QUERY NO.: BHC-RC/DJ-06/2026

RESEARCH CENTRE, HIGH COURT OF BALOCHISTAN

COURT: **TASSAWUR NAVEED, ASJ**

SUBJECT: ***Payment of Diyat from the State Exchequer***

DATE: **Query Receiving Date:** April 9, 2026

Query Responding Date: April 11, 2026

BY: **RESEARCH CENTRE**

PROPOSED QUERY

In a case involving the offence of qatl-i-amd, the accused woman was acquitted based on a compromise; however, since the legal heirs of the deceased included minor children, the liability to pay Diyat could not be waived due to their minority, and she was consequently directed to pay the same. Owing to her indigent condition and absence of any movable or immovable property, she is unable to satisfy the Diyat amount. The learned trial Court, relying upon the judgment of the Hon'ble High Court of Balochistan reported as ***2020 PCrLJ 1562 (Bibi Zarghoona v. The State****), referred the matter to the Home Secretary for payment of Diyat from the State exchequer; however, the request was declined. The said judgment further observed that, in the event of the State's failure to pay diyat, the amount may be realised through the attachment and sale of State property.*

In the above circumstances, the following legal questions arise:

(i) Whether the judgment reported as 2020 PCrLJ 1562 (Bibi Zarghoona v. The State) still holds the field, or whether the same has been set aside, modified, or suspended by the Hon'ble Supreme Court of Pakistan?

(ii) If the said judgment remains operative, what is the scope and nature of the expression "property of the State" for the purposes of attachment and sale in satisfaction of diyat, and which categories of State-owned movable or immovable property may legally be proceeded against for such realisation?

(I) WHETHER THE JUDGMENT REPORTED AS *2020 PCRLJ 1562 (BIBI ZARGHOONA V. THE STATE*) STILL HOLDS THE FIELD, OR WHETHER THE SAME HAS BEEN SET ASIDE, MODIFIED, OR SUSPENDED BY THE HON'BLE SUPREME COURT OF PAKISTAN?

The judgment reported as ***2020 PCrLJ 1562 (Bibi Zarghoona v. The State)*** has not been challenged, set aside, modified, or suspended by the Hon'ble Supreme Court of Pakistan and continues to hold the field. The principle laid down therein that in cases where diyat remains unpaid due to indigence of the convict and the share of minor legal heirs cannot be waived, the State may be directed to arrange payment and, in default thereof, recovery may be effected through attachment of State property remains supported by consistent judicial precedent.

Note: The above-cited case was transmitted to the respective learned Trial Court for necessary compliance in accordance with the directions contained in the judgment.

(II) IF THE SAID JUDGMENT REMAINS OPERATIVE, WHAT IS THE SCOPE AND NATURE OF THE EXPRESSION "PROPERTY OF THE STATE" FOR THE PURPOSES OF ATTACHMENT AND SALE IN SATISFACTION OF DIYAT, AND WHICH CATEGORIES OF STATE-OWNED MOVABLE OR IMMOVABLE PROPERTY MAY LEGALLY BE PROCEEDED AGAINST FOR SUCH REALISATION?

The **Hon'ble Supreme Court in 2025 SCMR 776** has affirmed that where a convict is unable to pay diyat, recourse lies under the Diyat, Arsh and Daman Fund Rules, 2007, which provide structured mechanisms through the State-administered fund for satisfaction of such liability.

> *"Four types of remedies have been provided under Diyat, Arsh and Daman Fund Rules, 2007… namely (i) provisions of soft loans, (ii) grant out of the Fund, (iii) release on parole, and (iv) facilitation for jobs… the petitioner was at liberty to approach the administrative committee constituted under the Rules…"*

The liability of the State to facilitate payment of diyat in cases of indigent convicts is governed by the Diyat, Arsh and Daman Fund Rules, 2007, framed under section 338-G, P.P.C., which provide multiple statutory avenues, including soft loans, grants from the Fund, parole-linked facilitation, and employment assistance for satisfaction of diyat. Thus, the primary course is recovery through the institutional mechanism created under these Rules.

However, where, despite judicial direction, the State declines or fails to arrange payment, superior courts have consistently held that the Trial Court may proceed to recover the amount through attachment and sale of State property (movable or immovable) in accordance with law.

From 2001 YLR 533, the Lahore High Court has held that**:**

> *"…the Home Secretary… is directed to ensure the compliance of the said direction for deposit of Diyat amount… failing which the trial Court was directed to take necessary steps for the recovery and payment of Diyat by attachment/sale of State movable or immovable property in accordance with law."*

From **PLD 2002 Lahore 406:**

> *"…the Home Secretary… shall ensure that amount of Diyat… is deposited… from 'Bait-ul-Maal' or from any other fund… failing which the learned trial Court shall take necessary steps for the recovery of the amount of Diyat by attachment/sale of movable or immovable property of the State in accordance with law."*

Accordingly, the expression "property of the State" in this context is not confined to any specific category but extends to such movable or immovable assets under State control as may lawfully be subjected to attachment for satisfaction of diyat, particularly where payment is not arranged through statutory funds such as Bait-ul-Maal or the Diyat, Arsh and Daman Fund, 2007.

Note: The categories of State-owned property should legally fall within the scope of attachment, subject to judicial satisfaction and availability.
