

Question 1892) - Explain the rules and amount of Diyah.

1. When a man kills another Shibhu 'Amad then the killer's 'Aqilah must pay Diyah Mughatlahzoh and the killer must give Kaffarah. According to Imaam Abu Hanifah RAH. and Imaam Abu Yusuf RAH. Diyah Mughaltozhah is 100 camels as follows - 25 Bint Makhad [female in second year]; 25 Bint Labun [female in third year]; 25 Hiqqah [in fourth year]; and 25 Jazaah [in fifth year]. There is no Mughollazh in anything besides shibhu 'Amad; and when Diyah is decided upon as anything besides camels then there is also no Mughallazh even in Shibhu'Amad.
2. In Qatlul Khata, Diyah is wajib upon the 'Aqilah and Kaffarah upon the killer. The Diyah here is in five groups - 20 Bint Makhad [female in second year]; 20 Ibn Makhad [male]; 20 Bint Labun [female in third year]; 20 Hiqqah [in fourth year]; and 20 Jaza'ah [in fifth year]. This Diyah is not Mughallazh.
3. Diyah in gold is 1000 Dinar and in silver is 10,000 Dirham.
4. According to Imaam Abu Hanifah RAH. there is only these three kinds of Diyah. According to Imaam Abu Yusuf RAH. and Imaam Muhammed RAH. Diyah is of these three categories as well as cattle, goats and clothing. If the court rules according to cattle, it will be 200 head of cattle, if goats then 1000, if clothing then 200 sets - each set being two pieces of clothing.
5. A complete Diyah of a life is wajib in shibhu 'Amad and Khata and is Mughallazh in the first case.
6. A complete Diyah - 100 camels - is due for cutting off a nose, tongue or penis.
7. A complete Diyah is due if one struck a man on the head, making him lose his mind.
8. A complete Diyah is due if one plucked or shaved a man's beard and it did not regrow.
9. A complete Diyah is due if one plucked or shaved a man's head and the hair did not regrow.
10. A complete Diyah is due if one hit a man or otherwise did such an act which resulted in him losing his eyebrows or eyes.
11. A complete Diyah is due if one cut both hands/feet/ears.
12. A complete Diyah is due if a man's lips or two middle incisors were cut; or a woman's two nipples were cut.
13. If one of these things were cut then it is a half Diyah.
14. A complete Diyah is due if the eyelids were cut. If one eyelid was cut then a quarter Diyah.
15. Each finger or toe, irrespective which is a tenth of a Diyah.
16. For every joint of a finger or toe which has three joints the Diyah is a third of the Diyah of the digit. Similarly it is half for every digit which has two joints.
17. If all the fingers of a hand are cut, or the palm is cut with the fingers, then it is half Diyah in both cases.
18. If the arm is cut up to half the forearm, then for the fingers and arm there is half Diyah. Excess is judged by a just person.
19. For an extra finger will be the ruling of a just person.
20. If a toe is cut off and an adjacent toe becomes as a result, then there is Arsh for the two and not Diyah according to Imaam Abu Hanifah RAH.
21. For every tooth there are 5 camels. Molars and other teeth are treated equally.
22. If a tooth is taken out and another grows in its place then the Arsh is forfeit.
23. If an organ is struck and becomes loses its use, then there is full Diyah just as if it was cut,

e.g. if an arm becomes paralysed or an eye is blinded.

24. If it is undetermined whether an eye/ tongue/ penis of a child does not function then the ruling of a just person is made.

~ al-Quduri ~