

# **Family Planning as National Policy in Pakistan**

## **An Analysis from the Perspective of Shari'ah**

---

\*Naseem Razi

### ***Abstract***

*The present article focuses on the dilemma of explosive growth and uncontrolled population of Pakistan and its alarming effects on the socio-economic and psychological aspects of the life of people. It describes that uncontrolled population is one of the major issues facing Pakistani society and considered one of many critical causes behind the increased ratio of poverty, illiteracy, terrorism etc., which further led to chaos, declination of moral and ethical values and destruction of family unit and Pakistani society. In this context, this article explores that Shari'ah aims to work for the interest of human being and what is not against the spirit of Shari'ah is permissible. The major part of the article is devoted to the description of the concept of family planning, methods of planning and its validity in the Islamic law. This article argues that Shari'ah contains divine inspirations not only theologically but also practically, it presents a complete picture of a healthy and sound society and thus does not prohibit any policy if not against its objectives rather it dislike chaos, poverty, hunger, theft, immoral activities, lack of education, lack of good and proper training because all these are against the objectives of Shari'ah and should be eliminated from the society.*

**Keywords:** Family Planning, Shariah, Pakistan

### **Statement of the Problem:**

At present, uncontrolled population of Pakistan is one of the hot issues to discuss. A clash seems to be arising between religious scholars of Pakistan who condemn the whole idea of family planning and policy of family planning adopted by the government to motivate people to control their family growth. Moreover, due to lack of knowledge majority of our people believe that this issue cannot be discussed in Shari'ah perspective and Islamic law has no place for it.

The divine revelation and the Sunnah of the prophet however, have solution for every contemporary issue directly or indirectly. The solution of the issue discussed in this article is in fact based on the objective of Shari'ah that is public interest, hence, the solution will be vary according to the circumstances and prevailing condition of a particular society with reference to its population and other resources. In this perspective the discussion highlights the alarming situation of Pakistani population which made it the sixth most populous country of the world where almost 48% of the population has been living below the poverty line. It argues that this issue is not taken as a serious issue by different sectors due to lack of awareness, illiteracy and a correct understanding of Islamic laws. Hence, it is inevitable to think seriously about this contemporary problem that is explosive growth and uncontrolled population of Pakistan.

---

\*Assistant Professor, Faculty of Shari'ah and Law International Islamic University, Islamabad.

**Research methodology:**

This paper has adopted a descriptive style and presented a critical analysis in the light of the prevailing conditions and circumstances of the Pakistani people. The research methodology of this paper relies upon documents such as books, journals, official records, net and as well as on personal observation. The method of data collection is based on the study of the primary and the secondary sources. This paper is divided in to three major sections: Section one describes the concept of family, its purposes and concept of family planning and its methods according to the intellectuals of the Western world. Second section deals with the concept of family, its purposes, concept of family planning and its validity in Islamic law; section three highlights the prevailing situation of family planning and views of Pakistani scholars regarding family planning. At the end some recommendations and suggestions have been given to solve the issue of uncontrolled population of Pakistan.

**Introduction:**

The explosive growth of human population is the most significant issue of the past million millennia. Three and one half billion people now inhabit the earth, and every year this number increases by seventy million.<sup>1</sup> Sociologists suggest “planned family system” to solve this problem, and introduced method of birth control in the second half of 19th century. It is considered now to be an indispensable aspect of modern welfare system. It does not mean to reduce the growth rate of a country to zero, but it aims only a reduction in absolute population size of a country.<sup>2</sup>

The contemporary society of Pakistan is passing through a period of grave crisis of over-population threatening the whole structure of the society. The population of Pakistan in 2012 was over 187,342,721 at 1.573% growth rate.<sup>3</sup> Due to explosive growth, lack of education and low resources of earning about 43% of the population are living below the international poverty line of US\$ 1.25 a day.<sup>4</sup> The reason is that unlike past, today we lack the resources that are needed to maintain high level of culture and honorable living. We are unable to utilize fully and righteously the vast resources we have come to acquire. Lack of scientific knowledge, technology, over population and economic control made us unable to accomplish organized society, to maintain justice, to establish strong moral good consciousness based structure of society. The rocketing expansion of the population in recent years has threatened not the government but the sociologists and economists of all over the country. It has increased ratio of poverty, terrorist’s activity, robbery and dacoit and is resulting into chaos and declination of moral and ethical values and destruction of family life and Pakistani society. This destructive situation of Pakistani society has invited the intention of those who work for the betterment of the family and society. To understand the concept of family planning it is necessary to know what the concept of family is in Western society and in Islam.

### **Section One**

#### **DEFINITION, PURPOSES AND METHODS OF FAMILY PLANNING IN THE EYE OF CONTEMPORARY REFORMERS:**

Traditionally, the family has been defined as a unit made up of two or more people who are related by blood, marriage and who live together, form an economic unit and bear and raise children.<sup>5</sup> Throughout the world, families are tended to form around marriage, a legally sanctioned relationship, usually involving economic cooperation as well as sexual activity and childbearing that people expect to be enduring. Marriage in Western society is generally based upon the idea of romantic love and affective individualism, where couples are expected to develop mutual affection, based on personal attraction and compatibility.<sup>6</sup> From this concept of marriage, we can draw some purposes of marriage in a Western society: The first object is to enhance love and affection between two individuals. Here couple has expectation of love from each other on equal basis. It is important to note that marriage is based on only personal attraction; another purpose of marriage is to provide protection to illegitimate children, if someone existed because in Western society mutual sexual relationship is not prohibited. In many cases a couple decides to get marry after delivery of an illegitimate child. Evidences show that the ratio of extra-marital birth is greater than legal one. Usually individuals think about marriage after many years of their relationship; the third important purpose of marriage is economic cooperation of couple with each other. In a Western society, husband and wife are equally responsible to run their household responsibilities, to train children and to spend for it; forth purpose is production of a child which is less important. However, functionalists believe that marriage is vital in producing the next generation; it regulates and legitimizes sexual activity; it allows procreation and the socialization of children into the culture, attitude and beliefs of their society, providing emotional as well as economical support and security, where in they act as an economic unit to meet the basic needs of its members.<sup>7</sup>

#### **1.1 Origin and Concept of Family Planning in the Western World:**

The concept of planned family system was suggested by the sociologists of the 19<sup>th</sup> century who introduced certain methods of birth control. It did not mean to reduce the growth rate of a country to zero, but it aimed only a reduction in absolute population size of a country.<sup>8</sup> Family planning refers to the plans that individuals devise and follow voluntarily to prevent, delay or achieve a pregnancy while maintaining desirable level of general and reproductive health. Charles Knowlton in USA and Frances Place in UK were the earliest advocates of birth control.<sup>9</sup>

#### **1.2 Methods of Family Planning or Birth Control:**

Birth control or fertility control, the term is used to refer patterns of human behavior to prevent unwanted pregnancies and births.<sup>10</sup> There are different patterns or methods to control unlimited birth such as:

##### **(i) Contraceptive methods:**

Contraception includes all non-permanent measures to prevent coitus from resulting in conception such as: The principal folk methods of contraception are

coitus interrupt or withdrawal of the male prior to ejaculation. It is the oldest contraceptive procedure known to man. It appears in the Old Testament (Genesis 38). It was the principal method by which the historical decline of the birth rate occurred in the West; second is virginal methods which are designed to prevent the entry of sperm into the uterus by a mechanical barrier or to kill the sperm by chemical action. The condom or sheath is the most adopted method among the couple; third is rhythm method which is known as safe periodic continence, based on the fact that conception is possible during only a small fraction of each menstrual cycle; fourth is oral method which is the contraceptive pill and was introduced in the late 1950's; lastly, the intrauterine methods like rings, loops, spiral.<sup>11</sup>

**(ii) Sterilization:**

This method is used originally to protect woman whose life or health was threatened by pregnancy. This procedure was proposed by Dr. James Blundell of London in 1823 and developed at the end of 19<sup>th</sup> century when aseptic surgery and anesthesia became available. In recent years discussion has centered on the legality or propriety of voluntary sterilization as a method of family limitation. Permanent sterilization means cutting, tying and partial removal of fallopian tubes.<sup>12</sup>

**(iii) Abortion:**

It is termination of unwanted pregnancy by destruction of the fetus. The roots of this method also found in earlier man's history. The medically approved method of abortion is through a simple operation known as dilation and curettage (scraping) of the uterus, which removes or destroy the fetus. This is preferably done no later than 12<sup>th</sup> week of the pregnancy. After the 16<sup>th</sup> week, the procedure becomes more complicated and abortion is done only if the pregnancy seriously dangers the mother's life. Another new developed method of abortion is the use of a vacuum device in place of curettage. Different cultures have different opinion regarding abortion. In some countries it has been legalized while others permit it only in case of serious threat to woman's life and health.<sup>13</sup>

**Section Two:**

**CONCEPT AND PURPOSES OF FAMILY AND FAMILY PLANNING IN ISLAMIC LAW:**

Islam, being a complete code of life approaches life and its problem in their totality. It has no belief for partial reforms and compromise solution. To protect and to develop an individual's inner and outer personals, Islam ties a strong relationship between two individuals male and female by way of marriage and made it a source of re-production. Quran mentions this blessing of God by saying: "And Allah has made for you mates of your nature, and made for you out of them, sons and daughters and grand children and provided for you sustenance of the best."<sup>14</sup> Re-production or the creation of human being by way of marriage is not the sole object rather one of the many objects. Among the objectives of marriage in Islam are: Fertility to preserve dynasty and the earth which cannot exist without man. The prophet (pbuh) proved it by saying: "If a man cohabit his wife, the reward of producing a child is written for him—such a child who becomes martyr fighting in

the way of God.”<sup>15</sup> The second purpose is that marriage is a source to safe from the devil, to satisfy lust and to control sexual passion; the third purpose of marriage is the mental satisfaction and love and affection between the couple; the fourth purpose is the performance of divine service by wife, who lessens the duties of husband, gives leisure to her husband by performing house hold duties and satisfies his sexual passion; the last purpose of marriage is the existence of a family and then a society on the earth.<sup>16</sup> To become father or mother is easy but to train them according to the fundamental principles of Islam is very difficult and majority of the contemporary parents are not performing their duties regarding the training of their children well and with full concern due to many children. In this context, the Holy Prophet once said: “who maintained his family but did not morally trained them; paradise will be prohibited for him.”<sup>17</sup> This Hadith is enough to highlight the importance of moral values and careful training of children in Islam. Children are not only the source of expansion of human population but also means of social development and the creative activities of a society. A minor negligence in their training will result in great destruction. It is necessary for parents to grow up children with love and affection and to teach them all good moral such as respect for others, good manners, tolerance, patience, tenderness and pity etc which are the fundamental principles of an Islamic society.

## **2.1 Origin and Concept of Family Planning in Islam:**

A study of family life during the period of the prophet reveals that the concept of family planning was existed and practiced even before the dawn of Islam and ‘Arab had to adopt methods of birth control. Evident shows that the issue concerned also remained a subject of discussion among the companions of the prophet. Then there are number of authentic *adth* which prove the permissibility of contraceptive methods or method of *azl* to control birth rate from the Holy Prophet (pbuh) and that the companions had to adopt it. Then traditional Muslim jurists did not left the issue untouched and showed their great zeal in this concern. Though the traditional Muslim jurists have different opinion about *azl* yet a full-fledged discussion is found among them. Some of them declare ‘*azl* permissible absolutely while others prohibit it absolutely. The third opinion is that it is permissible only in case of necessity. Other say it is permissible only in case of female slave and prohibited with wife. Literally, the term *azl* means to put a side or separated. It is said *Azala* , *Yazilu*. Technically, it means to with draw while cohabiting with wife.<sup>18</sup> In this sense the term *azl* corresponds to the term contraceptive methods.

### **2.1.1 Views of the Traditional Muslim Jurists regarding Family Planning:**

The views of the traditional Muslim jurists are as under:

#### **(i) Jamhūr al-Ulam (Hanafiyyah, Shafi’iyyah and Malikiyyah):**

According to these Jurists *azl* is lawful and permissible in all cases.<sup>19</sup> They argue with different *adth* in favor of *azl*. A *hadith* is reported by Jabir bin Abd Allah, he said: “We practiced *azl* during the life time of the Holy Prophet and reached this matter to Him (pbuh), but he did not prohibit us.”<sup>20</sup> The content of another *hadith* reported Abu Sad al-Khaduri is that: “It does not matter if you do not

do it (*azl*) for every soul that is to be born up till the Day of resurrection will be born.”<sup>21</sup> While explaining this *hadith* the commentator states that the Holy Prophet wanted to say that sexual act is not only means lead to the birth of child, it is also dependent upon the will of God. That is out side the orbit of human will and power. The other *hadith* is reported by Ubayd bin Rafi from his father that he was sitting with Harat Umar, Ali, Zubayr, Sad and with some other companions of the Holy Prophet discussing *azl*. They said: “no harm in it.” Then one man said: “He thought it might a minor infanticide.” Then Al said: “There is nothing infanticide until seven stages pass over it. It starts from dried clay, then it becomes semen, then into clot of blood, then into lump of flesh, then into bones covered with flesh and then it is created into another creation.” On this Umar commented: “you said truth, may Allah live you long.”<sup>22</sup> The later Hanafi jurists contended that *azl* is permissible with the consent of wife but in case of emergency or necessity, wife’s permission is not necessary, e.g. during traveling, when residing at *dar al-Harb* and when he intends to leave his wife due to her bad and immoral habits. In case of female slave there is no need for permission.<sup>23</sup> Imam Malik held that *azl* is permissible but it should not be done without the consent of wife but in case of female slave consent is not necessary.”<sup>24</sup> To sum up, Islam motivates in creating human being, because it is source of strength and power of any nation as holy Prophet (pbuh) said: “Do marry and create child, I will be proud of you over other nations in the day of judgment.” But Islam does not prohibit from birth control (*Tahdid-al-nasl*) by taking medicine or by any other means to prevent pregnancy in certain cases. So birth control is permissible in case where a person has too many children and has no capacity to maintain and train them or wife is weak. In these and similar to these cases, birth control is permissible. But some of *Ulema* view that in such cases birth control is not only permissible but also recommendable.<sup>25</sup>

**(ii) Ahl al-Zahiri:**

Al-Zahiri is the sect that was in favour of strict literal interpretation of the legal texts of Shari’ah and rejected doctrine of public interest. According to this *maslak* preventive measures of pregnancy are *haram* and prohibited. For this they argue with *hadith* reported by Jadhama bint Wahb: “People asked the Holy Prophet (pbuh) about *Azl*? He said: “It is minor infanticide.”<sup>26</sup> Imam Ghazali answered it and said: “Its permissibility has mentioned in *Sahih al-Bukhari* with authentic *ahadith*, and His saying “minor Infanticide” indicates only disliking or *karahah*, not *tahrim*”<sup>27</sup>

**(iii) Al-Hanabilah:**

According to Imam Ahmad bin Hanbal: “*azl* is permissible with the permission of wife and in case of female slave permission is not required.”<sup>28</sup> Ibn-e-Qadamah said: “*Azl* is *makruh* except in case of necessity e. g., female slave and sickness of wife.”<sup>29</sup>

**(iv) Views of Imam Ghazali regarding *azl*:**

Talking about birth-control through *azl* Imam Ghazali contended that birth control by *azl* is lawful and supported by analogy or *qiyas* or inferences from the

Qur'an. Though there is no clear verse regarding it yet it can be gathered from the inferences of the general texts. It is therefore is not unlawful.<sup>30</sup>

### **2.1.2 Objectives of Azl/Contraceptive Methods in Islamic Law:**

Imam Ghazali states four objects of 'azl and their *hukm* in Shari'ah. Answering a question that 'azl or contraceptive method is against the object of marriage that is to produce children, imam Ghazali described objectives of family planning and their hukm. Two of them are permissible while other two are not permissible.

#### **(a) To preserve the beauty and health of wife:**

According to Imam Ghazali *azl* can be adopted to preserve the beauty and health of wife and thus to enjoy her always. If *azl* is adopted with this object, it is not unlawful.<sup>31</sup>

This verdict of Imam Ghazali can be presented in favor of birth-control policy. No doubt, one of the major causes of poor health of female is unlimited deliveries. Then due to our socio-economical culture, nobody cares for the health of female not even husband. Moreover, husband also becomes irritated due to many children, especially, in case where there is no other person to assist and to look after the children except mother and where his earning is lesser than the number of his family. It is this reason that malnutrition affects women more than men. At least 40% of women and 20% of men are anemic. Adult women consume less iron than men in Pakistan even though their requirement is thrice as high as men. Since malnourished mothers face the likelihood of low birth weight babies who often grow up into children with abnormally low height, weight, deficient learning capabilities and susceptibility to disease.<sup>32</sup>

#### **(b) To limit too many children:**

The second purpose of birth-control, according to imam Ghazali is very important. That is the control of unlimited deliveries. Here, Imam Ghazali points out that "to prevent birth of too many children is not unlawful. To maintain too many children is very difficult. Then Imam Ghazali argues for his statement that the verse of God guarantying maintenance of all creatures means perfection of God- reliance and perfection of merits and rewards but it is no sin to give up the highest stage of merits, just as it is no sin to protect wealth and properties and to hoard up for limited period. It has been clear by this argument that the Policy of birth-control is not against the spirit of Islam. But purpose of this policy should be to control the birth of too many children to maintain & to educate them properly according to the earnings of a man because in such crucial time every person is facing economical crises i.e. low income, unemployment & big family. Particularly, in Pakistan a large number of children from poor families are working in hazardous occupations, which are causing repeated injuries, chronic diseases, physical and mental deformities and in some cases death. An administrative mechanism for ending child labors in hazardous industries urgently needs to be put in place.

**(c) Due to fear of birth of daughter:**

Birth control should not be for fear of the birth of the daughters and if someone adopts birth control method due to fear of the birth of daughter it is unlawful in Shari'ah.

If with this object marriage or sexual intercourse is given up, he will be committing sin, but these actions simply without this object is not sinful.

**(d) To protect the honor of woman:**

Imam Ghazali opposes birth control only to provide relaxation and facility to wife. He states:” To adopt *azl* to protect the honor of woman, to keep her neat & clean and to save her from maintaining children is unlawful.”<sup>33</sup>

It has been clear from above discussion that use of contraceptive methods before conceiving of a woman is permissible especially in case of too many children to train and to educate them properly due to low income or poor health. So far as concerned the method of sterilization, the temporary sterilization is allowed only, but permanent sterilization is not allowed in Islam. It is against the objectives and purposes of marriage and family system of Islam.

**2.1.3 Abortion and its *Hukm* in Islamic Law:**

Another important issue is abortion and its *hukm* in *Shari'ah*. It has been discussed earlier that abortion is a destruction of fetuses in their mother's womb under the guise of miscarriage. For it we have a clear verdict in Qur'an, God say: “And when the female infant buried alive is questioned: For what sin was she killed?”<sup>34</sup> The ‘Arab used to commit infanticide after delivery, but in modern times fetus is killed in mother's womb. Islam condemns this action and counts it so disgraceful and hateful that it considers the crime of prime accountability prior to the other matters for justice.<sup>35</sup> And All Muslim jurists agreed upon that abortion is prohibited and destruction of fetus after 120 days of pregnancy is *haram*. It will count as murder and person is liable for punishment in hereafter. However Muslim jurists have slight difference among them regarding abortion before 120 day of pregnancy. The Hanafi jurists held that abortion before 120 days is permissible in case of necessity or with genuine reason but if it is done without genuine reason it will be *makruh*. The later Hanafi jurists declared abortion before 120 days permissible even if done without permission of husband. The Maliki jurists declared abortion prohibited and unlawful if once a woman conceived.<sup>36</sup> Imam Ghazali discussed and elaborated different stages of pregnancy and their respective *ahkam*. He described that the life of a child coming into existence has some stages: The first stage is that where semen in uterus mixed with female ova. If both are mixed, it is sin to destroy it. There is no sin if they are not allowed to mix. In second stage it is created into a clot of blood and a lump of flesh. It is more hate able to destroy it. At third level it is infused and the most hate able to destroy or it can not be destroyed. The last limit of sin is to destroy the child when it is born.<sup>37</sup> Concluding this section, it is important to note that majority of Muslim Jurists does not allow aborting a fetus except in case of necessity. But abortion after 120 days is not allowed in any case except at the cost of life of mother.

### Section Three:

#### FAMILY PLANNING IN PAKISTAN

Family Planning Program was started in Pakistan in early 1950, Firstly; it was initiated in private sectors by an NGO named Family Planning Association of Pakistan. The government of Pakistan allocated Rs.5million in the first plan (1950-1960) as a grant for contraceptive advice and service. However at early stages, the progress of this plan was slow. So the first five plans were too slow to achieve a significant success. This program has made visible progress in the last decade. During 7<sup>th</sup> & 8<sup>th</sup> Five-year-Plan (1996-97), contraceptive Prevalence Rate increased from 9% to 24%.The total fertility rate or the average number of children in family has been brought down from 5.4 in 1991 to 4.1 in 2004.Contraceptive prevalence rate(CPR) has increased to 34% in 2004, while the un-met need is around 34%.<sup>38</sup> The awareness of specific method has increased from 77.9% in 1990-91 to 94.3% during the year1996-97.In the recent years the use of traditional methods is increasing due to awareness of family planning program through effective IEC campaign on TV, Radio and Print media. Now a day, Knowledge of any one method of family planning is almost universal.<sup>39</sup>

Talking about the views of Pakistani Muslim scholars regarding family planning in Pakistan, two important works are mentioned here: First is the view and writing of Sayyad Abu Al-A'la Maududi about family planning; and second is the report prepared by Council of Islamic Ideology.<sup>40</sup> Sayyad Abu Al-A'la Maududi wrote an article "Islam and Dabt Wiladat" in 1960. It was the period when the family planning policy was initiated in Pakistan. In this Article Sayyad Maududi described the negative effects and harm of family planning in detail, e.g. disturbance in physical structure of female, distortion of society, lack of labors, national and economic declination etc. He declared that it is a national suicide. Then Sayyed Maududi rejected the arguments of those who were in favor of this policy .Taking about less economic resources and over population, He pointed out that "actually, on this earth there is no problem of less space and less production. It is just because of laziness and workless ness of human being which instigate him for genocide."<sup>41</sup> Talking about Pakistan, he described that Pakistan is an agricultural country and 70% people are relevant to agricultural profession, in this situation it is not affordable to control agricultural labors. To estimate Problems of Pakistan on any Western country will not be fruitful for us...hence in Pakistan there is no such emergency (to introduce such policy) and there is lack of population than its density.<sup>42</sup> In this way Maududi adopted contextual approach of the texts of  $\square$ azl and declared it unnecessary in the context of the then prevailing circumstances of people, economic growth of Pakistan and need for young to contribute in the development of country. To argue the opposition of the family planning as national policy Sayyad Maududi stated that the tendency of birth control never common among Muslims. There was neither any movement to control birth limit nor intended to make it as National Policy.<sup>43</sup> At the end of his discussion Sayyed Maududi stated that " $\square$ azl and other contraceptive methods of birth control are not *haram* by the Legislator (Allah Almighty) as due to some extraordinary circumstances the man might being forced to adopt these methods, e.g. at the risk of life of female, for health of feeding baby and if medically

suggested. But without necessity to adopt birth control methods as national policy is against the spirit of Islam.<sup>44</sup> It becomes clear from this discussion that Sayyad Maududi did not declare family planning as national policy prohibited in Islam rather he did contextual interpretation of the texts in the light of the progressive condition of Pakistan during the 1960s. Unfortunately, after him no serious attempt was made to understand and to analyze the issue of explosive growth in the light of the changed context, changed economic condition of the country, increasing ratio of the poverty and crimes in Pakistan while this issue demands emergency based intention of the contemporary scholars.

The second important work done in this regard is the report of the Council of Islamic Ideology. This report was prepared by the council in 1984 and held that birth control policy should be cancelled by the government because it is against the spirit of Islam.<sup>45</sup> However, some contemporary Pakistani scholars have declared family planning as an issue of *ijtihad* and declare that the problems of divorce, terrorism, interest, and system of government and the problem of family planning should be solved through of *ijtihad*.<sup>46</sup>

### CONCLUSIONS AND RECOMMENDATIONS

Concluding this article, it is not a matter of debate whether family planning is permissible or prohibited in Islam? Of course contraceptive methods of family planning are permissible in Islam. It is also concluded that all the Muslim jurists are agreed on its permissibility and impose only one condition that is the permission of wife.

So far as concerned, adoption of family planning as National policy in Pakistan, the problem can be solved by way of contextual interpretation in the light of the objectives of Shari'ah and public interest. Imam Shafi had pointed out that "for every problem there is a solution in the Qur'an."<sup>47</sup> There is no problem for which no solution existed in Shari'ah, it just demands intellectual visions and thorough study of the general principles of Shari'ah upon which the whole legal system of Islam stands. This issue can be solved by way of *maslahah*, objectives of Shari'ah, contextual interpretation of the texts and through rationale reasoning. For instance, Imam Ghazali stipulates three conditions to use *maslahah mursalah* such as that the new rule should not be in clash with the existing text of Qur'an or Sunnah, that it should not contradictory to the general principles of Shari'ah and that the new rule should not be strange or *gharib* for Shari'ah.<sup>48</sup> In the light of these conditions, the problem has an affirmative solution. Similarly, if one analyzes the problem in the light of the objectives of Shari'ah there is no ambiguity regarding its permissibility as the preservation of the existing lives is the most important fundamental object of Shari'ah. Life in Islam does not mean only delivery of a child and then throw him to the wings and winds of chances rather parents are under heavy duties to bring up, to train, and to educate their children according to the contemporary circumstances and demands of changed scenario. In Pakistan, where 48% of the population is living below the International Poverty line of US\$1.25 a day, where a common man earns only 8000Rs per month and has 5-6 children to maintain. What about their social, economical and psychological requirements which are the prime focus of Islamic

family system? Can such a man become a good father and educate his children properly?

Pakistan, where 42% people of our population never went to school. Among 134 countries of the world, Pakistan ranked on number 117 whom children can not get proper primary education. Where, 78% girls and 53% boys cannot complete their primary education due to this and that reason.<sup>49</sup> According to the Economic Survey of Pakistan 2009-2010, unemployment in Pakistan has been increased from 5.2 % to 5.5%.<sup>50</sup> Another survey done by Swiss Agency for Development and Co-operation indicates a critical situation to think over this issue. According to this report consumption of floor has been decreased in Pakistan and 48.6% people of Pakistan are suffering from the problem of “food in security” which means half of our population has no money to buy floor and no food to eat.<sup>51</sup> Unfortunately, we do not have any Islamic model state to follow and to adopt its policies. We are behind the nations and considered backward people of the world. No Muslim country has reached the standard of the developed countries in respect of education, scientific advancement and political or military strength.

In this context, it is suggested that the Muslim jurists and institutions of Pakistan who have interpretive authority should work like reformers and sociologists of a society to solve this and a like issues. In this every day changing scenario, they should not be indifferent toward the secular needs of the Muslim Ummah.

It is also suggested that awareness program should be launched by NGOs and sociologists on social media regarding benefits of few children and harm of too many children. Rapid expansion of knowledge through media and other electronic means will change the mindset of the people regarding misconception of birth control policy.

It is also suggested that regular workshops and seminars should be arranged with the co-ordination between the department of social welfare and religious scholars. There should be discussions with the scholars to overcome this problem.

There is need to plan for poverty eradication and to improve economic growth. Education should be made binding on emergency basis because education not only makes the people capable of meeting all the economic, social, political, technological, physical, intellectual needs of society but also makes the people vigilant regarding proper training of their children and it is evident that educated couple has fewer children than uneducated persons. The fact is that illiteracy is the most destructive cause against all constructive activities in a society.

Awareness program regarding education, duties of husband and father and about permissibility of contraceptive methods should be started from grass root level. For this scholars in mosque can play an important role. Being vicegerent of God man is under heavy duties. It is easy to ignore or to conceal some facts but it will be difficult to answer before God Almighty. At the end I would like to quote Dr. Iqbal: “The ultimate spiritual basis of life as conceived by Islam is eternal and reveals itself in variety and change. A society based on such a conception of reality must reconcile, in its life, the categories of permanence and change. It must possess eternal principles to regulate its collective life. For the eternal give us a foothold in the

world of perpetual change. Change according to the Qur'an is one of the greatest signs of God tend to mobilize what is essentially mobile in its nature.<sup>52</sup>

## References:

- <sup>1</sup> Paul, R. Ehrlic & Anne, H. Ehrlic, *Population Resources Environment* (Islamabad: National Book foundation, 2003), 381.
- <sup>2</sup> Fitz Patrice, Tong and Others. ed., *International Encyclopedia of Social Policy*. London: n.p.2000. pp.461-463; Ehrlic, & Anne, *Population Resources Environment*, 382.
- <sup>3</sup> Pakistan, An Official Hand Book. Islamabad, Directorate General Publications'. 269.
- <sup>4</sup> Pakistan Planning Commission, *Report* (2011). Islamabad:, Official Printer. p. 23.
- <sup>5</sup> Fitz Patric, Tong and Others,(2000). Ed., *International Encyclopedia Of Social policy*.London. p.546.
- <sup>6</sup> Ibid., 457.
- <sup>7</sup> Ibid., 548.
- <sup>8</sup> Patrice, Tong and Others ed., *International Encyclopedia of Social Policy*. 461-463; Ehrlic & Anne, *Population Resources Environment*,382.
- <sup>9</sup> Leon, L. Bran & Robert, S. Dickey(2000). *Funk &Wagnall's New Encyclopedia*. USA: Library of Congress Catalog. Pp. 14:26.
- <sup>10</sup> Ehrlic & Anne, *Population Resources Environment*,383.
- <sup>11</sup> A. S. Kohli & S. R. Sharma(n.d.). *Encyclopedia of Social Welfare and Administration*.New Delhi, Anmol Publications, PVT LTD.p.223; Mc Farlane, D. R. and Meir, K. J.(n.d.). *The Politics of Fertility Control* New York; seven Bridge Press. pp.567-568.
- <sup>12</sup> Ehrlic & Anne. *Population Resources Environment*. 386.
- <sup>13</sup> Russell, A. Sobo & Thompson, M. (2000). *Contraception Across Cultures*.New York & Oxford Berg. P.332.
- <sup>14</sup> The Qur'an: 16:72.
- <sup>15</sup> Sulayman ibn al-Ashath, Abu Dawud (1969). *Sunan Abi Dawud*, Kitab, al-Nikah.Humus, Dar al-Hadith. 2:705.
- <sup>16</sup> Imam Ghazali.(1976). *Ihya Ulum al-Din*. Lahore, Islamic publications.2: 23.
- <sup>17</sup> Abu Dawud. *Sunan Abi Dawud*, 2:772.
- <sup>18</sup> Ibn al-Kurra` (1956). *Al-Munjad fi al-Lughah*.Bairut, Dar al-Kutab al-Arabi. P.233.
- <sup>19</sup> Al-Bahuti, Mansur bin Yunus b. Idris.(1982). *Kashf al-Qanna' an Matn al-Iqna*. Labnan, Dar al-Fikr. 5:188; Ibn al-Hammam,Kamal Muhammad bin Abdul-Wahid, *Sharah Fath al-Qadir*.Misr, Dar al-Fikr li-Ittba' wa Al-Nashr.3:400-401; Al-Nawawi, Muhayy al-Din Yahya bin Sharf, *Al-Majmu Sharah al-Muhadhdhab*(1976).Egypt, Dar al-Fikr. 4:66; Al-Sayyad al-Sabiq, *Fiqh al-Sunnah*. Bairut: Dar al-kitab al-Arabi. 2:192.
- <sup>20</sup> Abu-al-Hussain Muslim bin Hajjaj al-Qarshi. (1978). *Sahih al-Muslim*.Lahore, Sh. M. Ashraf.11:733.
- <sup>21</sup> Ibid., 11:734.

- <sup>22</sup> Abu Dawud. *Sunan Abi Dawud*. 2:475; See for detail, Al-Bahuti, *Kashf al-Qanna an Matn al-Iqna* 5:1884; Imam Sayyad al-Sabiq. *Fiqh al-Sunnah* 2:193-94; Ibn-al-Hammam, *Sharah Fath al-Qadir*, 3:401.
- <sup>23</sup> Dr. Wahbah al-Zuhayli, *Al-Fiqh-al-Islam wa Addillatuhu* (9184).Damishq,Dar al-Fikr.7:107; See for detail, Al-Baydawi, Abu Muhammad al Hussain bin Masud.(1992). *Sharah al-Sunnah*, Kitab al-Nikah ,Bab Azl.Labnan: Dar al-kutab al-Arabiah.5:80-81; Al-Kasani, Imam Alaw al-Din Abi Bakr bin Masud.(9186). *Bida' al-ana' Fi Tartib-al-Sharai'*.Labnan, Dar-al-Kutab-al-Islamiah.2:334.
- <sup>24</sup> Imam Malik.(1978). *Al-Muwatta*, Bab-al-Azl. Lahore, Sh. M.Ashraf,7 Aibak Road. 268.
- <sup>25</sup> Sayyad al-Sabiq. *Fiqh al-Sunnah*.2:194.
- <sup>26</sup> Abu Dawud. *Sunan Abi Dawud* . 2:583 ; Imam Muslim, *Sahih al-Muslim*,11:734.
- <sup>27</sup> Sayyad al-Sabiq, *Fiqh al-Sunnah*,2:195.
- <sup>28</sup> Imam Ahmad bin Hanbal.(1977). *Al-Musnad* .Damishq:Dar-al-Fikr.3:51-52.
- <sup>29</sup> Muhammad bin Qadama(1989). *Al-Mughni*.Cairo: Hajr li al-Taba wa al-Nashr.10:228-230.
- <sup>30</sup> Imam Ghazali, *Iya Ulum al-Din*, 2:44.
- <sup>31</sup> Ibid., 2:45.
- <sup>32</sup> Pakistan National Human Development, *Report*, 67-68.
- <sup>33</sup> Imam Ghazali, *Iya Ulum al-Din*,2:46.
- <sup>34</sup> The Qur'an, 71: 8-9.
- <sup>35</sup> Muhammad Shafi Uthmani, *Maarif al-Quran*.Karachi,Idarat-al-Maa`rif,n.d.8:683; Ibn-Kathir.(2000). *Tafsir al-Qur'an al-Aim*.Riyad, Darussalam Publishers.4:377.
- <sup>35</sup> Dr. Wahbah al-Zuhayli. P. 6601; Imam Sayyad al-Sabiq. *Fiqh al-Sunnah*. 2:196; See for detail, *Al-Dur -al-Mukhtar wa Al-Rad al-Mukhtar*, 2:522.
- <sup>36</sup> Ibid.
- <sup>37</sup> Imam Ghazali, *Iya Ulum al-Din*, 2:45.
- <sup>38</sup> Pakistan National Human Development, *Report* (n.d). Karachi, Oxford University Press. p.12
- <sup>39</sup> Ibid.,187.
- <sup>40</sup> This Council was set up in1974 under Article 228of Constitution of Pakistan. The purpose of the establishment of Council is to provide guidance to the government whether a proposed law is or is not repugnant to the Islamic Injunctions. See, The Constitution of Pakistan 1973. Articles, 228-230.
- <sup>41</sup> Sayyad Abu al-Aala Maududi(1965).Dabt al-Wiladat.Lahore, Mansoorah.p. 89
- <sup>42</sup> Ibi.d., 97.
- <sup>43</sup> Ibid.,107.
- <sup>44</sup> Ibid., 109.
- <sup>45</sup> Council of Islamic ideology, *Report Family Planning* (1992).Islamabad. Printing Corporation of Pakistan. 2-12.
- <sup>46</sup> Council of Islamic Ideology, *Ijtihad (2007): A Quarterly Journal*.Islamabad.pp. 85-87.
- <sup>47</sup> Imam Shafii. (1986). *Al-Risalah*.Labnan, Dar-al-Kutab-al-Islamiyah. P.24.

<sup>48</sup> Imam Ghazali.(1978). *Al-Mustasfa` min Ilm al-Usul* .Cairo, Matba Mustafa.1:285-286.

<sup>49</sup> Jang Development Reporting Cell, *Report of Survey regarding Education*.Islamabad. ( March 4, 2010)

<sup>50</sup> Report of Economic Survey of Pakistan, 2010-11.

<sup>51</sup> <sup>51</sup> Swiss Agency for Development and Co-operation, *Report* (2010), 3-8.

<sup>52</sup> Allama Iqbal.(1987). *The Reconstruction of Religious Thought in Islam*.Lahore, 7Aibak Road.147-148.