

Brief of Judgment of Federal Shariat Court on Drinking Liable to Hadd

Vide Shariat Petition No. 02/I of 2006, the petitioner has challenged the punishment, under Article 8 of the Prohibition (Enforcement of Hadd) Order, 1979--prescribed for drinking liable to Hadd--which is whipping numbering 80 stripes. He has also challenged the punishment prescribed for attempt to commit the said offence under Article 25 of the said Order. He has contended that both the provisions are repugnant to the Injunctions of Islam. The impugned Articles are as under:-

“Article-8. Drinking liable to Hadd:- Whoever being an adult Muslim takes intoxicating liquor by mouth is guilty of drinking liable to Hadd and shall be punished with whipping numbering eighty stripes”.

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“Article-25:-Punishment for attempt to commit offence punishable under this Order:- Whoever attempts to commit an offence punishable under this Order to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall be punished, in the case of an offence punishable under Article 8, with rigorous imprisonment for a term which may extend to two years, and in other cases, with imprisonment for a term which may extend to one-half of the term provided for that offence, or with such whipping or fine as it provided for the offence or with any two of, or, all the punishments”.

The Larger Bench of Federal Shariat Court, comprising Hon'ble Mr. Justice Haziqul Khairi, Chief Justice, Hon'ble Mr. Justice Allama Dr. Fida Muhammad Khan, Hon'ble Mr. Justice Salahuddin Mirza and Hon'ble Mr. Justice Syed Afzal Haider thoroughly considered the petition in the light of Injunctions of Islam as contained in the Holy Quran and Sunnah of the Holy Prophet (صلى الله عليه وآله وسلم).

The said Bench, while dismissing the Petition, maintained that the punishment of Hadd of whipping numbering 80 stripes prescribed for any adult Muslim who is proved, beyond doubt, guilty of the offence of taking intoxicating liquor by mouth, liable to Hadd, is according to the Injunctions of Islam, as contained in the Holy Quran and Sunnah of the Holy Prophet (صلى الله عليه وآله وسلم). The Court also maintained the punishment of imprisonment or fine etc. as prescribed under Article 25 of the said Order is also in accordance with the Injunctions of Islam.

The said Petition was unanimously dismissed.