



A STUDY OF FIQH LITERATURE IN URDU
Since 1857 A.D.

DISSERTATION

SUBMITTED IN PARTIAL FULFILMENT OF THE
REQUIREMENTS FOR THE AWARD OF THE DEGREE OF

Master of Philosophy

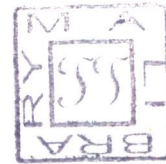
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Dr. ZAFARUL ISLAM

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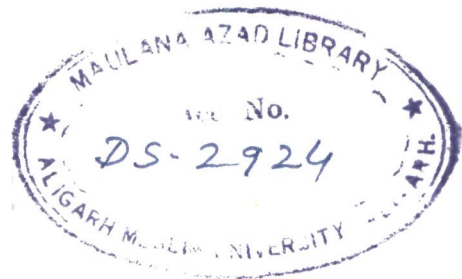
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**DEDICATED
TO MY
PARENTS**

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(I)

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

PREFACE

Selection of topic for my dissertation was guided by many factors and considerations. Among them, the foremost was the idea that a comprehensive bibliographical dictionary of fiqh literature in India in the recent times should be prepared for it would not only be helpful in providing an indicator of the intellectual potential of the Muslim Intelligenstia of the Indo-Pak subcontinent, but also a guide to the young and experienced researchers alike for the location of the relevant material.

The study of nature of survey, and as such does not warrant or pre-suppose a critical or analytical examination of the Urdu Fiqh literature in India. Nevertheless, it provides an insight into the juridical mind of muslim India, besides opening a window to the academic awakening of the Muslim Ulama and Fuqaha of the country. It is presented with the hope that some serious scholars would utilize the accumulated information for deeper studies on the subject, apart from enriching it from bibliographical point of view.

(II)

I am fortunate to receive the encouragement, patronage and active assistance of the teachers, staff of the Deptt. of Islamic Studies, AMU, Aligarh. It is my duty to express my gratitude to **Prof. Azduddin Khan**, Chairman, Deptt. of Islamic Studies for his constant encouragement and keen interest in my work. I am equally thankful to **Prof. M.Ş.Kidwai** and **Prof. K.A. Jaisi** for there kind words of affection. To **Prof. M. Yasin Mazhar Siddiqui** I offer my special thanks for his timely assistance he rendered during the course of my research.

I shall be failing in my duty, if I do not record my deepest and sincerest gratitude to my esteemed supervisor **Dr. Zafarul Islam Islahi** without whose kind patronage and affectinate assistance this dissertation would not have seen the light of the day.

Thanks are also due to several other teachers of mine such as **Drs. Abdul Ali, M. Azam Qasmi** and **Obaidullah Fahad** of the Deptt. of Islamic studies, **Prof. Abdul Bari** of Deptt. of Arabic, **Dr. Saud Alam Qasimi**, Nazim-i-Diniyat AMU, **Maulana Sultan Ahmad Islahi**, **Maulana M. Tahir Madani** **Qazi Sabahuddin Qasimi**, **Mr. Arshad Ajmal**, **Maulana Rais Ahmad Salafi** and several others.

(III)

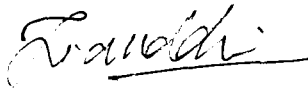
The Library staff of Islamic studies **Mr. Kabir A. Khan** and his colleagues also deserve my thanks for they provided valuable help without fail. I am also indebted to the staff of Maulana Azad Library, Departmental Libraries of history, Urdu and Theology AMU and Khuda Bakhsh .o.p. Library Patna.

At this moment I would like to express my thanks to all my friends in general and to M/S G.N. Gunai, Javed Ahmad and Abu Zar in particular I would also like to thank my wife **Mrs Parveen Ajmal** whose silent cooperation and love provided me enough fillip to carry on this stupendus task of research. For beautiful and excellent production of the dissertation M/S Fatima Xerox and its computer operator **Mr. Haseeb-ullah Khan** derserve my special thanks.

The last but not the least I would place on recored my gratitude and thankfulness to my esteemed parents **Maulana Khalilur Rahman** and **Mrs. Sajidah Khatoon** and my brothers and sister who have always been the greatest source of inspiration for me throughout my life and career. May Allah beless them with a longer lease of life and special favours that He bestows on His chosen servants.

(IV)

At the end, I admit that all the mistakes that still remain in this dissertation are mine, and none of the above mentioned is responsible for them, and I request the readers, especially the learned, to apprise me of them so that may be removed.


(ZIA-UDDIN)

INTRODUCTION

Islamic jurisprudence (fiqh) is an important branch of Islamic learning. The word fiqh literally means "intelligence or understanding". This is supported by several Quranic verses such as (A seal is set upon their heart so that they do understand". The fiqh (Islamic jurisprudence) in the legal terminology signifies study of details of Islamic law as derived from its sources. It is also sometimes defined as knowledge of one's right and obligations in the light of the Shariat's sources.¹. It deals with the issues relating to all aspects of human life. 'Ilm-i-fiqh help us to understand the Shari'at rules with regard to the problems relating to all the aspects from the subject matter of this branch of knowledge. The origin of the fiqh may be traced back to the very early period of Islamic history. With the passage of time it continued to develop till it reached its zenith with the formation of the four well known schools in the second century of

1. Al-Mahami Subhi Mahmasani Falsafa al-Tashri'fi'l Islam, Beirut, 1952, pp. 13-14.

Hijra. The schools of Abbasi period took interest in this science and the caliphs accorded their patronage to it. In the later period it become an essential part of the Curriculum in the institution of Islamic learning and formed popular subject of study and discussion in the circle of Ulama.¹ Broadly speaking, the development of fiqh-i-Islami may be divided into four stages. The first stage, which related to the period of the Prophet is known as that of legislation. It was in this period when Shari'at's rules were being formulated through the verses of the Holy Quran and Ahadith of the Prophet (SAW). These two (Quran and Hadith) were the basic sources of guidance for the Muslims in their day today life. They formed body of Islamic law as well as main sources for deduction of legal points.²

The second stage extending from the times of the Pious caliphs upto Umayyads, is known as the period of collection and interpretation of basic sources. In this period as it is well known, the verses of the Quran written on different materials were collected together and

1. Ziauddin Barani, Tarikh-i-Firuz Shahi, Calcutta, 1862, p. 464.

2. Op. Cit. Mahmasani, pp. 104, 110.

compiled in book form. On the other hand transmission of the traditions of the Prophet (SAW) was taken up by his companions with great interest and enthusiasm. This was done mainly in oral way, though the practice of writing the ahadith has already started. By the time of the tab'iin (successors of the companions of the Prophet) the work of the transmission of ahadith got further development and collection of hadith in written form went on further. The Holy Quran and Hadith being the basic sources of the Shariat, were interpreted by the jurists to deal with the new problems or to extend the application of original rules to the subsidiary issues under the guidelines of given in the Quran and Hadith. This further stepped up the process of analogical deduction (qiyas) and use of ijma for solving the new legal problems.

Third period (2nd and 3rd century of Hijra) is more important from the point of view of the development of fiqh. It was in this period that different schools of fiqh (including the four well known ones)¹ came into being and got development.

1. S. Mahmasani, Falsafat al-Tashri' fi'l Islam,
(tr.) by Farhat Ziadeh, Leiden, 1961, p. 17.

The same period is also known for compilation of important works on main branches of Islamic learning Tafsir, Hadith and fiqh. With regard to fiqh first of all, legal problems relating to different aspects of human life were thoroughly discussed by the founder of each school in the assembly of their main disciples and then codified by the jurists of the respective schools. The important contribution of this period also included formulation and codification of Principles of fiqh. The credit for first compilation on this subjects goes to Imam Shafii whose al-Risala is considered the Prime source on Usul-i-Fiqh.

The period following the formation of well-known schools of fiqh is considered as that of blind following (taqlid). The jurists of this period especially of Hanafi school confined themselves to interpret the Islamic law and explain the legal problems only in the light of sayings and writings of the founders of their schools or that of their chief disciples. They, generally, did not take recourse to the primary sources for deduction of legal points. Thus they did not follow the dynamic principles of ijtihad in dealing with the new situations. It was in this period that a large number of commentary, glossary and abridgment of classical works of fiqh were produced. This trend, however, got changed with the

emergence of some learned jurists in the 13th century who were not in favour of closure of the door of ijtihad and made strong plea for adopting this dynamic principles without any hesitation. Among such jurists, Imam Ibn Taimiyah and his disciple Ibn Qayyin are more well-known. Ibn Tamiyah's Fatawa is a pioneering work in the field of fiqh especially from the paints view of giving a fresh life to the Principle of Ijtihad.¹ In the later period the use of ijtihad was further developed by ibn Hazm and Imam al-Shatibi².

With the difference in the approach of Ulama towards taqlid and ijtihad, their interest in the Fiqh itself remained intact. They continued to produce works of Fiqh in different languages and forms as the local requirements demanded. As regard Medieval India the books about this subject were mostly written in Arabic or Persian as these languages have been more popular in the academic circles of those days. But in the post-Mughal period the Fiqh literature was mainly produced in urdu. The production of this literature had started from the last quarter of the 17th century, but its publication materialised from the last quarter of the 18th century A.D. At first, Fiqh

1. Imam ibn Taimia, Al-Fatawa al-Kubra edited by
Hasnain Muhmud

works appeared in Dakhini urdu mainly in versified form and with the development of urdu language and literature in later period, the scope of the Fiqh works in urdu also got widened. In addition to writing short treatises about well known legal problems, the Indian Ulama took up the work of translation of classical Arabic texts of Fiqh and Usul-i-Fiqh and other important works of Islamic jurisprudence from different languages in to urdu. By the 20th century Urdu Fiqh literature was further enriched with the publication of comprehensive books on Fiqh and voluminous Fatawa collections. During the current century, not only the Fiqh works of general nature appeared, numerous books on separate topics and specialised thus come to be also produced by the contemporary Ulama and Jurists. As a matter of fact, the fiqh literature of modern India may not be overlooked merely as abridgement or enlargement of the earlier Fiqh works. It also cannot be underestimated simply as explanation or exposition of the legal problems already discussed by the well known jurists in their books. Significantly enough, this literature does consists of a large number of books and Fatawa collections which have been compiled with a deep insight into the new socio-economic issues of modern times and with due consideration to the demands of the changed situation. Moreover, the

Fiqh books written in this period were not only related to the four well known schools (Hanafi, Maliki, Shafii and Hanbali), there are many urdu works which represented the Ahl-i-Hadith and Barelvi, Shiite schools of thought also. In fact the Fiqh literature produced in modern India is huge in quantity, varied in nature and rich in content.

The present M.Phil dissertation is a humble attempt of furnishing bibliographical information about the urdu Fiqh literature published in India since 1857. It consist of four main chapters namely : Development of Fiqh literature in the sub-continent. II) Translation of Arabic, Persian and English works III) Original works IV) Brief Introduction to the important works. The first chapter is a study of origin and development of Fiqh literature in India from the early period of Muslim rule upto the present time. It has also examined the main factors for the popularity of Fiqh in India as a subject of learning, teaching and writing. An attempt has been made to highlight notable aspects of the Fiqh literature produced in Medieval India in Arabic and Persian. The same chapter also contains a survey of origin and development of Urdu Fiqh literature during the British rule and in the post independence period. In this connection the contribution of different madarsas, institutions as well as that of individual Ulama and

jurists have been taken into account in a brief way. The second chapter gives the list of the translation of Arabic, Persian and English works of Fiqh in urdu with bibliographical details. In the third chapter the original urdu books on Fiqh (including treatises and Fatawa collections) have been listed with necessary bibliographical informations. The word 'original' is used here, simply as opposition to translated works. The fourth chapter gives a brief introduction to the important books of different categories listed under second and third chapter. This second, third and fourth chapters are subdivided into several sections according to the subject matter and entries under all these sections have been arranged alphabetically.

For this present work I have attempted to collect material from different libraries including Maulana Azad Library (AMU, Aligarh), Khuha Bakhsh Oriental Public Library (Patna) Library of Institute of Islamic Studies (AMU, Aligarh), seminar libraries of the departments of theology, Urdu and History and the library of Idarah Tahqiq-o-Tasnif Islami (Aligarh), Idarah Ulum al-Quran (Aligarh) and al-Majma' al-'Ilmi (Aligarh). Besides, secondary sources, especially bibliographical works (such as Qamus al-kutub urdu) have been also utilised for

collecting relevant informations.

This bibliographical work is mainly related to the books of Indian authors, compilers and traslaters with a few exceptions. With regard to the urdu publications of post-independence period the books of Mufti Muhammad Shafii, Maulana Manazir Ahsan Gilani, Maulana Shabbir Ahmad Uthmani, Maulana Ja'far Shah Phulwarwi, Maulana Rais Ahmad Ja'fri, Maulana Sayed Abul Ala Maududi and Maulana Amin Ahsan Islahi have been taken into account. As they passed major part of their life in India and here, they carried on their academic activities to a large extent. Moreover, many of their works have been also published in India.

I may submit here that the present work there are many entries which are short of all necessary details with regards to the listed books. In relation to some books date of publication or place of publication is missing. This was mainly due to the fact that many books referred to in the Dissertation were not available to me at present and information about them was gathered from secondary sources. There may be also some mistake with regard to the classification of the books according to the subject matter as sometime the title of the works are not very clear about subject matters and an account of non-availibility of such books their contents could not be

checked and studied. In view of these submissions, the present bibliographical work can not be claimed to be complete and comprehensive in all respect, though I have tried my best to collect the required informations about the Urdu books on Fiqh.

CHAPTER - I

DEVELOPMENT OF FIQH LITERATURE

IN THE INDIAN SUB-CONTINENT

Fiqh was one of the most subjects of Islamic learning during Muslim rule in India generally known as medieval India. The Ulama of the period took special interest in this subject as most of them who had come from different parts of central Asia were jurists. Secondly, learning of fiqh was considered important from the point of view of seeking nearness of Sultan or getting some administrative posts. So it formed a popular branch of learning for teaching as well as compiling books. On the other hand, the rulers of that period, especially the early Sultans showed interest in the promotion of this science either under the influence of the Ulama of their court or due to administrative requirement. They patronised and encouraged particularly those Ulama who contributed to Islamic jurisprudence through teaching and writing.¹

1. Ziauddin Barni, Tarikh-i-Firoz Shahi, Calcutta, 1862 pp. 351, 52, 380.

Madarsas or institutions of Islamic learning came to be established under the state's patronage from the very beginning of Muslim rule in India and their number continued to increase with expansion of the Muslim rule. Fiqh-i-Islami was not only a part of curriculum in these institutions but also had a prominent place among the courses of studies. The contemporary sources make special reference to this subject and its teachers in their account of the madarsas of that time.¹ Moreover, juridical problems also become popular subject of discussion among the Ulama and sometimes they used to exchange their views about the problems that had emerged in their own times. It is interesting to note that the Sultans, themselves liked the company of the jurists and they had frequent discussion with them. Sometimes, they wanted to know Shraiat's attitude towards different issues of state administration and other spheres.² For this purpose they sought the opinion of the contemporary Ulama.

1. Ibid. P. 464

2. Minhaj al-siraj, Tabaqat-i-Nasiri, Kabul, 1964, p. 175 see op. cit. Barnai, p. 46, Qalqashandi, pp. 85,95,97.

Isami, Futuhat al-Salatin, Madras, 1948, p.219.

On several occasions, they organised special meeting of the Ulama and jurists to have discussion on controversial or important issues and these meeting come to be known as mahzar in those days terminology.¹

Islamic jurisprudence got so much popularity in those days that even the sufis of the period also showed interest in this field. For example shaikh Nasiruddin Chiragh-i-Delhi, the Chief disciple of Nizamuddin Auliya was called "Abu Hanifa thani" for his great scholarship in Islamic jurisprudence². Similarly shaikh Fakhruddin Zarradi and Qazi Muhiuddin Kashani, two other disciples of Nizamuddin Auliya and Husamuddin, are reported to have been well versed in the science of Islamic jurisprudence.³ The interest of the contemporary Ulama in fiqh-i-Islami may be also seen in their writings. The compilation of fiqh works started from early period and some of them (such as majmuah-i-sultani) are ascribed to the period of

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1. Isami, op. cit., Sayed Muhammad Kirmani, Siyar-Auliya, Lahore, K.A. Nizami, Salatin-i-Delhi ke Mazhabi Rujhanat, Delhi, 1958, p. 54.
 2. Khair al-Majalis (edited by K.A. Nizami), Aligarh, 1959, pp.34.
 3. Amir Khurd, Siyar al-Auliya, Delhi, 1302 AH, 56p.

Mahamud Ghaznah.¹. The Ulama of the period produced huge literature on fiqh in the form of comentaries and marginal notes (Shuruh wa hawashi) on the well-known and popular fiqh works of earlier times and they also contributed the original ones.². Such works were compiled in Arabic and Persian both the languages though in early medieval period preference was given to Arabic for writing on subjects of Islamic learning. Some of the works of fiqh and usul-i-fiqh especially chosen for writing commentories are Hidaya, al-Quduri, Waqaya, Usul-i-Bazdawi, Musallam al-Thubut and al-manar. The first two works have more than fifteen commentories by the Indian Ulamas.³. Sometimes, commentary of some popular commentories was also prepared.

A study of fiqh literature of this period shows that the Fatwa collection was one of the popular forms of compilation on fiqh. Most of the works compiled at the instance of Sultans and nobles belonged to the same

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1. Zafrul Islam, Socio-economic Dimension of fiqh literature in Medieval India, Lahore, 1990, p.5.
 2. Zubaid Ahmad, Abri Adbiyyat mein Pak-o-Hind ka Hissah, Lahore, 1987, p. 89.
 3. Abdul Hai, Al-Thaqafat-al-Islamia fi'l Hind, Demascus, 1958, pp. 105-107.

category such as Fatawa-i-Firiz Shahi¹, Fatawa-i-Tatarkhani, Fatawa-i-Ibrahim shahi and Fatawa-i-Alagiri.² In those days this subject become so much popular in the field of compilation that even some saints of the period also attempted in this field. Shaikh Yusuf Gadai and Shaikh Raknuddin two disciples of shaikh Nizamuddin had written versified treatises on fiqh known as Tuhfat-al-Nasaih and Turfat-al-Fuqaha³ respectively. Another sufi Shaikh Fazullah known as Maju compiled Fatawa-i-sufia.⁴

Another notable feature of the Fiqh literature of Medieval India was that most of the works had been compiled in accordance with the Hanafi school. The reason

1. A Manuscript of Fatawa Firoz Shahi is available in Manuscript section of Maulana Azad Library, A.M.U. Aligarh.
2. Ishaq Bhatti, Barri Saqhir Pak-o-Hind mein Ilm-i-fiqh, Lahore, 1973.
3. Faqir Muhammad Hadaig al-Hanafia Nawal Kishor, 1879, p. 294 see also op. cit. Fikro Nazar, pp. 66.
4. Faqir Muhammad, op. cit. Salatin-i-Delhi ke Mazhabi Rujhanat, p. 589.

is quite obvious. Majority of the muslim masses belonged to this school. Turkish and Mughal rulers as well as the Ulama who accompanied them or later migrated to India from different parts of central Asia were the ardent followers of Hanafi school. The same school was also given official recognition and patronage by the Delhi Sultans and Mughal emperors. So naturally, it got more attention of the Ulama and scholars of that period.

After the disintegration of Mughal rule Indian came formally under the British rule in the 2nd half of the nineteenth century gradually Persian lost its official status and in this situation its popularity also decreased with the emergence and development of urdu as a common medium of expression of thought. In the changed circumstances urdu came to be widely adopted by the Indians especially Muslims for writing on different subjects as this language was getting more popularity among the average educated people. Of course, in the early period of the progress of urdu literature more interest was shown in translating the Arabic and Persian works into urdu. But later, there was no dearth of original works in Urdu on different subjects including religious ones. The well known urdu translations of the Holy Quran by Shah Rafiuddin and Shah Abdul Qadiur were published in 1868

under the title of Tarjuman al-Quran and Muzih al-Quran¹.

Some of the earliest Fiqh work were published in urdu before 1850 such as Miftah al-jannat of Karamat Ali in urdu was published in 1790 and Al-Ijazah fi'l Zikr m'a al Janazah of Umaruddin in 1800, Tuhfai Ramzan of Ismail Khan 1811, Rafa' al-Hijab of Salamatullah in 1815.².

Ghayat al-Autar (translation of al-Darr-al-Makthar) and Nasihah al-Muslimin of Khurram Ali Balhori were published in 1871.³ Though the publication of fiqh works in urdu had started from the last quarter of 18th century but the writing of fiqh books in Dakhini urdu may be traced back to the last quarter of 17th century as the following details show. Fiqh-i-Hindawi (a versified work in Ibadat) was composed by Abdu Amin in 1663 AD during Aurangzeb's rule. Ahkam al-Salat was written by Shah Malik 1666 AD.

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1. World Bibliography of Translation of Meaning of the Holy Quran, edited by Ekmeleddin Ihsangolu, Istanbul, 1986, p.527.
 2. Qamusal Kutub edited by Anjuman Taraqqi urdu Pakistan, Karachi, 1961.
 3. Qazi Athar Mubarakpuri, Tadwin-i-Fatawa Ahdaba Ahd", Maarif, Azamgarh, December, 1995, p.416.

The book is written in the form of Mathnawi. Malik Shah was the contemporary of 'Ali Adil Shah, the Sultan of Bijapur (1656-1667 AD)¹. Another versified fiqh treatise known as fiqh al-Mubin was written Yaqin in Dakhini in 1768 AD². Qadar Alam bin Badar Alam wrote Mahfuz Khani in 1784 AD. The work containing 15 chapters is related to four pillars of Islam³. Another important fiqh work in urdu in Majmuah-i-Rasail-i-Fiqh, consisting of nine treatises about different juridical issues was contributed in 1809 AD by different writers⁴.

The important part of urdu Fiqh literature included translations of those Arabic and Persian books which had been popular as curriculam of the Fiqh or come to be widely studied by Ulama and jurists for explanation of legal problems such as Hidayah, Sharah-i-Waqaya, al-Durr al-Mukhtar, al-Quduri al-Manar and Musallam al-Thubut.

The Fatawa collections also formed another set of fiqh works which get popularity for translation in urdu. Among such works Fatawa Alamgiri and Fatawa-i-Azizi had

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1. Abdul Qadir Surti, Fihrist urdu Makhtutat, Hyderabad Deccan, 1929, p.22.
 2. Ibid, pp. 41-42.
 3. Ibid, pp. 43-44.
 4. Ibid, pp. 53-63.

prime importance. These works were more frequently used by Qazis and Muftis in particular and Ulama in general. In the same period when Arabic, Persian and works on Fiqh were being translated in English to be used in British court for cases involving Muslim Personal Law. The translation of English works of the same subject into urdu has also started such as that of principles of Mohammadan law of Amir Ali and Anglo Mohammadan law of Sir Dinsha Faridongi.

In this later period the scope of translation of Fiqh works into urdu got further extended covering principles of Fiqh, sources of Fiqh, ijtehad, treatment of new issues by modern Arab jurists and biographies of jurists.

As regards the original works of Fiqh in urdu, in the beginning, main interest was taken in writing brief and simple books which may be helpful in explaining the important issues which related to fundamental belief and primary obligations of a muslim. Another popular category of urdu Fiqh works was that which were needed of guide the Muslims in their daily life especially with regard to social behaviour and economic dealing. A special feature of urdu Fiqh literature of early period was composition of versified works which were easy to be memorised and comprehended.

With the development of urdu language and literature the area of Fiqh compilation in urdu got widened and comprehensive works came to be produced about different aspects of Islamic jurisprudence including prayers, socio-economic and penal issues, international relations, administration of justice, schools of fiqh and their distinctive features, biographies of the jurists and treatment of new problems of modern jurist.

As a matter of fact, fiqh, literature produced in urdu during the 19th and 20th centuries is very rich in content. This literature not only provided the useful and informative material for urdu knowing Muslims to guide them with regard to Shariat's rules in their daily life, it also consisted of important works written with an eye to the new socio-economic problems which had emerged in modern times, within Muslim society while expressing their opinion about such problems the contemporary Ulama and jurists had extensive use of Qiyas (analogical reasoning) and had also gone through the process of ijtihad. In the development of this healthy trend in the Indo-Pak sub-continent main role had been played by Maulana Ashraf Ali Thanwi, Mufti Muhammad Shafi', Maulana Munazir Ahsan Gilani, Maulana Abul Ala Maududi, Maulana Jafar Shah Phulwarwi, Maulana Said Akbarabadi, Maulana Uruj

Ahmad Qadiri, Maulana Taqi Amini, Maulana Mujibullah Nadwi, Maulana Burhanuddin Sanbhali, Maulana Mujahid al-Islam Qasimi and Maulana Khalid Saifullah Rahmani. It is also important to note that many legal problems were taken up separately in the context of the new situation and important works were produced in urdu with regard to them. Some of the new problems chosen by the Ulama of this period for separate Fiqh works included moon-sight and transmission of its news through modern sources, banking interest, insurance, investment in companies and different profitable schemes, relationship between employer and employed, modern means of recreation, organ plantation, blood donation etc.

The important and rich Fiqh literature in urdu, also included the Fatawa collections which were compiled in modern India. Those collections are mainly based on the legal verdicts (Fatawa) given by the Muftis in the well-known madrasas or dar al-ifta in response to the public queries. These works of great importance from the point of view that they are related to the new legal problems facing the muslim society. This had been result of the collective efforts of Muftis or learned jurists engaged for replying the questions of the muslims with regard to their day to day problems. In the production of this legal material the main contribution had been made by the

dar al-Ifta working under the supervisiostn of eminent centres of Islamic learning in India such as Dar al-Ulum (Deoband), Mazahir al-Ulum (Saharanpur), their Fatawa Collectons had already been published. In this connection, the individual constibution of some learned jurists (such as Maulana Ashraf Ali Thanwi, Maulana Thanullah Amritsari, Maulana Muhammad Shafi, Maulana Ahmad Raza Khan Barelwi, Maulana Mufti Kifayatullah, Maulana Abul Ala Maududi, Maulana Uruj Qadiri, Maulana Mujibullah Nadwi, Maulana Burhanuddin Sanbhali) is of great significance as their Fatawa collections show.

Of all the institutions of Islamic learning in modern India, Dar al-Ulum Deoband (founded in 1867) has more importance from the point of view of development of Fiqh and production of huge material on this subject in urdu. In the course of studies in this institution Islamic jurisprudence was given much importance. It has special provision for training the students in the field of Fiqh to prepare them for working as Muftis and Qazis. This institution has produced many notable jurists such as Mufti Kifayatullah, Mufti Muhammad Shafi', Maulana Manazir Ahsan Gilani, Mufti Aziz al-Rahman, Maulana Minnatullah Rahmani, Maulana Said Ahmad Akbarabadi, Maulana Mujahid al-Islam Qasimi. Their urdu works on different aspects of

islamic jurisprudence have enriched the urdu fiqh literature. In addition to the individual efforts of Ulama of Dar al-Ulum Deoband in development of urdu Fiqh literature, the contribution of its Dar al-Ifta can not be overlooked. The Dar al-ifta not only served as centre of special training in the field of ifta (imparting legal verdicts), it also provided answers to the legal queries (istifta) about different issues arising in daily life. A number of collection of those legal verdicts (Fatawa) have been published upto now such as Aziz al-Fatawa, Imdad al-Muftiyyin, Imdad al-Ahkam, Nizam al-Fatawa. These compilations formed a very valuable part of fiqh literature produced in India.

There are some other madrasas which do not have an organised system of ifta, but their chief teachers of fiqh have been responding to the legal queries if presented to them. The teachers of these institutions having special interest in Fiqh, have also contributed to the development of urdu fiqh literature through writing articles and books on different topics related to Islamic jurisprudence. Among such madrasas may be mentioned Nadwat al-Ulama (Lucknow) Madrasatul Islah, (Sarai Mir, Azamgarh) Jamiah Islamia (Varanasi) Jamiah Salafiah (Varanasi) Ihyaul Ulum (Mubarakpur) Jamia Dar al-Salam (Umerabad) Jamiatur Rashad (Azamgarh) Jamiatul Falah (Belaria Ganj) and Jamiah Subul

al-Salam (Hyderabad).

Moreover Imar-i-Shariah, Bihar and Orissa, (Phulwarwi Sharif, Patna) Mujlis-i-Tahqiqat-i-Shariah (Nadwat al-Uluma, Lucknow) Islamic Fiqh Academy (Delhi) have made very significant contribution as a centre of study and research in the field of Islamic jurisprudence as well as in the publication of useful Fiqh literature in urdu, in the modern context. Of these centres, Imarat-i-Shariah is worthy of special mention.

In the working of system of Qaza (Sharii 'Adalat) in modern time and publication of useful urdu material about different aspect of Islamic jurisprudence, Imarat-i-Sharia had played important role (founded by Maulana Abu Muhasin Muhammad Sajjad in 1921)¹ Imarat-i-Shariah got main development under the Imarat of Maulana Minnatullah Rahmani and Qazi Mujahid al-Islam Qasimi. A comprehensive system of Qaza works under its supervision which may be considered as Shariat court. The cases relating socio-economic life and penal matters are submitted to the Imarat-i-Shariah which are decided by the Qazis after thorough investigation of the cases and their study in the light of sources Fiqh. The judgement of the Qazi are

1. Abdul Samad Rahmani, Tarikh-i-Imarat, Patna, 1943.

published by this institution especially in its quarterly urdu journal known as Bahs-o-Nazar. This is a specialised journal in the field of Fiqh publishing articles and papers about serveral aspects of fiqh-i-islami particularly in the emerging new situations.

CHAPTER - II

TRANSLATIONS OF ARABIC,

PERSIAN AND ENGLISH

WORKS

(I) GENERAL BOOKS ON FIQH

1. **'Ain-al-Hidayah,** (),
(tr. from Arabic work of Burhanuddin Abul Hasan al-Marghinani : al-Hidayah) Sayed Amir Ali, Nawal Kishor, Lucknow, 1890, 4 volumes, 658 + 658 + 798 + 913 pp. (respectively).
2. ***Ahsan al-Masail,** (),
(tr. from Arabic work of Abul Barakat Nasafi : Kanz al-Daqaiq) Muhammad Ahsan Siddiqui Nanautawi, Lucknow, 1301 AH, 472 pp.
3. ***Fatawa Alamgiri,** (),
(tr. from Arabic work known as Fatawa Alamgiri) Sayed Amir Ali Hamid and company, Delhi, 1988, 10 volumes, 520 + 624 + 512 + 544 + 544 + 488 + 544 + 480 + 582 + 490 pp. (respectively)
4. ***Fatawa al-Azizia,** (),
(tr. from Persian work of Shah Abdul Aziz's Fatawa Azizi) Muhammad Nawab Ali, Matbah Kanz al-Ulum, Hyderabad Deccan, 1313 AH, 456 pp.
5. ***Fatawa Rahimiyah,** (),
(tr. from the Gujrati Fatawa-Collection of Abdul Rahim Lajpuri) Nur Muhammad Patel, Ahmad Khan wali Ahmad, Maktabah Rahimiyah, Gujrat, 1968, 6 volumes, 400 + 442 + 272 pp. (of the first three volumes).

6. **Fiqh-i-Hazrat Abu Bakr,** (),
(tr. from Arabic work of Abdul Qayyum) Muhammad
Rawwas Qalaji, Islamic Book Foundation, Delhi,
1992, 276 pp.
7. ***Fiqh-i-Umar,** (),
(tr. from a part of Persian work of Shah Waliullah
: Izalat-al-Khifa 'An-Khilafat al-Khulafa) Abu
Yahya Imam Khan Nausherawi Islamic Book Foundation,
Delhi, 1990, 367 pp.
8. **Ghayat-al-Autar,** (),
(tr. from Arabic work of Muhammad Alauddin Haskafi :
al-Durr-al-Mukhtar) Khurram Ali, Matba Siddiqui,
Bareilly, 1288 AH, 624 pp.
9. **Ghayah-al-Saadah fi Hall-i-ma fi'l Hidayah,**
(),
(tr. commentary of : Al-Hidayah) Muhammad Hanif
Gangohi, Hanif Book Depo, Deoband, 1401 AH, 436 pp.
10. **Imdad-al-Fattah fi Tauzih al-Izah,**
(),
(tr. from Arabic of Abdul Latif : Izah al Haq al-
Sarih fi Ahkam of mayyit wal-Zarih) Ismail Shahid,
Kutub Khana, Rahimiyyah, Deoband, 1356 AH, 160 pp.

11. **Ishraq-i-Nuri,** (),
(tr. from Arabic work of Abul Hasan bin Hamadan :
Quduri) Muhammad Shafi`, Matba Majidi, Kanpur,
1959, 240 pp.
12. ***Islam mein Halal-o-Haram,** (),
(tr. from Arabic work of Dr. Yusuf Qarzawi) : Al-
Halal wa Haram fi'l Islam) Mukhtar Ahmad Nadwi,
Dar-al-Salafia, Bombay, 1977, 432 pp.
13. ***Jami` al-Ahkam fi Fiqh al-Islam,** (),
(tr. from English work of Sayed Amir Ali : Personal
Law of the Muhammadan) Sayed Abul Hasan, Nawal
Kishor, Lucknow, 1887, 2 volumes, 317 + 551 pp.
14. **Al-Jami` al-Saghir,** (),
(tr. from Arabic work of Imam Muhammad) Ali Jawwad,
A.M.U. Press, Aligarh, 1927, 84 pp.
15. **Jihad,** (),
(tr. from Arabic work of Dr. Abdullah Azzam) Minhaj
al-Islam Faruqi, Islamic Book Foundation, Delhi,
1993, 144 pp.
16. **Kash al-Asrar,** (),
(tr. fro Arabic work of Alauddin Haskafi : Durr-al-
Mukhtar) Zafiruddin Miftahi, Maktaba Faiz al-Quran,
Deoband, 1389 AH, 3 volumes, 96 + 96 + 104 pp.

17. **Kashf-al-Hajah,** (),
(tr. from Persian work of Thanauallah Panipati :
Mala Buddaminho) Nuruddin Chatgami, Nawal Kishor,
Lucknow, 1924, 96 pp.
18. **Khulasah al-fiqh,** (),
(versified) (tr. from Arabic work : Ahkam al-Islam)
Abdul Wajid Rampuri, Matba Nizamia, Kanpur, 1295,
40 pp.
19. **Ma'dan al-Haqai'q,** (),
(Commentary of Kanz al-Daqaiq, Muhammad A'zaz
Ali's, Muhammad Hanif Gangohi, Maktaba Nomania,
Saharanpur, 1388, 2 Volumes, 392 pp.
20. ***Misbah al-Quduri,** (),
(tr. and commentary of Arabic work of Abul Hasan
Ahmad bin Muhammad al-Quduri) Islam al-Haq As'adi,
Saharanpur, 1976, 530 pp.
21. **Mufid al-Mufti wal Mustafti,** (),
(tr. from Persian work of Shah Abdul Aziz Mohaddith
: Fatawa Azizi) Muhammad Rahim Bakhsh, Manba Faiz
Press, Delhi, 1318 AH, 320 pp.
22. **Nur-al-Hidayah,** (),
(tr. from Sharah Wiqayah of Obaidullah bin Mas'ud
al-Mahbubi) Wahid-al-Zaman Matba Nizami, Kanpur,
1301 AH, 4 volumes, 244 + 152 + 172 + 136 pp.
(respectively).

23. **Nur-al-Isbah,** (),
 (tr. from Arabic work of Hasan Alcala Sha rembulali : Nur-al-Izah), Muhammad Mian Dar-al-Talim, Deoband, (n.d.) 164 pp.
24. ***Rawai` al-Ahkam,** (),
 (Shii Fiqh) (tr. of Abdul Ghani bin Talib Kashmiri's Persian translation of Sharai` al-Islam which was originally compiled into Arabic by Abul Qasim Jafar bin al-Hasan) Sadiq bin Sayed Muhammad Baqar al Rizwi, Maktaba Dibdiba, Lucknow, 1897, 3 volumes, 236 + 332 + 220 pp. (respectively)
 (Another urdu translation of the same work by Sayed Abid Husain is known as Jami`al-Jafri (Nawal Kishor, Lucknow, 1897, 2 volumes, 684 + 508 pp. (respectively).
25. **Rifah al-Muslimin,** (),
 (tr. from Arabic work of Muhammad Ishaq : Masail-i-Muslimin) Muhammad Saduddin, Matba Rai, Bhawani Prasad, 1301 AH, 86 pp.
26. **Sai`d al-Hidayah Urdu Sharah of Hidayah Auwalain,**
 (),
 Ahmad Ali, Idarah Hidayat Mahal, Deoband, 1964, 3 volumes.

27. **Surur-i-Azizi,** (),
(tr. from Persian work of Shah Abdul Aziz Dehlawi :
Fatawa Azizi) Muhammad Abdul Wajid Ghazipuri, Matba
Majidi, Kanpur, 1926, 2 volumes, 396 + 322 pp.
28. **Tabssirah al-Motaa'llimin fi Ahkam al-Din,**
(),
(Shii fiqh), (tr. from Arabic work of 'Allama Hasan
bin Yusuf Hilli) Sayed Manzur Mohsin Rizwi, A.M.U.
Press, Aligarh, 1979, 328 pp.
29. **Tanbih al-'Ibad,** (),
(tr. from Persian work of Sayed Abdul Latif : Al-
Irshad) Nizami al-Matba Hyderabad Deccan.
30. **Tarjuma Mukhsar Quduri,** (),
(tr. from Arabic work of Abul Hasan Ahmad bin
Muhammad al-Quduri, Abul Qasim, Matba Mujtubai,
Delhi, 1283 AH.
31. **Tuhfah-al-Muslimin,** (),
(tr. from Arabic work : Masail-i-Arba'inf Abu
Sulaiman Muhammad) Muhammad Nizam Shah, Sherwani
Press, Aligarh, 1959, 120 pp.
32. **Zad-al-'Uqba,** (),
(tr. from Arabic work of Sayed Abul Hasan Muswi
Isbahani : Al-Urwah al-wuthqa) Nazar Muhammad,
Delhi, 1361 AH, 506 pp.

(II) BOOKS OF PRAYER (IBADAT)

- 33.1 **Authaq al-U'ra Tahqiq al-Juma' fi'l Qura,**
(),
(tr. from Arabic work : Authaq U'ra Tahqiq al-Jumah
fi al-Qura) Qazi Alimuddin, Kutub Khana Azizia,
Deoband, (n.d.) 20 pp.
- 34.2 **Auzah al-Masalik fi Ahkam al-Manasik,**
(),
(tr. from Arabic work of Abdul Aziz al-Muhammad al-
Salman : Auzah al-Masalik) Mukhtar Ahmad Nadwi, al-
Dar al-Salfia, Bombay, 1402 AH, 264 pp.
- 35.3 **Fatah al-Mughith bi fiqh al-Hadith,**
(),
(tr. from Arabic work of Shaukani : Al-Durar al-
Bahiyah) Nawab Siddiq Hasan Khan, Bhopal, 1299 AH,
50 pp. (about four Pillars of Islam).
- 36.4 ***Fiqh al-Zakat,** (),
(tr. from Arabic work Yusuf Qarzawi) Shams Pir
Zada, Idarah Dawat al-Quran, Bombay, 1980, 648 pp.
- 37.5 **Islah al-Masajid min al-Bidi' wal-'Awai'd,**
(),
(tr. from Arabic work of Muhammad Jamaluddin Qasmi)
Muqtada Hasan Azhari, al-Dar al-Salafia, Mainpura,
Bombay, 1978, 319 pp.

- 38.6 **Islam ka Nizam-i-'Ibadat,** (),
 (tr. from Arabic book of Yusuf Qarzawi : Al-Ibadat
 fi'l Islam) Habib al-Rahman Azmi, Markaz Dawat al-
 Quran, Deoband, 1984, 119 pp.
- 39.7 **Khair al-Yaqin,** (),
 (tr. from Arabic work : Rafa' al-Yadain fi al-
 Salat), Muhammad bin Ismail, Delhi, 1882, 36 pp.
- 40.8 **Kitab al-Salat wama Yalzamubiha,** (),
 (tr. from Arabic work of Imam Ahmad bin Hanbal)
 Intermediate college, Aligarh, 1935, 130 pp.
- 41.9 **Masarifi-Zakat,** (),
 (tr. from Arabic work of Yusuf al Qarzawi : Masarif
al Zakat) Shams Pir Zada, Idarah Dawat al-Quran,
 Bombay, 1977, 132 pp.
- 42.10 **M'eraaj al-Muminin,** (),
 (tr. from Arabic treatise of Ahmad bin Hanbal about
 Salat) Muhammad Sulaiman Mansurpuri, Nawal Kishor,
 1924, 40 pp.
- 43.11 **M'eraaj al-Salat,** (),
 (tr. from Arabic work of Abdul Qadir : Miftah al-
 Salat) Saiduddin, 1246 AH, 99 pp.
- 44.12 **Nizam-i-Zakat,** (),
 (tr. from Arabic work of Abdul Munim : Zakat) Abdul
 Majid Islahi, Dar-al-Talim wa-al San'at, Jajmau,
 Kanpur, (n.d.) 64 pp.

- 45.13 **Risalah Masah Jaurab,** (),
 (tr. from Arabic work of Jamaluddin Dimashqi) Qazi
 Muhammad Sulaiman Salman Mansuri, Mahbub al-Matabi,
 Delhi, (n.d.) 82 pp.
- 46.14 **Ruh al-Salat,** (),
 (tr. from Arabic work of : Miftah al-Salat) Husain
 Bukai, Nizamul Mataba, Madras, 1298 AH, 48 pp.
- 47.15 **Salat al-Rahman,** (),
 (tr. from Arabic work Munyat al-Musalli) of
 Sadiduddin al-Qashghari, Muhammad Rashid, Matba
 Wahidi, Rampur, 1934, 120 pp.
- 48.16 **Tarjumat ki Kitab al-Salat,** (),
 (tr. from Persian work) Muhammad Abdul Raza, Miftah
 al-Asrar Press, Bombay, 1282 AH.

**(III) SOCIO-ECONOMIC ISSUES PENAL LAWS AND
 INTERNATIONAL RELATIONS**

- 49.1 **Darbar-i-Rasul ke Faisle,** ()
 (tr. from Arabic books of Abdullah Muham
 Maliki al-Qurtubi : Aqziat al-Rasul) A
 Naqshbandi ; Maktabah Islami, Delhi, 1 8

- 50.2 **Faraiz-i-Ghauthiyah,** (),
 (tr. from Arabic work of Muhammad Abdul Rashid Sajah Wandi Hanafi : Seraj-i-fi al-Mirath) Muhammad Salamatullah Ashihul Mataba, Lucknow, 1925, 168 pp.
- 51.3 **Faraiz-i-Hindia,** (),
 (tr. from Arabic work : Siraji) Aulad Ali Husaini al-Hanafi, Matba Tibbi, Calcutta, 1278 AH, 192 pp.
- 52.4 **Islam aur Bain al-Aqwami Ta'lluqat Manzar aur Pans Manzar,** (),
 (tr. from English work of Abdul Hamid Ahmad Abu Sulaiman) Muhammad Abdul Hai Falahi, Qazi Publisher, Delhi, 1989, 304 pp.
- 53.5 **Islam aur Bimah,** (),
 (tr. from Arabic book of Musa Jaruddin : Tamim al-Hayat wal Amwal wal-Imlak) Mutiullah Afghani; Latife Press, Delhi, 1947, 76 pp.
- 54.6 **Islam aur Mausiqi,** (),
 (tr. from Arabic book of Muhammad Sahfi Kashf al-Ghana 'an wasf al-Ghana) Muhammad Abdul Muiz, Maktabah al-Falah, Deoband, 1402 AH, 447 pp.
- 55.7 **Islam ka Nizam-i- Mahasil,** (),
 (tr. from Arabic work of Imam Abu Yusuf Kitab al-Kharaj) Nijatullah Siddiqui, Maktabah Chiragh Rah, Karachi, 1966, 635 pp.

- 56.8 **Islami Qanuni-i-Faujdari,** (),
(tr. from Persian work of Salamat Ali Khan : Kitab
al-Ikhtiyar) Matba Maa`rif, Azamgarh, 1929, 453 pp.
- 57.9 **Islami Qanun-i-Fiqh aur Jadid Masail-i-Nikah-o-
Razaa`t,** (),
(tr. from Arabic work of Obaidullah bin Masud al-
Nasafi) Shahid Hasan Qasimi, Maktabah Siraj al-
Nabi, Deoband, 1994, 416 pp.
- 58.10 ***Islam mein Jurm-o-Saza,** (),
(tr. from Arabic book of Abdul Aziz Amir al-Ta`zir
fi`l Sharia`t al-Islamiyyah) Sayed Masruf Shirazi,
Dar-al-Quran, Delhi, 1988, 400 pp.
- 60.11 **Jawaz-i-Sama,** (),
(tr. from Arabic work of Imam Ghazzali) Ahmadi
Press, 1902, 58 pp.
- 61.12 **Kanz-i-Faraiz-i-Muhammad,** (),
(tr. from two know Arabic Books, Siraji and
Saharifi) Matba Majtubai, Delhi, 1914, 288 pp.
- 62.13 ***Kitab al-Shufa`h,** (),
(tr. of relevent chapters from Arabic works :
Majma` al-Bahrain, Fatawa Qazi Khan, Amisharah
Kanz) Sayed Mahmud, Musleh al-kitab al-Talaq, (tr.
of selected part from Arabic work : Majma` al-
Bahrain) Musleh-uddin, Musleh al-Mataba, Delhi,
1899, 500 pp.

- 63.14 **Kitab al-Talaq,** (),
 (tr. of the chapter ordiverce from Arabic work :
 Majma' al-Bahrain) Justice Mahmud Musleh Mataba,
 Delhi, 1897, 246 pp.
- 64.15 **Mufid al-warithin,** (),
 (tr. from Arabic work Mirath al-Muslimin) Asghar
 Husain, Dar-al-Ishaa't, Deoband, 1368 AH, 234 pp.
- 65.16 **Qawwali,** (),
 (tr. from Arabic bool of 'Allama Ibn-i-Taimiyah Al-
 Sama wal Raqs) Abdul Razzaq Malihabadi, Tajer Kutub
 Khana, Lahore, 1929, 72 pp.
- 66.17 **Sharab wa Munshiat ki Hurmat wa Mazarrat,**
 (),
 (tr. from Arabic work of Qazi Ahmad bin Hajar 'Al-
 Butami : Al-Khamir wa Sa'ir al-Muskirat, Tahrimuha
 wa Izraruha) Shamim Ahmad Salafi, Jamiat Ahl-i-
 Hadith, W.U.P. 1981, 163 pp.
- 67.18 **Tahqiq Arazi-i-Hind,** (),
 (tr. from Arabic work of Shaik Jalaluddin Tanwari)
 Sayed Said Ashar Nadwi, Dairah Muin al-Maarif,
 Karachi, 1963, 72 pp.
- 68.19 **Tarjumah Siraji,** (),
 (tr. from Arabic work of Sirajuddin Abu Tahir
 Sajawandi : Siraji fi'l Mirath) Saa'dat Jang,
 Shamsul Islam Press, Hyderabad Deccan, 1350 AH,

52 pp.

- 69.20 Ziyarat al-Qubur,** (),
(tr. from Arabic work of Ibn-i-Taimiyah) Mukhtar
Ahmad Nadwi, Al-Dar al-Salafia, Mominpurah, Bombay,
1978, 80 pp.

(IV) PRINCIPLES OF FIQH AND BIOGRAPHICAL WORKS

- 70.1 *Athar Imam Shafi'i,** (),
(tr. from Arabic work of Muhammad Abu Zuhra) Sayed
Rais Ahmad Jafri, Kashmiri Bazar, Lahore,
1961, 547pp.
- 71.2 Faslah Shari't-i-Islam,** (),
(tr. from Arabic work of Subhi Mahmasani : Falsafa
al-Tashri' fi'l Islam), Muhammad Ahmad, Lucknow,
1957, 225 pp.
- 72.3 Fiqh-i-Islam ki Nazaria Sazi,** (),
(tr. from Arabic work of Jamaluddin Atiyya), Atiq
Ahmad Qasimi, Islamic Fiqh Academy, Delhi, 1993,
256 pp.
- 73.4 Ikhtilafi Masai'l mein Itidal ki Rah,**
()
(tr. from Arabic work of Shah Waliullah : Insaffi
Bayan-i-Sabab al-Ikhtilaf) Sadruddin Islahi,
Markazi Maktaba Islami, Delhi, 1981, 168 pp.

Markazi Maktaba Islami, Delhi, 1981, 168 pp.

- 74.5 **Hayat-i-Imam Ahmad bin Hanbal**, (),
(from Arabic work of Muhammad Abu Zuhrah), Sayed
Rais Ahmad Jafria, al-Maktabah al-Salafia, Lahore,
1376 AH, 508 pp.
- 75.6 ***Imam Abu Hanifah**, (),
(tr. from Arabic work of Muhammad Abu Zuhra) Sayed
Rais Ahmad Jafri, 'Ilmi Printing Press, Lahore,
1962, 711 pp.
- 76.7 **Insaf**, (),
(tr. from Arabic work of Waliullah : al-Insaf fi
Bayan-i-Sabab al-Ikhtilaf) Maktabah Maha Kashi,
Delhi, (n.d.) 68 pp.
- 77.8 **'Iqd al-jid fi Adillah al-Ijtihad wal-Taqlid**,
(),
(tr. from Shah Waliullah's Arabic work : 'Iqdul-al-
Jid fi Ahkam al-Ijtihad wal Taqlid) Sajid al-
Rahman, Quran Mahal, Karachi, 1379 AH, 167 pp.
- 78.9 **Islami Sharia't Ka 'Umumi Nazaria**,
(),
(tr. from Arabic work of Jamaluddin Atiyah), Atiq
Ahmad, Islamic fiqh Academy, Delhi, 1993, 352 pp.

- 79.10 **Islami Usul Qanun aur Nazaria Dasturi ka Irtiqa,**
 (),
 (tr. from Englishi of D.B. Macdonald : Development
 of Muslim Thoelogy, Jurispridence and
 constitutional theory) Muhammad Hamidullah,
 Ibrahimia Press, Hyderabad, 1948, 77 pp.
- 80.11 **Ittabai Sunnat aur Taqlid Aimmah Arab'h ki Nazar
 mein,** (),
 (tr. from the introduction of Sifat-o-Salat al-Nabi
 of Nasiruddin Abbasi and the book : Usul al
 Ilmiyyah li'l Dawah al-Salafia of Abdul Rahman
 Rahman Abdul Khaliq) Mahfuzul al-Rahman and Abdul
 Wahhab Hijazi, Jamia Salafia, Banaras, 1043 AH,
 113 pp.
- 81.12 **Jadid fiqh-i-Buhran Nishan Dahi aur-Hal,**
 (),
 (problem regarding Ijtihad and Taqlid) (tr. from
 Arabic work of Taha Jabir al-Ulwani, Qazi
 Publishers, Delhi 1994, 70 pp.
- 82.13 ***Izlah -alGhawashi,** (),
 (tr. from Arabic work usul Shashi of Abu Ali al-
 Shashi) Mushtaq Ahmad Mujtubai, Delhi, 1927.
- 83.14 **Jala'al Absar,** (),
 (tr. of Manar's Sharah : Nur al-Anwar) Shaik Jiwam
 Lucknawi, Mafid A'm, Agra, 1320 AH, 395 pp.

- 84.15 **Kashshaf,** (),
(tr. from Arabic work of Shah waliullah : al-Insaf
fi Bayan Sabab Ikhtilaf), Muhammad Ahsan Siddiqui,
Maktaba Mujtubai, Delhi, 1891, 96 pp.
- 85.16 **Mira't al-U'qul,** (),
(tr. from Arabic work of Abu al-Manzur al Hasan :
Maalim al-Din al-Maruf li Maalim al-usul) Muhammad
Faiz Husain, Hyderabad Deccan, 1349 AH.
- 86.17 **Muzil al-Ghawashi,** (),
(Commentary of Arabic work : Usul al-Shashi) Najmul
Ghani, Nawal Kishor, Lucknow, 1923.
- 87.18 **Qiyas aik Taqabuli Jaiza,** (),
(tr. from Arabic work of Sulaiman al-Asghar : al-
Qiyas baim (Muayyidah) wa Marziyyah Abdul Hijazi,
Jamia Salafia, Banaras, 1984, 125 pp.
- 88.19 **Al-Sabil al-Aqnam fi Tauzih al-Musallam,**
(),
(tr. from Arabic work : Masallam al-Thubut of Qazi
Muhibullah Bihari) Abdul Hai, Ishtiaq Book Depo,
Deoband, 1368 AH, 112 pp.
- 89.20 **Sadd-i-babi-Zariah,** (),
(tr. from one chapter of A'lam al-Muwaqii'n of Ibn.
Qayyim) Abdullah Ahmadi, Maktaba Nashat Thania,
Hyderabad, (n.d.) 64 pp.

- 90.21 **Sharia`t mein Maslihat-o-Zarurat ka lihaz,**
 (),
 (tr. from one chapter of Ibn-i-Qayyim's Arabic work I`lm al-Muwaqqi`in) Khalil Ahmad Hamidi, Markazi Maktaba Islami, Delhi 1994, 18 pp.
- 91.22 ***Tarikh-i-Fiqh-i-Islami,** (),
 (tr. from Arabic work of Muhammad of Khazri : Tarikha al-Tashri` al-Islami) Abdul Salam Nadwi, Dar-al-Musannifin, Azamgarh, 1973, 480 pp.
- 92.23 ***Usul-i-Fiqh-i-Islami,** (),
 (tr. from English lectures delivered by Sir Abdul Rahim in Calcutta university in 1907) Musud Ali, Karim Sons, Karachi, 1967, 483 pp.
- 93.24 ***Usul-i-Shara` Islam,** (),
 (tr. from work of Honb. Sir Dinsha Faridongi : Anglo Muhammadan Law) Masud Ali and Hafiz Muhammad, Haider Memorial Academy, Pakistan, 1400 AH, 518 pp.
- 94.25 ***Usul-i-Shara` Muhammadi,** (),
 (tr. from English of Sayed Ali Raza : The Principles of Muhammadan Law for Students) Sayed Amir Ali, Jamia Uthmania, Hyderabad, 1923, 224 pp.

CHAPTER - III

ORIGINAL WORKS

I - ORIGIN OF FIQH

- 95.1 **Ahkam-i-Sharia mein Halat-o-Zamana ki Ri'ayat,**
(),
Muhammad Taqi Amini, Nadwah-al-Musannafin, Delhi,
1970, 328 pp.
- 96.2 **Al-Aqwal-al-Sihah fi Jawab 'Ala Abi Hanifa,**
(),
Nur Bakhsh, Gulzar Hind Press, Bombay, (n.d.)
368 pp.
- 97.3 **Fatwah Alamgir ke Muallifin, (),**
Mujibullah Nadwi, Mark of Tahqiq Dayal Singh Trust,
Lahore, 1988, 136 pp.
- 98.4 ***Fiqh-i-Islami aur Daur-i-Jadid ke Masail,**
(),
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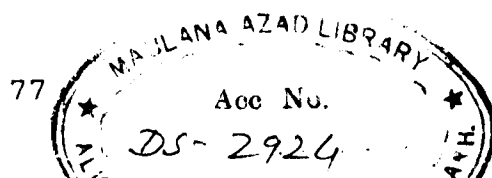
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CHAPTER - IV

BRIEF INTRODUCTION TO

THE IMPORTANT WORKS

(I) BOOKS ON GENERAL ISSUES

Ahkam-i-Islam Aql ki Rashni mein. Ashraf Ali Thanwi.

The work deals with the rational aspects of Shariat's rules. The author has discussed this important issue in a very simple way. He has attempted to provide rational basis to the rules of the Shariat whether they are related to prayers or other issues. The work highlights the relation between Islamic Shria't and reason. The contents have been arranged according to the fiqh books. It has three parts and their main chapters are as follows :

Part one : Pufification, Namaz, Zakat

Part two : Fasting, Pilgrimage, marriage

Part three : Commercial dealing, Eatable and Drinkable things, slaughter of animals, Crimes, Punishment and Inheriteance.

Ahsan-al-Masail. (Tr.) Muhammad Ahsan Siddiqi Nanautawi

The urdu version of the Arabic work of Abu Bakr Nasafi : Kanz-al Daqaiq, is like other work of fiqh. It was translated into Persian language by brother of Shah Waliullah : Ahlullah. The book deals with many issues of interest and importance such as shares, endowment, guardianship, transfer of debt, administration of justice,

witness agreement, monumision of slaves, missing husband, partership in the trade, usurpation, harticulture, slaughter of animals, drinkable, hunting, mortgage, indemnity, wills, and inheritance. The different terms of figh has been also explained in the course of discussion.

'Ain al-Hidayah, (tr.) Sayed Amir Ali

This is an urdu version of Burhanuddin Abul Hasan Ali Marghinani's Al-Hidayah, one of the most popular text of the Hanafi jurisprudence. The work had been part of the curriculam of the Islamic jurisprudence in madradas and centres of oriental studies in different part of the Muslim worlds. The translator made the translation more valuable by examining a the hadith referred to by the author and defining their categories. The characteristic feature of the Hidaya is that it contains a detailed discussion from the Hanafi panit of view about legal problems relating to different aspects of muslim's life and also takes into account the arguments of the Hanafi jurists given in support of their view. The chapters of the present book are as follows :

Vol. I Purification and Prayer.

Vol. II Family laws, Penal Laws, International Laws,

(Siyar), Endowment.

Vol. III Commercial dealings and other economic issues, Administration of justice (Qaza)

Vol. IV Pre-emption, mortgage, permissible matters.

Bahishti Zewar. Ashraf Ali Thanwi

Specially written for women, is a very popular book of fiqh among the Indian Muslims. Explanation of legal problems in a simple style and easy language is the characteristic feature of this work. Main and subsidiary both kind of problems have been discussed in a very detailed way. The work has also taken into consideration many new issues which have emerged in the muslim society during British rule. The work consists of twelve parts and each part is sub-divided into numerous chapters. The main issues discussed in this work are as follows : Four Pillars of Islam, Congregational prayers, marriage, guardianship, dower, divorce, separation, sacrifice, (Qurbani) slaughter of animals, deposit (Amanat) social behaviours etc.

Fiqh-i-Muhammadi wa Tariqa-i-Ahmadi. Muhiuddin.

The work represents Ahl-i-Hadith school of thought. It was earlier published under the title of Muhammadi Zewar. This work mainly relates to the legal problems of

women in their daily life. The footnotes provide further explanation to the problems discussed in the main text. The work contains a detailed discussion about purification, four pillars of Islam, funeral, visit to graveyard, sacrifice, marriage, divorces, commercial dealing, and criminal law.

Fiqh al-Quran. Umar Ahmad 'Uthmani

One of the important fiqh books written in the pattern of the works known as Ahkam al-Quran. It explains the legal problems mainly with reference to the Quranic verses relating to rules (Ahkam). In course of his discussion he has also taken into account the relevant Ahadith and has made reference to the opinion of jurists of the well-known schools and has given his preference to any of them. The work has been arranged in accordance with the chapterisation of fiqh works. The author's main source are Quranic works, such as Ahkam al-Quran of Abu Bakr Jassas, Jami al-Ahkam of al-Qurtubi, Ruh al-M'aani of Alusi, and Tarfuman al-Quran of Abul Kalam Azad. Basically, the work was published from Idarah Fikr-i-Islami, Karachi in three volumes and first volume has been published from Taj company, Delhi, India.

Fiqh al-Sunnah. Muhammad Asim

This is a very useful book of fiqh compiled basically in the light of Ahadith. An important feature of this work is pointing out difference of jurists with regard to many problems and giving their respective line of arguments (traditional as well as rational) in support of their respective point of view. Comprehensive foot notes have added to the value of the book. The work mainly deals with the legal problems relating to purification and prayers (Taharat and Ibadat).

Fiqh-i-Umar (tr.) Yahya Imam Khan

The work is a translation of a part of Shah Waliullah's famous Persian book Izalat al-Khilaf a'n Khilafat al-Khulafa, on views and judgement of Hazrat Umar the second caliph with regard to different issues of the Shariat. It especially helps us to understand his ijtihadat independent legal opinions based on analogical deduction about many problems emerged in his times. The work is also useful for study of development of Islamic jurisprudence in early period of Islamic History. The contents have been arranged in accordance with the usual chapters of fiqh books. The translation has been rendered in easy language and simple style.

Chayat al-Autar. (tr.) Khurram Ali

This is a voluminous urdu version of Arabic work of Alauddin al-Haskafi's Al-Durr al-Mukhtar, a very popular book among the Ulama and jurists of Hanafi school which is widely quoted by them in support of their views. Arranged into four volumes, the Urdu translation is easy and simple. The contents of this version are as follows : Purification, Namaz, Zakar, fasting, pilgrimage, marriage, divorce, manumission of slaves, punishment, endowment, commercial dealings, transfer of debts, administration of justice, witness, partnership in the trade, renting, pre-emption, cultivation, horticulture, wills and inheritance.

Haqiqat al-fiqh. Muhammad Yusuf

The book deals with the principles as well as problems of fiqh. After discussing many important issues of fiqh such as Taglid, ijtihad and codification it has also taken into account the views of the founders of the four schools of jurisprudence with regard to taglid and the author has attempted to show that these learned jurists were not in favour of Taglid and they thought that exercise of ijtihad for dealing with new issues was permitted in the later period also. The work also contains very useful discussion about the attitude of Imam

Abu Hanifa towards Hadith as well as his scholarship in this field. The author has explained the well-known legal problems such as purification, prayer, family laws international relation (Siyar) and administration of justice.

'Ilmul-fiqh. Abdul Shukur

This is a popular urdu book of fiqh compiled according to the Hanafi school written in a simple style, it covers most of the topics relating to prayers and socio-economic life. In the footnotes, the author has explained the difficult points and has also given views of the jurists of the other schools on important issues. The work contains Quotations from well-known books of Hanafi school including al-Durr al-Mukhtar and Fatawa-i-Qazi Khan.

Islami Fiqh. Mujibullah Nadwi

In this comprehensive work the author has explained the legal problems of different aspects of a muslim life in a detailed way. The important problems of modern times have been also taken into consideration. The work is well arranged and full of reference from the Quran, Hadith and authentic books of fiqh. The work basically represents the Hanafi school but gives the opinion of jurists of

other schools mainly in footnotes.

Islami Fiqh. Minhajuddin Minai

An informative book of fiqh of general nature. The work contains a very detail discussion about the legal problems of different aspects of muslim fiqh. The author makes frequent refreneces to Quran and Hadith in support of the views expressed in the book in relation to legal problems. The author has explained the legal problems in a simple way and easy language and has also taken note of subsidiary issues alongwith the main ones. It appears that the work is mainly based on Maulana Mujibullah Nadwi's book of the same title discussed above.

Kanz al-Akhriat. Muhammad Ubaidullah Hamid Khan

This is a versified work of fiqh of general nature and is also known as Shariat Nama. The book mainly covers the issues relating to obligatory prayers, pilgrimage, 'aqiqah and inheritance. The work gives brief explanation to the problems but enough details are found with regard to some problems such as slaughter of hunted animals which runs into several pages.

Al-Mabsut. Ahmad Jung

The contents of this book are based on the author's two other works known as Al-Mukhtasar and Al-Mutawassit. The work deals with the well-known issues of the Islamic jurisprudence relating to prayers and socio-economic life and it has been compiled according to Shafii' school of jurisprudence. The main importance of the book lies in the fact that it was compiled from the point of view of Shafii school which has less following among the urdu knowing Indian muslims. The notable aspect of this work is to provide enough details about the problems taken up for explanation. The difficult terms of fiqh have been also explained. The work has many references from Arabic sources especially from Hadith works.

Misbah al-Quduri. (tr.) Islam al-Haq Asa'di Mazahiri

Consisting of four volumes, the work is an urdu translation of Misbah al Quduri of Abul Hasan bin. Hamdan. Misbah al-Quduri was itself a commentary (Sharah) of al-Quduri a popular text of Hanafi school. It has been part of the curriculum of the Islamic jurisprudence in madrasas and centres of oriental studies in different parts of the muslim world, since fourth century of Hijra era. The commentary is useful and has explanatory notes about all

difficult points of the text. The first volume has discussion about science of Islamic jurisprudence, and its principles, historical development of fiqh and codification of fiqh of Hanafi school. The other volumes relate purification, Ibadat, slaughter of animals, economic issues, endowment and deposit (amanat).

Rawai' al-Ahkam (tr.) Sadiq bin Sayed Muhammad

This is an Urdu version of the Persian work of Abdul Ghani bin Abi Talib on the Shii fiqh which was itself a translation from the Arabic work of Abdul Qassim Jafari bin al-Hasan known Sharai al-Islam. The work representing shii school of fiqh is a comprehensive account of legal problems discussed from the point of view of this school. The work has references to the Arabic books and has useful explanatory notes. The book is divided into two volumes and their main chapters are as follows :

Vol. I Hunting, slaughter of animal, chastisement and Punishment (Hudud and Qisas)

Vol. II Business, mortgage, shares, partnership in the trade cultivation, irrigation, deposit, renting, gardening, gift, wills, marriage.

Sh'afii fiqh. Muhammad Ayyub Nadwi

The work represents the school of shafi jurisprudence and contains detailed discussion on well-known issues of fiqh according to the shafi school. This work was prepared for the school boys to provide the necessary information about legal problems from the shafite point of view consisting on two volumes. The book covers the issues of purification, Namaz, fasting, Zakat, pilgrimage, and other well-known topics of Islamic fiqh.

Tabssirat-al-Mutaa'llimin (tr.) Sayed Manzur Muhsin Rizwi

The urdu version of the Arabic work of the same title written by Alama Hilli is a useful collection of juridical problems explained from shii point of view. The nature of discussion is brief and style is simple. The present book covers major aspects of Islamic fiqh including prayers, social laws and economic laws.

(II) FATAWA COLLECTIONS

Ahsan al-Fatawa. Rashid Ahmad Ludhyanwi

Being useful Fatawa collection, the work explains the legal problems of varied nature in a very detailed way. The compiler has also expressed his opinion about many new issues especially these relating to social customs and traditions and innovations prevailing in his own times. In support of his view he has quoted extensively from the well known sources of the Hanafi school, particularly the earlier fatawa collections. The work is divided into five volumes and their main chapters are as follows :

Purification and its conditions and prescribed times, Qirat behind the Imam, Tarawih prayer, Zakat, pilgrimage, marriage, divorce, guardianship of minor children maintenance, punishment and chasetisement.

Al-Ataya al-Nabawiyyah fi Fatawa al-Razawiyyah. Ahmad Raza Khan

This is a huge collection of fatawa which consists of 12 volumes. The work highlights the view points of the school of Ahl-i-Sunnat (also known as Barelwis). The compiler, basically being a follower of Hanafi school has

discussed the view points of other jurists and at several places has differed from well established views of ulama such as presenting offering at grave and organising 'urs and Qawwali at tombs of saints etc. Thousands of legal problems have been thoroughly discussed making reference to the source of fiqh.

Fatawa Alamgiri. Sayed Amir Ali

This is one of the important urdu translation of the Fatawa Alamgiri compiled under the headship of Shaikh Nizam Burhanpuri at the instance of Aurangzeb Alamgir by a committee of Ulema. The original Arabic text came to be also known as Fatawa-i-Hindia in the Arab work. The present compilation is considered very important among the legal compendiums of the Hanafi school. This is very frequently quoted by the jurists, muftis, qazis as well as judges of the modern courts. The work has references to a large number of works of Hanafi school including Hidaya, Quduri, Waqaya, Inayah Mukhtasar Dar al-Tahawi, Al-Jam'i-al-Kabir, Fath-al-Qadir, Badai-al-Sanai, Bahr-al-Raiq, Durr-al-Mukhtar, Fatawa Qazi Khan, Fatawa Tatar Khania. The original Arabic text of Fatawa Alamgiri contains extensive quotations from the above Arabic works and the translator has also given than in urdu version with

relating the original text only at same places. At several places translator has explained the difficult points of the text in the footnotes. The urdu translation also has a long preface and this provides very useful information about the origin and development of fiqh and gives introduction to the main legal works especially the Fatawa collections which were compiled before the Fatawa Alamgiri. The urdu translation consists of ten volumes and deals in a very detailed way with the well-known problems of Islamic jurisprudence such as purification, prayer, fasting, pilgrimage, marriage, manumission of slaves, crimes and punishment, international law, shares, endowment, commercial dealings, consumption, guardianship, etiquettes of Qazi, witness, claim, partnership in trade, gift, renting, reprehension, usurpation, pre-emption, cultivation, slaughter of animals, hunting, mortgage, wills, hermaphrodite, inheritance.

Fatawa Dar-al-Ulum Deoband. Compiled by : Muhammad Zafiruddin

A voluminous collection of Fatawa issued by the Dar-al-ifta of Darul- Ulum (Deoband) the well-known centre of Islamic learning. The compilation is in the form of Sawal and Jawab (Question and answer), but it does not give the

name of the questioner (Mustafti). The work deals with the problems of varied nature which have great importance in daily life of the muslims. The compiler has quoted many earlier Fatawa-collection and legal works in support of his views but these have been mainly given in the footnotes. The work is divided into 12 volumes and has been arranged on the pattern of fiqh books. The chapters of this collection are as follows :

Ablution, Azam and Aqamat and Imamat, congregational prayers, voluntary prayers, visit to the graveyards, Zakat charity, fasting, pilgrimage, moon-sight and its application in different places marriage, fostrage, divorce, separation, missiing husband, crimes and punishment and international laws.

Each chapter contains some new problems which have emerged in those days such as Zakat of share business, payment of Zakat through modern currency, Zakat on houses, issue of news of moon-sight through telegram, washing the teeth with dust of Tobacco, use of injection during the fasting, performance of pilgrimage through the amount of donation or gift etc.

Fatawa Mahmudiah. Mahmud Hasan.

An important Fatawa collection compiled by an eminent jurist of 19th century who worked as chief mufti in different institutions of religious learning including Dar-al-Ulum (Deoband), Mazahir al-Ulum (Saharanpur) and Jami'al Ulum (Kanpur). Consisting of eleven volumes, the Fatawa is arranged on the pattern of the Fiqh books, the contents are given in the form of Istifta (query) and Fatawa (legal verdict) along with the name of the question (mustafti). The quotation from the Arabic works of Fiqh are given to support the views of the compiler with regard to issues put to him for explanation. Apart from dealing with the well-known issues of Islamic Fiqh the work has also taken into consideration many new problems of his times such as donation of non-muslim for the construction of the mosque, Zakat of provident fund, news of moon-sight through radio, telegram, phone. The work lacks systematic arrangement of the contents and so it has repetition of discussion on some problems on same as first and ninth both chapters have a discussion on purification and Namaz.

Fatawa Naziriah. Nazir Husain Mubaddith Dehlawi.

This is a well known Fatawa-collection representing Ahl-i-Hadith school of thought. The legal opinions expressed in this Fatawa are supported by references to the authentic sources such as Fatawa Qazi Khan, Hidayah etc. This compilation deals with many important issues of daily life relating to prayers, social behaviour, economic dealing, crime and punishment. The compiler has also expressed his opinion about many new problems including bank interest, shares, loan, pre-emption and use of different dresses. The work is very much popular among the Ulama and jurists of Ahl-i-Hadith school. The work also contains the Fatawa of jurists of Deobandi or Barelawi ulamas who were contemporary of the Nazir Husain and at some place he agreed with them. The present compilation was prepared by his grand sons after the death of the learned Mufti.

Fatawa Nizamiah. Muhammad Ruknuddin

The work is an important collection of Fatawa consisting of three volumes. These legal verdicts had been issued by the chief mufti of madrasa Nizamia (Hyderabad) and these were compiled at the instance of Sadaryar ganj. This present form takes into account the

well-known juridical issues including four pillars of Islam, marriage, divorce, commercial dealings, endowment, Nuzur, slaughter of animals. The compiler also gives his opinion about unlawful customs and traditions of his times including innovations (Bida't). All the Fatawa are supported by references from original Arabic works.

Fatawa-i-Rehimiyyah. Abdul Rahim.

The work consisted of the Fatawa which were originally issued and published in Gujrati language. It was later translated into urdu (with the collective efforts of Nur Muhammadi Patel, Ahmad Khanpuri and wali Ahmad). This is a comprehensive collection of Fatawa dealing with the problems of varied nature. The legal verdicts of the Mufti (Abdur Rahim) are supported by references from original sources. He has also given the view points of jurists of different schools of fiqh in relation to the problems about which they have differences of opinion. The work is divided into six volumes and their main contents are as follows :

Belief (aqaid) purification (Taharat) and Prayer (namaz), four pillars of Islam, marriage, divorce, economic dealing, inheritance, vows and oath, permissible and prohibited things.

The book also contains discussion on some new problems such as learning of english by women, use of speaker in Namaz, giving bath to the new born by nurse, construction of graveyard with brick and cement, transmission of news of moon-sight through telephone, language of Khuthba-i-Juma. Translation of Quran in English language.

Fatawa Thanaiyah. Thanauallah Amritsari

An important collection of Fatawa representing the school of Ahl-i-Hadith, consisting of legal verdicts delivered by him within a span of 44 years. Consisting of two volumes, the work covers almost all the important aspects of Islamic jurisprudence including Ibadat, social behaviour and family laws, criminal laws and international laws. The present compilation is based on a deep study of the authentic work of Fiqh which have been frequently quoted by the compiler in support of his views. He has also taken note of the issues on which jurists have difference of opinion. The work was edited and arranged in a very systematic way by Muhammad Daud Raz.

Fatawa Ulama-i-Hadith. Abdul Hasanat Ali Muhammad

This is a valuable addition to the Fatawa collections of the school of Ahl-i-Hadith. The issues discussed are of common nature. Consisting of eight volumes, the work provides much details about Ibadat. The contents of the Fatawa are mainly based on earlier Fatawa collections of the same school such as Fatawa Azizia and Fatawa Naziria. The references are generally given from Arabic and Persian sources.

Imdad-al-Fatawa. Ashraf Ali Thanwi

Also known as Fatawa Ashrafia, this is a comprehensive collection of the Fatawa of Ashraf Ali Thanwi on a variety of old and new issues. The book has frequent references to al-Durr-al-Mukhtar, Al-Hidayath and other legal works of Hanafi school. The compiler has highlighted and defended point of view of Hanafi jurists. The present work has five volumes. The main chapters of the first three volumes are as follows :

Vol. I Purification, Namaz, fasting, Zakat, Charity, Pilgrimage.

Vol. II Criminal laws, endowment, sacrifice, slaughter of animal, guardianship of children,

maintenance, punishment, oath and vows, lawful and unlawful relating to different aspects of socio-economic life.

Vol. III Commercial dealing, renting, claim, administration of justice, witness, usurpation pawns, gift, shares, cultivation, wills, inheritance.

Islami Fatawa. Abdul Salam Bastawi

The work contains the Fatawa of a modern jurists of Ahl-i-Hadith school of thought issued from time to time on various issues. These Fatawa were compiled systematically and arranged according to the subject-matter. The compiler has expressed his opinion mainly in the light of the Quran and Hadith and has also made occasional references to the fiqh works. In relation to controversial issues vesry harsh language has been used for the opponents of Ahl-i-Hadith point of view. The introduction of first volume has useful discussion about the principles and procedures of issuing fatawa, importance of fiqh, ijtihad and Taglid. Most of the Fatawa are related to belief, social customs and traditions of his times. The second volume covers the issues about four pillars of Islam, commercial dealing, marriage, divorce, and mutual

transaction.

Kifayat al-Mufti. Kifayatullah

The work is a useful collection of Fatawa. The Fatawa issued by the learned mufti were first of all published in Al-Jamiat (Delhi) a quarterly magazine of Jamiat al-Ulama. Later it was compiled by Hafiz al-Rahman Wasif in nine volumes. All the fatawa were supported by quotations from original sources as well as his own analogical deduction. Apart from traditional contents the mufti discusses some modern issues also such as endowment provident fund, Bonus, Pensions Hundi, currency note, shares, etc.

Majmuat al-Fatawa. Abdul Hai, (compiled by Barkatullah)

Originally these Fatawa were published with the mixture of three languages Arabic, Persian and Urdu. Later they were translated into urdu and published in three volumes. The main contents of these three volumes are as follows :

Purification, Namaz, burrial, moon-sight, marriage, fosterage, divorce, missing husband, interest, debt, bribery, eatable and drinkable, gift, claim,

administration of justice, endowment, renting, crimes punishment and sacrifice etc. The author also discussed some of the new problems such as performance of Namaz in train, recitatio of Friday sermon (Khutbah) in Urdu and Persian language, Zakat on the ornamented dresses, Bank interest, slaughter of dumb, services under the British Govt., learning and teaching of English language and chess. All the issues have been discussed thoroughly and some of them running into several pages. Apart from referring to the commentaries of Quran and Hadith the compiler has given extensive quotations from al-Dur-al-Mukhtar, Sharah Waqayah, and Fatawa Alamgiri.

Surur-i-Azizi. Muhammad Abdul Wajid

The work is an important urdu translation of Persian work of Shah Abdul Aziz's Fatawa Aziziah. The urdu version was prepared in a systematic way, arranging the contents in accordance with the subject-matter. The work also has extensive footing and gives the opinion of other jurists on important issues. In support of his view the original compiler has made frequent references to the Quran and Hadith and has also quoted from the well known fiqh works including Sharah Waqayah, Bahr al-Raiq, al-Durr-al-Mukhtar and Fatawa Alamgiri. In addition to

explaining the well-known problems of Islamic jurisprudence. The learned jurists has also taken up many comtemporay issues such as legal position of India (Dar-al-Harb or Dar-al-Islam) in those days, monetary and commercial dealing with interest between Muslim and Hindus and laerning of English language and modern science by Muslims. The Fatawa Azizia was also rendred in urdu by Muhammad Nawab Ali under the same title and by Muhammad Rahim Bakshsh under the title of Mufid al-Mufti wal-Mustafti.

(III) SOCIO-ECONOMIC AND PENAL ISSUES

Aik Majlis ki Tin Talag. Muhammad Sulaiman Meerathi

This is a collection of articles presented in a seminar held at Ahmadabad in November, 1973. The contributors included 'Atiq al-Rahman, Mukhtar Ahmad, Shams Pir Zada, Abdul Rahman Mubarakpuri and Sa'id Ahmad Akbarabadi. They supported the view of the Ulama-i-Ahl-i-Hadith that three Talag given at a single time in one sitting would be treated as one. They criticised the Hanafi point of view and strengthened their opinion by references to the Quranic verses and Hadith.

Bank Insurance aur Sarkari Qarze. Burhanuddin Sanbhali

The work relating to some modern economic issues in Islamic legal perspective is a collection of articles of the author which were previously published in different urdu journals of India. The book contains a useful discussion on obtaining loan through Govt. agencies and interest of bank. He tried to discuss issues in the light of the Shariat's injunctiuons making reference to the Quran and Hadith and famous figh-book.

In the second part of the work the author has discussed the legal aspect of insurance and has also given the proceeding of Majlis Tahqiqat-i-Sharia'h (Nadwah al-Ulama) which has taken up this issue in its meeting held on 15th December, 1965.

Commercial Interest ki Fiqhi Haithiyat. Muhammad Jafar Shah Phulwarwi

The work explains the opinion of the author and that of Sayed Yaqub and Ataullah Palwi about interest. The main theme of the discussion is whether interest of modern bank and that of Quranic Riba are the same or there is any difference between them. He has attempted to show differences between Riba and the commercial interest and has not supported the application of the rule of Riba to the commercial interest which according to him is not known before 10th century AD. In the opinion of the author the banking interest is different from Riba and it is permissible.

Fiqh al-Zakat (tr.) Shams Pir Zada

An urdu versio of the Arabic book of Yusuf al-Qarzawi the well-known jurist of the modern Arab world. The important feature of the book is the application of Islamic

injunctions to the new issues relating to the Zakat such as the Zakat in share, currency, building, factory, honey, trove treasure, imposition of additional taxes by the state, issue of payment of Zakat to non-muslims in modern times etc. It goes to the credit of Yusuf Qarzawi that he took all these issues into consideration and discussed them thoroughly in accordance with the principles of ijtihad. The author's views are supported by his own arguments and references from the original sources. The work was rendered into urdu in an easy language and simple style.

**Al-Hilat al-Najizah li'l Hilat al-Ajizah. Ashraf Ali
Thanwi**

The book was compiled during the British rule in India. The work consists of five treatises. The followers of Abu Hanifa were facing problems in India, in the matter of separations of wife and vice versa if they felt so necessary. The learned author though being a follower of Hanafi School supports the view points of Imam Malik in this regard who does not consider the presence of Qazi essential at the time of separation. Similarly, the author follows the view point of Imam Malik in Tafwiz-i-Talaq and missing husband. The second treatise throws light about freedom of major in the choice of pear and prohibition of affinity. The third treatise is about the

issues relating to husband and wife having different religions. The fourth and fifth treatises taken up the above issues in detail and providing answer to the questions regarding these issues. The work contains the signature and seal of Indian Ulama and the Maliki jurists of Hijaz which has enhanced the authenticity of work.

Huquq-al-Zaujain. Abul A'la Maududi

The work explains, as the title indicates, the rights and duties of wife and husband. The author mentions some conditions in which Qazi is authorised to make separation between wife and husband and the wife has a right to complain against her husband if she wishes so in case of impotence of husband and his inability to provide her maintenance. One of the important feature of this book is that being a follower of Abu Hanifa, he differs in some cases including that missing husband, disabled husband, maintenance etc. This shows his indepth in the field of Islamic jurisprudence. The work has references from Quran, Hadith, and fiqh works such as al-Durr al-Mukhtar, Ahkam al-Quran, Fatawa Alamgiri etc. The footnotes pointout the differences of the jurists on many issues and provide other useful informations.

Islam ka Mukammal Nizami-i-Talaq. Abdul Jalil Qasimi

This is a detailed study of the issue of divorce in the light of Islamic law. It covers almost all the related issues taking into consideration the opinion of different schools. This book has been specially written for the Hanafi point of view. Some new and unique problems regarding divorce have been mentioned such as dictation of divorce by dumb, minor and insane. The author has extensively quoted from Fatawa Alamgiri, Shami, Khania, Radd al-Muhtar and Bahr al-Raiq etc.

Islam ka Nizam-i-Arazi. Muhammad Shaf'ii

The present book is one the most authentic, infomative and reliable source on proprietary rights in landed property and other related issues such as irrigation, cultivation of waste land and assessment and collection of land revenue. The book has two parts. The first part, consisting of six chapters, discusses different categories of the lands and legal position of each category in the light of Islamic jurisprudence. The agrarian laws of the British and post-British period have been also taken into account. The second part relates to the discussion about territories captured by the muslim conquerors. It explains the legal position of the land

conquered through war and that occupied without war. The ownership issue was taken up with regard to both kinds of land. The work was compiled mainly to define the legal position of lands held by the muslims of his times in Indo-Pak sub-continent and to determine the kind of land tax that was due on such lands. The book is well-documented with enough references from the original Arabic and Persian sources. Historical aspect was also explained with regard to the nature of the landed property.

Islam ka Zar'i Nizam. Muhammad Taqi Amini

The work has very useful discussion from the point of view of Islamic jurisprudence on types of land, proprietary and kinds of rights over landed property, rates and mode of collection of taxes on agricultural products. The book is considered an important one for agrarian law and related issues. The author gives a description about the legal position of conquered land in the time of the Prophet and Pious caliphs. The author discusses about cultivable and waste land and explains the legal points with regard to them. Moreover, he has also discussed the provisions of Islamic law with regard to treatment towards peasants and tillars.

Islami Qanun-i-Faujdari (tr.)

The work is a useful translation of a Persian work Kitab al-Ikhtiny compiled by Salamat Ali Khan on the basis of the Arabic works about Penal law with the Persian summary of the contents. The work gives information about penal law, listing different kinds of crimes and their punishments prescribed in the Islamic law. The author has quoted a number of works on Hanafi fiqh including Quduri, Hidaya, Sharah waqaya, Fatawa Oazi Khan, Fatawa-i-Hamidiyah, Fusul-i-'Imadia, Fatawa Sirajiyah and al-Ashbah wal-Nazair. The work was translated in urdu and published under the supervision of Dar al-Musannifin, Azamgarh.

Islami Qanun-i-Nikah-o-Talaq-o-Warathat. Fazlur Rahman

The book contains very useful material about important aspect of family law including marriage, divorce, maintenance inheritance. The author has extensively quoted from the well-known Arabic sources of fiqh such as Hidayah, Bidayah, al-Durr-al-Mukhtar and Fatawa Alamgiri. The work mainly resperesents the Hanafi school of fiqh.

Islami Qanun-i-Ujrat. Mujibullah Nadwi

The work, though brief, is very important for study of labour-law in Islam. In the present days of industrial development the issue of labour has assumed more significance and many related problems including condition of employment, wages, mode of payment and relationship between employer and employees needed to be examined in the light of Islamic fiqh and the present work fulfils this requirement to a great extent. In course of his discussion the author has explained the opinion of the jurists of different schools of law and this has added to the value of the book.

Islam mein Jurm-o-Saza (tr.) Sayed Masruf Shirazi

An urdu version of the informative Arabic work of Abdul Aziz Amir : Al-Ta'ir fi'l shariat al-Islamia, which deals with the different kinds of crimes and their punishments. The author has discussed separately the offences committed by individual and that by a group of people. Similarly, he also discussed the crimes committed by State officials. The work contains useful footnotes which gives explanation to difficult words and references to opinion of other Ulama on the issues discussed in the text.

Jam'i al-Ahkam fi fiqh al-Islam (tr.) Sayed Abul Hasan

The work was translated into urdu from the English book of Sayed Amir Ali : Personal law of the Muhammadons. It was very widely used in the Indian court during the British rule. The translation also proved to be useful for judges, lawyers and students of law for study of the problems relating to muslim personal laws. A notable feature of the work is explanation of the legal problems from both sunni and shii point of view.

Kitab al-Shufa'h. (tr.) Sayed Mahmud

This is a translation of relevant chapter on pre-emption from three Arabic books Majma al-Bahrain, Fatawa Qazi Khan, Ainis' Sharah Kanz. The work was prepared for use in British court in India. Each and every issue relating to the Shufa has been thoroughly discussed in the light of the Islamic fiqh. The relevant details are available mainly with regard to right of pre-emption in houses, shops, rented property and lands. The problems have been explained from the Hanafi point of view.

Majallah Fiqh-i-Islami. (2-6, Volumes) compiled by

: Mujahid al-Islam Qasimi

This is a collection of select articles presented by the Ulama at the seminar held at Delhi, Hyderabad Bangalore in different dates under the auspicious of Islamic Fiqh Academy (India). The present volumes contains very useful and informative discussion about organ plantation, exchange of currency, sale of rights, (bayhuquq) profits in business, modern banking system use of bank interest, insurance, application of provision of Zakat fi Sabil Allah issue of Kharaji and Ushri land in modern India. The contributors have expressed their opinions about these referring to the earlier important works of fiqh such as Siyar al-Kabir, al-Bidayah wal-Nihayah, Bidayat al-Mujtahid, Ahkam al-Quran, Fatawa Alamgiri, Fatawa Oazi Khan, Fatawa Imdadia, Fatawa Rahimia, Fatawa Dar-al-Ulum, Deoband and fiqh al-Zakat of Yusuf al-Qarzawi. The work also gives an insight into the collective opinion of the modern jurists arrived at the seminar about the above economic issues of much importance.

Muslim Auqaf ke Usul-o-Nazm-o-Nasq. Ishtiaq Husain

The work explains the nature and categories of endowment and gives details of Islamic law about their

management. It also takes into account the differences of opinion among sunni and shii jurists about different aspects of waqf. The Govt.'s dealing with such property has been also discussed in the light of relevant part of the muslim personal law. The work lists the disputed cases with regard to waqf property along with the judgements of the modern courts. The work is very useful for students and lawyers having interest in Muslim Personal law.

Sud. Abul Ala Maududi

This is one of the most significant and well-documented work on the subject. The learned author has thoroughly discussed the issue of interest, taking into account the Quranic injunctions, traditions of the Prophet and details of the fiqh books. His finding is that no form of interest is allowed in Islamic Sharia't and he is very much critical of those Ulama who differentiate between individual and commercial interest and also of those who consider it permissible in the Dar-al-Harb. While discussing the issue of interest in the present days, the author has examined the working of modern banking system with regard to interest and its legal position in view of Islamic fiqh. The work contains extensive and informative footnoting.

(IV) ADMINISTRATION OF JUSTICE

Islami 'Adalat. Mujahid al-Islam Qasimi

This is an important work on administration of justice (Qaza) issuing Fatawa and related matters. The introduction gives an account of the works of the founders of four schools about this subject. The work discusses the working of the system of justice in Islam from the time of the Prophet till the downfall of Umayyads. It also throws light on the life and view point of the Ulama of various period. The work aims to explain mainly the problems involving the establishment of the system of Qaza and its working including requisites qualifications of a Qazi and procedure for his appointment and dismissal, and principles of deciding cases. The work is of great utility for qazis and muftis even of the present days and may serve as guideline for establishment of Islamic court in the modern times.

Al Qaza fi'l Islam. Abd-al-Salam Nadwi

The work being one of the important sources in Urdu on administration of justice, deals with the importance of justice, historical development of Islamic system of justice during the early period of Islam. The book

discusses the qualification of Qazi and his duties. Similarly, the mufti takes into account many important issues connected with imparting justice such as procedure for trial of cases, acceptance and non-acceptance of different kind of witness and condition of granting bail.

The author has also explained importance and legal aspects of circumstantial evidence, experiences and written proof in disposal of cases. He was follower of Hanafi school but he has also differs at some places and accepted the views of jurists of other schools of Fiqh. The book has references from Sunan Abu Daud, Kanz al-'ummal, Hidayah, al-Turuq al-Hikamiyyah al-Tashri' al-Islami etc.

(V) MODERN JURIST AND NEW PROBLEMS

Alat-i-Jadidah ke Shari' Ahkam. Muhammad Shafi

The work explains the Shariat's attitude towards the use of modern instruments especially relating to communication. In this connection the author has discussed the use of loudspeaker, photography, gramophone, photo film, recitation of Quran in radio. The author has strengthened his points by referring to al-Durr-al-Mukhtar, Tahawi, Bahr al-Raiq, al-Mabsut and Umdat al-Qari etc.

Ahkam-o-Masail. 'Uruj Ahmad Qadiri

This is a collection of legal opinions expressed by the learned scholar in response to the queries sent to him. Originally these were published in Zindagi (Delhi), a monthly magazine edited by him. This material was later arranged according to the subject matter and compiled by Dr. Raziul Islam Nadwi, in two volumes. The issues discussed in the work are related to different aspects of Ibadat, social life, and economic dealings. The work is mainly useful for study of the Shariat's attitude towards many problems of modern times such as slaughter of animal through machine, loan from nationalised banks, commercial interest, insurance, bribery, lottery, use of different intoxicating drinks including toddy and alcohol, photography, blood donation. Though basically a follower of Hanafi school, the learned jurist choose to give preference to the point of view of other scholar in a number of issues. This shows his indepth in the Islamic jurisprudence and opposition to the blind following of any particular school.

**Fiqh-i-Islami aur Daur-i-Jadid ke Masail. Mujibullah
Nadwi**

This is a scholarly work about the sources of fiqh and their development through different ages. The author has specially explained the methodology of solving the new legal problems through the analogical deduction or exercising the ijtihad. The author has discussed the secondary sources (Qiyas and Income) of Islamic jurisprudence taking into account the prevailing situation and in this connection he has taken into account the local customs and traditions which are considered valid by the Hanafi jurists for solving the new problems and for interpreting the rules of the Shariat in the new situation.

Ijtihad Masail. Muhammad Jafar Shar Phulwarwi

The present book relates to the treatment of Islamic jurisprudence in modern times especially in dealing with the new problems. The author thinks that the door of ijtihad is never closed. He is in favour of exercising of ijtihad in relation to the problems of modern times. He is very liberal in this regard. Some of the issues taken up by him in the modern context are moon-sight, inheritance, punishment of adultery (Zina) ownership of

land and way of burrial etc. The main basis of his arguments are Quran and Hadith.

Islam aur Mausiqi. J'afar Shah Phulwarwi Nadwi

The work is a study of the issue of music in the light of Islamic law. While discussing the issue, the author has given a separate list of those muslims of early period who liked or disliked the music. Similarly, he has mentioned the view points of well-known jurists and Ulama about the subject. The book has extensively quoted from Arabic sources.

Islam mein Halal-o-Haram (tr.) Shams Pir Zada

This is urdu version of Yusuf Qarzew's Arabic book Al-Halal wal-Haram. The work deals in detail with what is permitted and what is prohibited in Islam. The discussion is based on the authentic and original sources. While expressing his legal opinion the author did not stick himkself to any Imam or jurist of any particular school of law. He has supported different school of fiqh in different issues. The author has explained many new problems of social and economic life in the light of Islamic jurisprudence. Some of them may be mentioned as hunting, means of livelihood, decoration, construction of

houses, family planning, relation and mutual dealing between guardian and subordinate.

Jadid Fiqh-i-Masail. Khalid Saifullah Rahmani

The work mainly contains the modern juridical problems written in urdu language. All those issues have been discussed with the help of original sources. The use of Qiyas is found frequently. This is a very comprehensive work and a serious attempt of solving the problems of the modern times in the light of different sources of fiqh. Some of the new problems taken up in the work are use of Western style of toilets, purification through papers, washing cloth through petrol, artificial teeth, birth through test tube, tayammum through coal, facing Qibla in train, use of land speaker in Namaz, injection of glucose transfusion of blood during fasting, artificial hair, organ plantation, post-mortum, service in bank, interest of P.F. and Zakat on income from bank and insurance. The problems have been mainly explained from the Hanafite's point of view. The discussion is profitable and concise.

Jawahir al-fiqh. Muhammad Shafii`

The work mainly deals with the problems of modern times. All these problems have been discussed with the help of well-known sources of fiqh including qiyas. The work is mainly useful for understanding the Shariat's attitude towards many problems of modern days such as organ plantation in human body, surgery of different parts of body, use of blood, life insurance, election system of present govt., slaughter of animals through modern method, lottery and race. The second volume has mainly discussion regarding Ibadat and related issues.

Qumus al-fiqh. Khalid Saifullah Rahmani

A comprehensive work on Islamic jurisprudence dealing with the well-known issues such as four pillars of Islam, inheritance commercial laws, penal laws, international law and administration of justice. The author has also discussed many of the new problems such as the rights of minorities, law of war and international laws etc. He has also about different points of Islamic law.

Rasail-o-Masail. Abul Ala Maududi

This is a collection of legal verdicts of Abul Ala Maududi which were first published in the Tarjuman al-Quran, a reputed magazine of Lahore. These were later arranged and systematically divided into seven volumes. The learned scholar explained the legal problems in the light of well-known sources of fiqh. While dealing with the new problems, he has also done his own analogical deduction. Though being a follower of Abu Hanifa he shows his dis-agreement with him in several problems such as the right of marriage and inheritance between those muslims living in Dar-al-Islam and those muslims living in Dar-al-kufr.

Ru'yat-i-Hilal ka Masalah 'Asr-i-Hazir ki Taraqkiyat ki Raushni mein. Muhammad Burhanuddin Sanbhali

The issue of moon-sight is controvercial among the Ulama since a long time. The author explains the legal position of the getting news of moon-sight through radio, T.V. and Wireless. He has also taken into account the difference in rising and setting palces of sun and moon (matal'i). He supports the decision taken by Majlis Tahqiqat-i-Shria of Nadwa al-Ulama (Lucknow) about the matter in its meeting held in 1967 AD.

(VI) ORIGIN PRINCIPLES AND SOURCES OF FIQH

Ahkam-i-Shar'iyah mein Halat-o-Zamanah ki Ri'ayat.

Muhammad Taqi Amini

The work is important for study of interpretation and implimentaion of the Sharia't rules in the light of prevailing situation in a particular time. The author has examined the consideration given to the situation in the laws of Islam especially in course of their implimentation. This important issue has been thoroughly discussed by him referring to legal verdicts of muftis and judgegements of Qazis of earlier period and practices of Caliphs. The work is of special importance for scholars and students of law.

Fiqh-i-Islami ki Nazaria Sazi. (tr.) Atiq Ahmad

This is a translation of an important Arabic work of Jamaluddin Atiyah, the well-known scholar of Qatr. The work deals with the origin and development of Islamic jurisprudence (Usul-i-Fiqh-i-Islami). The author has thoroughly discussed this important issue from different angles and has taken into account the development of 'Ilm-i-usul-i-fiqh in different period. The book contains very useful discussion about the attitude of jurists towards

different sources of fiqh and formulation of rules for deduction of legal points while discussing the background for differences of opinion among the jurists of different schools, the author has also given an account of the important works on this subjects. The work contains a list of the books written on the principles of jurisprudence and methodology about legal formulations. It is surprising that the urdu translation does not give the title of the original Arabic book.

Ijtihad. Khalid Ansari

The work relates to the issue of ijtihad which is very important in modern situation. It analysis the historical development of fiqh and deals with each and every aspects of ijtihad. The author is of the view that the door of ijtihad was never closed. He explains the main factors for the stagnation in the field of ijtihad. The work has useful discussion about the principles of fiqh and also gives an account of the life and works of the jurits known as mujtahidin thier times.

Ijtihad aur Tabdili-i-Akham. Mujibullah Nadwi

The work relates to the important issue of ijtihad and conditions for adopting this principles in relation with

the new problems. In the light of original sources, the author has discussed in detail about all the important problems relating to ijtihad especially the situation when such legal exercise is required. He has also mentioned those decisions and verdicts of Hazrat Umar wherein he had given consideration to the prevailing situations and condition of the people to be affected by the judgement. This work is useful for muftis and qazis who are confronted with the new problems in course of performing their duties. The work is a worthy addition to the urdu literature on ijtihad.

Ijtihad ka Tarikhi Pas Manzar. Muhammad Taqi Amini

The work relates to ijtihad, an important subject of jurisprudence. The learned author has discussed in detail about origin and development of ijtihad through different periods of Islamic history. After defining the term and explaining its conditions, principles and modelities. The author has examined view point of the Ulama of the earlier period about ijtihad and their contribution in this field. The very important issue of opening and closing the door of ijtihad also come under discussion in the work with the comment of the author that the door of ijtihad was never closed.

Tarikh-i-Fiqh-i-islam (tr.) Abdul Salam Nadwi

This is urdu version of Arabic work of Muhammad Khazri : Tarikh-i-Tashri' al-Islami. It contains a detailed account of the origin and development of fiqh in different periods of Islamic history. Starting from the days of the Prophet, the author proceeds to discuss, emergence of the well-known schools of fiqh, compilation of important works of these schools. The last two chapters are related to Taglid and ijtihad and they give an insight of view of the author about this important issue.

Usul al-fiqh. Muhammad Ubaidullah

This is a modern work on the principles of Islamic jurisprudence compiled according to Hanafite school. The work aims at explaining the usul-i-fiqh and showing its development in different periods. It deals with the two broad categories of rules of the Shariat namely divine commandments and conceived commandments (Ahkam-i-taklifia and Ahkam-i-waz'iyah). The author has defined Farz, Sunnat, mustahanb and other terms of fiqh and has discussed the sources of Islamic jurisprudence including the secondary ones such as Istihsan and Istislah.

Usul-i-fiqh-i-Islam. (tr.) Masud Ali

This work is a translation from English lectures, delivered by Abdur Rahman for the students of higher class of law in Calcutta university in 1907 AD.

Being comprehensive book dealing with the historical development of Islamic fiqh. The work gives special emphasis on its principles. The work has very useful discussion about the well-known sources of Islamic jurisprudence, administration of justice, family law, criminal laws, international laws. It proved to be of great utility for judges of British period in course of their dealing with the issue of muslim personal laws.

Usul-i-Shara' Islam. (tr.) Masud Ali

This is an urdu version of English law book of Dinsha Faridonji : Anglo Muhammad Law. The work was prepared mainly for the judges, lawyers, working in British court of India. It deals with the issues relating to the muslim personal laws such as marriage, divorce, maintenance, inheritance, endowment, guardianship. Significantly, the compiler has discussed these issues from the point of view of the Hanafi, Shaf'ii and sh'ii schools of fiqh. All the

above discussion have been systematically arranged into mine chapters. In the footnotes the names of petitioner and the defendant are given.

Usul-i-Shara` Muhammadi (tr.) Sayed Amir Ali

This is a translation of the English work of Sayed Ali Raza known as The Principles of Muhammadan law. The book discusses the well-known legal problems of the Shariat, explains the major differences between shia and sunni jurists on various issues. Some of the important problems discussed by the author are related to the issues of social life, commercial dealing, rights and duties of husband and wife, maintenance, divorce and inheritance etc. One of the important feature of this book is listing the name of petitioner and defendant and this has increased the utility of the work. The work is mainly useful for scholars and students working in the field of islamic law.

(VII) BIOGRAPHICAL WORKS

Aathar-i-Imam Shafi (tr.) Sayed Rais Ahmad Jafri

Translated from the Arabic book of Muhammad Abu Zuhra under the same title is very comprehensive study of Imam Shafii and his school of jurisprudence. The author has dealt at length about Imam Shafi's life account and contribution to Islamic jurisprudence and has explained the important place. He occupied among the founder of the well-known school of law. His written works, especially al-Risala and Kitab-al-Ulum have been discussed in detail.

Hadaiq al-Hanafia. Faqir Muhammad Jhailmi

The book gives biographical sketches of Hanafi jurists and takes notes of their contribution to the Islamic jurisprudence. The book covering the period from second century of Hijra era contains the biography of more than five hundred jurists. The content has been arranged in chronological order listing the jurists of each century separately. The book is very useful for study of life and works of the Hanafi jurists of different periods.

Hayat-i-Ahmad bin. Hambal. Sayed Rais Ahmad J'afri Nadwi

The work gives a comprehensive account of the life and work of Imam Ahmad bin Hambal. This is an urdu version of the Arabic work of Muhammad Abu Zuhra : Ibn-i-Hanbal Hayatulu wa Asruhu-Arahu wa fiqhuhu. Each and every aspect of personal and academic life of Imam Ahmad b. Hanbal has been discussed thoroughly. His views about the principles of fiqh was also taken into account. A comparative study of shaffii and Hanbali fiqh in several cases is one of the characteristic feature of this work. The translation carries literal taste and simple style and excludes repetitive points of the original text. At same places, the translator has showed his difference with the author such as he was not prepared to accept the opinion of the author that the stand point of a Matazilites about creation of Quran was right. However, the present work is very important for the study of biography of Imam Ahmad bin Hanbal as well as emergence and development of Hanbali school.

Hayat-i-Imam-i-Azam. Aziz al-Rahman

This is a detailed account of the life and works of Imam Abu Hanifa. The work provides an insight into views of Imam-i-Azam about different issues and also takes into

account those problems on which Imam Azam has changed his earlier stand point. The important aspects of this work are discussions on distinctive features of Hanafi school, methodology of codification of Hanafi fiqh, views of the jurists about taqlid and ijtihad. At the end of the work is given a detail account of his academic contribution and notable aspects of his practical life.

Imam Abu Hanifah Ahdo-Hayat Fiqh-o-Ara. (tr.) Sayed Rais Ahmad J'afri Nadwi

Translation from the Arabic book of Abu Zuhra, this is comprehensive study of life and thoughts of Imam Abu Hanifah as well as his contribution. It also throws light on his juridical views, methodology of solving the legal problems and the process for codifying the fiqh of Hanafi school. The author's study of principles of Islamic jurisprudence is of much importance. At several places, he has differed from Imam Abu Hanifa and has accepted the opinion of the learned jurists of other schools.

Mufid al-Mufti. Abdul Auwwal Jounpuri

The work deals with the origin and development of Islamic jurisprudence. Main focus is given on the Hanafi school. The book was prepared keeping in view of the requirements of muftis so it gives enough details about

the principles of jurisprudence, basic terms of fiqh, main works of Hanafi school and rules for imparting legal verdicts (fatawa) but the major part of the work consists of biographical sketch of the Hanafi jurists of different periods and a brief introduction to all the important work of the Hanafi school. The matter about biographical sketches was arranged chronologically while the account of work is given alphabetically.

Sirat Ai'mmah Arbaa'h. Rais Ahmad J'afri

This is a comprehensive account of Imam Abu Hanifa, Imam Malik, Imam Shafia and Imam Ahmad bin Hanbal, providing rich informations about life and times of the founders of the four schools of Islamic jurisprudence. The work gives details about their respective principles of jurisprudence and methodology of deduction of law, their differences on many points of laws as well as distinctive features of each of the four schools. The book is divided into four parts each part dealing separately with each founders of four schools namely, Hanafi, Maliki, Shef'ii and Hanbali.

Sirat al-N'uman. Shibli N'umani

Being an important study of life and work of Imam Abu Hanifa, the book is divided into two major parts. The first part deals with his detailed biography and the second takes into account his views about sources of fiqh and methodology of their application for solving the legal problems. His attitude towards Hadith and qiyas has been mainly discussed. The work also contains a brief history of jurisprudence and codification of Hanafi fiqh especially in the times of Imam Azam. The hypothesis that Islamic law is based on the Roman Law has been critically examined by the author and refuted fully. The book is a worthy addition to the Urdu literature on Imam Azam and Hanafi fiqh. The author was very deeply impressed by Imam Abu Hanifa (Numan bin Thabit) and so he liked to be called as "Numani".

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GLOSSARY

'adalat	: court
ajir	: hired labour employed
amanat	: trust, deposit
amin	: trustee, trustworthy
'aqd (pl.uqud)	: contract
'ariya	: returnable loan
arkanal arbaa'h	: the four pillars of Islam (<u>prayer,</u> <u>fasting, zakat</u>) and pillgrimage)
ashbah wal-nazair'	: similarities, the systematic structure of law.
azan	: calling for prayer
baligh	: major, adult
batil	: invalid, null
bay'	: sale transaction
bait al-mal	: public treasury
bida't	: innovation
dar al-harb	: land of enemy of alien
dar al-ifta	: department of juridical verdicts
dar -al-Islam	: islamic country
da'wa	: claim, law-suit

dain : debt, claim
 diyat : blood-money
 faqih
 (pl. fuqaha) : jurist
 far`
 (pl. furu`) : branch of the law, subsidiary issue
 fasid : defective, viodable
 fasiq : sinner
 faskh : annulment, dissolution
 farz
 (pl. faraiz) : obligatory, fixed share
 fatwa
 (pl. fatawa) : juridical verdict
 fuzuli : an-authorized agent
 ghanima : booty, spoil of war
 gunah-i-
 kabirah : grave sin,
 habs : imprisonment
 had
 (pl. hudud) : a specific punishment
 halal : lawful
 haram : unlawful
 harbi : enemy, alien
 hawala : transfer of debt, instrument of exchange
 hazanat : the care and custody of children

hiba	: gift, donation
hirz	: custody
hiyal (pl.of hila)	: legal devices for evasion, evasive method
huquq al-zaujain	: conjugal rights
'iddah	: the waiting period of a widowed or divorced woman during she is not to re-marry second husband.
ijarah	: renting, hire and lease
ijma	: concensus of opinion
ijtihad	: rational interpretation of Quran, Hadith and deduction of a new law by analogy.
'itq or 'itaq	: manumission of slave
istifta	: legal query
istihsan	: juristic preference, discretionaly branch of strict analogy (Hanafi)
intinja	: cleansing with stone or water after defeacation
istislah	: taking the public interest into account (especially by Maliki)
istithna	: exception

(III)

muta`h	: temporary marriage
muzaraa`t	: renting of an agricultural land by paying a portion of the produce after harvest.
nafl	: supererogatory non-obligatory
nafqah	: maintenance
nass	: an explicit provision of the Quran or the Hadith, text
pardah	: veil
qata` al-tariq	: highway robbery
qaza	: missed prayer, judicial system
qisās	: retaliation
qiyas	: analogy
qusliam	: animal sacrifice on special occasions
rahn	: mortgagage
raj`at	: returning to divorced wife
raza	: consent
razaa`t	: fosterage
riba	: usury, interest
sadaqah	: charity
saghir	: minor
sahih	: valid
sarqa	: theft

shafa'at	: intercession
shahadat	: giving witness
shahid	: witness
shart	: pre-requisite, condition
shufa'h	: pre-emption
sunnah	: trodden path of the prophet, precedent and tradition of the Prophet.
taa'dud-i-izdiwaj	: polygamy
tafwiz	: deligation of an authority or power
talaq	: divorce
talaq-i-tafwiz	: divorce by deligation in which the husband deligates his power of talaq either to the wife or to third party. oll
taqlid	: strict adherence to the law as expounded in the authoritative juristic manuals, blind following of the founder of any school of law.
tawan	: fine
tayammum	: purification with dust
t'azir	: discretionary punishment
'urf	: custom, common law
wadi'ah	: deposit
wajib	: compulsory (different from farz)

wakalat	: agency
wakil	: deputy, agent
wali	: legal guardian
waqf	: endowment
warith	: heir
wasi	: executor
wasiyyat	: will
withiqah	: written document
wila	: the relationship of client and patron
wuzu	: ablution
zakat	: prescribed or obligatory alms
zaman	: surety
zawul-furuz	: share-holders
zimmi	: protected non-muslim subject of Islamic state