

WOMAN DIYAT (BLOOD MONEY) IN ISLAM

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ABSTRACT

Islamic criminal law stands unique as compared to other systems of crimes and punishments in the world. The family members or heirs of aggrieved or killed person have been given right to refrain from retaliation and accept the blood money or diyat. In other systems, offence against person is considered as offence against state or community only and heirs of murdered have got no right to forgive or retaliate but in Islamic system, offender is not only responsible before heirs of aggrieved person but also before the state. If an offence is of severe nature and is pardoned by heirs of aggrieved then Judge can impose punishment on him which is termed as Taazir punishment for culpable homicide (قتل عمد) is Qisas (Retaliation) but for Quasi-intentional homicide (قتل شبه العمد) and homicide by negligence or mistake (قتل خطأ) is diyat or blood money, the amount of which is fixed. But dispute arose between the present jurists and Ulemas over the diyat of woman which is half to that of man. In this article, woman's diyat is discussed in the light of Sunnah, opinions of five schools of thought and modern jurists of muslim world, in order to reach a true Islamic humanitarian and logical conclusion.