

4

Issues related to AIDS ♦

Acquired Immune Deficiency Syndrome (AIDS) has almost become a modern plague, spreading very fast in various parts of the world. In order to save the life of healthy persons by controlling its spread and to treat the patients suffering from the disease and to understand related issues, the Islamic Fiqh Academy brought the issue on the agenda of its Eight Seminar in row. The following decisions were made.

- 4.1 If a person, not disclosing that he is suffering from AIDS, contracts a marriage, the wife shall have the right to have the marriage dissolved. She will have the same right in the case of her husband contacting AIDS subsequent to marriage provided that AIDS assumes serious proportion.
- 4.2 If a woman suffering from AIDS gets pregnant and a qualified doctor be of the opinion that in all likelihood the foetus will also develop AIDS, in that case, prior to the life coming in the embryo, the period which the Muslim jurists have fixed as 120 days from the day of conception, permission for abortion can be given.
- 4.3 If an AIDS patient is completely in the grip of the disease and is rendered incapable of performing normal functions of life, such a person will be treated as one on deathbed.
- 4.4 It is the moral responsibility of an AIDS patient to inform his kinsmen of it and also to take all necessary precautionary measures.
- 4.5 If an AIDS patient insists upon his doctor to keep it under wraps and the doctor is of the opinion that by doing so there is the likelihood of harm to the members of the patient's household, to patient's relatives and to the society at large, then it will be incumbent on the doctor to convey the information to the relatives of the patient and to health authorities.
- 4.6 In respect of the persons suffering from AIDS or some other infectious diseases, it is the duty of their folks, relatives, and the society as a whole, not to leave them isolated and uncared for. Taking all necessary precautions, good care should be taken of the patients and due cooperation be offered in their treatment.

♦ 8th Fiqhi Seminar (Aligarh – U.P) 22-24 Oct 1995.

- 4.7 It is improper to keep the AIDS-infected children deprived of education. Observing due precautions, arrangements for imparting education to them should be made.
- 4.8 Restriction of movement in and out of plague-affected areas is desirable except in cases of extreme necessity.
- 4.9 It is *Harām* (totally forbidden) and a major sin for AIDS patients to, knowingly; transmit the disease to any other person. Such a person will be liable for punishment in view of the nature of the act and for the harmful effect it has on an individual or on the society as a whole.