DATE: 16-4-26

[redacted]

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Roll No #:. F-23-1062

Subject:. Criminal Law II

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Assignment

Topic:. offence of Qaza

⇒ Not Specific to Zina → Not Qazaf.

Example 4 (valid Defence)
A accuses B but produces 4 reliable witness.

⇒ No Qazaf → Zina case many produce instead

Example 5 (Husband Case)

Husband accuse wife but no witnesses.
⇒ Lian applied.
⇒ NO Qazaf Punishment
⇒ Key case law Pakistan

You may refer to:
Cases interpreting offence of Qazf Ordinace 1979.
Court's emphasize:
Strict proof.
protection of dignity and honor.

Lian procedure (in marida case)

lack of intent

Ambigouous Statement (not clearly Zina

Example Exam-Oriented.

Example 1 (Weak Qazaf)

A says to B:

You committed Zina

No witnesses.

Qazaf established.

Example 2 (Implicit Qazaf)

A' says

This child is illegitimate.

Counts as Qazaf.

Example 3 (Not Qazaf)

A say

You are immoral

Important Concept.

Muhsan (Chaste Person)
A Person who:
is adult
Sane
Muslim
Has been Convicted of Zaina

2. Li'an (Mutal oath)
Special Case between husband & wife.
If a husband accuse his wife
But has no witnesses.
Both take oath in Court
Marriage is dissolved.
Hadd punishment avoided.

Defence Against Qazaf

A person accused of Qazaf can defend themselves by:
Producing 4 witnesses.
Truth (Valid proof of Zina.

under pakistani Law:

Two types of Punishment

1. Hadd Punishment

Applicable when

all strict conditions are fulfilled

Punishment

80 lashes

2. Tazir Punishment

Applied when Hadd is not met.

Punishment.

imprisonment (up to 2 years)

fine

or both.

Proof Required

To escape punishment of Qazf

the accuser must provided

four adult, Muslim male witness

witness must:-

Be truthful.

Have seen the act clearly

if the witness are less

than four → accusation becomes

Qazf.

False accusation

No. valid proof.

intent.

Accusation must be intentional.

Types of Qazaf

1) Explicit

Clear the direct accusation.

Example:

You committed Zina.

2) implicit

Indirect & Suggestive Statement

Example:-

This child is not your's father Son.

Punishment for Qazaf:

Under Islamic law

If strict proof requirements are met:

80 lashes.

Testimony rejected permanently.

Considered Fasiq

Disqualification of false accusers testimony.

Defamation under Pakistan law

under the Office of Qazf Ordinace 1979:
Qazf is committed when a person

Directly or indirectly imputes Zina to another person, or publish or spreads such an allegation. without lawful - justification or just

Essential ingredients of Qazaf.

To prove Qazaf the following elements must exist:
imputation of Zina.
Explicit (you committed adultery)
implicit (This child is illegitimate)
Against a chaste person (Mohsan Musnash)
Adult Sane Muslims known of Chastity

Assignment

Topic - Qazaf

To falsely accuse a chaste Muslims of Zina (adultery / fornication) or deny their legitimate lineage without proof.

In legal terms (under Islamic law and Pakistan's Hudood laws):
It is the imputation of Zaina to a person who is chaste. without producing the required four witnesses.

Legal Basis

Qazaf is derived from the Quran, particularly:
Surah An-Nur (24:4):
And those who accuse chaste women and do not produce four witnesses - lash them with eight lashes and do not accept their testimony ever after.
This verse establishes:
Punishment
Requirement of proof (4 witness)