

Chapter – 32

Murder, Punishment, & Blood Money

(قتل، قصاص اور دیت)

Quran:

وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَقتُلَ مُؤْمِنًا إِلَّا خَطَأً وَمَنْ قَتَلَ مُؤْمِنًا خَطَأً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ
مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا

{ It is not rightful for a Muslim to kill another Muslim, unless it occurs by mistake; and the one who mistakenly kills a Muslim must set free a Muslim slave and pay blood-money to the family of the slain, except if they forego it. (04:92) }

وَمَنْ يَقتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَعَظِبَ اللَّهُ عَلَيْهِ
وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا

{ And whatever slays a Muslim on purpose, his reward will be hell, to remain in it for ages, and Allah has created anger upon him and has cursed and kept prepared a terrible punishment for him. (04:93) }

Hadith:

Narrated 'Abdullah:

The Noble Prophet said, "The first cases to be decided among the people (on the Day of Resurrection) will be those of blood-shed." (Sahih Bukhari: 6423)

Narrated Al-Miqdad bin 'Amr Al-Kindi:

I said to the Noble Prophet that if I meet an unbeliever and we have a fight, and he strikes my hand with the sword and cuts it off, and then takes refuge from me under a tree, and says, 'I have surrendered to Allah (i.e. embraced Islam),' may I kill him after he has said so?" The Prophet said. "Do not kill him as if you kill him, he would be in the position in which you had been before you kill him, and you would be in the position in which he was before he said the sentence. (Sahih Bukhari: 6424)

Narrated Anas bin Malik:

A Jew killed a girl in order to take her ornament. The prophet ordered to kill him as legal retribution. (Sahih Bukhari: 6443)

Narrated 'Abdullah bin 'Amr and Anas bin Malik:

The Prophet said that the biggest sins are: To join others as partners in worship with Allah, to be undutiful with parents, to murder a human being, and to make a false witness. (Sahih Bukhari: 6428and6429)

Narrated Al-Ahnaf bin Qais:

Abu Bakr said that it is the saying of the Noble prophet that if two Muslims meet each other with their swords then both, the killer and the killed, are in the (Hell) Fire.' I asked, "it is alright for the killer, but what about the killed one?" He said, "The killed one was eager to kill his opponent." (Sahih Bukhari: 6433)

Narrated Anas bin Malik:

A Jew crushed the head of a girl between two stones. The Jew was brought to the Prophet and the Prophet kept on questioning him till he confessed, whereupon his head was also crushed with stones. (Sahih Bukhari: 6434and6435)

Narrated Ibn 'Abbas:

With Bani Israel the punishment for crime was Al-Qisas only (i.e., the law of equality in punishment) and the payment of Blood money was there as an alternate. But Allah said to this nation (Muslims):

كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلَى الْحُرُّ بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ وَالْأُنثَى بِالْأُنثَى فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبِعْ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ

{Retribution is made obligatory for you in the matter of those killed unjustly; a freeman for a freeman, and a slave for a slave, and a female for a female; and for him who is partly forgiven by his brother, seek compensation with courtesy and make payment in proper manner. (2.178)}

فَاتَّبِعْ بِالْمَعْرُوفِ means that the demand should be reasonable and it is to be compensated with handsome gratitude. (Sahih Bukhari: 6439)

Narrated Ibn 'Abbas:

The Prophet said that, the most hated persons to Allah are three: persons who are unjust and aggressive within the premises of Haram, person who seeks the traditions of the Pre-Islamic Period of Ignorance, and persons who takes somebody's life without any right. (Sahih Bukhari: 6440)

Narrated Bashir bin Yasar:

Sahal bin Abi Hathma said that a number of people from his tribe went to Khaybar and dispersed. ----- Then they found one of them murdered.

They said to the people that you have killed our companion! Those people said, "Neither have we killed him, nor do we know his killer." Sahal Ansari with the bereaved group went to the Prophet and stated the story of Khaiber. The Prophet said, "Let the older among you come forward and speak." Then the Prophet said, to them, "Bring your proof against the killer." They said "We have no proof." The Prophet said, "Then they (the defendants) will take an oath." They said, "We do not accept the oaths of the Jews." Allah's Prophet did not like that the Blood-money of the killed one be lost without compensation, so he paid one-hundred camels out of the camels of Zakat as Diyat (Blood-money). (Sahih Bukhari: 6455)

Important Aspects of Islamic Doctrine

❖ **Murder:**

❖ **There are five types of Murder:**

1. **Deliberate Murder:** Killing somebody knowingly is a serious misdeed. It can be done through weapon like sword, knife and gun etc. One can be killed by fire. After disbelief, murder is considered as the great sin. Its punishment is **قصاص** (blood for blood). If someone from victim's relatives forgives, then the other party has to pay its compensation, **ديت** (blood money).
2. **Murder likely to be Intentional:** Someone kills with such thing which is virtually not made for killings, for example, stick or rod etc. Intension and its likelihood depend on one's objective. Firing a bullet shows clear cut intension of murder. Moreover, if the killer's name comes in the list of legal heir, he would not be entitled to get any share from it.
3. **Murder by Mistake:** This is killing by mistake or by chance. For example, during shooting one targets to kill a deer but when he goes near the target he finds a man. Similarly if someone was just practicing on a target but by chance it hits to a man resulting to death. Yet, its punishment is also paying blood money and ineligibility of Inheritance.
4. **Doubtful Mistake:** This killing is equivalent to the killing by mistake. For example, a man while he was sleeping falls down on another man resulting to his death. So it will be treated as 'murder by mistake'.
5. **Murder for any reason:** Somebody digs and later a man falls down in it and killed. Similarly a big stone is on the road and some is collapsed and died. In these cases, the punishment is to pay compensation.

❖ **Punishment:**

- In the case of deliberate murder its punishment is “Essential”. Nowadays a false sympathy move is prevailing. Punishment is considered as brutal and hard heartedness. It happens that courts give a sentence for 20 years detention or life imprisonment. Later, after few years the prisoner is given pardon in the name of so called “Celebration of Independence” etc. God says:

وَلَكُمْ فِي الْقِصَاصِ حَيَاةٌ

{And there is life for you in retribution. (02:179)}

When the killer intends to kill somebody but if realizes that in case of murder I will also be killed. He will, therefore, restrain with his intensions and then he will never kill. Ultimately, two lives will be saved, one is murdered, and the other is assassin.

- In case of losing body parts proper care has to be taken. In this situation, the punishment should not exceed to the actual loss. Say for example someone has cut at the center of calf of the leg. Since it has not been cut at the joint therefore exact similar action cannot be taken. In this situation instead of punishment the party should be prepared for compensation.

❖ **Compensation:**

- According to ‘Fatawa-e-Aalamgiri’, for deliberate murder, murder by mistake, and murder for any reason, there are three types of compensations. The compensations are 100 camels, or 1000 Dinars, or 10000 Dirham (or equivalent to the present value in rupees).
- The compensation can be received from the family of the murderer gradually in three years. It is called “Aqilah” (عاقلة). Where there is no family the killer himself is supposed to pay the compensation.

