
Judicial Approaches to Child Legitimacy in Pakistan: Statutory Interpretation of Article 128 of Qanun-e-Shahadat Order in Light of Islamic Law

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Abstract

The concept of child legitimacy is the most prominent issue to be discussed in the light of Islamic perspective and enacted law in Pakistan. The finding in this study is that the legitimacy of child under Islamic law is totally based on the legality of marriage and its period of time for childbirth during and after valid marriage contract. The period specified is not before the expiration of 6 (six) lunar months from the date of his legal marriage or within the period of two years after marriage or dissolution. In Pakistan, the legitimacy of child is dealt under the Qanun-e-Shahadat order (1984) and the landmark ruling of the superior court of Pakistan under the injunctions of Quran and Sunnah. Its importance is lead to inheritance, maintenance and succession from his parents. This article mainly focusses on Islamic laws related to legitimacy of child and opinions of the jurists in different Islamic school of thoughts. The rationale behind the Islamic concept of legitimacy is to avoid the child and his or her mother from denouncement of the society. Islam is always in favor of legitimization rather than illegitimacy. The implication of my research is that legal marriage is consider birth to the best generation because the consequences of illegal marriage will badly effect on new born generation. I have found that article 128 of the Qanun-e-Shahadat order 1984 didn't provide all the conditions about legitimacy of child so I will propose some necessary improvements and suggest making some space for the modern devices or modern techniques admissibility under article 164 of QSO in form of DNA test. If proper protocol is provided by article 128 then DNA test can be conclusive proof of legitimacy. I have also proposed my suggestion to determine the legitimacy of child especially in Pakistan by using a modern technology and from finding of the superior Court.

Keywords: Legitimacy, Child, Islamic perspective, Qanun-e-Shahadat, Islamic School of thoughts, valid marriage, Modern technology, superior courts

Introduction:

Child legitimacy is the most prominent issue in Pakistan to be discussed. Before discussing the topic in detail first we will be discussed about the concept of legitimacy that who are the legitimate child under Islamic law and Qanun-e-Shahadat order 1984 and who will be consider an illegitimate child. Under the Pakistani law the child is consider to be legal child if he is born with in six lunar months not before during marriage and within two years after the dissolution of marriage when woman remains not married during the specified time period. Child birth during legal marriage are conclusive proof of legitimacy of child unless a contrary appears or question arise of illegitimacy. Then the child will be legitimate with established paternity and maternity. Under Islamic law the maternity is by fact but the question of paternity is only be by a valid marriage contract. The child will be illegitimate if child born during not valid marriage contract between the father and the mother of the newborn baby under Islamic law and enacted law in Pakistan.

This article will also cover the status of DNA tests and their admissibility in the court of law. It also discussed that why court not accepted the DNA test especially in the cases of legitimacy of Child. Although Scope of DNA test is admissible under article 164 of QSO.

As per Sunni law the illegitimate child has no paternity while according to Shia law such child has neither paternity nor maternity as well. Paternity relates to the father of the child and maternity relates to the mother of the child, so there is no doubt on maternity because the mother are the one who give birth to a child and it is nominated and clear concept regarding maternity but the reasonable doubt are only originates sometime on paternity that who are the real father of that child born by the mother. In Pakistani law the father can refuse from child in different circumstances that I will discuss in detail in my research work. The father can refuse from child under two main conditions. Firstly, that a man refuses to own the child. Secondly, the baby was born after six lunar months expiration from the date when woman accepted that the iddat period had end.

Here is no conflict between the Islamic law and QSO (1984) on legitimacy of child because Pakistan is the Islamic state and shall not made any law to be repugnant with the injunction of Islam. Under Article 227 of the Pakistan constitution (1973) clearly stated that, all the present laws shall be brought in conformity with the principles of Islam as provided in the (Holy Quran and Sunnah) and no law shall be made which is against to the injunction of Islamic law.

Legitimacy of child under QSO article (128):

Article 128 of the Qanon-e-Shahadat order 1984 clearly stated the legitimacy of child. When the child is come during valid wedlock will be proof of legitimacy and it will be conclusive proof.¹ There are some

ingredients which are fulfilled then the child will be considered as legitimate child as follows;

- i. There must be a valid marriage
- ii. A child born during a legal marriage
- iii. Child born not earlier than six lunar months during marriage
- iv. A child shall not be born after two years in case of dissolution of marriage.
- v. Woman remain unmarried after dissolution for two years.
- vi. When husband has not refused to own the Child²

But here one problem arises that this article shall not be applied to non-Muslims so what will be the procedure for non-Muslims and under what law the legitimacy of child dealt in the court for non-Muslims and what will be the procedure of inheritance, succession and maintenance. So, answer to these questions that will be dealt according to the law provided by any other statute that is enacted in Pakistan and ruling of the superior courts in this regard.³

Qanun-e-Shahadat stated that a male / paternity of child can refuse to own the child but Qanun-e-Shahadat does not describe his condition and time period to refuse from child and does not specify the related provision.⁴

QADIR DAD (Petitioner)

Versus

EASAL and 4 others (Respondents)

In this case the husband divorced the wife in the year 1992 while child was born in the year 1991. Man remained alive till 2009 and he in his lifetime never challenged or disowned the paternity of child. Child born within a legal marriage and not before from six lunar months from the date of legal marriage or between two years after dissolution especially when the mother remained unmarried should be a conclusive proof that he/she will be the legitimate baby of that man. Where incorporation of late birth entry of the child was termed to be dubious, mere such circumstance was not enough to discredit the strong presumption of law and facts upon the paternity issue. And court dismissed the revision and passed decree about the legitimacy of child.⁵

Article (128) of QSO and Hanafi school of thought about legitimacy:

Where question arose as to paternity or legitimacy of child so conflicted opinion existed among the Jurist Muslim scholars as they discussed that what should be the last time period for extending child relates to his father born after the dissolution of marriage. Legislature had enacted Art. 128 of the Qanun-e-Shahadat, 1984, in Hanafi view about legitimacy according

to which, a child, born in six lunar months of marriage and in two years after marriage dissolution especially when the female remained unmarried, would be proof to legitimate and relates to his/her putative father.⁶ Said fact was regarded as last and accepted proof and no evidence could be admitted to refuse the same.⁷

Concept of legitimacy of Child under Muhammadan law:

Section 340 of Muhammadan law is stated as under:

Section 340 of Muhammadan Law:

Justification: For a conclusive presumption: The fact that a person was born during a valid marriage between his mother and a man, or within 280 days of its dissolution, especially if the mother is unmarried. If it remains, it is considered conclusive evidence. Therefore, he is the legitimate son of this man, unless it can be proven that his spouses had no contact with each other at the time of his possible removal.⁸

Concept of Paternity and maternity:

The term paternity and maternity directly relate to their legal parents, both father and mother when baby born during a legal wedlock (sahih marriage). Under Islamic law the term paternity relates to the legal relation of baby with his/her father. The maternity relates to the lawful relationship of baby with his/her mother. These two terms create a legal duty upon their father and mother in the sense of maintenance, succession, inheritance etc. The maternity directly relates to the child and mother so there is no any problem arise about the maternity because mother give birth to the baby and she declared the mother of that new born baby. But in mostly cases the question arise on the paternity of child during the process to declare the child legitimate or illegitimate.

Rights of illegitimate child under Sunni law:

Mostly there is no doubts in maternity but sometime the paternity come in question after birth of baby. If baby is born without legal marriage contract (wedlock) then Sunni law declare the rights of child from his mother and maternal sides of the child. The child is declared illegitimate because the relations of the child and his father are not cleared. Sunni law established his all-legal rights, even the right of maintenance and inheritance only from his mother and all the relatives related to his mother. This concept totally based on the legal maxim "*Commudum ex injuria sua nemo habere debet*" meaning that a person who do wrong shall not be enable by law to take benefits from his action.

The illegitimate child has no rights from his paternity and his all relatives because the paternity is manipulated and even no knowledge of his real father. So, there is no right of illegitimate child related to his paternity, however it specifies the right with his maternity and their relatives because child needs some proper maintenance and its basic needs like food, clothes and shelter etc. The logic behind the determination of the right of illegitimate child is that the child is born innocence and free from all sins and the child must not punished for the acts of his mother. This lines and concept find support from the Quranic verse as follow;
 “No bearer of burdens will bear the burdens of another”⁹

Hanafi school of thought:

Under Hanafi school of thought the time period required for legitimacy of child is 6 lunar months and during two lunar years in case of marriage dissolved when the woman remains unmarried. The two different verses of the Quran specify the period of legitimacy as under;

i. Surah Luqman ayah 31:14

Translation: (We have commanded people to honor their parents. Her mother went through one hardship after another and it took two years to wean her. Please thank me and your parents. It's the final return for me).¹⁰

ii. Surah-Al-Ahqaf ayah 46:15

Translation: We commanded humans to be kind to their parents. His mother gave birth to him in pain, and she gave birth to him in pain. It takes 30 months to carry a child until weaning. And when he reaches full maturity and reaches the age of 40, he prays: A title deed that you would want and which would also claim my rights as a deceased person. I am one of those who repent of you and gratify you.¹¹

According to Hanfi School a baby born in legal marriage is of his parents, even if the male parent had no excess to his wife. The child will be considered legitimate, and all their legal rights shall be established from their parents (Both parent male and female) of that baby. Hanafi School declared the rights of illegitimate child relates to his mother and their maternal relatives only. He/ She has no rights from his paternity side.¹²

Shafi and Maliki School of thought:

The Shafi and Maliki School of thoughts are same opinion in time period required for the legitimacy of child. Under these Two School of thoughts the time period required for the legitimacy of child is 6 lunar months during marriage and during 4 lunar years in case of when marriage is dissolved especially when the woman remains not married. The child will be considered legitimate if he is born within 4 lunar years and his/ her

all rights shall be established as legitimate child. Shafi and Maliki Schools declared the rights of illegitimate child related to his mother and their maternal relatives only. He /She has no rights from his paternity side.¹³

Hanbali School of thought:

Under the Hanbali School of thought the time period required for the legitimacy of child is 6 lunar months during marriage and during 7 years in case when marriage is dissolved especially when the women remain not married. The Hanafi School declared his all their legal right from his/her father and mother and both their relatives regarding the inheritance, maintenance and succession etc. Hanbali School declared the rights of illegitimate child relates to his mother and their maternal relatives only. He /She has no rights from his paternity side.¹⁴

Rights of illegitimate child under Shia Law:

The Shia laws are stricter than Sunni law. There is different School of thoughts in Shia law and their opinion regarding the legitimacy of child. When the child is born without legal wedlock or legal marriage then the child will be considered illegitimate. The time period specified for the legitimacy of child in 6 lunar months during wedlock and 10 lunar months after when marriage is dissolved and woman remain not married in specified time. There will be no rights declared for illegitimate child under Shia law. The illegitimate child has no rights on inheritance both form their paternity and maternity.¹⁵

Concept of legitimacy of Child in Quran and Sunnah:

The concept of legitimacy of child is very clear from the verses of the Quranic verses and Sunnah of prophet (S.A.W). The shortest time of gestation in Quran is six lunar months and the longest period of gestation is about years mentioned in different ayah.¹⁶ According to Quran and Sunnah the normal duration of child birth is in 9 months. And according to hadith that on the Day of Judgment the child is calling by their mother's name, but this hadith comes in the status of Zwaef category. However, Allah will not capture one person by the act of another. From the following ayah the concept of legitimacy will be clear.

Surah-Al-Najam Ayah 53:38

Translation: (And those who bear burdens do not bear the burdens of others.).¹⁷

Surah-Al-Isra Ayah 17:32

Translation: (Additionally, you must not engage in illegal sexual activity. Because it is always immoral and evil.).¹⁸

Here the Quran verses directly indicate the legal marriage of man, and woman and the child born from the result of legal sexual intercourse from the womb of the mother within specified period of time. And when the child born beyond the legal wedlock then the child born free from all sins and he / She declared innocent by Allah so gave the right and deal the illegitimate child like a normal child and gave respect in each and every place because the child come from the bad act of their parents not their own act.

CASE STUDY:

1. ZAHEER AHMAD VS MST. NASIMA BIBI, NASIM BIBI AND 3 OTHERS

In this case, the child was born on 11 July 2004, and the couple had not lived together since 12 February 2003, raising the issue of child support. He was born five days after the escape, aged 11 months. The father refused to raise the child. There was no evidence on record to support the father's statement that the child was illegitimate.¹⁹ The court's decision is based on Islamic orthodox law and Sunni ideological principles, and fully upholds the Islamic precept that a child born within six months of marriage or within two years of dissolution of marriage is considered a legitimate child. It was based on rebutting this presumption, the father must prove that his child was born within six months of his marriage or more than two years after his divorce. Therefore, the court decided that even if a child is born out of wedlock, paternity and maternity will be maintained in accordance with Islamic law and Article 128, which provides for Qanun-e-Shahadat, the period of two years after marriage. A simple refusal does not affect the status of legitimacy and in Islamic law "the child obeys the bed"²⁰.

2. MUNIR HUSSAIN VS RIFFAT SHAMIM AND OTHERS

In this case the court deal the suit for declaration challenging paternity of a child. Suit was filed about seven months after the death of the child's father Azhar Hussain and at a time when the child was aged about 17 years. Admittedly child was brought up by her father and his wife (the respondent) as their daughter and as long as Ahmad Hussain lived, the child's paternity was not questioned by the plaintiffs/petitioners who, for the first time, did so after her father death. Respondent/mother testified that the child was her and Ahmad Hussain's daughter. Petition for leave to appeal and application were dismissed and declare that the child legitimacy shall not challenge after the death of the father of child. In this case the legitimacy challenged after seven months of the child father death and child was seventeen-year-old at this stage.²¹

Related provisions in the Pakistan constitution:

Article 35: The state protects the family, marriage, and mothers and children. But here are not specified the relation of child to either the child legitimate or illegitimate so in my suggestion there must be a specified for illegitimate child to specify their rights.²²

Article 25 (3): This article does not preclude States from making special arrangements to protect women and children. So here are specified that state can make laws for the protection of woman and children but here not specified the illegitimate child in my suggestion the state should make separate laws for the protection of illegitimate child as Islamic law declared the right of illegitimate child in this regard.²³

Status of DNA test under Islamic law:

The Muslim jurists did not find any explicit prohibitive text in the Qur'an or Sunnah that bars the use of DNA testing for investigating biological parentage.²⁴ However, many jurists and courts emphasize that DNA testing should not be used to override established Shari'ah-based rules of nasab, especially the presumption linked to lawful marriage (al-walad lil-firāsh), because lineage rules aim to protect family order and the dignity of mothers and children and to avoid destabilizing settled paternity on mere claims.²⁵ Islamic law therefore gives priority to the classical legitimacy framework and treats DNA, at most, as supportive/auxiliary proof in limited circumstances rather than a routine tool to negate legitimacy.²⁶ Islamic law provides rules for legitimacy from the Qur'an and Sunnah and discusses the relevant time frames during marriage and after dissolution; under Pakistani codification reflecting the Hanafi position, legitimacy is conclusively established when the child is born after six lunar months of valid marriage or within two years after dissolution while the mother remains unmarried.²⁷

Status of DNA test under law implemented in Pakistan:

DNA test is admissible according to Pakistan law under article 164 of the QSO stated that "In such cases, the court, in its discretion, may admit evidence made available by modern technology or equipment as it deems appropriate and necessary. Only if convection is allowed based on modern equipment or technology."²⁸

It can be easily determine the parentage of the child but the court not allowed the DNA test because court follow the Islamic concept of legitimacy of child in this regard however Islamic law does not prohibits the DNA test but due to the error and court motto the court not accept the DNA test in Child legitimacy born during marriage a period of six lunar

month and during two years after when marriage is dissolved and woman remain not married.

Even so, Pakistani courts commonly refuse DNA testing to defeat the conclusive presumption of legitimacy where Article 128 applies, because the law and judicial policy strongly prefer protecting legitimacy and preventing stigmatization of the child and mother.²⁹ In most cases, the courts lean toward legitimacy rather than illegitimacy because this is a sensitive issue and a minor error or omission can seriously harm the child and related persons.³⁰ Courts also recognize that DNA testing is not the only mode to address parentage-related issues in civil litigation; parentage questions may be proved through oral and documentary evidence depending on the facts, and compelling DNA testing can have serious consequences.³¹

CASE STUDY:

1. SOHAIL ABBASI VS MST. KHUSHBOO AND OTHERS

In this case Suit file for maintenance allowance of minor, dissolution of marriage, and Legitimacy of the baby born after marriage dissolution. The father of the child request for DNA test.³² Legislature had enacted under Art 128 of QSO 1984, related to Hanafi view Therefore, if a marriage is dissolved, children born within six lunar months and within two years of marriage, especially if the mother remains unmarried, are considered legitimate and have the same rights as the mother and father become.³³

Article 164 of Qanun-e-Shahadat order 1984

Said facts were regarded as conclusive proof and no evidence could be admitted refuting the same. In view of the said principles, the legal framework of paternity did not leave much space for the admissibility of DNA evidence. In the present case since legitimacy of child had been established as son of the petitioner/defendant therefore, it was his duty to maintain his son according to his financial status Family Court had fixed maintenance allowance of minor keeping in view the financial status of the petitioner/defendant. No illegality or irregularity was found in the concurrent findings passed by both the Courts below. Constitutional petition was dismissed, in circumstances and did not allow the DNA test and it is proved that appellant is father of minor and if it is so, a father has to maintain his child according to source of his income.

2. ROSHAN ARA AND OTHERS (APPELLANTS) VS ABDUL KARIM AND OTHERS (RESPONDENTS)

In this case the Legitimacy of a child and Proof of DNA test here arise that deceased person sisters filed an application for conducting DNA test of minor son of the deceased person that he is the adopted son and he shall not be entitled for inheritance. Application for conduct of DNA test and

objections are dismissed and succession certificate was issued in the favor of petitioner. In this case father was not challenged that deceased is not mother of the minor child. Defendant has failed to challenge the official record evidence of National Database and Registration Authority and other evidence in front of the Court. DNA test is not to be a sole proof to find the real father of a child. Trial Court refused to conduct DNA tests, in these circumstances. Respondents had made a false accusation to the paternity or legality of a child to deprive him from property or inheritance. Appeal was dismissed by the court.³⁴

3. Mst. SAFIA BIBI and another (Petitioners) Versus MUHAMMAD AKBAR and others (Respondents)

In this case it was held that the Constitution of Pakistan, Art 14 Inviolability of dignity of man and discuss the status of DNA test. Then must have Consent for conduct of such test. No person lawfully forces for extracting the blood sample for DNA test. If a person does not give consent for DNA test, then he shall not compel for the test as such test as such compelling may become to violate his personal liberty of a person. Court have power to order for DNA test or any other blood test in situation to obtain the right knowledge of the allegation made but such order must be passed by the consent of party. Such order cannot be made in daily routine. When compelling someone by force for DNA test may have serious consequences. Application for (DNA) test is dismissed.³⁵

4. MUHAMMAD NAWAZ (Petitioner) Versus MST. SHAMIM MAI and 4 others (Respondents)

In this case Suit file for recovery of dowry articles like dower amount and maintenance for herself and minors. The two minor daughters are disowned by the petitioner. Appellate Court order to validate Birth certificates of two minor girls which should be brought on record. Which clearly shows that the minor girls were born when plaintiff was the legal wife of defendant and he did not claim anything that time. Husband said that one minor girl is not born during the marriage and take a plea. Husband remained silent for DNA test till submission of all documents. Once the consent was not given the DNA Test cannot be conducted. So high court dismissed the petition.³⁶

5. MUHAMMAD ASHIQ (Petitioner) Versus RANI BIBI and 3 others (Respondents)

In this Case wife and husband enjoy the marital life. When the child becomes 2 months and after 30 days husband divorces her. Child shall

follow the bed (principle of firash)³⁷ when the child is born during the legal wedlock of marriage than legitimacy of a child cannot be come in question. Husband himself declined to offer for DNA test which had created doubt in his claim. Minor now attained the age of majority and minor was born within the legal marriage of his parent. So, he was entitled for maintenance allowance for the time period of 18 years.³⁸

6. SHAMSHAD BIBI (Petitioner)

Versus

RIYASAT ALI and others (Respondents)

In this case Shamshad Bibi give application for his legal share from his father property. Respondent refuse that she is not the daughter of the deceased and file application for DNA test to check legitimacy of the deceased. Petitioner said that he is derived from his legal share from his father who has attained three marriages. But during the lifetime not challenged any of issue but now give an application for DNA test filed by respondent stood dismissed.³⁹

Recommendations:

The legitimation of child issue is nowadays the most prominent issue in Pakistan. I conclude my topic by giving some necessary recommendations.

1. In article 128 of QSO only specified the legitimacy of child to the extent of time specified during and after the marriage but did not specify the status of illegitimate child born during the lawful wedlock.
2. There should be a special law for determination of legitimacy of child and make a special provision in this regard.
3. In modern era there are different modern techniques to determine easily the legitimacy of child in the shape of DNA test if proper protocol provide by the law.
4. When the child is born illegitimate there is no fault of the child itself, but it comes to the result of wrong act of others so, there shall be special regulations to declare the rights of illegitimate child.
5. Islamic laws provided the legal rights of illegitimate child but there are a clear distinctions and difference of opinion regarding

the legal rights of illegitimate child so there shall be clear provisions regarding the rights of illegitimate child.

6. Only woman is not able for a good maintenance of the child so there a man shall make also responsible for this act. If a man refuses to own a child and said that the child is illegitimate, then a strong proof shall be necessary to prove the illegitimacy of child.
7. When the illegitimacy not proved by the person than there shall a specified exemplary punishment for such blame.

Conclusion:

In the conclusion of this article and summarize all the above discussion about the legitimacy of child, which is totally based on the Islamic law, conventional law of legitimacy of child, superior courts orders and status of modern technology. Child is considered to be legitimate if he is born within six lunar months not before, during marriage during two years after when marriage is dissolved and woman remains not married during in specified period. Child birth during legal marriage are last and solid proof of child to be a legitimate unless a contrary appears or question arise of illegitimacy. Mostly there is no doubts in maternity but sometime the paternity come in question after birth of the child when father denied to own child. In most cases Child legitimacy come in question after the death of the child father and after the divorce of the woman. There is no doubt in Article 128 of qanun-e-Shahadat order 1984 which is the summarize form of Islamic law of legitimacy but here are some flaws that will be discuss in the last. The article 128 of QSO and legitimacy of Child under Islamic law are mainly focused on duration of baby born during legal wedlock and after marriage and specified its period that is not before from 6 Lunar months during marriage and during 2 years after when marriage is dissolved and woman remain not married during these two years will be the solid proof of legality of child. Islam allow the husband/ male to denied from the child but provide strong evidence that the child is illegitimate. Court always goes for the legitimacy of Child in most cases because a single and minor error can ruin the life of the child and their relatives. There is no space for DNA test as a modern technology and cannot accepted in a court when legitimacy come in question. I have studied many recent case laws but I have not found any single case that should be deal in accordance with proof of DNA test. Court did not allow the DNA test to prove the Legality of the baby. DNA test might could be determine the parentage of the child in this

regard. There is no special law that provides the rules and procedure to follow in the case of legitimacy of child because article 128 of Qanun-e-Shahadat did not provide a clear procedure.

References

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- ¹⁶ Muḥammad Shafi‘, *Ma‘ārif al-Qur’ān* (tafsīr) on Qur’an 46:15, explaining that 30 months (bearing + weaning) minus 24 months (weaning) = 6 months as the *minimum* pregnancy, and noting that the Qur’an does not fix a *maximum* pregnancy length,
- ¹⁷ Quran verse 53:38
- ¹⁸ Quran verse 17:32
- ¹⁹ 2007 CLC 1145 (Lahore High Court) (reported).
- ²⁰ Ṣaḥīḥ al-Bukhārī, “The child is for (the owner of) the bed (al-walad lil-firāsh),” ḥadīth no. 6817,
- ²¹ 2023 SCMR 6 (Supreme Court of Pakistan). Quoted in a publicly hosted judgment on the Sindh High Court case-law portal (quoting the Supreme Court’s holding and facts, including filing after the father’s death).
- ²² Constitution of the Islamic Republic of Pakistan (1973), Art. 35 (“The State shall protect the marriage, the family, the mother and the child.”), National Assembly of Pakistan (official compilation), as modified up to May 31, 2018.
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- ²⁸ Pakistan, *Qanun-e-Shahadat Order, 1984*, art. 164 (modern devices/techniques evidence), quoted in official-court material and reproduced in Sindh High Court case-law portal order explaining Article 164’s scope
- ²⁹ *Ghazala Tehsin Zohra v. Mehr Ghulam Dastagir Khan*, PLD 2015 SC 327, discussed in SAHSOL (LUMS) case note and analysis emphasizing that DNA

should not be used to defeat the settled presumption of legitimacy where Article 128 applies

- ³⁰ MJM Alam, “DNA test denied” (case-note style PDF quoting Supreme Court’s reasoning on protecting dignity of women/children and legitimacy under Article 128),
- ³¹ Amir Mahmood Chaudhry et al., “Legitimacy Status and Admissibility of DNA Testing for Determination of Legitimacy,” *Journal of Research Society of Pakistan* 59, no. 2 (2022): 141–, explaining why courts avoid DNA testing where legitimacy is conclusive proof and noting oral/documentary proof routes, https://pu.edu.pk/images/journal/history/PDF-FILES/5_59_2_22.pdf.
- ³² *Sohail Abbasi v. Mst. Khushboo*, 2021 CLC 1904 (Lahore High Court),
- ³³ Qanun-e-Shahadat Order, 1984 (Pakistan), art. 128 (“Birth during marriage conclusive proof of legitimacy”). Quoted in Hiba Fatima Hassan, “Does Muslim Law Allow Husbands to Deny Paternity to Their Children?,” Shaikh Ahmad Hassan School of Law (SAHSOL), Lahore University of Management Sciences (LUMS),
- ³⁴ *Roshan Ara v. Abdul Karim*, 2020 CLC 1670 (Sindh High Court), available via Sindh High Court case-law portal, <https://caselaw.shc.gov.pk>.
- ³⁵ *Mst. Safia Bibi v. Muhammad Akbar*, 2018 MLD 407 (Lahore High Court), discussing consent requirement for DNA testing.
- ³⁶ *Muhammad Nawaz v. Mst. Shamim Mai*, 2017 CLC 1199 (Lahore High Court).
- ³⁷ *Ṣaḥīḥ al-Bukhārī*, ḥadīth no. 6817 (“al-walad lil-firāsh”),
- ³⁸ *Muhammad Ashiq v. Rani Bibi*, 2017 MLD 1228 (Lahore High Court).
- ³⁹ *Shamshad Bibi v. Riyasat Ali*, 2018 CLC Note 18 (Lahore High Court).