Religion**

This has been used to refer to an organized approach to human spirituality which involves beliefs, practices, symbols, narratives and supernatural quality that give meaning to the believer's experiences of life through reference to a higher power.

*Religion is the wellsprings of individual and social life which deals with the central questions of human life and destiny.<sup>2</sup>*

### **Primary heirs**

These are the relatives of the deceased whose share of inheritance is obligatory (is a must). They include son, daughter, father, mother, husband, wife etc. these are the primary sharers of the inheritance.

### **Secondary heirs**

This is a category of people who inherit the estate when they are the only heirs in the absence of the primary heirs.

### **Donation**

This is part or portion of the property of the deceased that he/she nominates in his/her will to be given to certain people or organization like schools, mosques, disabled people, friends. However, it should not exceed 1/3 of the property, according to the Islamic law.

### **Administrator General.**

This term has been used to refer to the recognized officer in charge of inheritance at the national level.

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<sup>2</sup>Ninian Smart (The religious experience pg 130).

## Chapter Two

### 2.0: LITERATURE REVIEW

#### 2.1: Introduction

This chapter presents the review of related literature on the impact/effects of Islamic and Buganda customary inheritance laws on socio-economic and political development of Ugandan communities, taking Kawempe Division as a case study. The review examined theoretical and empirical studies related to the study.

#### 2.2: Concept of inheritance

Inheritance is the practice of passing on property, titles, debts, rights, and obligations upon the death of an individual. Inheritance is an important means of acquiring assets and bequeathing productive resources – or poverty – to the next generation. Mivule quotes Hamidu –ul- Allah (1999) looks at inheritance as a necessary measure in resource allocation. His approach is economic and considers the divisions given to people as a gesture of the individual right of disposing of one/s wealth, and the right of the collectively.

The rules of inheritance differ among societies and have changed over time, and are determined by social norms, but also by laws and formal protections. For example the Succession Act was a clear attempt to put in place a uniform law of succession that would apply to both intestate (deceased person who dies without leaving a will) and testate (a deceased person who dies leaving a will) succession.

Similarly, while statutory law in Uganda does provide for wills, there are numerous barriers preventing wills from being written: there is widespread superstitious fear that writing a will brings untimely death; there is low literacy; there is limited experience with legal issues in rural areas; and under customary law, wills were verbal, property was distributed by clan leaders (Bennett et al., 2006).

The Succession Act amendment was also aimed at addressing gender issues and customary laws. Subsequently, a new set of rules of inheritance that could neither be classified as custom of full statutory was created. However, since colonial era, the rights of Muslims to settle their matters of faith under the Islamic system were acknowledged (Walusimbi, 2017). As already highlighted, this



current study is focusing on inheritance by Buganda customary and Islamic law (Faraid) in terms of impact to the development of the Ugandan communities specifically in Kawempe Division.

Customary laws may be designed to mean, laws which are written, declared or unwritten but recognized by the community as having the force of law, it is applicable to African members of a community irrespective of their religious affiliation (Justice, *et al*, 1995). On the other hand, Islamic Inheritance Law (Faraid) is a science of distribution of a deceased person's legacy in accordance with the law and teaching of Shariah or is the study of the calculation and allocation procedure of inheritance for each of the beneficiaries according to Islamic Law (Razimi&Shahril, 2016).

Akiiki Asiimwe and Owen Crakshaw in *Journal of law and conflict resolution* volume 3 number 1 (2011), convinced on the research on the impact of customary law on inheritance; a case study of widows in urban Uganda. The study explores the ways in which widows in Kampala, Uganda are deprived of home ownership upon the death of their husbands. According to customary law, women may not own property and hence, upon the death of the husband, the ownership is passed on to a male member of his family. In terms of statutory law, the succession act dictates that the matrimonial home hence is inherited by the eldest son of the deceased.

The widow can only inherit the matrimonial home only under the following circumstances;- Firstly; if the widow is a joint owner of the home, there are no legal and social obstacles that prevent her from inheriting her husband's share of the home. Secondly, a widow can inherit the home if her husband stipulated it in his will. However, even if she is the sole beneficiary, unless the husband also appreciates the wife as the sole executor of the will, the husband's family can conspire to prevent her from inheriting the home.

Further, before British colonialism, inheritance of land was governed by patriarchal customs in Buganda. The custom dictated that the transfer of lands to an individual had to be through a male relative.

Even when the family gave land to a woman, she was not allowed to dispose it off to outsiders except the male clan leaders (Birabwa Nsubuga 2006) Bikaako and Ssenkumba, 2003 Birabwa Nsubuga (2006) woman under customary marriage in Uganda.

The colonial government did not change these patriarchal customs, but instead introduced new property ownership laws where an individual had the right to own land either by freehold or leasehold.

As a result the customary practice of giving land to a male was extended to these new forms of ownership whereby men acquired title deeds upon their death, their sons inherited the home. In this system, women did not have large ownership rights upon the death of a husband. The custodians of the law who are mainly male, tend to apply the law as it suits them and in so doing they deny women their rights. When a married man dies, there is no property distributed because culturally the property is assumed to belong to his wife.

Kinabihita 2006, report on interstate succession in Kampala; law and advocacy for women in Uganda. The idea behind is “what belongs to the slave belongs to the master” the current research discusses the level of inheritance and its implications among the Baganda and Muslims, using Kawempe division in Kampala, Uganda as a case study.

### **2.3: Islamic inheritance law**

Whereas the concept of inheritance was institutionalized soon after the battle of UHUD to protect the orphans and the widows, many Muslims in Uganda have always tended to resist it.

This is basically because of the cultural influence and ignorance of some sheikhs who usually involve themselves in the distribution of the deceased’s estate. Whereas each child is supposed to take a determined share as indicated in the Quran, men usually end up taking almost everything leaving the females with almost nothing.

The Islamic law of inheritance disregards children produced out of wedlock as giving them a share in the estate of their father would be legitimatizing adultery and fornication. This has made many especially ladies to resist the inheritance as the society is characterized with immorality

Islamic Inheritance Law is among the three main branches of knowledge in Islam. In Arabic, Islamic inheritance is referred to as “Faraid” as the plural word from the word “Al-Faridhah” which means something that is required or the division which has been fixed with its respective rates.

Before the Islamic inheritance is practiced, there are several aspects that we need to be clear about. The aspects that need to be settled are; the maintenance and burial, the deceased's debts, the wills of the deceased, the nazar of the deceased and lastly the distribution of the remaining assets to the heirs who are entitled to them. Wills literally means connect and deliver while technically it means distribution of a right that is done only after the death (Mustofa, & Ali, 2009). The Prophet emphasized on the will and said:-

*Narrated Abdullah bin Umar: Allah's Apostle (peace be Upon him) said, "it is not permissible for any Muslim who has something to will, to stay for two nights without having his last will and testament written and kept ready with him."<sup>3</sup>*

According to Islamic Law, inheritance is the division of the estate after the death of a Muslim which has been fixed under the Islamic Law on the legal heirs and heiresses who are eligible to receive the estate. The deceased should have fulfilled what is permitted by Islamic law before distributing the property. From Ibn 'Umar R.A. he said: "The Messenger of Allah said:-

*The obligation of a Muslim who has something (property) which has been willed to be given, two nights and then let the will goes into his/her hands.*

The remainder of the property, after deducting and excluding all funeral expenses and the deceased's debts, is distributed to the heirs (Razimi, &Shahril, 2016).

Quran distributes property of the deceased basing on a specific formula. The heirs mentioned in the Quran are: - mother, father, wife, daughter, uterine brother, full sister, uterine sister and consanguine sister. (Quran4:11) Allah says:-

*Distribute the remainder of the estate and property to the relatives who are entitled to inherit and their shares.*

These are primary heirs (spouse-husband /wife) parents, the sons and daughters. All the remaining heirs are totally excluded by the presence of other heirs. If the deceased leaves behind no relative, the property is taken to the state treasury. If the above commitments exceed the estate; then it is the above entitled to payment of debts if any rules of exclusion; illegitimate

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<sup>3</sup> Dr. Muhammad Mushin Khan, Sahih Al- Bukhari, vol. IV, Pg 1.

children and adopted children have no shares in inheritance. Full brother exclude a half brother exclude a half brother who shares a common father. In case where a deceased man leaves pregnant women the unborn child's share will be reserved.

In the Quran 2 verse 180, Allah says:-

*It is prescribed, when death approaches any of you, if he leaves any goods that he make a bequest to parents and next of kin, according to reasonable usage; this is due from the Allah-fearing<sup>4</sup>.*

Mivule alerts:-

*In principle, both man and woman are equally entitled to inherit the property of the deceased relatives but the proportions they get may vary. In some instances man receives two shares whereas woman gets one only. This is no sign of giving preference or supremacy to man over woman. The reasons are that man is solely responsible for the complete maintenance of his wife, his family and any other needy relatives. It is his duty law to assume all financial responsibilities and maintain his dependants adequately.<sup>5</sup>*

Also, the amount of the property acquired shall not be questioned because Allah S.W.T has calculation of the division in the Quran. Allah decrees:-

*For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much - an obligatory share.<sup>6</sup>*

This has proven that Allah has set up a portion for men and women. Only women will get half of men's, which has been proven in Quran. (4:176).Allah says:-

*When there are siblings contain men and women, then the portion of the male is twice of the female.<sup>7</sup>*

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<sup>4</sup>Dr.MuhammadTaqiuDiin (1979) pg 97.

<sup>5</sup>Mivule Norman Kinene (2010), pg 33.

<sup>6</sup>Dr.MuhammadTaqiu-ud- Din Al- Hilalli(The Noble Qur'an)pg 107

<sup>7</sup>Etal, page 140.

There are two types of estate; testate and intestate. If the person dies and leaves a will, the estate is called testate. In contrast, if the person dies and does not leave a will, the estate is called intestate (Abdul Hamid, 2001).

The estate that is left by the deceased, which is lawfully owned, needs to be settled using Islamic inheritance. Distribution of inheritance using the knowledge of Islamic inheritance will result in one to decide about the division because it is based on revelation. The prophet noted:-

*Narrated Sa'd bin Abu Waqqas: the prophet peace be upon him came visiting me while I was (sick) in Mecca, (Amir the sub-narrator said, and he disliked to die in the land whence he had already migrated). He (ie the Prophet) said, "May Allah bestow His Mercy on Ibn 'Afra' (sa'd bin Khawla), "I said, "O Allah's Apostle, may I will all my property (in charity)?" He said, "No." I said, "Then may I will half of it? He said, "Yes, one third, though one third is still too much. It is better for you to leave your inheritors wealthy than to leave them poor begging others, and whatever you spend for Allah's sake will be considered as charitable deed even the handful of food you put in your age so that some people may benefit by you and some others be harmed by you." At that time Sa'd had only one daughter.<sup>8</sup>*

Humans or the courts, for example, only serve as the implementers of the law of God in fulfilling the needs to apply. The property needs to be distributed fairly to all inheritors. There are two types of property which are moveable and immovable (YusufAli, 2000; Mustofa et al., 2009; Zuleika&Desintha, 2014).

In addition, under Islamic Law, whether it is moveable or immovable property, it needs to be distributed fairly. It is immaterial whether the property is real (land) or personal, movable or immovable Islamic inheritance covers all Assets (Un- Habitat, 2005). Nothing in Islam is unfair. The way how to distribute the property has been formulated in the Qur'an and all Muslims are obliged to follow Islamic inheritance. Ibn 'Abbas R.A. reported that Allah S.A.W. said:-

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<sup>8</sup> Dr. Muhammad Muhsin Khan, Sahih Al- Bukhari, vol.IV, Pg 3.

*Give to the right of the estate which is pursuant to the Law of Inheritance according to the Book of Allah (Qur'an). Narrated by Muslim.*

The advantage of the division which is pursuant to the Law of Inheritance is given to a man who is the closest (to the deceased). They can choose how the division will be after they discuss or agree to divide without being forced or influenced by any party (YusufAli, 2000;Razimi, &Shahril, 2016; Abdul-Rahman et al., 2017).

#### **2.4: General Principles of Inheritance under Islamic Law:**

The general Principles associated with Islamic Law of Inheritance are as follows:-

Nature of the Heritable Property where property which is available for an inheritance to legal heirs. After a Muslim dies, his properties are used for paying the funeral expenses, debts and the wills.

Joint or Ancestral Property: The Islamic Law of Inheritance does not recognize the concept of a joint family.

In case a Muslim dies, his properties devolve on his heirs in a definite share of which the heir becomes the absolute owner. Similarly, when such a legal heir dies, the properties owned by him/her will devolve to his/her legal heirs and the same process continues. Also, there is no distinction between the Self-Acquired property and the Ancestral Property.

#### **2.4.1: No Birthright under the Islamic Inheritance Law:**

Islamic Law follows the principle that nobody can become heir to a living person. This means under Muslim law, the legal right to inheritance of property arises only upon the death of the deceased and not upon the birth of the child.

Another point to note is that the heir can only gain a share in the property of the deceased if he outlives the deceased. The prophet said:-

*Narrated Sa'd: I fell sick and the prophet peace be upon him, paid me a visit. I said to him, "O Allah's Apostle! I invoke Allah that He may not let me expire in the land whence I migrated (ie, Mecca)." He said, "May Allah give you health and let the people benefit by you." I said, "I want to will my property, and I have only one daughter and I want to will half of my property (to be given in charity)," He said, "Half is too much." I said, "Then I will one third." He said, "Half is too much." I said, "Then I will one third." He said, "one – third is sufficient, though even one- third is too much also". (The narrator added, "So the people started to will one- third of their property and were permitted to do so.")<sup>9</sup>*

#### **2.4.2: Doctrine of Representation:**

The Doctrine of Representation is a well-recognized doctrine under the Roman, English and Hindu laws of Inheritance. According to the Doctrine of Representation, the son of a predeceased son represents his father for the purpose of inheritance. The Islamic Law of Inheritance does not recognize the Doctrine of Representation because, under Islamic Law, the nearer excludes the one far.

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<sup>9</sup> Dr. Muhammad Muhsin Khan, Sahih Al- Bukhari, Vol.IV, pg 4.

### 2.4.3: Rights of Females:

Both male and female are equal under the Islamic Law of Inheritance and male are just given preferential right of inheritance over the right inheritance. However, generally, the share of the male is double the share of the female. The reason behind this is that under the Islamic law a female shall upon marriage receive 'Mahr' (dowry) and maintenance from her husband whereas males will have only the property of the ancestors for inheritance. Also, males have the duty of maintaining their wives and children whilst Article 21(2) of the 1995 Constitution prohibits discrimination on the grounds of sex, Section 3(1) of the Succession Act, by including the definition of legal heir, violates the Constitution and discriminates against women. A legal heir is defined as the living relative nearest in degree to a deceased person who has left no will, with the qualifying provision that a male will be given preference over a female. The prophet said:-

*Narrated Ibin Abbas; the custom (in old days) was that the property of the deceased would be inherited by his offspring; as for the parents (of the deceased), they would inherit by the will of the deceased. Then Allah cancelled from that custom whatever He wished and fixed for the male double the amount inherited by the female, and for each parent a sixth (of the whole legacy) and for the wife an eighth (2) or a fourth (3) and for the husband a half or a fourth.<sup>10</sup>*

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<sup>10</sup>Dr.MuhammadMuhsin Khan, Sahih Al- Bukhari, Vol.IV, pg 6.



#### **2.4.4: Rights of a Widow:**

Widows are also entitled to the property in a succession as per Islamic law. A childless Muslim widow is entitled to one-fourth of the property of the deceased husband, after meeting his funeral and legal expenses and debts. However, a widow who has children or grandchildren is entitled to one-eighth of the deceased husband's property. If a Muslim man marries during an illness and subsequently dies of that medical condition without brief recovery or consummating the marriage, his widow has no right of inheritance. The rights of widows are not equal to the rights of widowers: widows are only ensured their continued occupation of the residential property they used to occupy with their husbands and do not have the right to control this property in any way. Also, as soon as a widow remarries, her occupancy rights to this property expire. NOTE; Widows under the Buganda or Uganda Customary rights are denied all rights to inherit land under customary regimes.

#### **2.4.5: Right of Inheritance of a Child in Womb:**

A child in the womb of its mother is competent to inherit provided it is born alive. A child in the embryo is regarded as a living person and, as such, the property vests immediately in that child. But, if such a child in the womb is not born alive, the share already vested in it is divested and, it is presumed as if there was no such heir (in the womb) at all.

#### **2.4.6: Right of Inheritance of Step-Children:**

The Step Child is entitled to any right to inherit the property of their step-parents. In a similar manner, the step-parents too do not inherit the property of their step-children. Hence, the Step-father and the step-son are not competent to inherit the property of each other. But the Step-Child is competent to inherit the property of his Natural Father or Natural Mother. However, Step-Brothers can inherit each other's property.

#### **2.4.7: Escheat:**

Where a deceased Muslim has no legal heir under Islamic law, his properties are inherited by Government through the process of escheat.

#### 2.4.8: Discrimination:

Under the Islamic law there is some kind of discrimination which is exhibited in property sharing whilst Article 21(2) of the 1995 Constitution prohibits discrimination on the grounds of sex. However, application of Islamic and customary laws to the extent that daughters inherit fewer shares or nothing at all constitutes a violation of the equality and non-discriminatory principles expressed in the Constitution.

#### 2.5: Summary of inheritance under the Islamic law:-

BENEFICIARY/HEIR	SHARES	CIRCUMSTANCES
	<b>First share</b>	
	<b>Second share</b>	
1. Husband		
	Half	Absence of heirs.(children)
	Quarter	Presence of heirs(children)
2. Wife		
	Quarter	Absence of heirs (children)
	Eighth	Presence of heirs (children)
3. Daughter		
	Half	Presence of only one child(no any girl and boy)
	Two thirds	Presence of only two daughters and above(no son)
4. Son's daughter	Half	Presence of only one daughter without a brother
	Two thirds	Presence of two daughters and above, but without brothers.
5. Sister		
	Half	Presence of only one daughter without a

		brother.
	Two thirds	Presence of two daughters and above, but without brothers.
6. Mother		
	Third	Absence of children and co-wives.
	Sixth	Presence of children and co-wives.
7. Father		
	Sixth	Presence of male children/child.
	Sixth +balance	Presence of female children/child.
8. Uncle/aunt		
	Third	Presence of many of them.
	Sixth	Presence of one of them.
9. Paternal aunt		
	Half	Presence her alone.
	Two thirds	Presence of two paternal aunts and above
	Sixth	Presence of a sister
10. Grand father		
<b>NB: He only shares the estate in the absence of the father to the deceased.</b>	Sixth	Presence of male children/child.
	Sixth +balance	Presence of female children/child.
11. Grand mother		
	Sixth	Absence of the mother to the deceased.

## **2.6: The Buganda Customary inheritance system (patriarchal customary laws)**

The Buganda inheritance system is based on the customary law. Here when a man dies, the clan members appoint an heir. Usually it is the first son in the family or sometimes the clan and family members organize the sons and daughters of the deceased and make them to choose amongst themselves an heir/successor of the deceased. However, this happens when the deceased did not indicate an heir in the will.

In the Buganda patriarchal customary laws, the heir inherits the property of the deceased and is supposed to take care of the entire family. The widow only holds goods in trust for her sons until they are adults. If the sons are grown up, then the heir shares the few property with them but out of his will.

The widow's right to access the home and property within the home depends on whether she decides to remarry or not. However, it is traditionally believed in Buganda that a widow is supposed to be inherited as a property that is why she is referred to in luganda as "Namwaandu"- where, "Mwaandu" means, property to be inherited and, "Na" means she, therefore, (she is a property to be inherited).

Here the widow upon the death of the husband is remarried by a close relative of the deceased or sometimes an heir if she was not a biological mother. This is done because the baganda believe that the deceased husband paid dowry and bride price upon marriage of the widow for life, therefore she cannot get married to another man outside the family and clan.

The Buganda customary law puts a woman in an economically insecure position. She inherits no property despite the fact that she has contributed to it through her unpaid labor in a home. The widow is left at the mercy of her husband's line and his heir. As a result women continue to be marginalized as far as property ownership is concerned. Also, statutory inheritance laws tend to echo the social- cultural norms that promote male supremacy.

However, the other sons and daughters of the deceased share the property of the late father at the mercy of the heir and other close family members, sometimes they are allocated some part of the inheritance and sometimes they are left with nothing as the heir becomes the owner and master controller of the estate of the deceased father .

In this type of inheritance succession is in two forms namely; testate and intestate succession.

In testate succession, a person expresses his/ her wishes regarding the disposal of his/her property and other rights or obligations. The testator is expected to name an executor or executors of the Will and the beneficiaries of the estate.

The main strength of the testate succession in the Succession Act is that they allow a person to dispose of his/her property as he wishes without following defined rules; a husband is free to bequeath the matrimonial home to his legal wife. Therefore, the testate statutory law makes fair provision for a widow.

However intestate inheritance is the situation that is applied by Buganda in their inheritance system. Here a person dies without leaving behind a Will to dispose of his or her property. Although everyone above 18 years of age is allowed to make a Will, the majority of Ugandans most especially Muslims in Buganda region, specifically in Kampala district die intestate.<sup>11</sup> For example, only five out of every 100 cases reported to the Administrator General's office die testate. The reasons include, among others, the superstition that people attach to writing a Will whereby many people believe that writing a Will hastens one's death.

A culture thus can be a force of liberation or oppression. Male-dominated ideologies in Africa have tended to use culture to justify oppressive gender relations.... In Uganda, clearly culture, through the use of traditional customs, has been a force of oppression for women. Women are considered as property, are victims of wife inheritance, widow cleansing, and property grabbing, and are often one of many wives to their polygamist husbands. Those laws that Uganda has promulgated to better the situation of women are either not enforced or not sufficient. As a result, women are left to suffer often, while also battling HIV/AIDS, as victims with little recourse(Loft spring, 2007).

Buganda Customary law is often cited by members of the man's extended family to justify their claims to the matrimonial home. They may even claim property that the wife owned herself or that she acquired jointly with her husband. As one author notes, 'because all property is deemed to belong to the husband's relatives, these relatives frequently steal the widow's property, all the way down to the bed sheets, evict her from her home under threat of physical beating and even death, and take away her children' (Bennett et al. 2006). There are numerous reports of this

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<sup>11</sup>Okumu – Wengi, 1994, pg 50.

occurring when the husband dies of HIV/AIDS, with the husband's family blaming the wife for his death (Izumi, 2006).

It was highlighted that under customary law, when a husband dies, the majority of his property is inherited by a male heir and the rest is divided among the men of his extended clan (Ntozi, 1997).

In very limited cases a daughter can also inherit a part of the property but her inheritance is usually temporary, lasting only as long as the daughter remains single and lives on the land with her birth family, and she is prohibited from selling the land. Furthermore, families will not permit the husband's widow to be his heir (Byamukama, 2006) since she is supposed to be looked after by the male heir who inherits her.

Similarly, Loft spring (2007) narrated that her husband has died, leaving her economically vulnerable in a society where women rarely own land and, due to devastatingly unequal inheritance laws and customs, have little means to support themselves or their children when widowed. In order to survive, she is left with no choice but to submit to "wife inheritance," a customary practice in Uganda in which a widow is inherited, just as property would be inherited, by a relative of her deceased husband referred to as inheritor (Agot, 2010).

Despite an appearance that the inheritor is "taking care" of a vulnerable widow, in today's context it's "simply to acquire possessions" (Crane, 2014). This too poses a great risk of her catching HIV/AIDS (Loft spring, 2007; UNAIDS, 2005).

Furthermore, land and housing in most traditional African cultures is regulated by customary law. Although varying to a certain degree from culture to culture, women are generally prohibited by customary law from owning or inheriting land or other property.

Land ownership traditionally is passed through male heirs. A woman's right to access and use land has customarily been defined solely by her relation to men. While married, a woman enjoys the use of land belonging to her husband; while single, she has access to that of her father or guardian. When a husband or father dies, a woman's right to the land is suddenly placed in jeopardy (Richardson, 2004).

Another customary practice is the property grabbing, which occurs when, upon the death of a clansman, collateral relatives literally grab his property, taking it as their own. This includes both

the property that the husband had before marriage and the property that was acquired by the husband and wife together (Mwenda, Mumba, & Mvula-Mwenda (2005).

There are countless justifications for property grabbing, which among others that it is to ensure collateral relatives will not die poor, property and profits of labor belong to the entire family, and women, as property, cannot own property (Mwenda et al., 2005).

Similarly, often collateral relatives argue that the property should be returned to the extended family. It is no secret that property grabbing causes immeasurable harm to the widow for example by taking the property, collateral relatives leave the widow with no way to provide for herself, and, if the husband's family did not claim the children, with no way to provide for her children (Mwenda et al., 2005; Izumi, 2007).

Given that ownership of land is acquired principally through inheritance, adjudication by the state, and purchase in the market, gender inequality in land ownership can be attributed to male preference in inheritance, male privilege in marriage, male bias in state programs of land distribution, and gender inequality in the land market (Deere & León 2001).

## **2.7: Islamic and Buganda customary inheritance laws and their implications on the community.**

A growing consensus in development policy and research holds that control over assets can be critical to increasing productivity, especially in agriculture, and to enabling people to move out of poverty. This consensus has emerged from numerous studies that link asset or property acquisition and holdings by various means, most of which is inheritance. Perhaps most importantly for the women of Uganda, inheritance and property rights would put an end to their fear of eviction.

A recent study showed that one in three widows have been forcefully evicted from their homes because they could not inherit the land from their husbands.

This leaves women "homeless or living in slums, begging for food and water, unable to afford health care or school fees for their children, and at grave risk of sexual abuse or exploitation (Leistikow, 2003).

Once a woman becomes a widow, the land and house do not automatically belong to her, as in most Western cultures – instead it is traditionally passed down to the children (Salazar, 2016).

Also, Zuleika and Desintha (2014) in their paper that attempted to discuss the Islamic law of inheritance (Faraid) , its existence and its systematic impact to humankind showed that from the macroeconomic perspective, the Islamic inheritance systematically ensures the redistribution of wealth, and spreads the concentration of wealth in every generation.

Similarly, Abdul-Rahman et al., (2017) in their study discussed about the methods of mathematics to solve issues regarding Islamic inheritance and specifically about the distribution of property using the specific calculation according to the methods that have been determined by Islamic law that is based on the evidences verses in the Qur'an found that justice, equality and fairness is always reached when Islamic inheritance is fully applied.

Similarly, in a study to examine the relationship between inheritance, marriage and asset ownership, Doss et al. (2012) found that land is the most important asset in rural Uganda and the majority of couples (both married and those in consensual unions) report owning land jointly but it was further discovered that men who report owning a parcel of land are much more likely than women to say they inherited the land.

Since property in Uganda is central to a person's economic status, the current situation of acutely unequal inheritance and property rights puts women at a severe disadvantage. Women own only 7% of the land in Uganda, despite the fact that their labor comprises about 70% of the agricultural work and 80% of the food production (Achen&Glauser).

Many Ugandans rely on their land as their main means of economic survival. In a recent survey of Ugandans, 53%of respondents ranked land as the most important household asset, a reflection of the fact that 76.5%of Ugandans depend on agriculture and 77.1%of the rural population depends on subsistence farming for survival. This puts women at a severe economic disadvantage because in many regions of Uganda it is difficult, if not impossible, for women to own or inherit property (Asiimwe&Crankshaw, 2011).

A2002 land and gender rights survey found that women's lack of access to and control over productive resources such as land is directly related to women's poverty (Eilor&Giovarelli, 2002).

Although the women work the land, the men own it, so the men control the sale of crops and the money received for such sale. As a result, women are often so impoverished and dependent on



men that they simply can never leave a relationship. "Women in Africa toil all their lives on land that they do not own, to produce what they do not control, and at the end of the marriage, through divorce or death, they can be sent away empty-handed." Under customary law, a woman is considered the property of her husband if he paid a "bride price" for her (Byamukama, 2006).

Furthermore, a study seeking to unveil the relationships between marital status and land ownership and the means of acquiring land, including inheritance by Doss and others found that land is the most important asset in rural Uganda, and land rights and ownership are embedded deeply in social norms and customary law, including those related to marriage and inheritance. Also they discovered that men who report owning a parcel of land are much more likely than women to say they inherited the land (Doss et al., 2012).

In other studies, it was observed that widows are particularly vulnerable to property grabbing due to entrenched socio-cultural and gender norms that favor adult men over women and children. Occupying good farmable land can also be motivation for property grabbing. Intimidation tactics like threats, knocking down the house, and tearing down crops are sometimes used to drive the widow and her children from the property, thus leaving them subject to abuse and exploitation. The United Nations estimates that more than 30 percent of widows and orphans in sub-Saharan Africa experience property grabbing (Crane, 2014). In addition, a recent study of 15 African countries found that more than half of widows (ages 15 to 49) do not inherit any assets at all (Peterman, 2012).

Further, in a study of the ways in which inheritance is being addressed to enhance socio-economic equity and opportunities in five sub-Saharan African countries: Ghana, Kenya, Mozambique, Rwanda and Uganda by Cooper, the analysis found that the current statutory laws of those countries do not protect the rights of women in cohabiting unions to those union's shared property. This means that if a cohabiting woman's partner dies she is not able to use the law to claim inheritance to the house and other properties the couple shared, even if she had contributed to their acquisition (Cooper, 2012).

In their study addressing issues and challenges in managing Islamic inheritance from a real estate management perspective, they found issues pertaining to the high number of unclaimed inheritance properties and the volume of freezing assets faced by Muslims are increasing in Malaysia. The values of unclaimed assets have increased from RM40 billion in 2009 to RM42 billion in 2011 and subsequently increased to RM60 billion in 2013. These valuable assets have been frozen and become counterproductive. (Shafie, Yusuf & Al-Edrus, 2014)

## **2.8: Conclusion:**

The foregoing literature has extensively covered Islamic and Buganda Customary Laws on inheritance by elaborating the inheritance rights, distribution of the assets, and the inequality and injustice based on gender practices more especially against women and girls over men and boys. However, there is little discussion on the implications of both Islamic and Buganda customary inheritance laws to the development of Ugandan communities especially in Kawempe Division of Kampala district. Therefore the researcher noted a gap in these two areas which formed the basis for the current study, which is hoped to bridge this gap in the existing literature on Islamic and Buganda Customary Laws on inheritance and their implications to the development of Ugandan communities, taking Kawempe division as a case study.

## **Chapter Three**

### **3.0 RESEARCH METHODOLOGY**

#### **3.1: Introduction**

This section of the study discussed the research methodology in relation to the research design, area of study and the characteristic of the population or the research that applied in this study. It also outlined the methods that were used in collecting and analyzing the data as well as the research procedure, data quality control and the limitations encountered during the process of data collection.

#### **3.2: Area selection**

The researcher was motivated to choose Kawempe division of Kampala district as area of study because the area is dominated by Muslims and Baganda, so, studying issues such as the Islamic and Buganda customary inheritance laws and their implications to the development of the Kawempe natives could be easy, thus the area facilitating the study as clearly seen from the map.

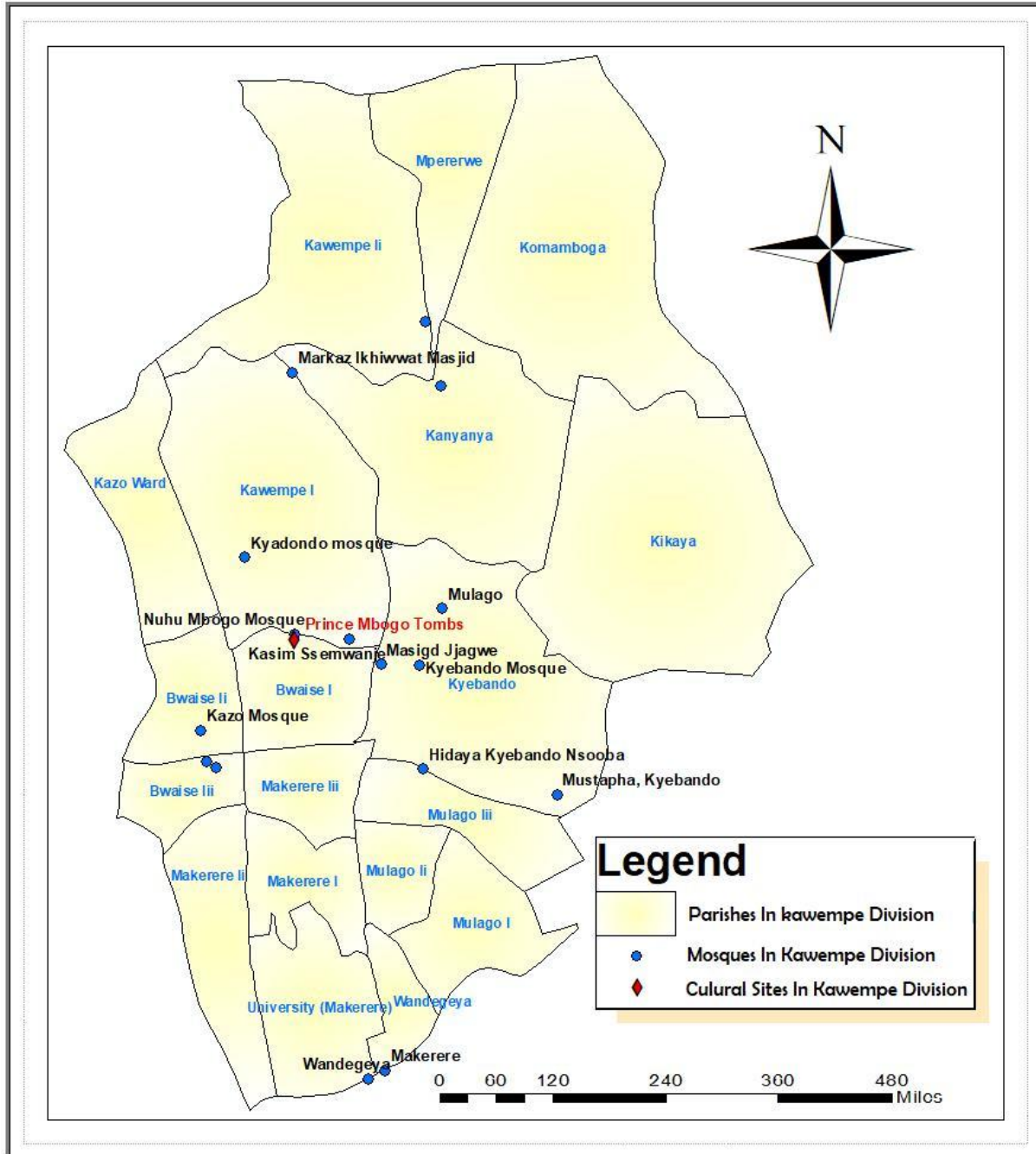
#### **3.3: Study Population**

The study population comprised of 262,500 people from 69,080 households of 19 parishes that make up Kawempe Division, Kampala. In addition 66 officials from KCCA Kawempe Division and some Local Council members. Kawempe Division is one of the five (5) divisions (Central, Kawempe, Rubaga, Makindye and Nakawa) that make up Kampala district under the Kampala Capital City Authority, an administrative body under the local governance system of Uganda.

It is in the northwestern corner of the city, bordering Wakiso District to the west, north and east, Nakawa Division to the southeast, Kampala Central Division to the south, and Rubaga Division to the southwest.

Kawempe Division is constituted of Kawempe, Kanyanya, Kazo, Mpererwe, Kisaasi, Kikaaya, Kyebando, Bwaise, Komamboga, Mulago, Makerere, and Wandegeya parishes with a population of 338,665 ranking it as the largest populated division according to (UBOS, 2014) 52% of whom are women and 94,202 households.

**3.4: THE MAP OF KAWEMPE DIVISION SHOWING PARISHES, MOSQUES AND  
BUGANDA CULTURAL CENTRES**



### **3.5: Research Design**

The research adopted a mixed methods design. This design was adopted because it offsets all of the weaknesses by allowing for both exploration and analysis in the same study (Creswell, Plano, Guttman, & Hanson, 2003). The Researcher used all the tools available to him and collected more comprehensive data. This provided results that have a broader perspective of the overall issue or research problem. According to O’Cathain, Murphy, and Nicholl (2010) *mixed method* strategies can add value in terms of the integration component.

Integration gives readers more confidence in the results and the conclusions they draw from the study. The design was appropriate because the main interest is to explore the viable relationship and describe how the factors support matters under investigations using both qualitative and quantitative approaches.

### **3.6: Sampling design**

After establishing the total population, the samples from the different sections were computed using multistage sampling further supplemented with simple random sampling technique, and purposive sampling, which provided every member of the population same and known chances of being nominated in each cluster hence multi-stage cluster sampling. Multistage sampling was used to select respondents from the Kawempe Division population (households) and purposive for Local Council (LC) members, Sheikhs and traditionalists, and KCCA officials dealing in administration of estates and assets of the deceased referred by the office of the Administrator General for sample, totaling to 165 as presented in table 3.1 below.

### **3.7: Sampling Techniques and Procedure**

A multistage sampling procedure, which contains two or more stages in sample selection, applied specifically for the population (households) to select 150 households as follows;

- i. Researcher chose 3 parishes out of 19 parishes in Kawempe division using simple random sampling.
- ii. This was followed by choosing 5 cells within each parish using simple random sampling method.

- iii. Finally, the researcher selected 10 households from each cell using simple random sampling method.

This resulted in 150 households included in the sample for the current study.

Purposive sampling technique was used to select from staffs of Kawempe Division Clerks Office and Local councils, sheikhs and Mullahs as well as the Traditionalists in the area. This technique was used to select the above-mentioned staff personnel from the relevant department to arrive at a sample of 5 and 20 of the LCs respondents. These key informants were purposively sampled because they are believed to have deep knowledge about the topic under investigation by virtue of the offices that they hold and issues they handle.

**Table 3.1: Showing Population, Sample and Sampling techniques**

Category	Population	Sample size	Sampling techniques
Town Clerk	1	1	Purposive sampling
Staff in clerk's office	2	1	Purposive sampling
Local Council Officials	3	1	Purposive sampling
Sheikhs and mullahs	40	6	Purposive sampling
Traditionalists	<b>20</b>	<b>4</b>	Purposive sampling
Local people/house holds	69080	150	Multistage/simple random sampling
<b>Total</b>	<b>69146</b>	<b>165</b>	

### **3.8: Sources of Data**

The study was based on both primary and secondary sources. Primary data was collected from the people (households), self-employees, sheikhs , traditionalists and local Council members with the use of structured questionnaires supplemented by interviews in collecting data on Islamic and Buganda customary inheritance laws and socio-economic and political implications in the development of Kawempe division, Kampala.

On the other hand, secondary data was collected from both internal and external sources. From internal organizational sources, unpublished literature in form of annual, monthly and weekly

KCCA reports on administration of estates of the deceased and Administrator General's office were accessed, and externally, the journals, textbooks, and students' these as well as the Internet and web were instrumental for the study.

### **3.9: Data collection Methods**

#### **3.9.1: Questionnaire Survey Method**

The study mainly used the questionnaire method to collect data. The use of a questionnaire in this study was important mainly because the purpose of the study was to examine how Islamic and Buganda customary inheritance laws affect the socio-economic and political development in Kawempe division. Such data can best be tapped on a closed ended questionnaire which allows for easy correlation and regression of the respondents' attitudinal disposition on the independent and dependent variables as suggested by (Amin, 2005).

Secondly, the use of a questionnaire allows busy respondents to fill it at their convenient time. It also allows respondents express their views and opinions without fear of being victimized (Wasis, Oso & Onen, 2008).

Besides, three (3) research assistants were engaged in distributing and collecting the questionnaires where they played a key role in helping some of the respondents not conversant with English (language on the questionnaire) by reading and ticking for them.

### **3.10: Data Collection Instruments**

The instruments which were used in this study included; questionnaire, interview guide and document review checklist.

#### **3.10.1: Self-Administered Questionnaire**

The study employed a questionnaire as a tool of data collection. The questionnaire for respondents had three sections. Section A, dealt with the demographic characteristics of the respondents, section B focused on the concepts of Islamic and Buganda customary inheritance laws and section C focused on the implications of Islamic and Buganda customary inheritance Lawson socio-economic and political implications to the development of the division of Kawempe. The questionnaires were close-ended. Closed ended questions were developed to help respondents make quick decisions; in addition, they helped the researcher to code the

information easily for subsequent analysis and narrow down the error gap while analyzing data as observed by (Sekaran, 2003).

### **3.11: Validity and Reliability of the Research Instruments**

#### **3.11.1: Validity**

To ensure validity, the questionnaire was developed and given to three expert judges to score the relevance of each question in providing answers to the study. After which a content validity index C.V.I was computed using the formula; number of items declared valid/number of items in the questionnaire. A CVI of above 70% is acceptable (Amin, 2005)

#### **3.11.2: Reliability**

Reliability is broadly defined as the degree to which measures are free from error and therefore, yield consistent results (Zikmund, 2003). Reliability can be computed through different methods like test-retest reliability, internal consistency reliability and equivalent forms reliability. In this study, questionnaire reliability was checked by using internal consistency method to measure the correlation between each item in the questionnaire and others.

Pre-testing of the instrument was done by administering the questionnaires to 10% of the total sample size. Cranach alpha was used to calculate for all statements in the questionnaire because the Liker scale questionnaires use Cranach alpha method (Nunnally, 1978).

The results were used to establish the reliability of the questionnaire as a research tool. According to Cooper & Schindler (2008) reliability coefficient refers to the scores obtained on a test. A reliability coefficient is a numerical value that can range from zero to one.

For research purposes, tests with a reliability score of 0.7 and above is accepted as reliable, whilst for clinical decision making, test scores of between 0.8 and 0.9 are acceptable. It is stated that reliability coefficient of zero indicates that the test scores are unreliable but a higher value indicates more reliability or accuracy of the test scores.

A pre-test was done on 15 of the respondents who did not form part of the final study. Data was coded and entered into the computer. Cranach's Alpha Reliability Coefficient was generated using the Statistical Package for Social Scientists (SPSS) computer program to estimate the reliability of the questionnaire as shown in the table 3.2 below.



**Table 3.2: Reliability Statistics**

Cranach's Alpha	N of Items
.852	22

*Source: primary data*

Therefore, the instrument was reliable since the Cranach Alpha's coefficient was 0.852 which is above 0.70 where a reliability coefficient score of 0.7 and above is accepted as reliable (Cooper & Schindler, 2008).

### **3.12: Data Analysis**

Data analysis is a process of inspecting, cleaning, transforming, and modeling data with the goal of discovering useful information, forming conclusions, and supporting decision-making.(Coakes& Steed 2009).

#### **3.12.1: Analysis of quantitative Data**

The statistical package which was used for analysis of data in this study is the SPSS version 16.0. The different statistical analyses used were correlation and regression. The upper level of statistical significance for hypothesis testing was at 5%.

All statistical test results were computed at 2-tailed level of significance. The descriptive statistics were used in this study to analyze the demographic data of respondents including frequency counts, percentages, means and standard deviations representing the respondents' opinions on the implications of Islamic and Buganda customary inheritance Laws on socio-economic and political development in the Kawempe division.

Data was then analyzed and correlated using Pearson Product-Moment correlation coefficient to establish the relationship between Islamic and Buganda customary inheritance Laws and socio-economic and political development in Kawempe division as suggested by (Sekaran, 2003; Amin, 2005; Oso& Onen, 2008).

### **3.12.2: Analysis of qualitative data**

Qualitative data was analyzed using content analysis. Responses from key informants were grouped into recurrent issues. The recurrent issues which emerged in relation to each guiding questions were presented in the results with selected direct quotations from participants who offered as illustrations.

### **3.13: Measurement of variables**

Data on the respondent's views and opinions about how Islamic and Buganda customary inheritance Laws' practice influence socio-economic and political development in Kawempe division was obtained using scaled variables from a self-administered questionnaire. A five point-Likert scale of 1= strongly disagree, 2= disagree, 3= neutral, 4= agree and 5= strongly agree was used to tap respondents' perception on the study variables.

### **3.14: Ethical considerations**

#### **3.14.1: limitations and delimitations:**

Finally, the researcher also observed ethical and legal issues in research like the principle of confidentiality, anonymity, consent and acknowledgement of other people's input into this study because it is important to respect the rights and dignity of the research subjects (Khin, 2017). This study ensured confidentiality of respondents and that the obtained information was strictly used for the intended research purpose as the instrument used in the study didn't contain any space for name or telephone number as a way of increasing confidentiality and increasing the confidence of participants to engage in the study. Further, the researcher ensured that permission was sought from the Division and local LCs in the geographical scope as well as consent from the respondents before the actual data collection exercise started. Participation in this current study was voluntary and whoever accepted to do so was provided with the instrument in private.

## Chapter Four

### 4.0: DATA PRESENTATION AND ANALYSIS

#### 4.1: Introduction

This chapter focuses on data analysis, presentation and discussion of the study findings on the implications of Islamic and Buganda customary inheritance laws on the development of people in Kawempe Division based on the information obtained from the study questionnaire and interviews. It presents the response rate, background information about the respondents and empirical findings on the implications of Islamic and Buganda customary inheritance laws on social, economic and political enhancement and development of people in Kawempe Division.

#### 4.2: Response rate

The response rate is the percentage of respondents in the sample who completed and returned questionnaires. The response rate in this study was computed using data presented in table 4.1 below by dividing the returned questionnaires with the issued questionnaires (sample). According to Babbie (2004) it is indicated that return rate of 50% is acceptable to analyze and publish, 60% is good and 70% is very good, therefore the table below indicated the response rate as 80% which is very good.

**Table 4.1: Respondents' response rate**

Category	Instruments disbursed	Instruments collected	Percentage of response (%)
Local people/Households	150	120	80
<b>Total</b>	<b>150</b>	<b>120</b>	<b>80</b>

*Source: Primary data (2019)*

According to data in table 4.1 above, a total of 150 questionnaires were disbursed for data collection but 120 usable questionnaires were returned in time for consideration in the study giving a response rate of 80% which is high since 8 in every 10 questionnaires issued were returned. The response rate of 80% is therefore a good representation of the population from which the sample was selected.

### 4.3: Respondent's background data

This sub section presents the demographic characteristics of the respondents used in the study in relation to their gender, age group, religious affiliation, level of education, Marital status, tribe, place of residence, and occupation as these are key determinants of the implications of Islamic and Buganda customary inheritance laws on socio-economic and political development of Ugandan communities basically Kawempe Division.

#### 4.3.1: Gender of respondents

Gender was crucial in this study because it involved respondents of both sex as indicated in the table below;

**Table 4.2: Gender distribution of respondents**

	<b>Gender</b>	<b>Frequency</b>	<b>Percent</b>
Valid	Male	64	53.3
	Female	56	46.7
	<b>Total</b>	<b>120</b>	<b>100.0</b>

*Source: Primary data (2019)*

Table 4.2 shows that majority of the respondents (n=64, 53.3%) were males while females constituted only (n=56, 46.7%) of the total respondents. This is an indication that there are slightly more males than females in Kawempe Division and this doesn't reflect the National Population and Housing Census of 2014 picture that placed the population of female higher than that of males (UBOS, 2014; Baguma, 2014). However, this could be due to the fact that the study targeted households whose heads are normally males.

#### 4.3.2: Age group of respondents

The respondents were asked during the study to indicate their age group and their responses are shown in the table below:-

**Table 4.3: Distribution of respondents by age bracket**

	<b>Ages</b>	<b>Frequency</b>	<b>Percentage</b>
Valid	18-25	6	5.0
	26-33	12	10.0
	34-41	13	10.8
	42-49	35	29.2
	50-55	30	25.0
	55 & above	24	20.0
	<b>Total</b>	<b>120</b>	<b>100.0</b>

*Source: Primary data (2019)*

The results presented in table 4.3 above revealed that more of the study respondents (n=35, 29.2%) were aged between 42-49 followed by (n=30, 25.0%) of between 50-55 years and those of the 55 and above years came third (n=24, 20.0%) while the minority of respondents (n=6, 5.0%) were aged between 18-25 years. The study findings imply that most of the study respondents were old and their knowledge and experience on the study variables was indispensable, and also could be due to the fact that the study targeted only households whose heads are normally those of mature age.

#### **4.3.3: Religious affiliation of respondents**

Respondents of different religions were included during the study investigations to support the study because some aspect of the independent variable reflect a religion as presented in the table below;

**Table: 4.4: Distribution of respondents by religion**

	<b>Religions</b>	<b>Frequency</b>	<b>Percentage</b>
Valid	Islam	61	50.8
	Christianity	41	34.2
	Tradition(Buganda customary)	18	15.0
	<b>Total</b>	<b>120</b>	<b>100.0</b>

*Source: Primary data (2019)*

In relation to religious affiliation, the study investigation revealed that the highest proportion of respondents (50.8%) was Muslims, 34.2% of the Christians followed, and 15% of the traditional believers constituted the least proportion of the respondents in the survey.

The implication is that most of the study participants were Muslims compared to Christians and Buganda traditionalists. However, for Kawempe Division the Muslim percentage (50.8%) is slightly higher than the national and district profile i.e. according to the 2014 census, over 84 percent of the population was Muslims while about 14 percent of the population adhered to Christianity, making it the largest minority religion where specifically in Kampala the distribution is at 75.4% for Christians and 22.6% for Muslims (UBOS, 2014).

Muslims in Uganda represent 12.1% of the total population, with sects majority being the Sunni sect composed of 88%, followed by the Shiah composed of 7%, followed by Ahmadiyya composed of 4% and non-denominational Muslims, like the Sufi Muslims. By history, Muslims in Uganda subscribe to the Shafie school of thought, though the current religious terrain incline towards disregard to subscription to any school, as individuals adhere to individual Islamic verdicts irrespective of their roots from any of the four schools of thought (Dr. Haafiz Walusimbi, MCJL2017)

#### **4.3.4: Level of education of respondents**

The study engaged respondents of different education levels and this had influence on the findings basing on the knowledge and experience on Buganda customary and Islamic inheritance laws and its implications on the socio-economic and political enhancement and development of people in Kawempe division.

**Table: 4.5: Distribution of respondents by education level**

	<b>Education level</b>	<b>Frequency</b>	<b>Percentage</b>
Valid	Post Graduate certificates	3	2.5
	Graduate certificates	18	15.0
	Diploma certificates	29	24.2
	O and A-levelCertificates	46	38.3
	P.7 and below	24	20.0
	<b>Total</b>	<b>120</b>	<b>100.0</b>

*Source: Primary data (2019)*

Table 4.5 above shows that most of the respondents interviewed (n=46, 38.3%) were certificate holders, followed by diploma holders (n=29, 24.2%), followed by (n=24, 20.0%) of the respondents who indicated had no formal education while the graduates and post graduates came as (n=18, 15.0%) and (n=3, 2.5%) respectively. This shows that the majority of participants were literate hence enough knowledge to ably understand and analyze the concepts under study i.e. Islamic and Buganda customary inheritance laws on socio-economic and political implications on development of people in Kawempe division.

#### **4.3.5: Marital status of respondents**

The respondents were asked during the study to indicate their marital status as shown in the table 4.6 below;

**Table 4.6: Distribution of respondents by marital status**

	<b>Beneficiaries</b>	<b>Frequency</b>	<b>Percentage</b>
Valid	Orphan	29	24.2
	Widow/widower	60	50.0
	Married	12	10.0
	Divorced	7	5.8
	Separate	7	5.8
	Single	5	4.2
	<b>Total</b>	<b>120</b>	<b>100.0</b>

*Source: Primary data (2019)*

It is evident from table 4.6 above that majority of the study respondents (n=60, 50%) were widows and widowers, followed by (n=29, 34.2%) of the respondents who were orphans, while (n=12, 10.0%) of the respondents were either married or the divorcees and separated were (n=7, 5.8%) a separate. The least proportion of respondents was singles (4.2%). This clearly implies that most of the respondents are in a position to have possessed some property or assets through either inheritance or otherwise and hence knowledgeable on Buganda customary and Islamic inheritance laws and their implications on socio-economic and political development of people in Kawempe division.

#### 4.3.6: Tribe of respondents

The respondents were asked to indicate their tribe because partly the independent variable talks of Buganda customary law which in most cases goes hand in hand with tribal overtones. This is shown in the table 4.7 below;

**Table: 4.6: Distribution of respondents by tribe**

	<b>Tribe</b>	<b>Frequency</b>	<b>Percentage</b>
Valid	Baganda	90	80
	Others	30	20
<b>Total</b>		<b>120</b>	<b>100.0</b>

*Source: Primary data (2019)*

Results in table 4.7 above, show that most of the participants (n=90, 80%) in the survey were Baganda, followed by other tribes in the area like Basoga, Banyankole, Batoro among others at (n=30, 20%). The findings imply that most of the people in Kawempe division are Baganda since it is in the central region where Baganda is the dominant tribe. This also reflects the National Population and Housing Census 2014-KCCA, which showed Baganda as the most dominant tribe (UBOS, 2017).



#### 4.3.7: Place of residence

The respondents were also told during the study to indicate their place of residence and their responses are shown below;

**Table: 4.7: Distribution of respondents by Place of residence**

<b>Parish</b>	<b>Frequency</b>	<b>Percentage</b>
Valid		
Mbogo	23	19.2
Bwaise I	12	10.0
Bwaise II	9	7.5
Kanyanya	17	14.2
Mpererwe	12	10.0
Kalerwe	19	15.8
Kazo Angola	4	3.3
Kifumbira	1	.8
Nsooba	3	2.5
Katanga	6	5.0
Mulago	6	5.0
Kawempe I	8	6.7
<b>Total</b>	<b>120</b>	<b>100.0</b>

The findings imply that more of the respondents are engaged in productive work (employed and self-employed) compared to respondents who are unemployed, which bears an impact on socio-economic development. This echoed what one of the LC official during the interview said;

*Most families in our Mbogo area are well to do families because most of their late fathers were rich and left them some properties and businesses, which they have maintained up to daybut the few who are unemployed somehow misused the properties that were left behind for them.*

## Chapter Five

### 5.0: DISCUSSION OF RESEARCH FINDINGS

#### 5.1: Introduction

Inheritance is a major means for the transfer, or exclusion from the transfer, of people's accumulated physical capital. The transfer of physical assets from the parent to the child generation can provide the start-up material for the younger generation's more independent future livelihoods and economic productivity (Fafchamps and Quisumbing, 2005).

However, exclusion from assets inheritance can exacerbate vulnerability to chronic poverty and the intergenerational transmission of poverty (Bird et al., 2004). When interviewed, the respondent noted:-

*Inheritance is perceived here in Kawempe Division as the chance given to the heirs of the deceased to have wealth and estate of the lovely close relative to the specific beneficiaries for productivity and development.*

In Uganda, as in many parts of Sub-Saharan Africa, statutory and patriarchal customary laws deprive widows of their matrimonial home (Nayaran et al., 2000). As a patriarchal society, most land in Uganda is usually registered in the name of the husband. Interstate succession law gives the matrimonial home to the first born son of the deceased. So, if the husband does not leave a will bequeathing the matrimonial home to his wife, she is left with only user rights of the home.

Although husbands who do leave wills usually bequeath the matrimonial home to the widow, the vast majority of husbands die intestate (Birabwa-Nsubuga, 2006).

Consequently, the matrimonial home is almost always owned by the husband's family. Gender inequality therefore comes about because widows only enjoy the use of the matrimonial home instead of owning it.

Although, there is adequate documentation on gender inequality in terms of the inheritance laws of Uganda (Kanabahita, 2006; Okumu-Wengi, 2001, 1997; Sebina-Zziwa, 1998), there is little evidence to show how this inequality comes about in practice. The objective of the study

wastherefore to present evidence on the ways inwhich widows in Uganda are deprived of inheritance byboth statutory and customary laws and practices throughthe experiences of Ugandans widows as demonstrated through their life stories.

In many countries, inheritance laws and customary practices exclude individuals, and specifically women and orphaned children, from inheriting the property (including land, housing and other productive resources) that they had access to while their husbands or fathers were alive (see Cooper, 2008 and 2010). This has been linked to economic decline and poverty traps (Bird et al., 2004; Human Rights Watch, 2003; Strickland, 2004).

Reforming statutory and customary systems can address gender discrimination in inheritance practices (Benschop and Sait, 2006; Bird et al., 2004; Davies, 2005; Mutangadura, 2004; Rose, 2006).

This is happening in many Sub-Saharan African countries, with several states recently amending their statutory laws, and rights-based organizations taking various initiatives to improve equity in inheritance practice.

Nevertheless, much remains to be done to address the links between inheritance rights, practices and poverty.

## **5.2: The inheritance law in Uganda:**

Like many countries in Africa, Uganda practices bothcustomary and statutory laws of inheritance. It istherefore important to critically look attheir implications and how each type oflaw impacts on the right of a widow and orphan to inherit thematrimonial home. Before British colonialism, inheritanceof land in Uganda was governed by patriarchal customs in many communities. The custom dictated that thetransfer of land to an individual had to be through a male relative.

The allocation of land was in the hands of male heads of families or clan leaders. Even when the natal family gave land to a woman, she was not allowed todispose it off to an outsider except the male clan leader (BirabwaNsubuga, 2006; Bikaako and Ssenkumba, 2003). When interviewed, the local council leader said:-

*In our own Uganda, specifically in Kawempe Division, inheritance laws are nearly a duplication of colonialism, Islamism and male dominancy.*

As a result, it was impossible for many women to inherit or own land from their natal families or marital families because of this patriarchal custom. Thus, in most cases women had only user rights to land. There are different customary norms, religious beliefs and social practices that influence gender-differentiated land rights that influence laws regarding land, family life and inheritance are extremely important because over 75 percent of Ugandan land is held under customary tenure systems.

Colonial laws distorted the customary tenure systems that guaranteed women a certain level of tenure security. More power was given to individual heads of households, who became the titled landowners, thus altering the communitarian tenure arrangements and reinforcing the patriarchal systems. Women lost many of their secondary rights to land.

Land tenure is often regulated according to the marriage regimes in place in Uganda. Most marriages are customary and therefore not legally registered. Moreover, many marriages are polygamous, which further reduces women's rights to land inheritance.

A woman's secondary right to use her husband's land may be revoked for several reasons. The most common grounds for revoking women's land rights are when the husband abandons his wife or chases her away from his land. This often occurs when a husband remarries and places his new wife on his land. An abandoned wife cannot remarry without losing her rights to her first husband's land.

In most groups, a woman who separates from her husband loses her rights automatically. In other situations, land grabbing and conflicts over inheritance diminish women's access to land. As a result, some parents are stipulating that their daughters receive land in their will, or actually transferring the land while still alive so that it may be witnessed.

Under many customary marriage regimes, a husband may divorce his wife for not having a male child. If a woman divorces a man and returns to her birth family, she relinquishes all rights to

land. Moreover, widows are denied all rights to inherit land under customary regimes. A government study of men's wills showed that only 10 percent of men left their land to their wives in a trust for their children, while 90 percent of the wills directed the land to be given to the children directly and stipulated that the wife would be taken care of by the children.

When a woman's parents die while she is already married, in most groups she is not considered at all for inheritance. Specifically, in the Banyankore and Baganda groups, a woman's right to inherit land is only viewed in terms of her responsibility to take care of her children. Without children, women have no independent right to own land. In other communities, such as the Bushenyi, sons automatically inherit their father's land (3).

Dowry and bride price practices are used for customary marriages. A dowry, also known as a *trousseau*, is the money, goods, or estate that a woman brings to her husband in marriage. Bride price, also known as bride wealth, is an amount of money or property or wealth paid to the parents of a woman for the right to marry their daughter. These practices contribute to reinforcing the view that women are property and thus cannot inherit property themselves.



God. Muslim law recognizes two types of heirs, firstly; sharers, the ones who are entitled to certain share in the deceased's property and secondly; Residues, the ones who would take up the share in the property that is left over after the sharers have taken their part.

Succession under Muslim Law in the absence of a will, i.e., non-testamentary succession is governed by the Muslim Personal Law (Shariah) Application Act, 1937. On the other hand, in case of testamentary succession when the deceased has made a will, the Shariah law of Muslim applies for the inheritance of the property of the deceased which is generally practiced by Shia and Sunni Muslims. This is in line with what I interviewed in the research field in Kawempe:-

*Islamic inheritance is known here in Kawempe as the distribution of the deceased's property following the teachings and practices of Muslims and Islam.*

#### **5.5: Buganda Customary Inheritance Laws:**

Since 1995, traditional leaders have been reinstated in Uganda's Constitution: "Subject to the provisions of this Constitution, the institution of traditional leader or cultural leader may exist in any area of Uganda in accordance with the culture, customs and traditions or wishes and aspirations of the people to whom it applies".

A "traditional leader or cultural leader" is a king or similar leader, by whatever name he is called, who derives allegiance from the fact of birth or descent in accordance with the customs, traditions, usage or consent of the people led by that traditional or cultural leader

In Chapter 16, the Constitution states that "the allegiance and privileges accorded to a traditional leader or a cultural leader by virtue of that office shall not be regarded as a discriminatory practice prohibited under Article 21 of this Constitution; but any custom, practice, usage or tradition relating to a traditional leader or cultural leader which detracts from the rights of any person as guaranteed by this Constitution, shall be taken to be prohibited under that Article (10).

Traditional leaders may determine or mediate in disputes over customary tenure. One or both parties to a land dispute may invite the traditional authorities to hear their matter. The Land Tribunal may also advise the parties to use such mediation or may refer the parties to an

independent mediator, appointed by the Tribunal, but agreed to by the two parties. The tribunals accept evidence that would not ordinarily be admissible in the normal courts of law.

The Local Council Court (LCC) is a system created to complement the formal courts with more informal courts; they are designated in every village, parish and sub county to function as courts. Among other issues, these courts deal with customary law disputes relating to customary marriages, such as the marital status of women and the identification of customary heirs. They might also be called upon to decide on family property upon divorce.

### **5.6: perception of the heir in the Buganda inheritance customary system:**

Among the Baganda, when burial was done and the deceased had chosen the heir and if he was present at the burial, the following are observed:-

In certain clans after the burial, the heir passes under a bark cloth held by four men over the body. If he was appointed but arrived after the funeral, he went to the grave and spread a bark cloth over it.

The clan liked to appoint the heir before the funeral, and he remained with the relatives during the time of mourning.

In one or two clans, if there was no grandson, a granddaughter might take his place, and stand in the grave to cut off the corner of the bark cloth, and claim one of the widows as her servant. The grave was filled with bark cloths and upon these, the earth was thrown; many of the women took part in filling in the grave, and stamping the earth down as it was thrown in. a large mound was raised over the grave, and all those who took part in filling it in sponged their hands and feet with sponges made from the plantain stem, and threw the sponges on the grave.

The mourners returned to the house in which the body had lain, and they remained there during the time of mourning, which lasted for two, or even for six months. It was looked upon as a reproach not to have a grandson to perform the bark cloth ceremony. If there was a grandson, but he was at a distance, unable to reach the place in time for the funeral, the corner of the bark cloth was left protruding from the grave, so that when he arrived he could go through the ceremony, and take the woman, and satisfy the ghost.

During the time of mourning, the mourners were not allowed to shave their heads, nor to cut their nails, nor to wash, except to wash their hands for meals; they wore old clothes and a girdle



of plantain leaves; most of the women went about with ashes smeared upon their breasts, and all had to abstain from sexual intercourse.

The house of mourning was carpeted with dry leaves from the plantain; all the food was prepared outside by the door, and any food that was over was thrown there. Inside the hut a number of drums were beaten at intervals by day and by night; and when the drums sounded the women wailed, especially at day-break. The widows visited the grave each morning, accompanied by other mourners, and wailed there for some time<sup>12</sup>.

After the heir (omusika) had spread the bark cloth over the grave, he went back to the house of the deceased, where a bark cloth or a mat was spread for him to sit upon; his sister was then brought forward to be his principal consort (lubuga), and was seated with him on the bark cloth, and one of the young widows was given him to wife. He was not allowed to marry his sister, or to keep her with him after this ceremony, if she was a married woman, though she was known as the consort of her brother.

The heir was given a large knife, such as a man used for cutting down trees or reeds, also the shield and spear of the deceased; and the consort was given a knife and a basket, such as the women used for their household duties. The heir was presented to the members of the clan by the head, who ran through his pedigree, after which the heir went into the garden with his sister and wife, and cut a bunch of plantains of the kind used for making beer, returned with it, and hung it up in the house to ripen.

He also caused some animal, an ox or a goat, and a large supply of other food to be cooked. After going round the estate, the heir with his sister (the consort, lubuga) returned while people came to see him, and to condole with him about the loss of his father.

All the members of the clan had to be introduced to the heir, and to make presents of a few cowry-shells to him and his sister. The head of the clan tied a few cowry-shells to his wrist and to his sister's wrist, and each of them was given new bark cloth to wear.

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<sup>12</sup> John Roscoe,(The Baganda, an Account of their native customs and beliefs) pg 120.

In the evening the heir killed a goat, and gave the liver and entrails to the children and widows of the deceased, who had conformed to the mourning customs. No one who had broken a taboo was allowed to partake of the meal which followed. All the children were called the children of the heir, and he took charge of them.

The next morning the house was cleansed and repaired, the whole place outside was put into order, every trace of mourning was removed, and the heir entered into full possession.<sup>13</sup>

### **5.7: Uganda Customary Inheritance Laws (The Succession Act)**

The succession Act is the main law regulating inheritance matters in Uganda. Like many laws in Uganda, the Succession Act dates back to 1904 and replaced the succession ordinance of 1906, which was based on English common law. The Succession Act was a clear attempt to put in place a uniform law of succession that would apply to both intestate and testate succession. The amendment of the Act was aimed at addressing gender issues and customary laws. As a result, all succession matters shifted from the hands of clan leaders to the courts of law. Subsequently, a new set of rules of inheritance that could neither be classified as custom or fully statutory was created.

However, since colonial era, the rights of Muslims to settle their matters of faith under the Islamic system were acknowledged. The Succession Ordinance and the Succession Act contained provisions empowering the Governor and the Minister, respectively to exempt Muslims and the African Natives from the operation of the provisions contained in the Ordinances and Act on intestate succession.

However, the exemption currently available under the current Act is based on customary law. Rule 2 of The Succession Act (Exemption) Order provides that:-

*Any person to whom any customary law relating to succession in force in any part of Uganda applies is exempted from the operation of the provisions of section 24 to 33 of the Act (Intestacy)*

According to the current Constitution, a widow does have the right to inherit her husband's property. However, it is incumbent upon parliament to come up with a specific law that governs

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<sup>13</sup>John Roscoe (The Baganda, An Account of their Native customs and Beliefs) pg 123.

inheritance matters. For example, Article 31(2) of the constitution, which is pertinent to inheritance matters, states that:-

*Parliament shall make appropriate laws for the protection of the rights of widows and widowers to inherit the property of their deceased spouses.* (Uganda Law Development Centre 1995, clxx).

Since the matrimonial home is not specifically mentioned it is presumed to be part of the estate. The Constitution gives general guidelines but does not deal with specific laws that govern inheritance matters. Hence, though the Constitution seems to guarantee the widow the right to inherit the matrimonial property, this right can only be extended to her through an Act of Parliament.

The Succession Act was a clear attempt to put in place a uniform law of succession that would apply to both intestate and testate succession (Okumu-Wengi, 1997; Wagubi, 2003, 2). The amendment of the Act was aimed at addressing gender issues and Customary laws (Nanyenya, 1973).

As a result, all succession matters shifted from the hands of clan leaders to the courts of law. Subsequently, a new set of rules of inheritance that could neither be classified as custom or Fully statutory was created.

The Succession Act is divided into two parts; one part deals with properties of persons who die having left a will (testate) and the second part deals with properties of persons who die without leaving a will (intestate). It is important to look at each of these sets of laws in relation to the matrimonial home.

Intestate inheritance refers to the situation where a person dies without leaving behind a valid will disposing of his or her property. When interviewed the Imam of Mulago mosque commented:-

*Distribution of the property after the death of a person could be easy, but the problem comes in when the deceased did not leave behind a will.*

Although everyone above 18 years of age is allowed to make a will, the majority of Ugandans die intestate: only five out of every 100 cases reported to the Administrator General's office die testate (Kanabahita, 2006, 15; Okumu-Wengi, 1997, 41). When I interviewed a traditional muganda in the field, she noted:-

*In Kawempe and other parts of Buganda, it is believed that writing a will is a clear indication of death that's why I cannot make a will to call for death or even advise any of my sons and daughters to do so.*

According to the above respondent, people in Uganda likewise in Kawempe Division ignore writing a will due to a number of reasons which include, among others, the superstition that writing a will hastens one's death (Kanabahita, 2006, 15).

Other reasons include the lack of awareness of the importance of writing a will and the lack of ability to write one. Since the majority of men with property die intestate, the law provides for the appointment of a personal representative of the deceased to administer and distribute the estate according to defined and fixed percentages.

### **5.8: The implications of the Islamic and Buganda Customary inheritance laws to the development of Ugandan communities especially in Kawempe Division:-**

The Islamic and Buganda customary inheritance laws has a lot of implications impact to the development of Ugandan communities specifically in Kawempe Division as cited by the respondents from the study area, critically analyzed below:-

#### **5.8.1: Inheritance is an integral part of both Islamic and Buganda customary laws:**

Inheritance is an important thing in Islam considered as the integral part of the Shariah Law. Among the relatives in Islam, there is a legal share for the descendant in estate and property when a Muslim passes away. Inheritance is one of the most important parts in Islamic laws. Quran mentioned more kinds of different rights and restriction over the matters of inheritance. Including the type of Wasiyyah (will) and the list of heirs to receive the part of inheritance.

This is clearly evidenced in Quran, Allah noted:-

*Allah (thus) directs you as regards your children's (inheritance): to the male, a portion equal to that of two females; if only*

*daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half. For parents, a sixth share of the inheritance to each, if the deceased left brothers...*<sup>14</sup>

However, this is the same case with the Buganda Customary inheritance system. This makes both the Islamic inheritance and the Buganda customary laws to be important to mankind because it gives rights to people to own property through the shares allocated to each beneficiary.

When interviewed, the respondent commented:-

*Inheritance gives me hope of getting and becoming rich since I am assured of my share that is allocated to me by the Quran and the teaching of the prophet.*

Basing on the above, both Islamic and Buganda customary inheritance laws are important in developing the people in Ugandan communities specifically in Kawempe Division since they create an economic hope for the members of the community regardless of the quantity and where there is hope, there is development.

### **5.8.2: Both inheritance forms save family and community crisis:**

Distributing the remaining inheritance is a duty that should be performed when a Muslim or Muganda dies. This is done after clearing four major aspects mainly; the funeral and burial expenses, paying the debts of the deceased, determining the will of the deceased (one third of the property in maximum), then distribute the remaining estate to the descendant and relatives of the deceased based on Shariah/Islamic Law and the Buganda customary inheritance laws. This is important to the members of the Ugandan communities basically in Kawempe Division, in the sense that it saves the remaining family members and close relatives of the deceased from the could be crisis after the death and distribution of the deceased's estates. Thus giving a chance to the beneficiaries to enjoy their rights and shares from the estates that they later utilize for both individual development and consumption.

When interviewed, a respondent commented:-

*The unique and good thing with the Islamic and Buganda customary inheritance*

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<sup>14</sup>DrTaqiud- Din, (The noble Quran )pg 108.

*system in our area (Kawempe) is that as a beneficiary you are assured of your share from debtors since they are cleared before distribution of the estates thus utilizing directly your share in personal and development avenues.*

### **5.8.3: Dividing inheritance is one of God's commands:**

It is an obligation for every Muslim to follow the commandments of Allah (SWT) without any exceptions. As said above, dividing the inheritance fairly is one of the deceased Muslim's will. Allah Almighty said:-

*It is not for a believer, man or woman, when Allah and His Messenger have decreed a matter that they should have any opinion in their decision. And whoever disobeys Allah and His Messenger has indeed strayed into a plain error. – Quran (4:13-14)*

In as far as the above verse is concerned, it is put clearly by the Quran that it is compelled to every Muslim (male or female) always to abide by what Allah and His messenger has ordained and avoid the prohibited. Among the regulations that have been laid down by the Almighty Allah is the distribution and dividing of the estates of the deceased basing on the teachings of Islam. This is important to the members of the community specifically Kawempe division in the sense that once man observes his or her relationship with God, God assured him /her of favors and blessings on earth and hereafter for human sustenance and surviving thus developing him/herself in all spheres of life; socially, economically, religiously and politically. Allah confirms this:-

*And if any one puts his trust in Allah, sufficient is (Allah) for him. For Allah will surely accomplish his purpose; verily, for all things has Allah appointed a due proportion.*  
Quran (65:3).

### **5.8.4: Avoid the rift between relatives about inheritance:**

Muslim /Mugandadies, he/she surely leaves a lot of estates behind to be shared among the descendants. This happens in the way that the deceased worked hard during his/her life time

When a rich so that his/her descendants could live a happy life. But given the human nature of greed, the inheritance may cause a rift between families if there is no strong ground to set the rules. Islamic law of inheritance defines all meanings to share the inheritance fairly among men, women, daughters, sons, and widows of the deceased which prevents family disputes. This is evidenced from a respondent after receiving his share from the deceased's estate:-

*I am so happy that I have received my share from the property of the late father with fairness and just, thanks to ourImaam for executing the Islamic inheritance in Mulago parish of Kawempe division.*

This concurs with Abdul-Rahman who said that, the awareness about Islamic Inheritance Law is very important among Muslims in order to be fair when distributing the property of the dead to the heirs and by understanding Islamic inheritance, hopefully changes the typical perspective in considering matters regarding properties which always lead to a fight and a split in a family. It aims to change the society's view about inheritance so that it can strengthen the affection among family members. Therefore, the settlement of the estate can be done fairly (Abdul-Rahman et al., 2017). This point was further emphasized by one interviewee during the study interviews, who remarked:-

*After the death of our Muzeeyi, by the way who happened to be a staunch follower (Tabliq), the distribution of his property and assets went on very well with no any complaint from my mothers and siblings because he left it in the hands of the Imam and the Committee of the Mbogo mosque, who first took us through the Islamic law of inheritance before they embarked on final distribution. Everyone in our family accepted it because it was entirely based on the teachings from the Qur'an and As-Sunnah.*

This in fact is in line with what was stated that under customary law widows lose their rights to inherit their home, land and assets of their dead husband, it is the deceased husband's sons who take over the ownership of the largest share leaving very little to the daughters, therefore the sons

tend to neglect taking care of their widowed mother and the law is silent (Ntozi, 1997; Doss et al. 2012). To this effect, a widow interviewed had this to say:-

*After my husband's untimely death, the last five years have been a nightmare for me and my three children because I have been battling with my in-laws to at least get control and access to the rentals he left behind. My late husband's family spearheaded by his elder brother took control of everything and told me that in their tradition, a woman can't inherit a husband's property when the brothers are alive. That, it is his duty to look after us, me and my three children. To tell honestly, in these five years I have been a beggar of the property we owned together!! (With tears in her eyes).*

According to the above testimonies, it is clear that the fair distribution of Islamic inheritance by the imam (Leader of Muslims in an area) and Buganda customary inheritance in the research area has helped in sorting out the could be crisis and misunderstandings arising out of the unfair distribution of estates of the deceased that facilitates peaceful and harmonious living of the people in the community. However, peace lays a ground for development in the area basically Kawempe Division.

#### **5.8.5: Mismanagement of inheritance is condemned and punished:**

Violating the laws in Islam of any form, like inheritance in this case, means disobeying the rules of Allah, for example the act of snatching others' rights and property. This is considered as transgressing the Islamic law, be it on small or large scale, partially or wholly. The warnings regarding violating of the laws are given directly by Allah (SWT), in the Holy Quran. He says:-

*Those who disobey Allah & His Messenger and transgress His fixed limits will be admitted to a fire to abide therein and they shall have a humiliating punishment. Quran (4:14)*

This is also supplemented by the Messenger of Allah, Prophet Muhammad (Peace be upon him) said:-



*Whosoever usurps anything of others illegally without his permission he, on the Day of Judgment, would be thrust into seventh layer of the earth. – FatawaMazahirulUlum.*

According to these teachings, the members of the community basically Kawempe division are trained through observing the Islamic Inheritance rules to keep law and order in the society as a way of ascertaining political stability in the community as a major component of development in Uganda and Kawempe in particular. However, even in Buganda customary inheritance system, it is believed that mismanagement/miss allocation of the deceased's estate is cursed and punished by the ancestors and spirits. One of the respondents (clan leader) said:-

*I cannot risk my life to mismanage the property of the deceased as the ancestors will curse and might even kill me.*

#### **5.8.6: Both laws advocate for the rights of people:**

The existence of inheritance in the Islamic laws shows that Allah is caring about every single matter of Muslims' rights; this is the same to the Buganda customary law. Both Islamic and Buganda customary laws bring the justice for the ignorance that rights are violated in the Islamic era: women, children, orphans, and the weak. To stop the injustice and make sure that the Muslim rights are delivered in the right way, the Islamic law of inheritance brings a revelation that the history never witnessed before. This is expressed by a peasant woman in the area of study who commented:-

*I know with the existence of Islamic and traditional Buganda inheritance system that is highly respected in Kawempe, I will get the rightful share from the estate of my deceased husband.*

When you critically analyze the statement made by the above respondent, you come to realize that Islam and the Buganda customary inheritance laws have never ignored the rights of the Muslims and natives in any aspect of life be it social, economical, Political or religious, that people are hopeful of their rights in every aspect as evidenced from the Islamic inheritance rights to every person of any status. This applies to the Buganda customary laws where at least every

beneficiary attains a share from the property of the deceased. It is upon this background that people in Ugandan communities have hope of wellness after receiving estates from the distribution of their deceased relative to use as capital in establishment of businesses, use the acquired land for agricultural production for individual development and the community of Kawempe in general.

Property distribution under the Islamic and Buganda customary inheritance laws has a significant influence on socio-economic and political development of people of Ugandan communities basically Kawempe Division. This implies that distribution of property under the Islamic and Buganda Customary inheritance law predict a big proportion of Socio-economic and political development of people in Kawempe division. Reflecting on this, during the interview, one official from Kawempe Division office said that:-

*In Uganda there is no way you can separate marital status and land ownership and the means of acquiring land because land is the most important asset in Uganda, and land rights and ownership are entrenched deeply in social norms and customary law, including those related to inheritance. Actually, that is why find men own land much more than women due to inheritance preferences.*

#### **5.8.7: Both Buganda customary and Islamic inheritance laws improve the status of women:**

The Quran defines the relatives and descendants who possess the right to the inheritance when a Muslim dies. Among the females mentioned in the Holy Quran as the heiresses of the deceased are: mother, wife, grandmother, daughter, full sister, uterine sister, and consanguine sisters. The mentioning of mother, wife, daughter, and sister is something that never existed before. This is why Islam brings a new enlightenment to the rules of inheritance, because in the pre-Islamic era, the rights of women are ignored. Allah says:-

*Allah instructs you concerning your children: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half. And for one's parents, to*

*each one of them is a sixth of his estate if he left children. But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [or sisters], for his mother is a sixth, after any bequest he [may have] made or debt. Your parents or your children – you know /not which of them are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is ever knowing and Wise. Quran (4:11)*

This is the same to the Buganda customary inheritance law in Kawempe Division, where the mothers, daughters, wives, sisters and grandmothers are allocated shares after the close male relatives take off their shares. These shares that are allocated to the women regardless of the status and rank are then taken to productive work in terms of agriculture for the piece of land acquired by a woman or even the assets and property shared are used for economic growth and social development. When in the field, one of the female respondents said:-

*Indeed my economic and social status improved after receiving my share as a daughter from the estate of my deceased father, I can now access good education, medication and avail the basics of life without begging.*

#### **5.8.8: Both Islamic and Buganda customary inheritance laws encourage the distribution of estates promptly:**

Buganda customary law advocates for the distribution of the deceased's property as early as possible. This is usually done in Kawempe Division before the funeral rites ceremony is celebrated. Here, the clan and family members take the initiative to collect and compile all the estates of the deceased to make sure that it is distributed to the beneficiaries. This saves the family from mismanagement of this property as well as making it easy and possible to the beneficiaries to enjoy the privileges of inheritance basically, to be used for economic empowerment, social development as well as political enhancement for those interested to go on with political life. Islam also emphasizes the distribution of the estate of the deceased promptly. This is due to the fact that the delay in distribution of estate could make the guardians to mismanage or even swindle the estate of the orphans. Allah says:-

*Verily, those who unjustly eat up the property of orphans, they eat up only fire into their bellies, and they will be burnt in the blizzing fire. Quran (4:10)<sup>15</sup>*

The above issue was realized by the researcher when I interacted with one aspiring candidate in the study area basically in Kanyanya parish who remarked:-

*The death of my father was a blessing in disguise, can you imagine that immediately after the death of my dad, our estate was distributed and I received my share that now I am using to facilitate me to achieve my political career.*

Therefore, distribution of the estate of the deceased according to both Islamic and Buganda customary inheritance laws, as early as possible has a far reaching impact to the development of Ugandan communities basically in Kawempe Division in all spheres of life.

#### **5.8.9: Inheritance caters for the needy in the community:**

Inheritance is always divided and shared fairly in Islam and the Buganda customary laws. This is due to the fact that the major beneficiaries of inheritance in Kawempe division are the needy people. This is evidenced in the fact that the big population of people in the study area is poor and needy people, who look at the estate of their deceased relatives as a source of income, for both social and political development. A person who died, no longer needs any material things of the world, while for the descendants who have to continue living, inheritance will lighten their burden.

*Ibn 'Üyaynah, may Allah have mercy upon him, said:-*

*The science of the obligatory shares (of inheritance) is called half of the knowledge because all the people are in need of it.*

The Quran also promises rewards to every Muslim who abides by the rules of inheritance which caters for the needy people in the community. Allah says:-

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<sup>15</sup>DrTaqiu din, (The Noble Quran). page 107

*These are the limits [set by] Allah, and whoever obeys Allah and His Messenger will be admitted by Him to gardens [in Paradise] under which rivers flow, abiding eternally therein; and that is the great attainment. And whoever disobeys Allah and His Messenger and transgresses His limits — He will put him into the Fire to abide eternally therein, and he will have a humiliating punishment. — Quran (4:13-14)<sup>16</sup>*

#### **5.8.10: Inheritance is the continuity of life:**

Sharing inheritance left by the deceased helps a person to realize the reality of life. Living day by day, every person needs material support. This is true due to the fact that a man lives in a life cycle namely; womb world, earthly world, and the spiritual world. Here, the womb world implies life enjoyed in the womb of the mother, earthly life is the physical life (birth- death), and this is the life work, joy and preparation for the next life. Here man works so hard for the descendants as well as for him/her to enjoy life after death. However, the spiritual world covers life after death. It is at this stage that some one's property and belongings are shared among the close relatives.

This is a clear evidence to the living people/beneficiaries of the estate of the deceased that, now they are sharing the estate of their deceased and tomorrow , others will share his/her estate, this motivates people in the community always to work hard in all spheres of life thus developing their communities in terms of what will remain after death, the relationship you had with your God, the relationship you had with the fellow man and woman, the legacy people are celebrating about you after your death, basically Kawempe division.Thus making Islamic and Buganda customary inheritance laws to be a center of change and motivation in the phenomena of development.

#### **5.8.11: Inheritance implies the generosity of man in the society:**

Inheritance based on the Islamic and Buganda customary laws are based on human generosity. This is observed in the way how these two inheritance laws are done, in Islam a male beneficiary gets twice a female beneficiary and in the Buganda customary inheritance law, the close male relative takes a big portion compared to the female beneficiary.

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<sup>16</sup>DrTaqiu din, (The Noble Quran), page 108/109

This is done so because in Uganda, basically in Kawempe Division, the responsibilities of a family are in hands of men and even the fact that once a female beneficiary gets married all what she has and shared is taken to the marital family, thus these two inheritance laws, based on generosity and responsibility, kept a share with the close male relative that in case a female beneficiary has any help and assistance could simply resort to the brother or close relative for assistance.

This helps both the male and female beneficiaries to work hard, plan for the estate shared and invest in economical and developmental avenues to increase the amount and quantity inherited and shared, thus developing the community.

Prophet Muhammad (PBUH) said:-

*Know that none among you that do not prefer his heirs wealth to his own. Your wealth is that which you send forth (as charity etc), and your heirs' wealth is that which you leave behind.*

This is in line with what Hammudah said:-

*The ideology of Islam has all the elements and forces that make it comprehensive and practicable, moderate and flexible. Its Divine origin reveals only the fundamental and inviolable principles, leaving due scope for the human intelligence to work out details and make the necessary adaptations<sup>17</sup>.*

#### **5.8.12: Inheritance shows the difference between man and prophets of God:**

In Islam and the Buganda customary laws, once a person dies, his/her estate has to be collected, compiled and distributed among the beneficiaries whether male or female, young or old. This is to have the continuity and use of the property by strictly close relatives for substance and development of the community. However, for the prophets of God, most especially Prophet Muhammad, when he died, he recommended his estate to be shared not to his heirs (close relatives), but for those who are in need which is not the case with the Islamic inheritance and Buganda customary inheritance laws in Kawempe division.

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<sup>17</sup>Hammudah, Islam in Focus, pg 138.

As narrated by Abu Hurairah, the Messenger of Allah said:-

*Not even a single Dinar of my property should be distributed (after my deaths to my inheritors, but whatever I leave excluding the provision for my wives and my servants, should be spent in charity.*

#### **5.8.13: Inheritance serves as security:**

The shares that the heirs inherit from both Islamic and Buganda customary inheritance laws, could be in terms of cattle, pieces of land assets like rentals, cars among others. It is from these goods and assets that the heirs use as security to secure loans from the banks to facilitate their businesses as well as establish some to those who never had one. This makes Islamic and Buganda inheritance laws to foster both community and personal development. When I interacted with the respondents, one said:-

*The distribution of my late father's estate, helped me to get a piece of land that was worth 20millions, which I processed and got a land title in my names, that I later used in the bank to secure a loan that boomed my business.*

Basing on the above evidence, it is proved that the people of Kawempe Division use the received property like land, cars, rentals to secure loans from the banks that are used for personal business development and the development of the community, hence Islamic and Buganda customary inheritance laws serve as source of security for development and enhancement of the Ugandan communities, specifically the people of Kawempe Division.

#### **5.8.14: Inheritance increases government revenues:**

The shares inherited by the different heirs in terms of pieces of land, rental houses, assets, cars among other forms of estate received through Islamic and Buganda customary inheritance laws serve as a taxable base for the government revenues. This happens in the sense that many areas in Uganda specifically Kawempe division have developed due to inheritance in the way that the heirs of different deceased in different places inherit valuable things like rentals, shops, cars to and others

which the government through division leaders levy ground taxes on houses basically rentals, trade licenses on shops and businesses, third party licenses on cars which taxes are used by the government and local councils in development of infrastructures, security of the areas, hence making Islamic and Buganda customary inheritance laws to economically impact on the development of Ugandan communities basically Kawempe division. When interviewed, the local leader at Kawempe division offices noted:-

*we have benefited a lot from the properties of the deceased's here in Kawempe as most of our taxes come from ground rent from land and rentals which were inherited by relatives.*

#### **5.8.15: Inheritance is a source of capital:**

The people in Kawempe division perceive Islamic and Buganda customary inheritance laws as a source of wealth and capital. This happens in the sense that after the death of a close relative, the estate is shared and distributed basing on the Islamic and Buganda customary inheritance policies that accord every heir a share. These shares could be in form of cattle, land, cars, businesses to and others. People in Kawempe even consider the death of a close relative who is rich as “blessing in disguise” as the death of a rich relative means getting capital and assets for both individual economic empowerment and community development. One peasant respondent alerted:-

*You think I will remain poor, it can't be, actually my father is soon dying that I get my share to establish my own business here in Kisaasi.*

#### **5.8.16: Inheritance transfers responsibilities:**

The Islamic and Buganda customary inheritance laws give room for the transfer of authority and responsibilities among family members and the community at large. Here after the death of a close relative, who might be a manager, director of a company, Business entity, school, clan, the responsibility of such a company or clan is always indicated in the will made by the deceased or sometimes chosen by the family heads or clan leaders to take over the responsibility that was performed by the deceased for the proper continuity of the business, company, school or clan. it is upon this responsibility entrusted by the chosen member of the family that many families in



Kawempe division are rich, prosperous and developed, for example, Hajj Sebaduka family in MakerereKikoni who are now running the clays factory at Nsangi “Nsangi clays”, Sheikh Sekimwanyi family at Bukoto, Hajj Makalena family in Kawempe Tula for making pan cakes sold in town and exported outside the country even today, but the director died long ago, hence developing the Kawempe community and the country at large. A respondent noted:-

*The future of Kawempe is bright because parents shape and train their sons and daughters the businesses they conduct and entrust them with authority after their death for the continued development of our area, after all, the death of the director does not mean the death of the businesses here.*

### **5.9: Conclusion:**

The study findings indicate that biggest share of inheritance is taken by a male when a husband dies and this relatively affects the socio-economic and political development of people in Kawempe division for example if Uganda implemented inheritance rights for women and women had sufficient inheritance rights, they would have greater economic independence (Loft spring, 2007).

In line with this, one interviewee during the interviews remarked:-

*Because of unfair customary practices, when our uncle died in 2005, most of the properties went to our other uncles leaving fewer assets for the widow despite the fact that she had 7 surviving young children to take care of. In the long run she failed to manage and as a result some children ended up on the streets and others into child labor as house maids. Uncle’s home is almost none existent.*

Distribution of property under the Islamic and Customary inheritance laws moderately improves on the Socio-economic and political development of people in Kawempe division. That is why some literature mentions that distribution of property under statutory and customary/religious provisions has not been free from criticisms based on discrimination, unfairness and injustice for example when husbands die, women are left economically vulnerable

in a society where they rarely own land, and due to devastatingly unequal inheritance laws and customs, have little means to support themselves or their children when widowed (Bennett et al., 2006).

In concluding this section therefore, once the above criticisms are addressed, Inheritance in Islam and Buganda customary, basically in Kawempe division, would have a far reaching impact in developing the social, political, economic and religious life style of the Ugandan communities basically Kawempe division as has been critically analyzed above .

#### **5.10: The relationship between Islamic and Buganda customary inheritance laws:-**

This section tries to analyze the differences and similarities between the Islamic and Buganda customary inheritance laws as studied in Kawempe Division.

##### **5.10.1: The Differences between Islamic and Buganda customary inheritance laws:**

The following are the major differences between Islamic and Buganda customary inheritance laws as per the respondents in Kawempe division:-

##### **5.10.2: Property ownership or inheritance:**

Islamic and Buganda customary inheritance laws differ according to how property to be inherited is owned. This happens in the way that in the Islamic Law of inheritance, there is no specific difference between the Immovable Property or movable property and incorporeal or corporeal properties. This is due to lack of distinction between the movable and immovable property and flexible definition of property under the Muslim Law. All types of properties owned by the deceased are subject to inheritance. This is only conditioned to the deduction or clearance of debts left behind by the deceased and burial expenses. However, in the Buganda customary inheritance it is the reverse, to an extent that debts and burial expenses are cleared by the close relatives and friends, thus creating a difference between Islamic and Buganda customary inheritance as studied in Kawempe division.

### **5.10.3: Types of Heirs:**

There are mainly two types of heirs under the Muslim Law of Inheritance which is Sharers and Reliquaries. Sharers are entitled to specific fractions of the property of the deceased whereas Reliquaries, as the name suggests, are distributed any residual share in the property. However in the Buganda customary inheritance law, all the heirs are treated the same though the difference is that the successor/child of heirs takes a big portion of the property. The respondent alerted:-

*We are proud here in Kawempe, as the Muslims inheritance is distributed basing on either sharers or Reliquaries, whereas the traditional Buganda bases the inheritance on sex and headship.*

### **5.10.4: Categories of Sharers:**

This is another difference between the Islamic and Buganda customary inheritance laws. In the Islamic law, there are 12 relations that fall under the category of Sharers namely;-Husband, Wife, daughter, daughter of a son (or a son's son), Father, Paternal grandfather, Mother, Grandmother on the side of the males, Full sister, Consanguine sister, Uterine sister, Uterine brother while the Buganda customary inheritance considers a wife as part of the property to be inherited(Namwandu) where as the big portion of the estate goes to the close male relatives thus making a difference between Islamic and Buganda inheritance laws in Kawempe division.

### **5.10.5: Difference in shares of male and female inheritors:**

Islamic inheritance advocates for a male taking twice the share of the female. This is one of the established principles of Islamic law of inheritance whenever a male and a female of the same lineal degree are found in the distribution of the property. However, this seems to be unfair distribution to the side of women and girls in Kawempe division. The rationale behind this distribution is based on the holistic socio-economic system which requires the man to shoulder the financial responsibility. A man is thus responsible for providing for his family including his sister who has no guardian to take care of her financial responsibility. The wealth that a woman inherits remains in her custody without an associate partner, yet the estate inherited by a son is exposed to subtraction as a result of discharging his financial responsibilities. The woman's

property is therefore protected from liability and thus likely to multiply through investment and even through other sources such as dowry, gifts, among others thus administering justice in the community.

It is also worth to mention that, the principle of a male taking twice the share of a female is not supposed to be taken for granted; there are some cases in which the males and females acquire equal shares, for instance where the deceased is only survived by a father and a mother. In this case both are entitled to a sixth. There are also cases where a woman's share is bigger than the share of the man, for instance, where the deceased is survived by husband and a daughter. The husband in this case is entitled a quarter while the daughter is entitled to a half. However, in Buganda customary inheritance system, it is not well established and calculated in that almost all the estate is taken by the eldest son leaving residues to the rest, hence making a difference between Islamic and Buganda customary inheritance law as studied in Kawempe Division of Kampala district.

#### **5.10.6: Intestate succession:**

Buganda customary inheritance laws differ from the Islamic inheritance system in that when a Muslim dies intestate, the rules of the Succession Act on intestate succession materially differ from those of the Islamic law of succession. In the result, both the identity of the heirs and the shares that they would have received differ. However, if a traditional Muganda dies without leaving a will, then the family members and clan leaders convene a meeting that decides the heir and distribute the estate of the deceased accordingly.

#### **5.10.7: Legitimacy of children:**

The child's entitlement to inheritance from the deceased father is dependent upon its legitimacy. Unlike maternity where legitimacy is not considered by Islamic law, Paternity is the legal relationship between a father and his child, provided the child is legitimate. For a child to be legitimate he or she must have been an offspring of a man and his wife or a man and his slave; any other offspring is regarded as an offspring got as a result of adultery/fornication, i.e. illicit connection and cannot be legitimate.

If the marriage between the parents is valid or regular, the children would be legitimate; if it is void they would be illegitimate. The child shall be presumed legitimate if it is born in lawful wedlock. In case of doubt, Islamic laws lean in favor of legitimization rather than stigmatization. Apart from this presumption, legitimacy may be established by acknowledgment even if there is no definite evidence of a valid marriage between the parties. In this case, acknowledgment by a father is sufficient to make the child legitimate but there must be a definite acknowledgment of son-ship. An acknowledgment of legitimacy is invalid;

(a) when the ages of the parties admit that the acknowledged person could be the child of the acknowledger, i.e. the proximity of age or seniority of the acknowledger as would render the alleged relationship physically possible,

(b) The descent of the acknowledged person must not be proved from another person.

(c) The acknowledged must confirm the acknowledger in his acknowledgment, if he can give an account of himself.

However, legitimacy of a son or daughter is an issue in Buganda customary inheritance system as per the study area, hence making Islamic inheritance law to be different from the Buganda customary inheritance law in Kawempe division.

#### **5.10.8: Difference of Religion:**

One of the legal impediments to entitlement to inheritance in Islam is difference in religion. It is thus clear that succession to the estate of a Muslim by a descendant who is non-Muslim is prohibited by Islamic law. The fact that there are rampant inter-marriages between Muslims and members of other faith the right to inheritance is denied. This is due to the fact that Islam calls for uniformity. However, this is not the case with the Buganda customary inheritance in Kawempe division thus maintenance of discipline in the society.

#### **5.10.9: Conditions for sharing:**

In Islamic inheritance Law, the share taken by each sharer will vary in certain conditions. For instance, a wife takes 1/4th of the share in a case where the couple has no lineal descendants and

a one-eighth share otherwise. A husband (in the case of succession to the wife's estate) takes a half share in a case where the couple has no lineal descendants, and a one-fourth share otherwise. A sole daughter takes a half share. In case the deceased has left behind more than one daughter, all daughters jointly take two-thirds. If the deceased had left behind a son(s) and daughter(s), then, the daughters shift their status from being sharers to residuary instead, with the residue being so distributed as to ensure that each son gets double of what each daughter gets. However, we lack such conditions and calculations in the Buganda customary inheritance laws as per the information got from Kawempe study area thus making Islamic inheritance law to be quite different from the Buganda customary inheritance system thus observing affinity and closeness as per the respondents' responses:-

*The calculations and inheritance conditions in Islamic inheritance law are quite clear and well laid down compared to the Buganda customary inheritance laws where there are nearly no conditions and inheritance calculations.*

#### **5.10.10: Land ownership:**

Land ownership is one of the distinctive features that separate Islamic inheritance laws from the Buganda customary inheritance laws in Kawempe division of Kampala district. This happens in the sense that Islamic inheritance laws go beyond land ownership issues to ownership of other property and estate of the deceased compared to the Buganda Customary Inheritance laws which mostly concentrate on ownership of land and the unregistered marriages leave women with few rights to own land and when customary divorces do occur, the woman is entitled to nothing thus making Islamic inheritance to be different from the Buganda customary inheritance.

**5.10.11: The Muslim community in the country refers to the 1964 Marriage and Divorce of Mohammedans Act:** which states that the Shariah Law, which is the Islamic canonical law based on the teachings of the Koran and the traditions of the Prophet, shall govern all marriages and divorces between Muslims. According to the Quran, a male Muslim takes double the share of the female, according to Surah 4 Verse 11 of the Quran. When a man dies leaving a wife and children, the wife receives one-eighth of the net estate. When there are no children, the wife

receives one-fourth. In polygamous marriages, the co-wives have to share the one-eighth or the one-fourth, whereas the Buganda inheritance law is considered as part of the customary laws in the constitution of Uganda.

#### **5.10.12: Distribution of Property:**

Under the Muslim Law of Inheritance, the distribution of the property can be done in two ways which are per capita or per strip distribution. The per capita distribution method is majorly used in Sunni law. According to this method, the estate left over by the ancestors gets equally distributed among the heirs. In per capita distribution, the property is divided equally among all the heirs. This means that the number of heirs of the deceased determines the amount of share for each heir in the property of the deceased. The branch of the family to which the heir belongs to does not influence the inheritance that he or she is subjected to receive while per strip distribution of property is followed by the Shiah branch of Islam. Under per strips distribution, the property is distributed among the heirs of a branch (strip) of the family. According to this method of property inheritance, the property gets distributed among the heirs according to the strip they belong to. Hence the quantum of their inheritance also depends upon the branch and the number of persons that belong to the branch which is different with the Buganda inheritance law as studied in Kawempe division.

#### **5.11: Similarities between Islamic and Buganda Customary Inheritance laws:**

The following are the major similarities and commonalities between the Islamic and Buganda Customary inheritance laws as studied in Kawempe division:-

Both Islamic and Buganda customary Inheritance Laws mainly deal with two key issues which include provision of Laws pertaining to distribution of wealth amongst heirs. This is done through allocation of the estate to the specific beneficiaries. This helps the heirs to avoid family conflicts and misunderstandings in Kawempe division and ensuring that a just system can be established and wealth is not accumulated into a single entity. The chairperson Kikoni(Makerere 11 zone B) noted:-

*Our area is peaceful basically because our people respect rules and regulations from their local, clan and religious leaders that has facilitated to the development of the area.*

Both the Islamic and Buganda customary laws of Inheritance basically in Kawempe division are based on the following considerations: breaking up the concentration of wealth and distribution of wealth in society, endorse and Consolidate strong family system by justly distributing wealth amongst the heirs, respect the Right of ownership of an individual that he earned through the legal means and it does not allow the individual or government to confiscate the property of the deceased, provide peace of mind that after your demise, your family will be given the just right of inheritance, give a special focus to women's right of inheritance as the women are denied their rights under other systems thus making both Islamic and Buganda customary inheritance laws the same as studied in Kawempe.

Both Buganda customary and Islamic inheritance laws take special attention to the women's right of inheritance as the women are denied their rights under other systems. Here both Islam and Buganda customary inheritance allocates her a fraction or share just less to that of a boy or man , but not total denial of inheritance, thus making Buganda customary and Islamic inheritance laws to be gender sensitive hence the same as perceived by the people of the study area.

Both inheritance systems directly relate to the duty to support one's surviving spouse and children upon one's death. The essence behind the distribution of the deceased's estate is to make sure that the surviving family members after the death of their beloved relative continue to live a peaceful and harmonious life through receiving their shares from the estate of the deceased for personal development and community empowerment. The respondent noted proudly:-

*The death of my father was a blessing in disguise; indeed I am now rich after receiving my share from the estate of my deceased father.*

Both Islamic and Buganda customary inheritance laws cater for the status and share of a woman. In Islam, a woman is entitled to a quarter if there is no children, she gets eighth in the presence of children, in case a daughter, she gets half if she is alone, and shares two thirds if they are many



and in the absence of male heirs. If she is a mother, her share is a third in case, there is no children, otherwise, her share is a sixth in the presence of children and other co-wives. In case she is a grandmother, she shares a sixth. This is the same issue in Buganda customary inheritance system, where a woman is allocated a share, just only small compared to that of a male or man thus both Islamic and Buganda customary inheritance laws empower and cater for the position and status of a woman in the society. Prophet Muhammad noted:-

*Narrated IbnAbbas:-The custom (in old days) was that the property of the deceased would be inherited by his offspring, as for the parents (of the deceased), they would inherit by the will of the deceased. Then Allah cancelled from that custom whatever He wished and fixed for the male double the amount inherited by the female, and for each parent a sixth (of the whole legacy) and for the wife an eighth or a fourth and for the husband a half or fourth.(bukhari page 6)*

Both Islamic and Buganda customary inheritance laws consider affinity and closeness to the deceased in the identification of the beneficiaries to the estate of the deceased. This happens in the way that for some to inherit a deceased person you should be a close relative for example, husband, wife, father, mother, brother, sister, daughter, son to mention but a few. This excludes in laws, close friends among others, thus giving priority to inherit basing on blood, relationship not on friendship thus implying fairness in the distribution of inheritance in the society.

In conclusion therefore, Islamic and Buganda customary inheritance laws are related as discussed above basing on the perception of the people of Kawempe division as the study area.

## Chapter Six

### 6.0: CONCLUSIONS AND RESEARCH RECOMMENDATIONS

#### 6.1: Conclusions

The study that aimed at investigating the implications of the Islamic and Buganda customary inheritance laws to the development of Ugandan communities, taking Kawempe Division as a case study, had the following conclusions;

Restore our belief in Islam and seek guidance from The Holy Quran states where ‘Allah has purchased from believers their persons and their wealth in lieu of Jannah. Man is a trustee of the wealth that he owns for the duration of his life. When the term of his life ends, his trusteeship over his wealth and property expires. After his death, his property should be redistributed according to the directions given by Allah. Directives regarding the distribution of wealth and property of the deceased after his death are provided under the Holy Quran.

Operationalization of the Qadhis Courts is justified on the background that the disputes in Muslims’ marriages and inheritance cannot be perfectly handled by civil courts in Uganda without proper guidance from Muslim scholars. The Constitution of the Republic of Uganda provides for freedom to practice any religion and the right to participate in the practices of such religion. Therefore by virtue of that provision, Muslims in Uganda are free to practice Islam and participate in the practices of Islam which cover their personal laws. Likewise, the constitution provides for the establishment of Qadhis courts for marriage, divorce, inheritance of property and guardianship. This initiative shall also remove the legal pluralism which affects the uniformity in the application of laws in Uganda. (Dr. Haafiz Walussimbi, MCJL2017)

If customary law is willing to be used as a source of law, it must fulfill the following conditions: Material requirement. The existence of a habit or behavior that is fixed or repeated, which is a series of the same actions, which lasted some time. The existence of a long-lasting action should be shown; Intellectual requirement. This habit must give rise to a *necessary opinion* (see that it should be so). The habit should be done because of the belief that it is objectively worth doing and

in doing so believes in a legal obligation. The existence of legal consequences where customary law is violated (Mertokusumo, 2000).

Mass awareness of people on the implications of the Islamic law of inheritance, provision on the religious practice of allocating women half the share of the male of the same level in succession should be done. So that the relevancy and applicability of these provisions are willingly accepted by the affected parties.

A leaflet specifying the elements of a valid will in compliance with both the Ugandan law and Islamic law should be developed, in order to protect that legal document from being challenged by any of the two legal regimes.

Muslim district councils should be empowered to appoint qualified persons in the field of Islamic inheritance to distribute the estate of Muslims. The Shariah Court at the UMSC can retain its status as an appellate court in this matter. In case of dissatisfaction at this level, an appeal may be made to the high court in whose sitting two qualified Muslim assessors shall be called to attend and provide the Shariah legal position on the contested matter.

## 6.2: Recommendations

### Introduction

The study entitled, “*Islamic and Buganda Customary inheritance laws and their implications on the Ugandan communities, a case study of Kawempe division*”, had a variety of recommendations to the different beneficiaries and research target group in all spheres of life as discussed below:-

The current study’s recommendations will support institutions concerned with inheritance issues like the Uganda Muslim Supreme Council(UMSC), Administrator General’s Office, District/Division offices, Local Councils, Clan/family leaderships, and the general public in implementing Islamic and customary inheritance practices as stated below:-

Since the Islamic inheritance Law has been set up by Allah S.W.T precisely based on verses 11, 12 and 176 from Quran chapter 4 among others, and to this effect nothing in Islam is unfair, the study recommends that there should be more awareness and teaching of the Islamic and Buganda customary inheritance laws, and concerted efforts to apply it among Muslims by UMSC generally and mosque leaderships in Kawempe division specifically.

There should be an effort to educate and sensitize men of male-dominated ideologies in Africa using culture to justify oppressive gender relations that such practices no longer have a place in the modern world because the right of inheritance directly relates to the duty to support one’s surviving spouse and children upon one’s death where spouses must receive the greatest protection against disinheritance since surviving spouse is usually more competent to manage the inheritance for the benefit of surviving children, and are most likely to have contributed to the accumulation of property during the marriage and is therefore entitled to it.

Due to the actual and perceived inequalities embedded in Islamic and Buganda customary inheritance practices/laws, the study recommends that there should be a need to apply statutory laws that provide equal rights for women and children to inherit property.

The study further recommends that Government as a matter of urgency considers to amend the Succession Act to take care of the sections of the Act that were struck off from the Act in 2007

by the Constitutional Court following the successful petition by the Women Advocacy organization.

Since there is significant discrepancy between statutory and customary/religious laws in Uganda, the study recommends that an integrated or comprehensive inheritance new law or policy be made to address gender inequality and discrimination in inheritance. The government must ensure that all redistribution of land and other estates of the deceased are henceforth done equally and justly.

The study also recommends that government take a firm stand against Buganda customary practices of wife inheritance, widow cleansing and property grabbing by discouraging the use of customary law and formulating statutory rules to address this.

The study also recommends that people in Kawempe and Uganda in general need to appreciate the role and implications played by both Islamic and Buganda Customary inheritance laws in developing the community.

### **6.3: Areas for further research**

A similar study need to be conducted among Muslim communities in rural areas of Uganda to ascertain how Islamic and Buganda Customary Inheritance Laws are implemented and even establish their implications on the socio-economic and political development of the community.

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**Appendix 1**  
**Questionnaire**

**Islamic and Buganda Customary Inheritance Laws, and their Implications on Ugandan Communities: A case study of Kawempe Division.**

Dear Respondent,

I am a Masters student of Kyambogo University conducting a research study as a partial fulfillment of the requirements for the Award of a degree in Masters **of Arts in Religious Studies**. I wish to request you to spare few minutes of your valuable time and answer this questionnaire on “Islamic and Buganda Customary Inheritance Laws, and their Implications on Ugandan Communities: A case study of Kawempe Division.. More importantly, the information requested in here, is purely for academic purposes and will be treated with outmost confidentiality as there is no space where to record your name or sign.

I will be very grateful for your assistance.

Thank you.

Yours truly,

.....  
**SenyomoAbduwahab**

Instructions: Please kindly tick your response. Do not write your name on the questionnaire

**SECTION A: Personal Information of the respondents**

1. Gender: Male  Female

2. Age: 18-25  26-33  34-41  42-49  50-55  55& above

3. What is your religious affiliation?

(a) Christianity  Islam  Tradition  Any other

(Specify) \_\_\_\_\_

4. What is your education level?

(a) Post graduate  b ) Graduate  (c) Diploma  (d) Certificate

5. What is your marital status?

No.	Status	Choice
(a)	Single	<input type="checkbox"/>
(b)	Married	<input type="checkbox"/>
(c)	Widow/widower	<input type="checkbox"/>
(d)	Divorced	<input type="checkbox"/>
(e)	Separate	<input type="checkbox"/>
(f)	Orphan	<input type="checkbox"/>

6. State your tribe .....



7. Which of the following parishes/zones is your place of residence?

No.	Parish/Zone	Choice
(a)	Mbogo	
(b)	Bwaise I	
(c)	Bwaise II	
(d)	Kanyanya	
(e)	Mpererwe	
(f)	Kalerwe	
(g)	KazoAngola	
(h)	Kifumbira	
(i)	Nsooba	
(j)	Katanga	
(k)	Mulago	
(l)	Kawempe I	

8. What is your occupation?

(a) Employed  (b) Unemployed  (c) self-employed  (d) Student

**SECTION B: Inheritance,(Islamic inheritance law) and Buganda customary law**

9. How well do you understand the concepts /terms Inheritance, (Islamic inheritance law) and Buganda customary law?

Term/concept	V/well	Well	Fairly	Poorly	V/poorly
Inheritance					
Islamic inheritance law					
Buganda Customary/traditional law					

10. You or your family, have you been involved or ever involved in inheritance property/assets distribution?

- (a) YES                      (b) NO                      (C) NOT SURE

11. If your answer in 11 above is YES, did you experience or witness some sort of disagreements or disputes among relatives of the deceased over distribution of property/assets?

- (a) YES                      (b) NO                      (C) NOT SURE

12. If your answer in 12 above is YES, which of the following factor(s) could have been the cause of the disagreements? Select all that feel caused the disputes

No.	Factors	choice
(a)	Customary/traditional law was biased toward men	
(b)	Islamic inheritance law was never applied	
(c)	Beneficiaries were not aware of Islamic inheritance law	
(d)	Deceased person left no Will (intestate)	
(e)	Deceased Will was altered with help of some family members	
(f)	Deceased relatives wanted to share on property left	
(g)	Clan/family leaders were dishonest	

13. Rate the following statements according to what you know about inheritance in Uganda.

Indicate your choice of answer ranging from Strongly disagree (1), Disagree (2), Neutral (3), Agree (4) to Strongly agree satisfied (5).

Statements on inheritance in Uganda		1	2	3	4	5
<b>INH1</b>	Inheritance is the practice of passing on property, titles, debts, rights, and obligations upon the death of an individual					
<b>INH2</b>	Inheritance is an important means of acquiring assets and bequeathing productive to the next generation					
<b>INH3</b>	Acquisition of property by inheritance can be on the basis of state, customary or religious laws					
<b>INH4</b>	Under Buganda customary, families will not permit the husband's widow to be his heir					
<b>INH5</b>	Exclusion of individuals from asset inheritance exacerbates					

	vulnerability to chronic & intergenerational poverty transmission					
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14. The following set of statements relate to the application of Buganda customary law in inheritance process in your community. For each statement, please show the extent to which you agree with it ranging from Strongly disagree (1), Disagree (2), Neutral (3), Agree (4) to Strongly agree satisfied (5).

Statement of Customary law on inheritance		1	2	3	4	5
<b>CINH1</b>	The rules of inheritance in my family are determined by social norms					
<b>CINH2</b>	Male-dominated ideologies in Africa have tended to use culture to justify oppressive gender relations					
<b>CINH3</b>	Under Buganda customary law, when a husband dies, the majority of his property is inherited by a male heir & the rest to his male relative					
<b>CINH4</b>	Under Buganda customary families will not permit the husband's widow to be his heir					
<b>CINH5</b>	in-laws often justify withholding inheritance rights from the widow with the erroneous argument that since the marital home was built on clan land					

**NB question 12 only for Muslim respondents**

15. The following set of statements relate to the application of Islamic law in inheritance process in your community. For each statement, please show the extent to which you agree with it ranging from Strongly disagree (1), Disagree (2), Neutral (3), Agree (4) to Strongly agree satisfied (5).

Statements on application of Islamic inheritance law		1	2	3	4	5
<b>FINH1</b>	The rules of inheritance in my family are determined by Islamic inheritance law					
<b>FINH1</b>	Islamic inheritance is the study of the calculation & allocation procedure of inheritance for each of the beneficiaries according to Islamic Law					
<b>FINH1</b>	Under Islamic Inheritance Law (Faraid), there is no doubt about the					

	fairness because all aspects about faraid have been recorded in the Qur'an and As-Sunnah					
<b>FINH1</b>	When there are brothers and sisters, both men and women, the male's share is equal to that of two females..."					
<b>FINH1</b>	Without Faraid, undesirable situations such as fraud among heirs, or not being fair among heirs will occur					

**SECTION C: Islamic and Buganda customary inheritance laws and socio-economic and political development**

16. Rate the following statements relate to people's knowledge and awareness of Islamic and customary inheritance laws affect socio-economic development of people of Kawempe Division. For each statement, please show the extent to which you agree with it ranging from Strongly disagree (1), Disagree (2), Neutral (3), Agree (4) to Strongly agree satisfied (5).

<b>Statements on the impact of both Islamic and Buganda customary inheritance to the development of Kawempe Division</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>AWIN1</b>	People in kawempe division awareness toward the social implication/importance of Islamic and Buganda customary inheritance laws in development of the community.					
<b>AWIN2</b>	People in Kawempe division utilize the estate of their deceased due to Islamic and Buganda customary inheritance laws in the economic development of the community.					
<b>AWIN3</b>	Islamic and Buganda customary inheritance and their political implication to the development of Kawempe division.					
<b>AWIN4</b>	Some customary leaders and family members make decisions about the deceased's property that deny women and girls their equal rights to inherit property because of law ignorance					
<b>AWIN5</b>	Customary inheritance system will strongly depend on men's perceptions of the existing practices					

17. Rate the following statements showing the relationship between the Islamic and Buganda Customary inheritance laws as perceived in Kawempe division. For each statement, please show the extent to which you agree with it ranging from Strongly disagree (1), Disagree (2), Neutral (3), Agree (4) to Strongly agree satisfied (5).

<b>Statements on the relationship between Islamic and Buganda customary inheritance laws as perceived by the people of Kawempe division</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>RINH1</b>	Both Islamic and Buganda customary inheritance laws are perceived the same in Kawempe division					
<b>RINH2</b>	Buganda customary and Islamic inheritance laws are perceived in kawempe division to be different.					
<b>RINH3</b>	Islamic and Buganda customary inheritance laws are perceived by people in Kawempe division not be related at all.					

18. Rate the following statements relate to property distribution mechanism under Islamic and Buganda customary inheritance laws and their implications on socio-economic and political development of people of Kawempe Division. For each statement, please show the extent to which you agree with it ranging from Strongly disagree (1), Disagree (2), Neutral (3), Agree (4) to Strongly agree satisfied (5).

<b>Statements on property distribution under Islamic &amp; Buganda customary inheritance laws</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>DINH1</b>	Among Muslims it is Islamic inheritance law that is enforced in property distribution of their estate in practice & UMSC appoints a Sheikh for every district in the country who handles property distribution in accordance with the Quran					
<b>DINH2</b>	In implementing the inheritance among Muslims, many problems occur due to the lack of knowledge about how to divide the property and consequently property seizure and disputes occur					
<b>DINH3</b>	Under customary law, when a husband dies, the majority of his property is inherited by a male heir and the rest is divided among the					

	men of his extended clan leaving the widow with no property for taking care of the home and children					
<b>DINH4</b>	Under Islamic inheritance, when there are brothers and sisters, both men & women, one male's share is equal to that of two females, leaving females with less property					
<b>DINH5</b>	Understanding the basics of Islamic inheritance provides an easy way to manage & plan the distribution of the property of the deceased person hence avoiding possible conflicts, delays & eliminate irresponsible division/neglect the importance of estate distribution					

19. Rate the following statements relate to socio-economic and political development of people of Kawempe Division. For each statement, please show the extent to which you agree with it ranging from Strongly disagree (1), Disagree (2), Neutral (3), Agree (4) to Strongly agree (5).

<b>Statements on socio-economic and political development</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
	Under Islamic inheritance law women and orphans have been able acquire land for productive use					
	Under Islamic Inheritance Law (Faraid), there has been fairness in accessing monetary resources from the deceased					
	With Islamic inheritance, we don't experience situations such as fraud during sharing of assets					
	Under Buganda customary law, both male and females have been able to share property equally and this has improved on their welfare					
	Under Buganda Customary law, widows have able to inherit productive assets and this has improved on their socio-economic wellbeing					
	Women are able to pay school fees and buy food for their children since the Islamic and Buganda customary Inheritance Law enables them to retain the deceased's productive properties					

20. Briefly explain the relationship between Islamic and Buganda customary inheritance laws as understood and perceived by the people of Kawempe division.

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21. Explain the implications of both Islamic and Buganda customary inheritance laws in development of the people of Kawempe Division.

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22. What would you recommend to ensure that Islamic and Buganda customary inheritance laws could have implications on the Ugandan communities basically in Kawempe division.....?

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**+++THANK YOU+++**

### Appendix III

#### **Interview guide:**

1. What is your view on Islamic inheritance?
2. Have you ever seen a written will?
3. Have you ever attended a last funeral ceremony?
4. How does an Islamic inheritance ceremony differ from a customary one in Buganda?
5. What does the installation of heir symbolize in your culture?
6. What does installation of the heir symbolize in Islam?
7. Are there any ritual performed in Islam during the installation of heir?
8. Who distributes property of the deceased in your community?
9. In your family, do you follow Islamic legislation or customary laws while distributing properly? Give the reason for the above.
10. What do you in your community when a deceased member has not left a will?
11. In distribution of property in your home, is there preference for male heirs or female heirs? If yes, can I know why?



## APPENDIX IV A SAMPLE OF A WILL IN ISLAM

**BISIMILLAH-ARAHUMAN-ARAHIM**

**19/08/2017**

Nze Hajji Eddame Iyange Musa NVIIRI nze name nga ntegeera era nga ndimulamu ddala era nga ndi Musajja Muganda Kitange yali musajja muganda Hassa Sserubogo yeddira Kkobe.

Allah nga anzije mumsi muno nziikibwa nga obusiraamu webulagira.

### **ERA BYEBINO WAMMANGA:**

1. Nina abkyala babiri (2) Hajjati Nuulu Nakimwero e Mitwetwe ne Mukyala Hadijja Nakyoni e Bubanzi tewabangawo abataataaganya.
2. Nina ekka y'ettaka kuttaka Iya Sheikh Abudunuulu Busulwa na kabanja kenagula ku mutabuliki nga kali kuttaka Iya baana ba Sheikh Abudunuulu Busulwa.
3. Nina ennyumba 2(bbiri) ezamaduuka n'ekisenge ekisulwamu emanju e Kibibi.
4. Nina enju omuzigo gwe duuka ne kisenge-neesitoowa.
5. Nina boyizikota e Kibibi naye omuzigo ogutunudde mu kkubo eriva e Ssimba naguwa mukyala wange Hajjati Nuulu era era guliko endagaano.
6. Nina n'enyumba eyedduuka nga eriko n'ekisinge ekisulwamu Sande wakolera Sheikh Tamusuza weyasiba Liizi emyaka 42 (ana mwebiri)
7. Nina Omuzigo omulala oguliranye okuva ku muzzigo gwa Hajjati Nuulu Nakimwero.
8. Nina emizigo ebiri(2) okuva kumuzigo gwa Masitula Nambalirwa gwe namuwa.
9. Kunyumba ezo kuliko ennyumba ya Maama FALida gyeyagula ku baana b'omugenzi Hajju Kawuma e Kagoma.
10. Ku nyumba ezo emanju mpaddeko omwana wange Kamada Nsereko omuzigo gumu (1) okulirana Nambalirwa.

### **BANO WAMMANGA BE BAANA BANGE ABAWALA N'ABALENZI:**

#### **ABALENZI**

1. Badiru Mutumba
2. Kayiwa Muhamadi
3. Isa Kayongo
4. Abudunuulu Busulwa
5. Hasani Serubogo
6. Namutende Haruna
7. Hakimu Nsereko
8. Yasini Kawuma
9. Ahamada Nsereko

#### **ABAWALA:**

1. Fatuma Nambooze
2. Masitula Nambalirwa
3. Madiina Nabanoba
4. Rehema Namale
5. Falida Nakamatte

6. Lukiya Nakayiwa
7. Hadija Nantege
8. Mbatudde Kulusumu
9. Nasimbwa Fatuma MAriyamu
10. Sarah Nantumbwe
11. Safina Nakalembe
12. Nusula Nabosa Nansambu
13. Joweria Nakibuule
14. Nalule Hasifa
15. Nakato Fatuma Namboze
16. Babirye Aisha Nantege
17. Nakakawa Sarifa

**BANO WAMMANGA BEBASIGALANGA MU BAANA BANGE:**

1. Sheikh Dirisa Nsereko - e Mirembe
2. Hajji Busuulwa Hassan – e Kagoma
3. Abubala Sebuliba – e Kasubi

**BWEMBANGA NFUdde BANO BEBANAAZA NGA**

1. Sheikh Dirisa Nsereko
2. Sheikh Samadu (Imaam)
3. Muwalimu Hasani Serubogo
4. Hussein Muwakanya e Butaaka
5. Badiru Mutumba

**BANSOMERA NGA TAHALILI**

Ekulemberwanga Muwalimu Muhamadi Kavuma e Mirembe, Sekamatte ne Basiri e Nakawuka n'abalala abaliba basobodde.

Bansomera nga edduwa ku naku 40.

Abaana bange bonna basika nga kyayimani wabwe ye Badiru Mutumba.

Nsaba Allah benaamidde abateremu obwangu mubulikimu. Insha-allah


Nze,



Hajji Musa Nviiri

**ABAJULIZI BANGE:**

1. Mw. Abudu Kaweesa Mugoja
2. Mw. Bumbakari
3. Hajji Bukenya Byuma e Kiziiko

Abudu. K.  
Bumbakari  


0702 324378

0772 2117

0772 116772

Salamu aleyikum Warahumatulahi wabaratuhu