

Research Report

Challenging Myths and Misconceptions : Communicating Women's Rights in Islam

(Reproductive Health and Islam)

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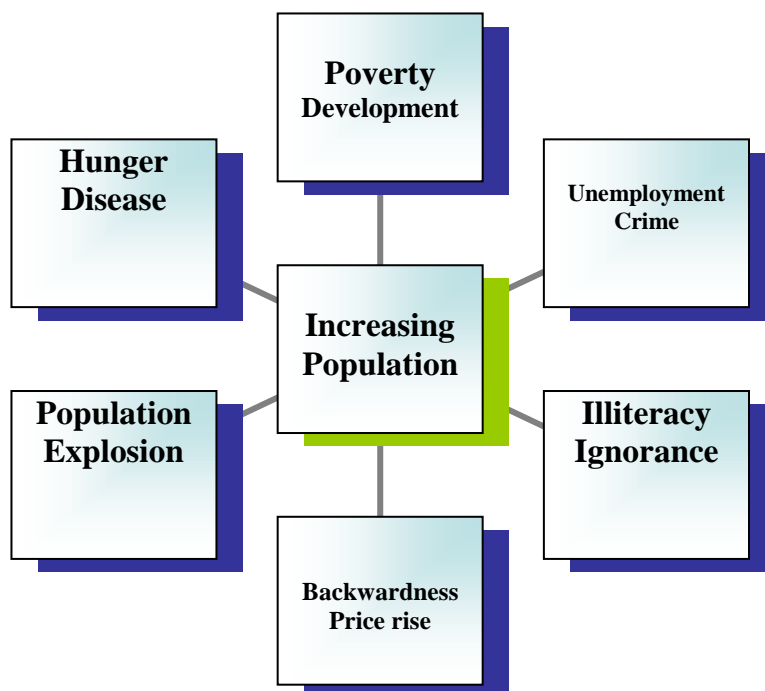
“ Those who submit to God and accept the true Faith; who are devout, sincere, patient, humble, charitable, and chaste; who fast and are ever mindful of God – on these, both men and women, God will bestow forgiveness and a rich recompense.”

The Quran: Chapter 33 (Al –Ahzab) Verses 33-35

When Allah commands both men and women alike, why this discrimination against women?
It's a question of a woman's health, her life
The betterment of her and her family's life

Introduction

Issues like reproductive health, reproductive rights, population, family planning and birth control have got entangled in a web of myths and misconceptions. On the one hand, these issues are being used to spread hatred and on the other to control a woman's fertility.



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People usually say that it is because of its population that India faces so many problems. Some call it a ‘population explosion’ while some others say it’s a ‘bomb’. Some call India’s population a ‘monster’ and others say it is the root cause of the country’s problems. People also feel that if we manage to stabilize our population, we’ll be able to solve most of our problems. This seems to be the general perception. But, this perception needs a careful scrutiny. First, there are many countries apart from India where the population is growing at a fast rate and yet these countries continue to grow economically. Second, while our population has tripled since Independence, our food-grain production has gone up more than four times as a result of the technological advancements made in our country. There has been a steady decline in the total fertility rate in the last 50 years – from 5.3 in 1970 to 3.5 in 1994. One also feels that the population has gone up because the death rate has also decreased over the last 50 years.

However, should we just look at population as a construct of numbers? I believe, any examination of the ‘problem’ of population has to be related to people’s lives and not just an obsession with controlling numbers. In this context, the issue of women’s health and reproductive rights becomes very important. In India, women’s voices on this issue have been marginalized. In the case of Muslim women in particular, there are many misconceptions and myths about Islam and women’s rights, notably reproductive rights. These misconceptions exist both within and outside the Muslim community. Misconceptions within the community are clearly different from those held outside the community and have a different motivation. For example, misconceptions outside the community are at times used to fuel the politics of hatred. In contrast, within the community, they have been used as a tool to control poor Muslims and especially Muslim women. Hence, there is an urgent need to dispel these misconceptions and myths and to appraise both Muslims and non-Muslims alike about the interpretations of Islam and the meaning of these within the context of women’s reproductive rights in particular.

In fact, both the views described above are misconceptions and misinterpretations and many have acknowledged the rights of women in Islam. Although I am not a religious scholar, my reading of the Islamic texts and interpretations suggests that today, Muslim women are not able to exercise even the rights given to them in the true tradition of Islam. They have not been allowed to experience the dynamism of Islam.

In the following pages of this presentation, I have tried to look at issues of reproductive health and rights keeping this background in my mind and from the women’s

perspective through their eyes. I firmly believe that until we do not see these issues from their perspective, we would only see these as narrow issues of two communities and two sexes only. We will miss the inherent bias and power operations. Therefore, it is very important not only to challenge myths and misconceptions but also firmly dispel them. Only then, will we be able to counter a hate ideology and give a basis for gender just social relation.

There are so many ways to achieve a goal. Every way is complimentary to each other. To dispel the misconceptions and myths, I have chosen a different path. I have looked at the pain of women and have tried to search for the answer in the broader framework of religion i.e. Islam. I think, it will serve many purposes, namely- 1) it will dispel misconceptions and myths about Islam, 2) put the perspective of Islam in relation to reproductive rights, 3) counter anti-women attitude of Muslim men, 4) provide a tool to Muslim women and 5) create a healthy and gender just relation for Muslim women.

It is well documented that population is not a neutral category of information. There is a politics of number that shapes the way population is understood. This is evident in perceptions that prevail about Islam and its relationship with growing numbers.

Reproductive Rights and Islam

There are many misconceptions and myths both within and outside Islam. In this section, I would like to highlight some of the popular beliefs, the conjunction of ICPD Conference in Cairo and what Islam says about reproductive rights of women. I also bring stories of men and women as well as those who work with women and Islam's take on use of contraceptive through my conversations with leading clerics.

If we keep an open mind, we may see things which can bring about a change, not only in the thinking of Muslims but also other communities.

Population and the politics of numbers

There is a strong belief that a few castes and religious communities are responsible for the country's burgeoning population. This issue gained prominence in 2004 after data on religious communities was published in the Census report. Citing the new figures published in the report, some organizations subscribing to Hindutva ideologies began to assert that the Muslim and Christian population in India was increasing, while the numbers of the Hindus were declining. Raising slogans like "If the numbers of the Hindus decline, the country disintegrates, to save the country, save the Hindus" these groups warned that a day would

come when the Hindus would be reduced to a minority. That would be a dangerous day for India. India would disintegrate.¹

Proponents of this view contend that increasing its numbers is a basic tenet of Islam. This is the reason why the Muslim population in the country is increasing. They say that Islam rejects the idea of a small family because it runs contrary to its basic tenet. That is why Islam is opposed to the idea of birth control and family planning as well as the use of contraceptives.¹

As a result, there will be Muslims all around, not only in India but the entire Indian subcontinent. This idea has given rise to another slogan, “They are 5, they will have 25”, suggesting that a Muslim man has four wives who give birth to 25 children.”² This idea can be seen articulated on walls and in many publications in the form of slogans like “Muslims have only this one chant, we are 5, and we’ll have 25”.²

The Chief Minister of Gujarat, Narendra Modi, stretched the figure of 25 to 625 by saying “From 5 to 25, from 25 to 625”.³ The extent of his hatred extends beyond this particular slogan. He also said things like “the relief camps for those affected by the riots have become centers for producing babies” or “some people don’t want to control the population, they need to be taught a lesson” or “it is because of them that development is not yielding results. As a result, the ranks of those who repair punctures are swelling”.³

Or see how a character (a policeman) in a novel written by Vibhuti Narayan Rai, a few years ago, remarks “These *katua* (derogatory term for a circumcised male) do nothing else except produce babies. They reproduce like rats and die”. This shows how deeply internalized these myths are. The character continues, “And finally, a day will come when Muslims will outnumber Hindus.”⁴ The increase in Muslim population is dangerous because it can lead to the creation of another Pakistan.⁵

The result of all this is that even ordinary people start believing these views and a particular community begins to emerge as a villain in their minds; a villain who is responsible for every problem, every wrong, every difficulty. And this image then becomes the basis for judging patriotism. A reader once wrote to the editor of a newspaper, “Today, a growing population is the main problem. Our Muslim brethren are no less responsible for it. One family has eight to 10 children. Don’t they love the country?”⁶

It is this kind of thinking that leads to divisive ideas and hatred. It manifests itself at different times in different ways in society. These ideas are also being provided a rational

basis. No wonder we see these ideas reflected even in scientific papers. An essay published in 'Arth Vigyan' says, "In Islam, the institution of marriage rests on a contract. This contract allows every Muslim man to marry four times. In Islam, marriage is seen not only as a means of reproducing but also increasing the number of believers."⁷

During my conversations with a range of people, including social workers, doctors and health workers, certain ideas emerge reflecting how they view a particular community. For instance:

- If the Muslim population keeps growing the way it is, one day they will outnumber Hindus (a nationalist cultural activist)
- Say what you will, Muslims don't believe in family planning. They are quite fanatical about it. They say their faith doesn't allow it. (a progressive social worker)
- I have found a great resistance to the idea of family planning among Muslims (a gynaecologist)

These observations and comments by people connected with different fields are not off the cuff remarks. This is the way people think. Some articulate these views very openly while others do it in moments of provocation. These ideas are part of the anti-Muslim politics. No one tried to determine the truth. All these ideas were accepted as rumours and hearsay i.e.

- The Muslim population is increasing very rapidly
- In a few days, Muslims will outnumber the Hindus and the country will get divided
- Islam advocates an increase in its numbers
- And so Muslim men marry four times
- Muslims don't adopt any family planning methods

The way some within the Muslim community have represented Islam's position on issues like birth control, family planning and contraception strengthens the above mentioned arguments. This section of the community rejects the concept of family planning. Maulana Syed Abul A'la Maududi, a great scholar of the Indian subcontinent and the founder of the Jama'at-e-Islami wrote a book 'Islam aur Zabt-e-Wiladat' (Islam and Birth Control) in 1935 which he himself published in 1943. The essence of this book can be understood in the words of the Maulana, "The concept of birth control is totally opposed to the principles of Islam. One of the objectives of Islam is to eliminate the ideas that have given rise to the birth control movement."⁸ This book by Maulana Maududi presented to the Muslims, at least in the Indian

subcontinent, a strong argument against birth control and family planning. No wonder, even 65 years later, this book is being sold in the market. The influence of this book can be seen even today in the arguments of that section of the clerics who are opposed to birth control and family planning. There are many other similar books and articles.

Some of the more common arguments against birth control and family planning are:

- This is an import from western culture
- Islam doesn't allow for any such idea
- The methods are illegitimate
- This is a conspiracy against the Muslims
- It is an attempt to control their numbers....
-so that they don't become powerful
- It will give women a free reign
- It is a conspiracy to encourage immorality

So, the Muslim community is facing a two pronged attack. On the one hand they are being alienated and projected as enemies of the nation. On the other, there are forces within the community which regard family planning and birth control as being anti-Islamic. Even those who are trying to knit together ideas of development, family, women and children are falling prey to such notions.

In a way, what is happening within the community finds a resonance in developments in the larger world. It provides ample material for forces outside for their propaganda against the community.

But, in the midst of these arguments, what does the woman, whose body is made the battleground for these ideas, have to say? Where is she? What are her views? What are the problems she faces? Is she just meant to be used for procreation? Is she just a child bearing machine? It seems that in the mainstream discourse on family planning, both within and outside the community, there is no place for a woman's life, her identity or her opinions. How can one talk of reproductive rights and health in an environment where a woman's existence is not even recognized. Is it possible to conceive of a society or a family where the voice of one half of society is not heard?

Women's Voices not Heard

As we have seen earlier, women are always excluded from any discussion on the issues of family planning and birth control. They are kept out of the discussions citing either religious reasons or the society at large. Are Muslim women entitled to reproductive rights? Will population only be understood in terms of increasing numbers or is there a human aspect to it as well? Is there any place for real human beings in the politics of numbers?

I believe 'population' has a human aspect as well. Population is directly linked to a woman's body, her health, her very life. If somebody contends that family planning is anti – Islamic, then we also need to see if Islam has anything to say about improving relations between men and women, about how women should be treated. Is a Muslim woman entitled to more than what she gets in reality? Above all, is Islam really opposed to the idea and methods of family planning, of women's health and the nurturing of children? Actually it is the belief that men are superior to women that is responsible for the disempowered status of women. This view is called patriarchy. Its effects on religious beliefs are very clear.

When the politics of the womb gets transformed into a politics of numbers, women get marginalized. However, we shall talk of women here because it is a woman who bears a child. It is she who has been blessed with a womb. It would be a gross violation of her human rights if she was not allowed control over its use.

Whether it's a religious scholar or an ordinary person, *Parivar Niyojan* or family planning has commonly been understood to mean *nasbandi* or surgical sterilization. They equate birth control or family planning with termination of pregnancy. Planning is understood only as *nasbandi* or sterilization. While this has been the most popular birth control method, it is largely the women who have been subjected to sterilization.

While both men and women are responsible for a woman getting pregnant, men have distanced themselves from the responsibility of controlling it. Since the womb is in a woman's body and her status in family and social matters is inferior to that of men, she is the one who is burdened with the responsibility of controlling the birth of babies.

The way sterilization was promoted during the Emergency and the coercive manner in which it was done meant that it became synonymous with the idea of family planning. It did great disservice to the concept of family planning and particularly harmed women's lives and health. So every effort should be made to debunk these myths and misconceptions as quickly as possible. Therefore it would be better to talk of reproductive health and rights of which family planning would just be a part.

Reproductive Health and Rights

The phrase 'Reproductive Rights and Health' became well known after the International Conference on Population and Development (ICPD) took place in Cairo, Egypt in 1994. According to the ICPD, "Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and its functions and processes."

- Reproductive health therefore implies that people are able to have a satisfying and safe sex life
- They have the capability to reproduce.....
- ...and the freedom to decide when and how often to do so.

"Reproductive rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so. They also include the right of all to make decisions concerning reproduction free of discrimination, coercion and violence, as it is mentioned in the Human Rights Charter."

Every country should ensure that men and women have access to health services on an equal basis.⁹ India is also a signatory to the program and its objectives that were formulated at the Conference. This would imply that the reproductive rights and health that were discussed at the ICPD should be made available to all Indian men and women, especially women since the ICPD recognized the existence of gender discrimination and talked about eliminating it.

During the course of the ICPD conference and even later, efforts were made to suggest that the issue of reproductive rights and health goes against the principles of Islam. It was raised even during the International Women's Conference in Beijing in 1995. Numerous Islamic states and Christian fundamentalists opposed many of the proposals made at the two conferences.¹⁰ The ICPD for the first time spoke of reproductive health within the framework of human rights and built a consensus on eliminating gender discrimination. This irked the fundamentalists. They contended that within the institution of marriage, Muslim women were not entitled to equality and reproductive rights like other women did.¹¹

This was a new challenge faced by organizations that work with Muslim women. Muslim women face the same problems related to reproductive health which other women face. As is the case elsewhere, death during pregnancy and child birth is common even among

Muslim women. Similarly, they don't have access to health services. There is inequality within marriage. Some of the examples mentioned below will illustrate this point.

Islam and Reproductive Rights

In view of this challenge, Sisters in Islam held a workshop on 'Islam, Reproductive Rights and Women's Rights' in 1998 in Malaysia. It aimed at forming an understanding about reproductive health and women's rights within the framework of the teachings of Islam. Many renowned women activists, academics and Islamic scholars took part in this workshop. Prominent among them were Masdar F Masoodi of Indonesia, Dr Abdullah al Nayeem, Dr Amina Wadood and Dr Fati Usman from United States of America and Dr Abdul Rahim Omran from the Al Azhar University of Cairo.

At the workshop, a resolution was passed that Islam confers the following reproductive rights:

- The right to a child within a marriage
- The right to take decisions on reproductive issues without any fear, coercion or violence. This included the right to choose a partner, the right to choose the contraceptive method, the right to decide on the number of children and the spacing between them and right to safe sexual practice.
- The right of access to the best and cheapest health services and in this connection the right to expect help from the family, the community and the government. It also talked about the right to privacy.
- The right to safe reproduction and health
- The right to accurate information, education and communication
- The right to a satisfying and safe sexual relationship within a marriage

In a personal conversation with the author, Zaina Anwar of Sisters in Islam said that it was decided at the workshop that the four main principles regarding reproductive health and rights enunciated by the ICPD were in accordance with Islamic principles. These four principles were:

- The right to decide freely about the number of children and the gap between them along with the right to information and resources to be able to make such decisions.
- The right to access the best sexual and reproductive health services.
- The right to take decisions on reproductive issues without fear, coercion or violence

- The right to have a satisfactory and safe sexual relationship

Islamic scholars also agree that these rights are in accordance with the five objectives of the Shariah:

- Protection of life
- Protection of beliefs
- Protection of lineage
- Protection of mind
- Protection of property

The Islamic scholars present at the workshop held that according to Islamic jurisprudence, those laws and policies which fulfill the objectives of the Shariah are considered legitimate. They believed that "the circle of the five objectives of the Shariah is wider than that of four principles of reproductive rights".¹¹

The decisions taken at this workshop are extremely important from the point of view of Muslim women. At least it could no longer be said that the issue of reproductive rights and health was a conspiracy of the western nations and it would encourage obscenity which is against the principles of Islam.

Muslim Women and Their Experiences: Concerns about Reproductive Health

While ICPD laid out clearly defined reproductive rights for women, the ground reality is that as far as reproductive health is concerned, the voices of Muslim women are not heard. This is not just a question of health but an important human rights issue. Muslim women's voices have been marginalized historically. This is highlighted in a play entitled "Parde ke peeche" written by Dr. Rasheed Jahan in 1934-35:¹²

Some excerpts from the play highlighting the unheard voices of the women:

Muhammadi – "I have everything.... a husband, a house and children. Youth? Who'll say that I am young. I look like a 70 year old woman.

.....Unwell everyday and producing babies every year. Yes, who could be more fortunate than me?

.....The doctor asked me my age and I said, 32.

.....I told her why are you smiling? You should know that I got married when I was 17 and since then I have had a baby every year except once when my husband had gone abroad and the other time when I had a fight with him.

.....He wanted his wife all the time, be it day or night. Not just his wife, he would also look elsewhere.

.....He would threaten that if I suckled the babies, he would remarry. He would say that he wanted a woman all the time and he didn't have the patience to wait for her to finish looking after the children.”

Aftaab – “God save us from such men. Even animals have some fear. These men are worse than animals. Hope no one gets entangled with them.”

(The doctor is alarmed when she gets to know that Muhammadi, who had been ailing for some months is pregnant yet again.)

Muhammadi – “Miss, you are better off. You earn and you eat and sleep well. But as far as I am concerned, as the proverb goes whether the dead go to heaven or hell, we are just concerned with eating our sweetmeats. So whether the wife is fine or about to die, the men are just obsessed with their lust.”

Women's voices may not be heard but they do recognise the need for limiting families and adopting birth control methods. Simultaneously, they also recognise that they have no power to take a decision on these issues – they are dependent on the men for these decisions.

And What Happens Even Today

What follows are stories from the lives of women telling us that just talking about reproductive rights or health doesn't ensure that women are able to access the services. The decisions are still taken by their husbands and their voices are still unheard.

Mumtaz's Story: Desire for a Son

Mumtaz lives in a village close to Lucknow. She must be around forty but looks much older. She has studied till class 5. She got married at 16. In no time she had seven children- six daughters and a son. Twice she had natural abortions. Earlier she used to make bangles

but repeated pregnancies, deteriorating health and a failing eyesight spoiled it all for her. Today she manages to eke out a living sewing and weaving. Her husband sells bangles but doesn't make enough to lead a comfortable life.

The narrative suggests that her husband doesn't look after his health. They never discussed how many children they should have. He just kept insisting on a son. There would be a little bit of affection at night, nothing more. He had sex whenever he wanted to but she couldn't express her desires. She would be coerced which she didn't like. She says "Anything that is forced upon you is not nice. After all would you like somebody forcing you to eat? Coercion is a crime".

Q: How did you have so many children?

We kept having children in the hope of a son.

Q: Did you adopt any contraceptive method?

Earlier my husband never did. Yes, now he does. It would have been wonderful if I could have done something.

Q: It is said that it's good to have fewer children. Is that correct?

Of course, if we had a smaller family, we wouldn't have been in this condition.

Shagufta's Story: Use of contraceptive to limit family size

Shagufta is 35. She has four children. She was married when she was 13 and went to cohabit with her husband at 16. She has two sons and two daughters. She studied till class 8 and knows Urdu and Arabic. Some children in her neighborhood come to her to learn Arabic. Her husband is a tailor. She doesn't discriminate against her daughters. She doesn't keep too well these days so she doesn't like having sex. But she does attend to her husband's desires.

Q: Can we control the number of children we have?

Well, children are a gift of God but we also have control in our hands.

Q: So, how do we have control in our hands?

Well, sterilization is not good but it's alright for a woman to get it done. There are other ways as well. We use them.

Sumaira's story: Sterilization is the only option

Sumaira Khatoun is 27 years old. She got married at 18 and had two children within four years. Her husband keeps ill. They are not very well –off. Her health has also been deteriorating. She feels tired all the time, doesn't get enough to eat.

She doesn't want any more children. She says, "How will we bring them up? It is tough bringing up the children we already have."

Q: Why?

It's easy to manage a small family. There is peace with a small family.

Q: But children are a gift of God, aren't they?

Yes, but we have to provide for their nurturing. It would have been wonderful if I had got sterilized.

Q: Why didn't she try some other methods?

I did not know of other birth control methods nor did anyone inform me.

Voices from the Field

Naish Hasan: There is a desire to adopt birth control methods

Those who work with women understand them better. Naish Hasan is associated with the women's movement and works in Lucknow. Talking of Muslim women, she says, "Religion has been used to control women. They are trapped in the web of traditions. I know of several women who secretly use birth control methods and some who want to. This is a personal matter. The husband and the wife should decide how many children they'd like to have and when and there is nothing wrong in adopting birth control methods to this end."

Shakila: There is a desire to limit family size among Muslim women

Likewise, Shakila, who works with Aghaz-e-Insaaf in another village, believes, "Muslim women want fewer children. This restlessness is palpable among the women. They want the repeated and quick pregnancies to stop. They would like to have a gap between children. However, they don't have the power to take decisions on such issues. These decisions, though, should be taken by both the husband and the wife. Birth control methods are being used in many Muslim countries."

What Do the Men Say

Pervez is 50 years old and is a tailor. He has only studied till high school. He got married when he was 18 and has many children. He feels awkward saying it – 7 sons and a daughter.

Q: Had you planned how many children you would have?

No...there was no plan. They just kept coming along. In our desire for a son, we kept having girls. So what can I say? We finally had a son and got sterilized.

Q: So, did you get sterilized?

No...my wife.

Q: Isn't it forbidden in Islam?

Yes it is. But I haven't got the operation done, it's my wife who has had it done. Whatever had to happen has happened. Well..even a leaf doesn't move without the will of God. It was his wish and so the operation happened.

Q: Did you try out any other method?

Yes....but it wasn't effective

Q: So, how many children should one have?

I think two or three are enough. I kept waiting for a son to be born and ended up with so many daughters. Expenses have mounted.... have to get the children married... I am surrounded by problems. I should not have got married at such a young age. Now we are saddled with so many children.

Q: Why were you so keen on a son? They say a daughter is as good as a son.

How can a son and daughter be equal? Whatever people might say, a son is after all a son.

Q: Did you ever force your wife (to have sex)?

No, I never forced her. But I always did get what I wanted even if she wasn't well. In such matters we never fought.

Depiction of Women in Popular Culture

Pakistan is an Islamic country. Islam is the source of many of its rules and regulations. Religion intervenes in many aspects of personal life. In spite of this, reproductive health is a major issue there. Films are a very powerful medium of conveying messages. Many films were made on this issue in Pakistan. Two deserve special mention, namely 'Aahat' and 'Ek hi Rasta'. 'Aahat' was a very popular television drama. The focus of both these films is

women's reproductive health and their lives. They mirror the reality of how women have been reduced to being child bearing machines. In both these productions, we also get a glimpse of how a woman's health becomes a problem for the entire family. They reflect the lives of Muslim women.

The film 'Ek hi Raasta' looks at the experiences and feelings of a husband. The film touches upon issues like reproductive health, birth control and family welfare under the Islamic system in Pakistan. However, it doesn't come across as mere propaganda. Though it is centered around a woman, it explores a man's perspective around these issues.

'Satputri Ma' (a woman with seven daughters) has a son called Noor. It once used to be a fairly landed family. As the size of the family grew, land got divided. Gradually the family got dispersed. The landholdings were no longer enough to sustain the families so they migrated to the cities. Noor Mohammed however continued to stay with his mother in the village.

Noor gets married to Sakina. She is about 15 or 16. They start life together and work very hard. Within six to seven years of her marriage, Sakina gives birth to four children. She becomes weak and keeps unwell. People think she is the victim of an evil spell.

Noor's aunt, Zainab explains to him that it is important to leave a little distance between two plants. Sometimes, the fields have to be left fallow for a good crop. However, Noor doesn't buy her argument.

Sakina is unable to express her grief. She passes away while giving birth to her seventh child. The child, Zohra is adopted by her maternal uncle.

Noor realizes it when he grows old. He says. "She had begun to feel that that she was not being able to share my life as an equal partner."

Noor finally regrets, " Sakina wanted some time for herself, for her children but I wasn't able to give her that time".

The changes in the way the new generation thinks can not only help us be happy but also work towards a happier society.

The way language is used in the film is magical. The mise-en-scene has been given due attention and doesn't look artificial. Though it is a Pakistani film, it reflects the Indian context as well. Noor's remorse reflects the remorse of all men in society and their responsibility as far as women's health is concerned. One particular dialogue in the film effectively neutralizes all arguments that oppose the need to safeguard the reproductive health

of women – “It is up to us to decide how we use God’s blessings – as a boon or a curse. God has given us the power to think. It is we who have to decide what to do.”

Islam and Reproductive Health

The most important source of Islamic belief is the Quran. The words of the Quran are the foundation on which Islam rests. After talking to scholars at the Al Azhar University (Cairo), it is clear that Islam does not want to create obstacles for its followers. This goes against the principles of Islam. Some of the Quranic verses bear testimony to it :

- God desires your well being, not your discomfort. (Al Baqarah 2:185)¹³
- He has chosen you, and laid on you no burdens in the observance of your faith, the faith of Abraham your father. (Al Hajj, 22:78)¹³
- God wishes to lighten your burdens, for man was created weak. (Al Nisa 4:28)¹³
- God does not charge a soul with more than it can bear. (Al Baqarah 2:286)¹³

Likewise there are traditions (The Arabic word used for tradition is Hadis. They are the records of what Muhammad (Peace be upon him) did (Sunnatu 'l-fi'l), what Muhammad enjoined (Sunnatu 'l-qual), and that which was done in the presence of Muhammad and which he did not forbid (Sunnatu't-taqrir). They also include the authoritative sayings and doings of the prophet:

- Do not harm yourself nor get others into trouble (Narrated by Malik 2:745 and Ibn Majah 2:784)
- Faith is simple. He who made faith burdensome was never successful. So you should be on the right path, as you are in the morning and night and in the journey of early night. (Bukhari & Muslim)

Now, the question is, if quick and successive pregnancies affect the health of a woman, if a greater number of children become a burden on the family, if they are deprived of proper upbringing and education, would family planning be seen as violating the Quran and the Hadith of the Prophet (Peace be upon Him)? I do not think so since it is clear from the verses of the Quran and these traditions of the Prophet (Peace be upon Him) that Islam does not want its followers to face deprivation and trouble.

Hadith (Islamic Traditions) on Family Planning

The oldest and the most important source of Islamic traditions are the Hadith. There are many examples of *azl* or coitus interruptus in the Hadith. The 'Mishkwat Sharif' is collection of important traditions on various subjects. In this book, the chapter on intercourse mentions such traditions. It tells us that Arab society knew of a method to avoid conception which they called: '*azl*' i.e. withdrawing the penis during intercourse with a woman at the time of ejaculation¹⁴. In this method of intercourse the husband does not ejaculate the semen in his wife's vagina. The Prophet (Peace be upon Him) knew of it but never asked people to desist from it. Neither do any of the verses of the Quran object to it. We also get to know of the practice of *azl* or coitus interruptus from the *Sahaba*, the companions of the Prophet (Peace be upon Him):

- Hazrat Jabir (may Allah be pleased with him) narrates: "We used to do *azl* (coitus interruptus) at the time of the Prophet (Peace be upon Him)". (Bukhari, Muslim, Tirmizi)
- Hazrat Jabir (may Allah be pleased with him) used to say ""We used to do *azl* while the Quran was being revealed." (Bukhari, Muslim)
- The narration of Sahih Muslim adds: "The Prophet (Peace be upon Him) got to know that we were practicing *azl*, but he did not restrain us." Similarly, there is another Hadith narrated by Hazrat Jabir (may Allah be pleased with him) in which he went to the Prophet (Peace be upon Him) to ask whether *azl* was allowed so that conception could be avoided. The Prophet replied: "You can do so if you wish."
- We also get to know about *azl* from Hazrat Abu Sayeed Khudri (may Allah be pleased with him). According to another Hadith, a man asked the Prophet Muhammad (Peace be upon Him) about how conception could be avoided and he replied: "If you wish, you can practice *azl*." (Ibn Hanbal, Muslim)
- Nowhere do these Hadiths prove that the Prophet Mohammed (Peace be upon Him) objected to the tradition of *azl*. There are other Hadiths which prove that during the time of the Prophet (Peace be upon Him), *azl* was used for contraception.
- Some argue that *azl* amounts to the murder of a life form. With regard to this, there is a very important Hadith. Hazrat Abu Sayeed Khudri narrates: "A Jew told me that *azl* is akin to the practice of burying alive though at a very small level. I went to the Prophet (Peace be upon Him) and told him what the Jew had said. The Prophet (Peace be upon Him) said twice: the Jew lied, the Jew lied."
- On the subject of family planning, Dr Rafat Usman, a Professor at the Al-Azhar in Egypt

says that there is nothing in the Quran which suggests that it does not approve of the practice of preventing conception. The Hadith prove that the *Sahaba* used to practice coitus interruptus at the time of the Prophet (Peace be upon Him) while the Quran was revealed. This was the way they practiced birth control.

- Dr Abdel Rahim Omran says with certainty after an intense study and interrogation of religious scholars that there is no verse in the Quran which prevents the husband and wife from keeping a gap between pregnancies or limiting the number of children according to their physical and economic capacities. In other words, there is nothing in the Quran which rejects *azl* or coitus interruptus which was prevalent at the time of the Prophet (Peace be upon Him).¹⁵
- Indian scholar, Allama Shah Zaid Abul Hasan Farooqi, the *Sajjadah Nashin* (Successor) of the Khanqah Shah Abul Khair in Delhi, says: "In Arabic, every contraceptive method is called '*azl*' and can be adopted both by a man or a woman."¹⁶

Scholars' Viewpoint

Abu Hamid Muhammad bin Muhammad Al-Ghazali, better known as Al-Ghazali was an Islamic scholar and philosopher. His book, 'Ihyau Uloomiddin' (The Revival of the Religious Sciences) is considered to be a masterpiece and an important resource for Islamic studies. In a chapter on the etiquettes of marriage, *Kitabu Adabin Nikah*, Imam Ghazali, among other things, also discusses *azl*.¹⁷ Imam Ghazali says that in his view, *azl*, is legitimate. He explains in detail that *azl* is neither murder nor abortion, as some people argue. Imam Ghazali divided *azl* into five categories and strongly advocated two of them. One of them is a very powerful argument in favour of women. He says *azl* is allowed to keep intact a woman's beauty and keep her healthy. He argues that "Childbirth is a troublesome process which sometimes endangers the lives of women. It affects their beauty, charm and health. *Azl* would protect her from repeated pregnancies and keep her healthy." Imam Ghazali says "Having too many children causes problems. One has to work harder to earn. Sometimes legitimate sources of income are not enough so people have to resort to unlawful means." According to Ghazali, it is perfectly alright to practice *azl* to restrict the number of children one has. This is because fewer children would mean lesser problems. As a result there would be more time to worship Allah.

It would not be wrong to say that at the time of the birth of Islam, the Arabs knew only one method of contraception i.e. *azl*. They may not have known other methods then.

Today, there are many contraceptive methods available to us. These methods, which keep women healthy, prevent repeated pregnancies and help in controlling the size of the family, are in some way or the other, an extension of *azl*. If we are to believe Allama Shah Zaid, then all these methods are lawful since they are an extension of *azl*.

If a woman is ill or she fears that a pregnancy may threaten her life or her troubles may increase or the family may face difficulties and her husband does not pay attention to her problems, then, according to *Dr. Rafat Usman* (retired professor of the Al-Azhar University and an Islamic scholar), "The woman can use contraceptives based on her own experience. She needn't consult a physician. She can adopt any method to prevent a pregnancy as the Messenger of Allah, Muhammad (Peace be upon Him) has repeatedly said that we should protect ourselves against any harm. If a doctor says that a pregnancy can harm a woman, the husband is strictly prohibited from preventing his wife from adopting any contraception method. It is *haram* for him to stop her."

The late *Dr Abdul Rahim Omran*, who used to be the Chief Population Advisor at the Al Azhar University, had similar views. He said, "If there is a dispute or some tension between a husband and wife, a dialogue or an agreement becomes difficult, especially when the woman is concerned inferior to man. According to Hanbali Fiqh, in some exceptional cases, for instance for the good of the family, the wife can overlook the opinion of the husband. Similarly, if one more child may affect her health or the family is not in a position to nurture the children well, in such cases the woman has the right to use contraceptives without her husband's permission."

Another scholar at the Al Azhar University and an expert on Islamic jurisprudence, *Dr Hamid Abu Talib* says, "In sexual relations, the husband and wife enjoy the same rights. A wife also has the right to decide when she wants to have sex. The marital agreement among the Muslims allows the husband and wife to have and enjoy sex. Both the husband and the wife have the right to enjoy sex, not just the husband."

Maulana Umar Ahmed Usmani is an Islamic scholar in Pakistan. He has also been associated with the Darul Uloom, Deoband. His commentary on the Quran, 'Fikh ul Quran' is quite well known. At one place, Maulana Usmani writes, "If somebody's wife is not well or the family doesn't have enough resources, precaution should be taken to ensure an adequate gap between the children so that neither the woman's life nor the life of the previous child is endangered and their upbringing and education is not affected."¹⁸

Fatwas issued by Jamia Al-Azhar, Cairo (Egypt)

Jami' Al-Azhar Al-Sharif has issued various fatwas on family planning. It issued a very important fatwa 70 years back.

(1) A person has one child. He fears that if he has more children he will not be able to nurture them. He is also worried that quick and repeated pregnancies will affect his wife's health. He wants to know whether he and his wife can adopt any method prescribed by a physician to space their children so that they lead a more comfortable life. (This question was put forward on the 25th of January, 1937)

The then Mufti of Egypt, Shaikh Abdul Muqet Saleem replied, "We went through the question and we believe that according to Hanafi teaching (Fiqhi school of Imam Abu Hanifah), keeping in mind the conditions mentioned in the question, there is nothing wrong in adopting birth control.

(2) A married man has a child. He fears that more children will be a cause of trouble and he'll face problems bringing them up. Can the husband and wife adopt any birth control method so that the health of the mother is not affected and the father does not have to bear a greater economic burden? (This question was received by the Fatwa Committee of Al-Azhar on 10 March 1953)

Response: We went through the question and we believe that according to Shafe'i Fiqh (Fiqhi School of Imam Shafe'i), birth control is not prohibited. So, if it aims at protecting people from unnecessary economic difficulties and health-related problems, then the committee allows it (birth control). Allah has said, "God desires your well being, not your discomfort."¹³ (Al-Baqarah 2:185) Though permanent methods of contraception are forbidden.

The current Shaikhul Azhar or Chief Imam of Al Azhar, Professor Muhammad Syed Tantawi has also issued several fatwas from his office on birth control.¹⁹

(a) A couple live in a 2-room flat with a child. In 1988, they had a monthly income of 100 LE (Egyptian Pound). They don't want another child for some time so that they have enough time to bring up their first child and educate him. They firmly believe that Allah is almighty and

omnipresent. So, are they allowed to practice contraception?

Tantawi replied that if it helped them bring up their child better, they could certainly do so.

(b) A couple live with their daughter and son in a 3 room flat. They had an income of 200 LE per month in 1998. According to them this was barely enough to get them two meals a day. They don't want any more children so that their son and daughter can lead their lives separately in their own rooms.. They wanted to know if it was alright to prevent further pregnancies.

Professor Tantawi replied that there was nothing wrong with it nor would it be considered as being against the Shariah because they want to be able to bring up their children well. As the Prophet Muhammad (peace be upon him) said, "When your children are seven years old, teach them to offer *namaz* (prayers). If they don't offer *namaz* when they are ten years old beat them and arrange for them to sleep separately."

"Teach your children to offer *salah* when they are seven years old, while at 10 beat them if they do not offer *salah* and arrange separate bed for them."

(c) A couple has three children. They are neither hard up for money nor do they suffer from ill health. But, they don't want to conceive for some time. This decision has nothing to do with their personal life. They feel that they need to plan their family in the interest of the country. Can they do so?

Tantawi says, "I appreciate their sentiment towards the country, it should be admired. Your interest in the development of the community is in accordance with the teachings of the Prophet. As one Hadith says:

"He who does not worry about the well being of Muslims is not one among them."

So if you think along those lines there is no wrong in preventing conception as long as you wish. This is because your intentions are noble.

Viewpoints of Indian Islamic Scholars on Reproductive Health

It is commonly believed that religious scholars in India don't think about issues like family planning. It is believed that they oppose it-- they think that it is a concept that has come in from the Western countries. They see family planning as a conspiracy against the Muslims, an attempt to control their numbers. In this opposition to family planning, no thought is given to the lives or the health of Muslim women.

It should be noted however that Indian scholars have made a tremendous contribution to Islamic studies. Indian institutions are known all over the world. There are many different centers and strands of religious thought.

So, one may wonder if Indian religious scholars and intellectuals have expressed their views on issues like women's health, family planning, the nurturing of children, birth control or the difficulties posed by changes in society. Do they not consider these issues worthy of deliberation?

After extensive research, a lot of new information has come to light. Since most of this work has been done in Urdu its access is limited to a particular circle. This author is not a scholar of Islam, but a student seeking more knowledge about Islam. Since he is a journalist by profession research and enquiry are a part of his profession, he has tried to base his study on the opinions and information given by those scholars who have a say in the matter.

If we keep an open mind and don't start sniffing conspiracies, we may see things which can bring about a change, not only in the thinking of Muslims but also other communities.

In this section, we will only discuss those things which are related to the Islamic scholars of India. It is surprising that the wealth of knowledge that Islamic scholars in India have is unparalleled in the Islamic world. In spite of this, on issues of reproductive health, women's health, birth control or family planning we hardly get to hear the opinions of the Islamic scholars. The truth is that there are a large number of sensitive Islamic scholars who believe that thinking about one's family is in complete accordance with the spirit of Islam. It is possible and in some matters maybe even true that the terminologies that we use today are different from what was used earlier. With the passage of time, many ideas take a new shape and new terminologies emerge but they have to be understood according to contemporary values. We shall now discuss some Indians who have made a significant contribution on this issue and it's important highlight their views.

Fatawa Alamgiri: Permission for Azl and Abortion

'Fatawa Alamgiri' is known in many countries as 'Fatawa Hindiyah'.²⁰ This collection of Islamic law was compiled by nearly five hundred religious scholars on the order of the Mughal Emperor Aurangzeb (who is also called 'Alamgir'). It has 30 sections. It is considered the most important source of the Hanafi Fiqh. In the fatwas of the Fiqhi school of Imam Abu Hanifah, *azl* (coitus interruptus or any method of avoiding conception) and abortion were clearly permitted.

According to it, "If the times are not good and there is a danger of children getting deprived of proper education and upbringing and deviating from the faith, then *azl* is permitted." It is generally believed that abortion is prohibited in Islam, but the fatwa says, "If the body parts of foetus have not formed it can be aborted." Those who issued the fatwa even said: "It is allowed in our times under all circumstances". These scholars believed that "in ordinary circumstances, it is necessary to have the permission of the wife for *azl*".

There is mention of one other condition in which abortion and *azl* are allowed-- when a woman who is already suckling a child conceives. If she doesn't have the resources to employ a wet nurse and there is danger to the life of the child, she can opt for abortion, provided it is within 120 days of conception.²⁰

It is surprising that in spite of so much clarity, this issue is the cause of so much conflict till today. i.e. if the times are such that is impossible or difficult to bring up children or educate them, then *azl* is permissible. *Azl* is mentioned here as a method to prevent conception, thus it can be said that other similar methods which prevent conception are lawful. (See the complete fatwa at the end)

Shah Abdul Aziz Dehlwai

In the Persian Tafseer of Shah Abdul Aziz, written in the 19th century, there is a fatwa which says: In the light of reliable and well-known traditions of the Prophet (peace be upon him), *azl* is lawful. Using medicines for preventing conception whether before or after *azl* is lawful and permissible like *azl*. In the commentary on a verse in the Quran (Sura Al-Nisa 4:3-4), Imam Shafe'i says that a single marriage is advocated as a way to avoid many children.²¹

Allama Iqbal

Shaikh Muhammad Iqbal (November 9, 1877 – April 21, 1938) was not only a poet but also a renowned scholar of Islamic philosophy. It might sound a bit surprising but Iqbal

had also spoken about the need to check a growing population, though there is a world of difference between then and now. The ways of looking at the issue of population have also changed. However, Iqbal's views on population are relevant even today. He wrote a book on economics in Urdu, more than a hundred years ago. It was titled '*Ilmul Iqtisad*'. Its price was one rupee. Iqbal was then an Assistant Professor at the Government College, Lahore.²²

In this book, he discusses the issue of population in detail. His writing is highly influenced by the population theory of Malthus. Of the five sections of the book, three chapters of one section relate to population. In these chapters, he talks about the impact of a growing population on economic resources, scope of employment and scarcity of land for inhabitation. Also, he discusses its impact on the family and upbringing of children.

At one place, he writes: "Any theory or religion, which cannot change in accordance with the material and intellectual development of society, will not be able to meet its modern spiritual needs and will therefore become extinct."²²

He believes, "When population exceeds acceptable limits it can lead to poverty and other adverse effects." He explains Malthus' principle in detail and uses diagrams to explain the ways in which population grows and its effects. He writes, "In a country where the population is growing unchecked, the people should show some wisdom and adopt those methods which check population growth. The reproductive ability of mankind is naturally such that if it is not checked, deliberately or by chance, it can lead mankind to disaster and destruction."²²

It is possible to contest Iqbal's views on population today. Over the years, many things have changed. New research suggests that we look at the subject of population in new ways. However, in this discussion, we must keep in mind how the subject of population was perceived a hundred years back. What is clear however is the fact that Iqbal supported the idea of devising and adopting ways to control population growth. He appreciates these methods and says but for them, the population would increase, the people will run short of economic resources and poverty would increase more. He goes on to add that job opportunities would become scarce, there would be epidemics and famines and greater lawlessness.²²

Therefore, according to him, "The only way to get out of the jaws of this black monster is to control the population, so that the existing economic resources are preserved." He says that there isn't enough land for people to reap the benefits of a growing population. "Therefore, it is our duty to adopt those methods to control population which are in our

control." Iqbal discusses his views on controlling population in detail.

The ideas of Iqbal, more than a hundred years old can be understood in his own words. He believed that the practice of child marriage and polygamy needed to be stopped. If Iqbal believes this, it surely cannot be dismissed as mere propaganda and conspiracy. He said, "In our country, economic resources and employment opportunities are few while the population is increasing day by day. Nature takes care of this imbalance through famines and epidemics. But, we need to free ourselves from the customary practices of child marriages and polygamy, use our limited resources more judiciously, increase earnings by paying attention to skills and learning and worry about the future of the community so that we can protect our country from the awful consequences of poverty and attain the levels of civilization where there is real prosperity. Therefore, economically it is in the interest of mankind to avoid animalistic lust and bear lesser children as far as possible. This objective can be achieved by marrying late or in other words by lessening the birth rate and controlling the carnal desires."

Though today we oppose any form of coercion, Iqbal believed that since it was a question of the economic progress of a country, it was necessary to use strong measures to control population.

In the preface to Iqbal's book published in 2004 in Pakistan, Dr Saleem Akhtar writes "In *Ilmul Iqtisad* what seems amazing is Iqbal's belief in family planning and its advantages."

On the contrary, Professor Dr Rasheed Ahmad Jalandhari in his introduction to a book, published in 1977 by the Iqbal Academy, says that Iqbal has also looked at this subject from an Islamic perspective.

According to Professor Jalandhari, Iqbal writes, "The Islamic Shariah has not overlooked giving its counsel in social matters. It was left to knowledgeable scholars to decide on matters according to the conditions prevailing then. Therefore, if the objective is not lust and there is a real need and the couple is willing, then as far as my knowledge goes, birth control is not considered objectionable in the Shariah. We know from the Shariah, a husband cannot force his wife to have a child against her wishes. But, what is happening in the world today rests largely on fulfilling lust, and this according to me, comes close to *haram* (unlawful act). The views that I have expressed from Islamic perspective are based only on my knowledge and understanding and not on my being an expert on the Shariah."²³

To sum up, we can say that the essence of Iqbal's view is that if reason is applied with farsightedness, certain methods can be used which prevent conception. Had Iqbal felt that it

was Western propaganda or a conspiracy, he would not have advocated it. Not only this, as far as we know, Iqbal did not change in his views later.

Maulana Abul Kalam Azad

Imamul Hind Maulana Abul Kalam Azad was one of the founders of modern India. He was well known as an Islamic scholar. As far as family planning (as it was known in those days) and Islam is concerned, he says, "There seems to be no reason for the Shariah to interfere in the matter of birth control. It is completely a medical and social issue. If sensible people think that it is necessary to adopt it for the well being of society, they can do so."²⁴ It would be difficult to find another learned man with such clear-cut views.

Dr Zakir Hussain

Dr Zakir Hussain was a very learned man as well. As an educationist and President of India, he did not hesitate to express his views on birth control. He wrote a booklet on family planning in 1969. He believed that no religion, including Islam, would interfere in decisions regarding family size.

Allama Kakorwi of Lucknow

Among the many scholars who have worked on the subject of family planning, is Allama Mustafa Hasan Alwi Kakorwi from Lucknow. He was a graduate of the Darul Uloom Deoband. He did his Honours in Persian and completed his MA and PhD. He used to teach in the Department of Arabic and Arab Culture in Lucknow University. He wrote a booklet titled '*Khandani Mansooba Bandi aur Ulama-e-Islam ke Faisle*' (Family Planning and Decisions of Muslim Ulama) in 1976. At that time 75000 copies of the booklet were published. The booklet also has another title, '*Islam ka Mauqif aur Tahdeed-e-Nasl*' i.e. Islam's position on birth control. No one can doubt Allama Kakorwi's reputation as a scholar of Islam and therefore the booklet is very important. This booklet was also published at a time when this matter was highly politicized in the country and is not available now. Even his friends don't have it. They do say though that he wrote a book which created quite a sensation at that time.

In the beginning of the book Allama Kakorwi mentions a hadith which gives us a sense of the way he understands the issue. The hadith says, "Having less children is in a way prosperity while having more children is a kind of poverty." Furthermore, he wrote the verse on the cover:

*Toda kamr-e-shakh ko kasrat ne samar ki
dunya mein garanbari-e-awlad ghazab hai*

(Abundant fruits cause a branch to break down;
likewise having too many children is a cause of trouble in the world)

Nowhere does he reject the religious perspective. He says, "Extending the lineage and having more or less children is our religious and natural right, but only to the extent it is in accordance with our personal, family and country's resources. Only then will it be counted among the fundamental needs of religion." But, he is not in favour of any ban or legal ruling on the matter because according to him would be seen as "interference in religion."²⁵

Allama Kakorwi goes on to clarify his stand: "If, because of changes in the world, the economic conditions of a family and the state of the nation are such that they hinder development, and thus it is banned, the fatwa is that it cannot be seen as an interference in matters of religion nor it is right to oppose it, for this is the need of the hour and is for the welfare of the country."²⁵

In this 36 page booklet, he refers to the Quran, Hadith and the views of religious scholars to strengthen his argument. It is generally believed that a person educated in a madrasa is a traditionalist and of conservative views. But, it is surprising that Allama Kakorwi, who graduated at Deoband, is more visionary in his thinking than many modern educated people.

If you need more proof, see what he says, "As far as I know, I can say that Islam puts no restrictions on the number of children a family should have. But, if having more children creates trouble for the family or disturbs the social system, then imposing a ban is not against the Shariah according to religious scholars. A large family is a boon only when everyone is well qualified and skilled and for this they would need to be properly educated and trained. This in turn would depend on how sound the parents are financially: otherwise the same children could become a problem and it often happens so." He adds, "But, if we feel that based on our way of life, more children will be useful for the family or the community in the days to come, it is necessary to pay heed to it."²⁵ So, rather than oppose, the teachings of Islam will be in accordance with the needs of the time.

Viewpoints of Contemporary Islamic Scholars in India

Presented below are some thoughts and interpretations of the Quran by contemporary Islamic scholars.

Islam Allows Birth Control

Personal interview with Maulana Kalbe Sadiq

(World renowned Muslim scholar)

Maulana Kalb Sadiq openly advocates women's rights in Islam and birth control. He is often in the news because of his views. He however complains that the media often highlights his views without fully understanding them. For instance, when he talks of 'birth control' the media chooses to publish it as 'family planning'. He makes a distinction between the two. He regards birth control a societal need. Maulana Sadiq, who is the Vice-President of the All India Muslim Personal Law Board, wonders what kind of a society would the Prophet (Peace be upon Him) take pride in - one which is ignorant and backward? He says that abortion is forbidden in Islam, but birth control methods are not. To support his arguments, he says that there are many *fatwas* which confirm that birth control methods are not anti Islamic. He however would not want the Government to use coercive methods to force the people to have smaller families. He, in fact believes that Muslims will not progress unless they take to modern education.

Here are some extracts from his interview:

Q. Why do you use the term 'birth control' instead of 'family planning'?

This is because the concept of family planning was not known in the era of the Prophet (Peace be upon Him), but birth control was.

Q. Where does Islam stand on the issue of birth control?

There are two major sects among the Muslims, the Shias and the Sunnis. All the Shia religious scholars in Iran and Iraq allow birth control practices. The Sunnis do so too. The Sahaba (companions of the Prophet, Peace be upon Him) used to practice azl which is the oldest method of birth control. They say that they used to visit their wives in the night in the holy Ramadan and used to practice azl. Had it been wrong, there would have been

disapproval of it in the Quran. The Sahaba asked the Prophet (Peace be upon Him) about it and he said, "Let the person practicing azl do so. He, who Allah wants to create shall be created." The Prophet (Peace be upon Him) himself did not prohibit it.

References to the fact that birth control is permissible can also be found in the Fatawa Alamgiri and Fatawa Aziziah. Moreover, there have been international Islamic conferences on the subject in Ankara, Istanbul, Jakarta and Cairo. They have unanimously declared that Islam does allow birth control.

Q. What kind of permission does it grant?

It gives the permission to make a choice. You cannot impose it on anyone. However, there is a difference of opinion among religious scholars on how permission has been granted, but all of them agree that azl is allowed. So it follows that birth control is also allowed.

Q. Those who oppose birth control say that it is like murdering children out of fear of poverty?

The Quran says that children should not be killed out of fear of poverty. Murder implies the killing a living being and abortion is not allowed in any religion. But abortion and birth control are different things.

Q. But there are legends related to Hazrat Ali where he talks about how life was created, and that abortion is permissible in special cases?

If the life of mother is in danger, she can opt for an abortion, but abortion is not allowed as a birth control method. Islam does not allow the killing of a life, and only a doctor can say when a foetus actually becomes a living being.

Q. What are the birth control methods that can be adopted now?

All those methods which are not irreversible, like condoms or pills can be adopted. In Iran, the religious scholars have even permitted nasbandi (sterilization).

Q. One argument that is often cited against allowing birth control is that the Prophet (Peace be upon Him) asked his followers to increase their numbers so that he could take pride in them on the Day of Judgment?

Well...it's like this.... A learned man has said that we cannot understand any verse of the Quran fully until we are acquainted with its context and background. The same applies to understanding the Hadith. This hadith relates to the time when there were very few Muslims in Arabia. Today, it can hold true for Europe and America. But, here in India, are Muslims dying because of birth control or because there isn't any?

Q. But, it is said that Allah provides sustenance to every child that is born?

Well, everything is dependent on Him. He cures diseases as well, so then we shouldn't go to a hospital for treatment. Providing sustenance doesn't mean that you don't do anything for the child. If it is so, leave the newborn alone...after all sustenance would mean nurturing and training as well.

The Messenger of Allah (Peace be upon Him) did not say that he would take pride in horses and donkeys. One needs to be a human being. People should know what kind of Muslims he will take pride in.

Personal interview with Maulana Khalid Rasheed Firangimahali

Member, Working Committee of the All India Muslim Personal Law Board

Islamic Center of India, Lucknow

Q. Is birth control possible?

Yes, birth control is possible

Q. Does Islam allow birth control?

If pregnancy affects a woman's health or she becomes unwell as a result of her pregnancy, birth control methods can be used. Islam allows it. However, it is for the physician to decide how pregnancy will affect her health.

Q. Why then is it said that Islam is opposed to birth control?

This is what the people think. It is our fault too that we haven't been able to clear people's misconceptions on the issue.

Q. So, what needs to be done?

All the religious scholars should sit together and try and evolve a consensus on the issue. It

should be left to the people's personal choices and intentions. It should be left for the people and God to decide what is best. Those who feel that they won't be able to look after too many children should also control their lust and desire.

Q. What would you say in your personal capacity?

We will try to clear the misconceptions about Islam's position on the issue by speaking to the people and writing about it.

Personal interview with Maulana Engineer Khadim Hussain Naqwi

(All India Muslim Majlis-e-Mushawarat, Lucknow)

Q. What is your view on family planning?

The way family planning has been formulated by the government is prohibited in Islam.

Q. So should family planning methods not be used?

Muslims can adopt birth control methods. There are some methods which can be adopted without any difficulty. But, nasbandi (sterilization) is not allowed. Birth control methods can be adopted to space children and to secure the mother's health. However there shouldn't be any policy on how many children a family should have.

Q. Which are the methods that can be adopted?

Condoms and loops can be used. One can also control one's desires. However operations and surgeries are not allowed.

Personal interview with Begum Naseem Iqtidar Ali

(Executive Member, All India Muslim Personal Law Board)

She firmly believes that the couples should decide on their family size. She says:

"We are a democratic country. Everyone has the right to have as many children as they want. It is the couple which should decide how many children they want. After all, looking after and

bringing up the children is the couple's responsibility.

In my opinion Islam does not allow permanent methods. People are however using other methods .If temporary solutions serve the purpose I see no need to create a controversy around it. It should be permitted keeping in mind a woman's health and the health concerns of the family. I don't think family planning should be linked with Islam at all. It is a personal matter. There is a need to create awareness among the Muslims about the advantages of a small family. Small families will lead to progress."

Personal interview with Maulana Ateeq Ahmed Bastawi

(Mufti, Dar ul Ifta, Nadwa)

Maulana Atiq Ahmad Bastawi is counted among the prominent scholars of Fiqh. He was educated at the Darul Uloom Deoband and now teaches at the Nadwatul Ulama Lucknow. He is the head Mufti of its Darul Ifta too. The Maulana believes that birth control is allowed in individual cases.

Q. Does Islam permit the use of family planning methods? Can a couple decide how many children they should have and when?

How many children a couple should have and how many family members there should be is in Allah's hands. As far as increasing numbers are concerned, food production has kept pace with the growth in population. I am opposed to any kind of law or policy in this regard.

Q. Many religious books discuss *azl* and the modern family planning methods are seen as a form of *azl*. Many people have allowed its practice?

Azl was practiced in earlier times due to a variety of reasons. There are traditions in its favour as well as against it. The references to azl that we get are appropriate in individual cases. There is no mention however of implementing it as a policy.

Q. So, it is lawful in individual cases?

Yes, in individual cases it is permitted

Q. Under what conditions would it be permitted?

Well...if the mother is weak.... to space children... or if the doctor feels there is a

danger....contraceptive methods can be used temporarily.

Q. Is it not against the spirit of Islam?

No. However it is not for a person to decide on his own. He should consult a learned man or a scholar.

Q. What are your views on permanent methods?

Generally, permanent methods are not permitted. However, in certain cases the womb needs to be removed. In some special cases, this is allowed if medical opinion believes it should be done and if there is a fear that a future pregnancy can be dangerous, permanent methods can be adopted.

Q. Some say that Islam stresses not just on numbers but also on moral upbringing?

Well, Islam stresses on both. Bringing up children is an important responsibility. Educating them, training them, inculcating moral values in them....there is a great stress on these qualities. However we should make sure that in our attention to quality, our numbers don't decrease. Quality needs to be stressed but equally numbers too.

Q. Can a woman who doesn't want to have a child at a given time because she is studying or working, use a contraceptive method?

Well, if you look at it, Islam has divided the responsibilities- where a woman is responsible for looking after the children and the home and it is the man's responsibility to earn a living. But there are instances where women earn a living. Sometimes they get married immediately after finishing their studies. They can use contraceptive methods after consulting the religious scholars.

Q. What is your opinion about abortion?

Under normal circumstances it is obviously wrong. In special cases it can be allowed before the foetus acquires a soul. Abortions can also be done later but again in special cases, for instance to save a woman's life if the doctor advises that successive pregnancies may affect her health, or in cases of rape or if a woman conceived because of negligence or some foolishness.

Q. Women are told that that they must get their husband's permission before using a contraceptive method. The men generally don't pay much attention to women's health. Can then a woman opt to use a contraceptive method on her own?

It is only upon the wife's consent that Azl can be practiced. It should be mutually agreed upon. However, if the wife feels that there could be a danger to her health and the husband doesn't pay heed, she can use contraceptive methods.

Q. So, would I be correct in summarizing what you have said in the following points:

- There should be no national policy on birth control methods.
- In individual cases, birth control methods can be adopted.
- Temporary methods can be used.
- In special cases, permanent methods also can be used.
- In special cases, abortion is also allowed.

Yes!

Q. Is it necessary to consult a religious scholar or a learned man?

Yes, one should. He will be able to give an opinion keeping in mind the circumstances of the case.

Q. Do people consult them?

Yes, they do

Epilogue

It is evident, therefore, that the Quran needs a careful and critical reading and re-interpretation by the religious leaders since it does not suggest in any way that the women should be treated in a derogatory manner, nor does it indicate that contraception is banned. In fact, it suggests that couple could use *Azl* if needed to prevent unwanted pregnancy. According to Dr. Abdel Rahem Omran, the relationship between husband and wife as described in the Quran has two major qualities- love (passion, friendship, companionship) on one hand, and mercy (understanding, reconciliation, tolerance, forgiveness) on the other within the overall objective of peace and tranquility. Some of the verses from Quran highlight this:

"And one of (Allah's) sign is, that He has created for you mates from yourselves, that you may dwell in tranquility with them, and has ordained between you Love and Mercy." (Surah Al-Roum, 30:21)

"It is He who created you from a single soul (nafs) and there from did make his mate, that he might dwell in tranquility with her." (Al- A' raf Sura 7;189)

It is clear from the reading of these verses that procreation is not the only expectations from marriage, it is not the sole objective. Tranquility is most important aspect of relationship. And it is this interpretation that needs to be shared widely, both within and outside the community.

And Mumtaz Mahal Died

The Taj Mahal: A Mausoleum of Love or the Grave of a Mother

Taj Mahal is considered a symbol of love. Lovers come to visit it from around the world. Taj Mahal cited as an example of what a person can do for the one he loves. But, is the Taj Mahal really a symbol and embodiment of love?

Historians tell us that the Taj Mahal was built by Mughal Emperor Shahjahan in the memory of his beloved wife Mumtaz Mahal. Her real name was Arjumand Banu Begum. She was related to Jahangir's wife.

19 year old Arjumand was married to Prince Khurram on the 10th of May, 1612. Later, Prince Khurram went on to become Emperor Shahjahan. Arjumand was his second wife. Khurram called her Mumtaz Mahal, the finest and most valuable jewel of the palace.

Historians don't have much information on her but it is said that she was very wise and beautiful. She and Shahjahan enjoyed an intimate relationship. Poets sang praises of her wisdom and qualities. They even went to the extent of saying that the moon paled in comparison to her beauty. She used to accompany Shahjahan when he toured his empire and used to give necessary advice.²⁶

Mumtaz and Shahjahan had 14 children. That's right, 14 children! Of these, seven died young. Mumtaz accompanied Shahjahan on his Deccan campaign. She gave birth to the 14th child here. Due to excessive bleeding during the delivery, she died. This finest and

priceless jewel of the castle expired on the 17th of June 1631.

14 children in 19 years of married life!! Even though she lived in a castle you can imagine the impact it must have had on her health. Perhaps, this is the only example of a royal maternal death. He loved her very much and yet turned her into a child bearing machine.

So, if a queen, who would not have lacked either food or access to medical help, could end up like this one can imagine what would happen to an ordinary Muslim woman in India. Repeated, quick and successive deliveries are harmful and dangerous for the health of a woman. At the least, the death of Mumtaz Mahal teaches us this.

Let us Pray

For women, who like Mumtaz Mahal, die every 5 five minutes in this country....

For those women who lose their lives trying to become mothers....

Let us pray that we are successful in saving those women's lives that we can ...and make sure that they lead a happy, healthy and successful life.

Amen!

Ijtihad literally means to strive. In Islam, it means to strive to form an independent opinion in any legal matter. I think that this concept is rooted in a particular verse of the Holy Quran, "As for those who strive in Our way, We will certainly take them onto Our paths." (29:69).

We find a definite outline in the holy hadith of the Prophet (Peace be upon Him). When Hadhrat Mu'az was appointed Governor of Yemen, it is narrated that the Prophet (Peace be upon Him) asked him how he would tackle the issues that came up before him.

Mu'az replied, "*I shall resolve the issues according to the Book of Allah (the Quran).*"

The Prophet (Peace be upon Him) asked, "*What if you do not find any answers in the Book of Allah?*"

Mu'az answered, "*I will derive solutions in the light of the hadith of the Prophet (Peace be upon Him).*"

countered the Prophet (Peace be upon Him). "*But, if you do not find a solution there either?*"

Said Mu'az. "*I will then myself strive to reach to a solution*"

This excerpt shows that Islam is not inflexible. Nor does it teach us to shy away from confronting new questions of the modern age. Islam doesn't encourage Muslims to keep a closed mind either. It encourages them to find solutions to new questions in accordance with its principles. The Islamic poet and philosopher Muhammad Iqbal calls this the principle of progress in the development of Islam.

Annexure 1

Fatawa Alamgiri and *Azl* ¹⁹

If a person practices *azl* without the permission of his wife because he feels that given the times, the child may not get the right education or he may deviate from the right path and so on, then the obvious reply is that it is not allowed. But, here it is mentioned that it is allowed in the present time because these are not the best of times. (Note: usually *azl* was only allowed with the permission of the wife, but in this case it is allowed.)

A woman will be fined if she gets an embryo that has acquired a human form i.e when the body parts of a foetus like hair, nails etc have formed, aborted. However, if the body parts have not formed, the embryo can be aborted. In the present age it is allowed under every condition and this is what the fatwa says.

A woman who is suckling a child is not allowed to extract milk out her breast for treatment if there is a danger to the health of the child. If she gets pregnant and stops lactating and fears for the life of the child because his father can't afford a wet nurse, she is allowed to undergo an abortion till the foetus in her womb is *nutfah* (sperm), *alaqah* (clot of blood) and *muzghah* (embryo) and none of its body parts have formed. The body parts are formed 120 days after conception; it is *nutfah* (semen drop) for 40 days, *alaqah* (clot) for another 40 days and *muzghah* (embryo) for the next forty days.

So if the times are such, that rearing and educating children is difficult or impossible, *azl* is allowed. The five hundred religious scholars who compiled Fatawa Alamgiri are of the opinion that *azl* should be practiced with the consent of the spouse.

(Translated into English by: Sanjay Mutoo, New Delhi and Muhammadullah Khalili Qasmi, Deoband)

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Indian Muslim Women

Religious Group: Proportion and Sex Ratio

Total population	Overall	0-6 Age group
India	933	927
Hindus	931	925
Muslims	936	950
Christian	1009	964
Sikhs	893	786
Jains	940	870
Buddhists	953	942
Others	992	976

	Total Population	Percentage of Population	Sex ratio	
			Overall	0-6 Age
India	1,028,610,328		933	927
Hindus	827,578,868	80.5	931	925
Muslims	138,188,240	13.4	936	950
Christian	24,080,016	2.3	1009	964
Sikhs	19,215,730	1.9	893	786
Jains	4,225,053	0.4	940	870
Buddhists	7,955,207	0.8	953	942
Others	6,639,626	0.6	992	976

Incidence of Polygamous Marriages among the Religious Communities

Religion	1931-40	1941-50	1961
Hindus	6.79	7.15	5.8
Muslims	7.29	7.06	5.7
Jains	13.63	-	6.72
Buddhists	-	-	7.97
Tribals	9.53	17.53	15.25

(Source: Census of India 1961, as quoted in **Towards Equality**, Report of The Committee on The Status Of Women In India, 1974)

Sex Ratio of Different Religious Group (State wise)

	Hindus		Muslims		Christian		Sikhs	
	All	0-6	All	0-6	All	0-6	All	0-6
J&K	824	855	927	980	594	834	809	773
Himachal P	973	895	806	938	822	898	898	827
Punjab	846	821	793	879	893	870	897	780
Chandigarh	756	847	650	947	932	939	910	781
Uttaranchal	978	908	875	915	960	989	898	844
Haryana	858	816	870	895	918	921	893	742
Delhi	817	860	782	925	1076	965	925	796
Rajasthan.	920	909	929	925	986	956	892	828
Uttar Pradesh	894	911	918	935	961	936	877	831
Bihar	915	939	943	958	974	918	879	919
Sikkim	852	961	439	906	960	929	108	155 6
Arumachal P	749	941	625	972	1003	960	264	808
Nagaland	582	909	614	948	941	968	488	100 0
Manipur	974	951	973	972	977	959	515	932
Mizoram	341	872	271	990	986	969	299	220 0
Tripura	949	965	945	964	941	975	101	710
Meghalaya	827	960	891	978	1004	973	718	896
Assam	932	961	938	971	962	964	667	818
W. Bengal	932	956	933	968	1002	973	807	852
Jharkhand	928	962	939	971	1018	975	838	879
Orissa	971	951	948	965	1026	981	851	860
Chhatisgarh	990	975	943	954	1021	972	899	845
Madhya P.	918	931	929	941	996	976	882	849
Gujarat	918	880	937	913	988	927	824	782
Daman & Diu	698	925	799	947	944	918	576	600
Dadra & Nagar Haveli	814	982	692	920	902	1009	281	750
Maharashtra	923	907	889	940	993	958	829	849
Andhara P.	979	961	961	959	1037	977	796	864
Karnataka	966	945	957	950	1030	961	739	882
Goa	918	934	867	947	1107	945	644	102 1
Lakshadweep	251	1000	1002	960	206	333	-	-
Kerala	1058	961	1082	959	1031	960	714	865
TamilNadu	983	939	1020	957	1031	968	731	854
Pondichery	987	969	1097	945	1101	962	543	200 0
Andaman & Nicobar	828	947	860	979	904	990	818	858

Sex ration in bold Numbers- States where population of particular religious group is more than five percent. In Delhi, Sikh population is about 4%.

(Data Source-Census of India 2001)

Proportion of Religious Groups in States

	Proportion of Hindu Population	Proportion of Muslim Population	Proportion of Christian Population	Proportion of Sikh Population	Proportion of Jains Population	Proportion of Buddhists Population
India	80.5	13.4	2.3	1.9	0.4	0.8
J&K	29.6	67.0	0.2	2.0	0.0	1.1
Himachal P	95.4	2.0	0.1	1.2	0.0	1.2
Punjab	36.9	1.6	1.2	59.9	0.2	0.2
Chandigarh	78.6	3.9	0.8	16.1	0.3	0.1
Uttaranchal	85.0	11.9	0.3	2.5	0.1	0.1
Haryana	88.2	5.8	0.1	5.5	0.3	0.0
Delhi	82.0	11.7	0.9	4.0	1.1	0.2
Rajasthan.	88.8	8.5	0.1	1.4	1.2	0.0
Uttar Pradesh	80.6	18.5	0.1	0.4	0.1	0.2
Bihar	83.2	16.5	0.1	0.0	0.0	0.0
Sikkim	60.9	1.4	6.7	0.2	0.0	28.1
Arumachal P	34.6	1.9	18.7	0.2	0.0	13.0
Nagaland	7.7	1.8	90.0	0.1	0.1	0.1
Manipur	46.0	8.8	34.7	0.1	0.1	0.1
Mizoram	3.6	1.1	87.0	0.0	0.0	7.9
Tripura	85.6	8.0	3.2	0.0	0.0	3.1
Meghalaya	13.3	4.3	70.3	0.1	0.0	0.2
Assam	64.9	30.9	3.7	0.1	0.1	0.2
W. Bengal	72.5	25.2	0.6	0.1	0.1	0.3
Jharkhand	68.6	13.8	4.1	0.3	0.1	0.0
Orissa	94.4	2.1	2.4	0.0	0.0	0.0
Chhatisgarh	94.7	2.0	1.9	0.3	0.3	0.3
Madhya P.	91.1	6.4	0.3	0.2	0.9	0.0
Gujarat	89.1	9.1	0.6	0.1	1.0	0.1
Daman & Diu	89.7	7.8	2.1	0.1	0.2	0.2
Dadra & Nagar Haveli	93.5	3.0	2.7	0.1	0.4	6.0
Maharashtra	80.4	10.6	1.1	0.2	1.3	0.0
Andhara P.	89.0	9.2	1.6	0.0	0.1	0.0
Karnataka	83.9	12.2	1.9	0.0	0.8	0.7
Goa	65.8	6.8	26.7	0.1	0.1	0.0
Lakshadweep	4	95	1	N	-	N
Kerala	56.2	24.7	19.0	0.0	0.0	0.0
TamilNadu	88.1	5.6	6.1	0.0	0.1	0.0
Pondichery	86.8	6.1	6.9	0.0	0.1	0.0
Andaman & Nicobar	69.2	8.2	21.7	0.4	0.0	0.1

Proportion of Religion in Uttar Pradesh

Sr. No	State/Districts	Hindus	Muslims	Christian	Sikhs	Buddhists	Jains
	Uttar Pradesh	80.61	18.50	0.13	0.41	0.18	0.12
1	Saharanpur	59.49	39.11	0.17	0.71	0.13	0.37
2	Muzaffarnagar	60.71	38.09	0.09	0.54	0.07	0.49
3	Bijnor	56.41	41.71	0.11	1.56	0.11	0.08
4	Moradabad	53.84	45.54	0.23	0.23	0.06	0.06
5	Rampur	47.05	49.14	0.38	3.21	0.12	0.08
6	Jyotiba Phule Nagar	59.89	39.38	0.28	0.37	0.02	0.04
7	Meerut	65.54	32.55	0.25	0.88	0.09	0.63
8	Baghpat	73.43	24.73	0.09	0.09	0.03	1.54
9	Ghaziabad	74.79	23.79	0.27	0.64	0.10	0.36
10	Gautam Buddha Ngr	85.60	13.01	0.41	0.57	0.16	0.22
11	Bulandshahr	78.47	21.07	0.13	0.16	0.07	0.05
12	Aligarh	81.49	17.78	0.14	0.27	0.08	0.11
13	Hathras	89.41	10.09	0.08	0.16	0.04	0.12
14	Mathura	91.51	8.08	0.09	0.16	0.35	0.10
15	Agra	89.62	8.94	0.20	0.33	0.15	0.51
16	Firozabad	85.94	12.68	0.08	0.18	0.15	0.94
17	Etah	87.26	11.45	0.15	0.18	0.67	0.25
18	Mainpuri	93.04	5.30	0.06	0.09	1.19	0.27
19	Badaun	78.26	21.33	0.11	0.09	0.16	0.02
20	Bareilly	64.81	33.89	0.26	0.80	0.20	0.02
21	Pilibhit	71.32	23.75	0.11	4.59	0.11	0.01
22	ShahJahanpur	79.63	17.86	0.11	2.14	0.20	0.01
23	Kheri	77.41	19.10	0.12	2.64	0.66	0.02
24	Sitapur	80.07	19.23	0.06	0.32	0.23	0.04
25	Hardoi	86.23	13.11	0.06	0.18	0.36	0.01
26	Unnao	88.79	10.99	0.04	0.07	0.07	0.00
27	Lucknow	78.20	20.52	0.34	0.63	0.12	0.11
28	Rae Bareli	87.94	11.84	0.05	0.10	0.01	0.02
29	Farrukhabad	84.44	14.81	0.14	0.20	0.32	0.04
30	Kannuj	83.84	15.78	0.04	0.06	0.16	0.04
31	Etawah	92.09	7.16	0.04	0.11	0.25	0.31
32	Auraiya	92.37	7.09	0.03	0.07	0.24	0.02
33	Kanpur Dehat	90.21	9.31	0.08	0.10	0.20	0.01
34	Kanpur Nagar	82.73	15.69	0.33	0.89	0.11	0.15
35	Jalaun	89.37	10.06	0.06	0.09	0.37	0.02
36	Jhansi	91.28	7.44	0.41	0.33	0.07	0.44
37	Lalitpur	94.75	2.95	0.11	0.11	0.02	2.02
38	Hamirpur	91.92	7.96	0.03	0.04	0.01	0.00
39	Mahoba	93.10	6.68	0.08	0.08	0.01	0.03
40	Banda	91.60	8.21	0.04	0.05	0.03	0.06
41	Chitrakoot	96.21	3.55	0.11	0.06	0.01	0.04
42	Fatehpur	86.52	13.30	0.04	0.07	0.02	0.01
43	Pratapgarh	85.89	13.70	0.05	0.07	0.21	0.01
44	Kaushambi	86.32	13.51	0.03	0.04	0.02	0.04
45	Allahabad	86.81	12.72	0.18	0.13	0.04	0.04
46	Barabanki	77.51	22.04	0.08	0.12	0.09	0.11
47	Faizabad	85.15	14.57	0.07	0.10	0.05	0.01

48	AmbedkarNagar	83.33	16.39	0.07	0.10	0.06	0.01
49	Sultanpur	83.25	16.32	0.08	0.13	0.15	0.01
50	Bahraich	64.56	34.83	0.09	0.32	0.14	0.04
51	Shrawasti	74.18	25.60	0.05	0.07	0.05	0.00
52	Balrampur	62.93	36.72	0.08	0.08	0.18	0.01
53	Gonda	80.48	19.26	0.06	0.10	0.05	0.01
54	Siddharthnagar	70.02	29.43	0.06	0.06	0.39	0.00
55	Basti	84.56	14.70	0.07	0.10	0.51	0.01
56	Sant Kabir Nagar	75.60	24.02	0.05	0.04	0.27	0.00
57	Mahrajganj	82.49	16.46	0.08	0.14	0.74	0.01
58	Gorakhpur	90.40	9.15	0.17	0.09	0.14	0.01
59	Kushinagar	82.77	16.86	0.05	0.03	0.24	0.00
60	Deoria	88.42	11.38	0.06	0.08	0.03	0.01
61	Azamgarh	84.59	15.07	0.08	0.09	0.10	0.01
62	Mau	80.60	19.04	0.06	0.05	0.18	0.01
63	Ballia	93.16	6.57	0.11	0.09	0.03	0.01
64	Jaunpur	89.08	10.20	0.08	0.09	0.44	0.01
65	Ghazipur	89.64	9.89	0.07	0.05	0.32	0.00
66	Chandauli	89.48	10.24	0.07	0.14	0.03	0.01
67	Varanasi	83.72	15.85	0.14	0.14	0.03	0.06
68	Sant Ravidas Nagar Bhadohi	87.75	11.96	0.06	0.05	0.13	0.01
69	Mirzapur	92.30	7.48	0.05	0.08	0.03	0.03
70	Sonbhadra	93.97	5.40	0.22	0.13	0.21	0.05

Other religion in UP = 0.01

Religion not stated (UP) =0.04

(Source- Census 2001, Office of the Director of Census Operations, Uttar Pradesh)

Employment Status of Hindu and Muslim Women

Class	Employed	Not employed	Total
All Muslim women	2280 (16.47%)	11563 (83.53%)	13843 (100%)
All Hindu women	37565 (36.48%)	65402 (63.52%)	102967 (100%)
By residence			
Rural Muslim	1236 (17.68%)	5759 (82.32%)	6995 (100%)
Rural Hindu	27141 (41.28%)	38606 (58.72%)	65747 (100%)
Urban Muslim	970 (14.17%)	5878 (85.83%)	6848 (100%)
Urban Hindu	7852 (21.10%)	29368 (78.90%)	37220 (100%)
By education			
Muslim uneducated	1447 (18.03%)	6581 (81.97%)	8028 (100%)
Hindu uneducated	24434 (44.01%)	31082 (55.99%)	55516 (100%)
Muslim primary educated	450 (13.59%)	2865 (86.41%)	3315 (100%)
Hindu primary educated	5505 (27.75%)	14328 (72.25%)	19833 (100%)
Muslim post-primary	327 (13.06%)	2173 (86.94%)	2500 (100%)
Hindu post-primary	5169 (18.72%)	22449 (81.28%)	27618 (100%)
By region			
Muslim North	170 (21.51%)	621 (78.49%)	791 (100%)
Hindu North	4062 (30.06%)	9452 (69.94%)	13514 (100%)
Muslim Central	633 (13.94%)	3909 (86.06%)	4542 (100%)
Hindu Central	8911 (29.07%)	21739 (70.93%)	30650 (100%)
Muslim East	159 (8.98%)	1607 (91.02%)	1766 (100%)
Hindu East	2787 (22.62%)	9535 (77.38%)	12322 (100%)
Muslim South	943 (25.03%)	2824 (74.97%)	3767 (100%)
Hindu South	12323 (51.42%)	11642 (48.58%)	23965 (100%)
Muslim West	353 (22.56%)	1212 (77.44%)	1565 (100%)
Hindu West	6802 (46.79%)	7737 (53.21%)	14539 (100%)
Muslim NE	101 (7.16%)	1311 (92.84%)	1412 (100%)
Hindu NE	1364 (17.10%)	6613 (82.90%)	7977 (100%)
Count (percent) Source: National Sample Survey 50 th round, 1993-94			

Maitreyi Bordia Das, Self-employed or Unemployed: Muslim Women's Low Labor-force Participation in India. Published as a chapter in *The Diversity of Muslim women's lives in India* edited by Zoya Hasan and Ritu Menon.

- North = Himachal Pradesh, Punjab, Haryana, Rajasthan, Chandigarh, Delhi.
- East = West Bengal, Orissa, Andaman & Nicobar Islands.
- West = Gujarat, Maharashtra, Goa, Dadra & Nagar Haveli, Daman & Diu.
- South = Tamil Nadu, Karnataka, Kerala, Andhra Pradesh, Lakshwadeep, Pondicherry.
- NE = Manipur, Tripura, Arunachal Pradesh, Sikkim, Assam, Meghalaya, Mizoram, Nagaland.
- Central = Bihar (including Jharkhand), Uttar Pradesh, Madhya Pradesh.

Literacy Rate among Religious Communities

Religious community	Literacy Rate (Female)	Literacy Rate (All)
Muslims	50.1	59.1
Hindus	53.2	65.1
Christians	76.2	80.3
Sikhs	63.1	69.4
Jains	90.6	94.1
Buddhists	61.7	72.7

(Source- Census 2001)

Health

Contraceptive use INDIA

Religion	NFHS-1 (1992-93)	NFHS-2 (1998-99)	NFHS-3 (2005-06)
Hindu		49.2	57.8
Muslim		37.0	45.7
Christian		52.4	57.6
Sikh		65.2	66.5
Buddhist/Neo Buddhist		64.7	67.7
Jain		65.1	75.4
Other		48.6	25.3
Cast/ Tribe			
Schedule Cast		44.6	55.0
Schedule tribe		39.1	47.9
OBC		46.8	54.2
Other		53.5	61.8
Don't know			65.8

(Source- National Family Health Survey (NFHS) reports)

Contraceptive Use by Religion and Caste: Uttar Pradesh

Religion	NFHS-1 (1992-93)	NFHS-2 (1998-99)	NFHS-3 (2005-06)
Hindu	21.2		46.3
Muslim	10.5		29.6
Sikh			66.5
Other	41.1		70.7
Cast/ Tribe			
Schedule Cast	15.1		42.2
Schedule tribe	12.0		38.5
OBC	-		42.1
Other	20.9		48.2

Muslims and Their Missing Daughters

Prophet Muhammad says, “He who doesn’t bury his daughter alive, doesn’t consider her vile, doesn’t ill treat her or give priority to his sons, will be allowed by God to enter Heaven.” (Abu Daud : Kitab ul Adab)

Why then are daughters not looked after well?

Shamim is a native of Rudauli in Barabanki. At present he lives in Lucknow. His business is well-established. He has four daughters. He didn’t want so many but in trying for a son he ended up having daughters. In the meantime his wife had two abortions. He, once again, decided to try for a son. His wife conceived yet again and to make sure that this time it would be a son, he got a sex determination test done. It was a female fetus which didn’t suit their purpose. They got a sex-selective abortion done but in the process the wife developed some complications. She was somehow saved.

In a village in West Bengal’s Murshidabad district Rozina Khatoon has given birth to her third daughter in her *maayka* (traditionally the natal home). Her husband Mushtaq is upset about it. He wanted a son. About a fortnight later, he went to his *sasural* (wife’s natal home). Pretending to be affectionate, he picked her up. While nobody was watching, he mixed some poison in her milk and fed it to her. The child died. Rozina is Mushtaq’s second wife. His first wife Roshan had also given birth to a daughter. Mushtaq’s desire for a son drove her to suicide.

“Things have changed a lot between 1991-1992 and now. In the beginning, 99 per cent of all those who came to me for sex determination tests were Hindus. As far as I remember, after 2000, even Muslims started coming to me for sex determination tests. In a

month, about 5 or 6 people land up in my clinic. One or two among them are usually Muslims. And this, when people know that I do not do these tests and that I have been part of a campaign against sex determination tests. You can imagine the number of people who might be going to those who do perform these tests.”

(Dr Neelam Singh, Gynecologist and Chief Paediatrician)

Article 1

And When the Missing Daughters are Asked

When the birth of a girl is announced to any of them, his countenance darkens and he is filled with gloom. On account of the bad news he hides himself from men and wonders if he should bear the shame or bury her in the earth.’

The Koran : Chapter 16 (Sura Al – Nahl)

Verse (Aayat) 58-59

This verse discusses the way Arab society was 1400 years back. But the one thing that hasn't changed in all these 1400 years is the disappointment and sorrow at the birth of a girl child. How many Muslims, who swear by the Koran, actually celebrate the birth of a girl child and distribute *laddoos*? Even today, their faces fall when they hear of the birth of a daughter. This verse is a sharp reflection of the Indian society.

It is often said that Islam confers many rights upon women. This is actually true. But in reality is the prevailing patriarchal mindset allowing Muslim women to enjoy these rights? If nothing else, at least the right to life? Yes, the right to be born and to live?

The 2001 Census is significant in many ways. It is the first census which includes data on the socio-economic conditions of different religious communities. It dispelled many myths and brought to light many new facts. One such myth was that sex-selective abortion does not take place among the Muslims.

According to the Census estimates, Muslims constitute 13.4% of the country's total population. This would mean approximately thirteen crore eighty one lakh twenty eight thousand Muslims. Of this, about seven crore thirteen lakh (7,13,74,134) are men. Rightfully, there should be as many or more women. But of this total population, as compared to men there are about forty five lakh sixty thousand (45, 60, 028) fewer women, or should we say women that are missing. Imagine waking up one morning to find that the entire population of

Lucknow and Mathura has disappeared. Would that result in chaos or would life continue comfortably like any other day? Unfortunately, nobody seems to be bothered about the large number of Muslim women that have gone missing.

In the past, in many Arab tribes, the birth of a daughter was seen as a misfortune and they were killed. The Koran and Islam had declared it a sin 1400 years back. In the Koran, in the Chapter Al-Takvir, verses 1 to 9, say: `When the sun ceases to shine; when the stars fall and the mountains are blown away; when camels big with young are left untended, and the wild beasts are brought together; when the infant girl, buried alive, is asked for what crime she was slain...`

So, in other words, the Muslims are warned about the day when girls, who had been buried alive, are asked what sin they had committed. Let us see how many Muslims heed that warning. Today, there is no need to bury a girl alive. They are being killed after sex determination tests. In the light of what the Koran says, even this is a crime.

The women have not vanished into thin air. The Muslims themselves are not allowing them to be born in their greed for a son. Just like Hindus, Sikhs and Jains, Muslims too are guilty of female infanticide. Muslim couples in Banda, the city with the largest number of Muslims in Uttar Pradesh's Bundelkhand region, in Lucknow, known the world over for its culture and sophistication, in Aligarh, the great centre of learning and in Saharanpur, always in the news because of the Darul uloom, Deoband, are getting sex determination tests done and killing the girl child. A similar situation prevails in Gujarat, Maharashtra, Bihar, Karnataka, Andhra Pradesh, Punjab, Haryana and Delhi. In some places, this practice has been prevalent among the Muslims like it has been in other religious communities for a long time and in other places it is just catching on, influenced by other religious communities.

As far as numbers are concerned, Uttar Pradesh is a significant state with 18.5% of its population being Muslim. This would mean about 3.7 crore Muslims. Of the total Muslim population in the state, about 13.16 lakh girls are missing. This means that the contribution of Uttar Pradesh to the total number of girls missing in the Muslim community is nearly 29 %. Lets take a look at some districts which have a sizeable Muslim population. In Aligarh, the sex ratio, i.e. the number of women per thousand men, is 883. Lucknow has about seven and a half lakh (7,48,687) Muslims. As compared to men there are about thirty four thousand (34,169) fewer women here. Similarly, there are seventy-seven thousand fewer women compared to men in Saharanpur, about seventy-four thousand in Muzaffargar, fifty-eight thousand in Bijnore and forty thousand in Kanpur city. These figures include women of all

ages, even those who were not allowed to be born because they were girls, and those who were discriminated against at every step and pushed into the jaws of death. Many of them were killed because they couldn't meet the demands for dowry.

It is among the refined Muslim families, the well-educated, the wealthy, the landed, the city dwellers that the numbers of the girls are declining the most. Muslim doctors are helping them out. The reason is simple enough. Female feticide is a very lucrative business. If we look at the social aspects of this problem, we find that while there was always a tendency to consider girls as being inferior to boys, the growing practice of dowry has endangered their very lives. Even though Punjab and Western Uttar Pradesh are economically well-off, the birth of the girl child is not particularly welcomed.

More than anything else, it is the advancement of technology that has deepened the existing patriarchal bias against girls. Technology is being used to create designer families consisting of a son or two sons or a son and a daughter. The consequences of female infanticide are now becoming clear. Hoping to produce sons, many daughters were not allowed to be born, but it didn't strike anybody that there wouldn't be any girls around for the boys to marry. In the light of what the Koran says and the circumstances that prevail today, if it is said 'think of the day when girls are asked why they were killed after being identified in the womb', what do you think their reply would be? Would they say:

Dear God, I plead before you, over and over again

Send me to hell if you will, but don't let me be a daughter in my next life.

Article 2

Don't Hate Daughters

Daughters are Very Precious

'How can a daughter be equal to a son? Say what you will but a son is after all a son'

(Muhammad Ahmed, in a village close to Lucknow)

"I have five children. A son and four daughters. In our eagerness for a son, we ended up with so many children". (Rihana, Aligarh)

Today, the Muslims are not treating their daughters well. Even Muslim families prefer a son to a daughter. The practice of sex determination tests and a sex-based selective abortion is catching on fast in the Muslim community. The girls who do survive face neglect. Even as

far as education is concerned, sons get preference. Son preference is as strong in the Muslim community as in other communities. The practice of considering daughters inferior to sons has resulted in a growing trend of dowry among the Muslims. As a consequence, incidents of bride burning are increasing by the day.

With such conditions prevailing in the community, it becomes imperative that we examine what Islam and Prophet Muhammad had to say about daughters. This is important not just for the girls but the entire community. Before the advent of Islam, the birth of a daughter was looked down upon in Arab tribes and they were buried alive. We have discussed this in detail in the previous chapter. Such a mentality was a great challenge for Prophet Muhammad. In fact, he was opposed to it. His views on daughters envision a society in which girls have as much of a right to live and be nurtured as boys. However, today, we don't even allow girls to even be born, let alone nurture them.

Prophet Muhammad said “ He who doesn't bury alive his daughter, doesn't consider her vile, doesn't ill treat her or give priority to his sons, will be allowed by God to enter Heaven.”

Abu Daud : Kitab ul Adab

Not only this, there is also a *Hadees* of Prophet Muhammad “When a daughter is born to someone, Allah sends his angels who proclaim “Oh members of the household! Blessings upon you...he who nurtures and raises this child will have Allah's blessings till the day of judgement.”

And what do we do....hate our daughters! In the light of what the Koran says, discriminating against daughters in matters of food and health as a result of which many die would also qualify as murder. Even if she lives, not paying attention to her education and upbringing, in the eyes of the clerics, is equal to killing her because this is gender-based discrimination. That is the reason why Islam not only guarantees a girl's birth but also insists on proper upbringing which would take care of her nutrition, health and education.

Maulana Zafiruddin Saheb in his book *Islam ke Nizam e Iffat va Ismat*, which deals with ethical behaviour in Islam, relates many details about Prophet Muhammad's life. These clearly tell us about the Prophet's views on the importance of bringing up daughters. The Prophet states, “He who raises two daughters into adulthood will be with me on the day of judgement.” Joining his fingers together, he said, “He will be as close as these fingers are”.

Hazrat Ayesha Razi relates an incident. She says, “One day, a very poor and desperate woman came to me with her two daughters. I had only one `chuara' and I gave it to her. She divided it among her two daughters without having anything herself. She then went away. When the Prophet came, I told him about what had happened. He said those girls will protect

whoever inconveniences himself for them from the fires of hell.” (*Bukhari and Muslim*).

This meant that all those who look after their daughters well will be saved from the fires of hell.

Hazrat Ayesha Razi tells us of another incident. She says, “A poor woman came to me. She had two daughters. This time I gave her three dates. Overcome by maternal love, she gave one each to her daughters. As she picked up the third date and was about to eat it, both the daughters asked for more. The woman broke her date into two pieces and gave half a piece to each daughter. When the Prophet came I narrated the incident to him. He said that because of the two daughters, Allah had ensured a place in Heaven for the woman and she had escaped Hell.”

We learn of another *Hadees* from Hazrat Ayesha Razi. According to her, the Prophet said ‘Whoever is put to the test because of his daughters by Allah and treats them well will be saved from Hell because of the daughters.’

Bukhari (Kitab ul adab), Muslim (Kitab ul Birrivasilla)

We get to hear of another incident. Some people told Prophet Muhammad how they had buried alive their perfectly happy daughters in barbaric times. On hearing this, Prophet Muhammad wept so much that his beard got drenched in tears.

There are other similar *Hadees*

“He who has three daughters and faces all problems with regard to them with patience and feeds and clothes them with his hard earned money will be protected by them as they become a wall against the fires of hell.”

(Musnad Ahmed, Ibr Maaza)

“He who raises three daughters, arranges for their education and training, gets them married and treats them well even after marriage will go to heaven.”

(Abu Daud : Kitabul Adab)

So, those very sons that the whole world is obsessed with and in whose quest daughters are killed are no protection against the fires of hell. It’s the daughters who will provide protection.

These things are mentioned in the holy books. These are examples and instructions which the Muslims today are not following. Why did these issues find their way into the *Hadees*? The *Hadees* were compiled in the context of the time when in Arab society sons were given preference over daughters. This son preference exists even today. According to the *Hadees*, this is an injustice towards daughters.

So, giving preference to sons over daughters and going on producing daughters in the hope of a son or killing the female fetus violates the spirit of Islam. Even after 1400 years of the birth of Islam, there is very little change in the mentality towards daughters in Muslim homes. They are not being killed openly but society and the family still discriminate against them. It is because of this mentality that they often die as young children. The leaders of the community are also not being able to ensure girls their rightful place in society. It is important to mobilize and raise a voice against female feticide and sex-selective abortion. Musnad Ahmed says that according to Hazrat Akba bin Amir Razik, Prophet Muhammad has said “Don’t hate daughters, they are very precious”.

It would be wonderful if Muslims today put this into practice.

Article 3

Female feticide goes against the spirit of Islam

Two of the greatest Islamic institutions of the country issued *fatwas* against sex determination and selection

The Census of 2001 showed that the practice of sex determination has steadily grown among the Muslim community though the community did not seem particularly worried about it till 2007. A large section of the Muslim community refused to believe that the practice of sex selection was taking place among them. In 2004, this author approached two reputed Islamic institutions, the Darul Uloom Nadwatul Ulma, Lucknow, and the Darul Ifta, Firangi Mahal, Lucknow, to issue a *fatwa* on this issue. It was a completely new issue for them.

These institutions argued that this issue did not concern the Muslim community. However, when they were informed about the ground reality in Lucknow and Banda, they agreed to issue a *fatwa*. This was the first *fatwa* in the country on the issue of sex determination and sex-selective abortion. A total of three *fatwas* were issued.

Both these important Islamic institutions expressed deep concern over the declining numbers of the girl child in the Muslim community. Essentially, these *fatwas* declared sex determination and sex-selective abortions to be a grave crime which violated the spirit of Islam. This author saw first hand the reality of sex selection in Banda and Lucknow. It became clear that a certain section of the Muslim community was also complicit in it. Until then, Census figures based on religion were not available. Against this backdrop, the issuance of the *fatwas* was a very significant development. When the Census numbers did come in, it became clear that the sex ratio was falling even among the Muslims.

The *fatwa* issued by Nadwa said that sex determination is not mandated in the *Shariat* and is therefore illegal. Elaborating on their *fatwa*, Maulana Masood Hassan Hassni of the Darul Ifta clarified that “Sex determination is not mandated by the *Shariat*. Doing so would violate the laws of the *Shariat* and those who are doing it are sinners. Even the doctor who examines the fetus is a sinner because he is doing it in violation of the *Shariat*.” Maulana Hassni has said Islam considers the practice of burying girls alive, as was done by Arab tribes before the birth of Islam, to be a heinous crime. Similarly, the practice of sex determination and sex-selective abortion would qualify as a grave crime.

The *fatwa* issued by the Darul Ifta, Firangi Mahal, Lucknow also says something similar. In reply to a question on this issue, the *fatwa* states that a Muslim is not permitted to determine or get determined the sex of a fetus and abort it if it happens to be a girl. Maulana Khalid Rasheed Firangi has this to say about the *fatwa*, “A sex determination test is a grave crime. It goes against Islam. The doctor would also be considered a sinner because he is performing an act that is against Islam. It is against what Allah and his Prophet have decreed.”

Expressing his views on this social issue, Maulana Khalid says, “Whether it’s a boy or a girl, a child reflects Allah’s greatness and should be so looked after. As far as girls are concerned, Islam considers them a great blessing.”

Similarly, Maulana Kalbe Sadiq, who is an Islamic scholar, a religious leader of the Shias and Vice-President of the All India Muslim Personal Law Board, believes that if a sex determination test is done to ensure that a girl is not born, it would be considered a sin.

How binding are these *fatwas* on the community? Maulana Hassni says, “Not obeying the *Shariat* law once you have obtained an opinion is a sin.” So, any Muslim who has read the *fatwa* or heard about it or gets to know about it in some other manner and yet kills a female fetus would be a sinner.

Both the institutions of Islamic learning as well as Maulana Kalbe Sadiq have said that the act of sex determination and female feticide goes against Islam. In spite of this, not enough has been done to disseminate information about these *fatwas* to secure the lives of women.

The Two Fatwas of Nadwatul Ulema

The First Fatwa

So what do the Islamic jurists have to say about this issue?

Is it proper to determine the sex of the fetus only to find out if it's a boy or a girl? Is it okay to determine or get the sex of the fetus determined? If not, then what is the Islamic directive regarding all those individuals who practice this, ie. doctors, experts, relatives.

Reply

Under ordinary circumstances, determination of the sex of the fetus is not permitted by the *Shariat*. Even if it doesn't violate any injunction of the *Shariat*, there is no need to get it done without any reason.

Darul Itā, Darul Uloom Nadwatul Ulma

Lucknow, 17th of August, 2004

Second

What do the Islamic jurists have to say on the following issue?

It has been noticed that of late the trend of getting sex determination tests done has increased among Muslims. Census figures show that the population of females in comparison to males has gone down. This is becoming a social problem. Even Muslim doctors are indulging in this practice even though the government has made a law prohibiting sex determination. What is the religious viewpoint regarding a Muslim conducting these tests, or getting them conducted and after knowing that the fetus is that of a female child, getting it aborted?

Reply

Getting the fetus aborted if it is that of a girl is not permitted in Islam.

Darul Iftā, Darul Uloom Nadwatul Ulma, Lucknow

The fatwa issued by Darul Ifta, Firangi Mahal

What do the Islamic jurists have to say on the following issue

It has been noticed that of late the trend of getting sex determination tests done has increased among Muslims. Census figures show that the population of females in comparison to males has gone down. This is becoming a social problem. The government has made a law prohibiting sex determination, yet, even Muslim doctors are indulging in this practice.

What is the religious viewpoint regarding a Muslim conducting these tests, or getting them conducted and after knowing that the fetus is that of a female child , getting it aborted?

Nasiruddeen Haider Khan

Indira Nagar , Lucknow

Reply

In the event of getting a confirmation that the fetus in the womb is that of a female child and then getting it aborted is not allowed in Islam.

Maulana Khalid Rasheed Firangi Mahali

Darul Ifta, Firangi Mahal, Lucknow

It is a Sin

Maulana Kalbe Sadiq, a religious leader of the Shias and the Vice-President of the All India Muslim Personal Law Board was asked in an interview published in the newspaper *Hindustan* on the 3rd of February, 2005 as to what he thought of the practice of sex determination of the fetus among the Muslim community. He said that if the sex determination was done with the intention of killing off a possible girl child, it would be considered a sin.

Article 4

Looking at the birth of a girl child as a misfortune is a warning of impending destruction

Determining, or getting determined, the sex of the fetus and aborting a female fetus is a sin (A special interview with Maulana Nizamuddin, Rector of the Institution of Islamic Laws and the General Secretary of the All India Muslim Personal Law Board)

“Giving preference to sons and regretting the birth of daughters is a sin. Allah disapproves of it. To look at the birth of daughters as being problematic in any way is a warning to society that it is doomed.”

This is the view of Maulana Nizamuddin, who is the head of an important Islamic institution, the Imarat-e-Shariat (Bihar-Orissa-Jharkhand) and General Secretary of the All India Muslim Personal Law Board. Keeping in mind his stature and learning, his views assume great importance. I discussed various issues related to the life of the girl child in a special meeting with him in Phulwari Sharif in Bihar. “The status that Islam accords to girls is not reflected in the Muslim society of today. When they get married, women are entitled to money. *Mehr* is not the price of a woman, it is her dignity. Things have changed today. The girls are not given what is theirs by right. On the contrary, much is extracted from them by the boy’s family in the form of dowry and *tilak*. It is because of this that the status of the girls has declined. *Tilak* and dowry are as unlawful as accepting bribe.”

Commenting on the reports on the growing incidence of sex determination of the fetus and sex-selective abortion among Muslims, as published in the newspaper *Hindustan*, Maulana Nizamuddin said, “Before the advent of Islam, there was a tradition of killing off girls in Arabia. Islam ended that. Today, with the developments in science, the fetus is being killed in the womb after determining its sex. In Islam, this is considered a grave sin.”

On the practice of sex determination, the Maulana said, “It is the doctors who perform these tests that are to blame the most. Everyone, who is in any way connected with this practice, stands guilty. This practice is not permitted in Islam”.

The Maulana recounted his experiences of people asking him for his blessings so that they could have a son. They would also ask him for a *taaveez* (sacred amulet) in their quest for a son. He says he has also seen women lose their lives in their desperation for a son. He suggests “This mentality and tendency should be openly condemned. The time for just standing by and watching is over. Such people need to be stopped. They should be exposed. Just laws will not suffice.”

He is of the view that weddings need to be less ostentatious. In this regard he suggests, “If those who are wealthy and well-educated have simple weddings, it will have an effect on society at large.”

The Maulana opines. “A human being’s behaviour and character are connected to his faith. We can conceal numerous things from society but Allah watches all that we do. If human beings understand this they can change their behaviour.”

On the position of women in Islam, he adds, “In Islam, girls are given priority. They are supposed to be given gifts first. Bringing up girls is seen as an act of worship. There is a Hadees which says – He who looks after his daughters will be with me in Heaven.”

Article 5

The clerics should refuse to solemnize the marriage of those who ask for dowry

They don't get the *Mehr*. They are also denied a share in inheritance. Women are entitled to both under Islam. It's the husband's responsibility to pay the first and the father, brother, husband and son are responsible for ensuring the latter. But nobody fulfills these religious obligations. Yes, a lot of money is spent on a girl's wedding and, if the demands are not met, they not only have to suffer atrocities but also lose their lives. Even girls who are as accomplished as the boys have to pay dowry. Their achievements become inconsequential simply because they are women. Divorce is a handy and strong weapon in the hands of men which they use to control women. Dowry has made this weapon more lethal. There was a time when one rarely heard about dowry deaths or violence related to dowry in Muslim households. Things have however changed now. If social organizations are to be believed, one in every three cases of dowry related atrocities are being reported from Muslim households. Dowry is also responsible to some extent for the deteriorating sex ratio among the Muslims.

20 year old Sana of Malihabad near Lucknow got married into a family that was fairly well provided for. Soon after the wedding, there were demands for dowry from her husband's family. These demands gradually took the form of violence. She was barred from visiting her natal family. Her husband demanded fifty thousand rupees in cash and a share in the house owned by her parents. Battered and bloodied, Sana one day managed to reach the police station with her brother and filed a report. Initially the police took action, but soon started siding with her husband's family. The case is now in court while the husband is happily married a second time.

Nahid, also from Lucknow, had to face worse. About three-and-a-half years back, her husband's family tried to burn her for not meeting their dowry demands. The same day a report was lodged at the Alambagh police station. As a result of police laxity, her husband's family managed to run away. In the meantime, many women's organisations took up the case but to no avail. After struggling for her life for 10 days in hospital, Nahid died. Nahid and

Sana are not merely names. They represent the growing trend of dowry in the Muslim community.

Why is this happening in the Muslim community? The head of the Aishbagh Idgah, Naib Imam Khalid Rasheed Firangi Mahal believes that everyone wants to become rich. There is a growing tendency of leading ostentatious lifestyles and more and more people are becoming greedy. The remittances from the Gulf have improved the economic status of some people and so they demand money. This is in no way connected with Islam. Maulana Rasheed says that the All India Muslim Personal Law Board has started a social reform campaign on this issue.

On the other hand, Shia religious leader, Maulana Kalbe Jawaad says that the practice of dowry is wrong. He says that in the Muslim community, it is in fact the man who pays *mehr* to the woman he marries. According to him, demanding dowry is not only bad but also wrong. Maulana Jawaad says that those who ask for dowry should be boycotted and the clerics should refuse to solemnize their marriage.

On the plight of Muslim women due to the practice of dowry, the President of the All India Muslim Personal Law Board, Maulana Rabe Hassani Nadwi says “The men must shoulder a great responsibility. After all they are the ones who demand dowry. If they refuse to take dowry, things will be fine. The women’s families give dowry only out of compulsion. In Islam, accepting dowry is a sin.”

(Translated into English by: Sanjay Mutoo, New Delhi with inputs from Muhammadullah Khalili Qasmi, Deoband)

