

RESEARCH AND DEVELOPMENT OF FIQH

BY

Ph.D.

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GROWTH AND DEVELOPMENT OF FIQH  
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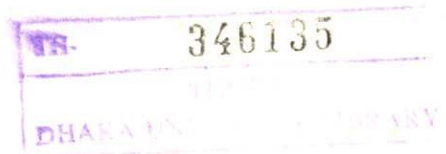
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GROWTH AND DEVELOPMENT OF FIQH  
IN  
BENGAL

A THESIS SUBMITTED TO THE UNIVERSITY OF DHAKA  
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY  
BY

MUHAMMAD RASHID



GIFT



DEPARTMENT OF ARABIC  
UNIVERSITY OF DHAKA

1990

## ACKNOWLEDGEMENT

I owe my indebtedness to all those institutions that I visited and utilized materials thereof in preparing my thesis. I am thankful to the authorities and staff of the libraries and museums of Bangladesh and India for their sincere co-operation.

I express my gratitude to the University of Chittagong for granting me study leave with a research fellowship to prosecute my research. I am indebted to the University of Dhaka for according me registration for the Degree of Ph.D. research.

I mention with a deep sense of gratefulness the name of my supervisor Dr. Muḥammad Mustafizur Raḥman, Professor of Arabic, Dhaka University whose inspiring guidance, ungrudging co-operation and sincere advice enabled me to prepare this work.

I must mention the names of Dr. Serājul Ḥaque, Professor Emeritus, Dhaka University ; Marḥūm Dr. Āftāb Aḥmad Raḥmānī, Professor of Arabic, Rajshāhī University; Dr. 'Abdul Karīm, former Vice-Chancellor of Chittagong University; Dr. M.A. Ghafūr, Professor of Arabic, Dr. Mu'in-ud-Dīn Aḥmad Khān, Professor of Islāmic History and Culture, Dr. Monjūr Morshēd Maḥmūd, Associate Professor of Accounting, Chittagong University; Shāh Mirzā Mu'izz Aḥmad of Lucknow, popularly known as Ḥāfizjī Ḥudūr and now residing at Hālīshahar, Chittagong; Mr. 'Abdul Ḥuq Chowdhury, Chattal-Itihās-gabeshak; Professor Auṣāf 'Alī Khān, Director of Indian Institute of Islāmic studies, Hamdardnagar, Tughluqabad, Delhi, India; and many others whose help, encouragement and

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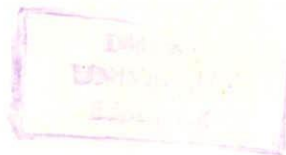
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II

guidance in various ways proved invaluable during the pursuit of this study.

My friend Marhūm Dr. Md. Shehābul Hudā had been a source of inspiration for me. His sudden demise was a great set-back for me. May Allāh grant him eternal peace. I remember him with respect and gratitude.



NOTES ON TRANSLITERATION

The following system has been used:-

(i) For Arabic and Persian Letters:-

ا = a

ب = b

پ = p

ت = t

ث = th

ج = j

چ = ch

ح = h

خ = kh

د = d

ذ = dh

ر = r

ز = z

ژ = zh

س = s

ش = sh

ط = ṭh

Short vowels- a, i, u

Long vowels - ā, ī, ū

Diphthong - au, ai

ص = ṣ

ض = ḍ

ط = ṭ

ظ = ḏ

ع = ʿ

غ = gh

ف = f

ق = q

ك = k

گ = g

ل = l

م = m

ن = n

و = u, v, w

ه = h

ء = ,

ي = y, i

ڈ = ḏh

ڑ = ṛh

(ii) For Bengali letters:-

অ	= a	ঐ	= <u>ai</u>
আ	= ā	ও	= o
ই	= i	ঔ	= <u>au</u>
ঈ	= ī	ক	= k
উ	= u	খ	= <u>kh</u>
ঊ	= ū	গ	= g
ঋ	= rī	ঘ	= <u>gh</u>
এ	= e	ঙ	= ṅ
চ	= <u>ch</u>	ব	= b
ছ	= <u>chh</u>	ভ	= <u>bh</u>
জ	= j	ম	= m
ঝ	= <u>jh</u>	য	= y
ঞ	= ñ	র	= r
ট	= t	ল	= l
ঠ	= <u>th</u>	ব	= v
ড	= d	শ	= <u>ś</u>
ঢ	= <u>dh</u>	ষ	= <u>sh</u>
ণ	= n	স	= s
ত	= t	হ	= h
থ	= <u>th</u>	ড়	= ṛ
দ	= d	য়	= y
ধ	= <u>dh</u>	়	= m
ন	= n	ঃ	= h
প	= p	ঁ	= ṅ
ফ	= <u>ph</u>		

LIST OF ABBREVIATIONS

Abū Dāūd : Sunan	= Sunan written by Abū Dāūd Sulaymān b. Ashāth b. Ishāq al-Sijistānī.
Abū Hanīfa, Imām	= Imām Abū Hanīfa Nu'mān b. Thābit.
Abū Yūsuf, Imām	= Imām Abū Yūsuf Ya'qūb b. Ibrāhīm b. Ḥabīb.
A. D.	= Anno Domini.
A. H.	= Anno Hegiræ.
Al-Bukhārī: Al-Jāmi' al-Sahih	= Al-Jāmi' al-Sahih al-Musnad al-Mukhtasar Min Umūr Rasūl Allāh Salla Allāh 'alaihi wa Sallam wa Sunanihi wa Ayyamihi by Abū 'Abd Allāh Muḥammad b. Ismā'īl b. Ibrāhīm b. al-Mughira b. Bardizbah al-Bukhārī.
Al-Mubarrad: al-Kāmil	= Al-Kāmil by Muḥammad b. Yazīd al-Mubarrad.
Al-Shahristānī: Al-Milal wa'l-Nihal	= Al-Milal wa'l-Nihal written by Muḥammad b. 'Abd al-Karīm al-Shahristānī.
Al-Shāfi'i, Imām	= Imām Muḥammad b. Idrīs al-Shāfi'i.
Al-Shaybānī, Imām	= Imām Muḥammad b. al-Ḥasan al-Shaybānī.
Al-Sira	= Sira Rasūl Allāh (Sm) written by Ibn Hishām.
B. S.	= Bangala Sana.
Dārimī	= 'Abd Allāh b. 'Abd al-Rahmān b. al-Faḍl b. Bahrām b. 'Abd al-Ṣamad al-Tamīmī al-Dārimī al-Samarqandī.
Ibn Mājah	= Abū 'Abd Allāh Muḥammad b. Yazīd b. Mājah.
Infra	= Below or herein after.
M. E.	= Maghī era.

VI

Minhāj-i-Sirāj	=	Abū 'Umar Minhāj al-dīn 'Uthmān b. Sirāj al-dīn al-Jurjānī.
M. L. A.	=	Member of the Legislative Assembly.
Ms.	=	Manuscript.
Mss.	=	Manuscripts.
Muslim: Al-Jāmi' al-Ṣaḥīḥ	=	Al-Jāmi' al-Ṣaḥīḥ by Abū al-Ḥusain Muslim b. al-Hajjāj b. Muslim al-Qushairī al-Nishāpūrī.
Nasā'ī	=	Abū 'Abd al-Raḥmān Aḥmad b. Shu'ayb b. 'Alī b. Baḥr al-Nasā'ī.
pub.	=	Publication.
Sm.	=	Ṣallā Allāh 'alaiḥi wa Sallam (peace be upon him ).
Supra	=	above.
Tirmidhī : al-Jāmi'	=	Al-Jāmi' by Abū 'Īsā Muḥammad b. 'Īsā b. Saura al-Tirmidhī.

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I N T R O D U C T I O N

## INTRODUCTION

Fiqh is that branch of Islāmic sciences which is very essential in properly conducting the day to day life of the Muslims. The life of a Muslim, from his birth to death, his offering of prayers, his purification of body and soul, his taking of food for sustenance, his marriage, marital and family life, his adoption of various occupations to earn his livelihood, in a word, the total and whole life of a Muslim is guided by rules and disciplines governed by Islāmic Shariā and the branch of knowledge which deals with these problems is called Fiqh. It has, therefore, been the endeavour of the Muslim 'Ulamā' to engage themselves in educating the Muslims and to write books for the benefit of the Muslims in general. A huge mass of Fiqh literature have been produced all over the Muslim world, not only in Arabic, but also in languages of those countries where Islām penetrated. In course of time Islām penetrated to Bengal and Muslim political power was established there. Muslim settlements expanded and Bengal became a predominantly Muslim area. Islāmic culture was diffused and in the process the 'Ulamā' of Bengal also engaged themselves in teaching the Muslims. They established madrasas and wrote books on various Islāmic sciences. They also paid due attention to the study and publication of books on Fiqh.

The study of Fiqh literature in Bengal has, however, received little attention from modern scholars. In fact, the cultural history of the Muslims of Bengal is yet to be written. Although there is no dearth of history of the Muslim period

in Bengal, the history of the Muslim religious movement, particularly the cultural and educational developments of the Muslims have been practically untapped. The attention of modern scholars has so far been focussed chiefly on the political activities. The glorious chapter of Muslim Bengal's history has been, so to say dark to us-the historians and non-historians equally. But for the untiring zeal of some scholars, who have contributed to some or the other aspects of activities of the Muslims of Bengal, Muslim Bengal could have been considered as a dark period of history. These contributions are those of Munshī 'Abdul Karīm Sāhityavishārad who has discovered a large number of Bengali manuscripts produced by the Muslims<sup>1</sup>; of Dr. Muḥammad Enāmul Ḥaq who also discovered a few Bengali manuscripts, but his chief contribution in this field was the evaluation of the Bengali manuscripts discovered until his time<sup>2</sup>. The same scholar has also studied Ṣufi-ism in Bengal in his History of Ṣufi-ism in Bengal<sup>3</sup>, Bange Ṣufī Prabhava<sup>4</sup> and Purva Pākistāne Islām<sup>5</sup>. Another pioneering work is the Social History of the Muslims in Bengal (down to A.D. 1538) by Dr. 'Abdul Karīm<sup>6</sup>. He has also made contributions to various aspects of Muslim

1. Munshī 'Abdul Karīm Sāhityavishārad himself published reports of his discoveries in Bangla Prāchin Puṭhir Bivaran in two parts, published by the Bangiya Sāhitya Parishad, Calcutta. Later his entire collection has been catalogued in the Puṭhi Parichiti, Published by the Bengali Department, Dhaka University.
2. Muḥammad Enāmul Ḥaq :Muslim Banglā Sāhitya, Dhaka, 1955 A.D.
3. Dhaka, 1975 A.D.
4. Calcutta, 1935 A.D.
5. Dhaka, 1948 A.D.
6. 1st edition, Dhaka, 1959 A.D.; 2nd revised edition, Chittagong, 1985 A.D.

culture in Bengal in his various articles. Dr. M.A. Rahim's Social and Cultural History of Bengal<sup>1</sup>, in two volumes and Dr. Muhammad Mohar 'Alī's the History of the Muslims of Bengal<sup>2</sup>, (volume 1A and volume 1B) are also good contributions to the cultural history of Muslim Bengal. These books have no direct bearing on the subject of our study, but they throw very important light on the glorious cultural life of Muslim Bengal.

Since my student-days, it has been a question to me that whether our predecessors left for us any legacy in the field of Fiqh. I always found my teachers and learned 'Ulamā' in dispensing legal decision, used to cite works produced outside Bengal. The present endeavour is an attempt to meet that question and to show that Bengal has a glorious record in this field. Like the formation of Muslim society in Bengal, growth and development of Fiqh here is similarly fascinating.

Major portion of my labour has been devoted in tracing out the books on Fiqh produced in Bengal in Languages-Arabic, Persian, Urdu and chiefly Bengali. For this purpose I had to travel widely-particularly the cultural centres in Bengal proper and outside like Bānkīpore, Lucknow, Delhi, Azamgarh, Ajmīr, Joypūr, Deoband, etc., in India. In Bengal I had to travel from village to village, particularly the old and traditional madrasas where old books and manuscripts are being preserved. The evaluation of the works on Fiqh has been made language-wise and author-wise. If an author has written in more than one language, his biographical sketch has been discussed in the chapter where the name first occurs.

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1. Karāchī, 1963 A.D.
  2. 1st edition, phototypeset at Al-Harf, Al-Malaz, Riyād, 1406 A.H./1985 A.D.

XIV

The dissertation contains an introduction, four chapters, a conclusion, a bibliography, appendices, and a list of works dealt with in preparing the thesis. First chapter deals with the formation of Muslim society in Bengal while second chapter deals with the connotation, origin, development, theories and sources of Fiqh in Islām. In the third chapter brief life-sketches of the Fuqahā' of Bengal have been recorded and in the fourth chapter works on Fiqh in Bengal have been discussed language-wise. In the conclusion a bird's eye-view has been cast on the total works.

CHAPTER I

FORMATION OF MUSLIM SOCIETY  
IN  
BENCAL

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## CHAPTER I

### FORMATION OF MUSLIM SOCIETY IN BENGAL

Muslims got their sway into the land of Indian sub-continent early in the 8th century, when Muḥammad b. Qāsim landed in Debal and conquered Sind and Multan. But the wave of this conquest could not penetrate deep into the heart of the sub-continent, not to speak of her eastern regions like Bengal. Muslim political power penetrated to Eastern India including Bengal towards the beginning of the 13th century A.D. Muslim contact with the Indian sub-continent and also with Bengal had started long before. The 'Arabs were a sea-faring nation, they controlled the Eastern Trade and acted as intermediaries in the East-West trade. Europe received the commodities of the East through the 'Arab traders. With the advent of Islām in 'Arabia, when the 'Arabs became Muslims, they also adopted this profession of their forefathers and inherited the sea-faring character. It is these Muslim traders who in course of their trading voyages made first contact with the Indian sub-continent<sup>1</sup>. Who was the first Muslim to put his steps into the soil of Bengal, shall probably never be known; there are traditional accounts<sup>2</sup> stating that some Ṣūfīs came

1. Dr. A. Karim: Social History of the Muslims in Bengal, 2nd edition, Chittagong, 1985, p.26.
2. For traditions see, Journal of the Asiatic Society of Bengal, 1875, part 1, No. 2, pp.183-86; Journal of the Asiatic Society of Bengal, 1889, vol. LVIII, pp.12 sqq; Journal of the Asiatic Society of Bengal, 1904, part 1, No.3, pp. 262-71; Bengal District Gazetteers: Pabna, Bogra, Dhaka, Mymensingh.

Bengal with a view to preaching Islām long before the Muslim political conquest. Whatever that may be, we are more concerned here with the establishment of Muslim settlements and Muslim society and the spread of Islāmic culture. Muslim society was established in Bengal only after the political conquest which was done by Ikhtiyār al-Dīn Muḥammad Bakhtyār Khaljī in about 1205 A.D.<sup>1</sup> With the conquest of Bakhtyār Khaljī and the consolidation of the Muslim rule with headquarters at Lakhnautī, the Muslim power began a new phase of expansion. Initially the Muslim Kingdom was confined to a small portion of territory in the north-west Bengal, but gradually it expanded and within three hundred years, it encompassed the whole of Bengal including the south-eastern most corner of Chittagong. Bengal remained under the Muslim rule till the British East India Company established its authority in the later part of the 18th century. In 1947 the Indian sub-continent became free from the British rule and became two independent states, India and Pākistān, the latter comprising of some portion of Western India called West Pakistan and the major portion of Bengal called East Pakistan. In 1971, East Pakistan separated herself from West Pakistan giving birth to independent Bangladesh. Bangladesh is a country consisting of predominant Muslim population, even Bengal (comprising of both Bangladesh and the province of West Bengal of India) of pre-1947 days was a predominantly Muslim majority area.

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1. There is a lot of controversy on the date of Bakhtyār's conquest, we accept here the date fixed by the latest study on the subject, see Journal of the Asiatic Society of Bangladesh, vols. XXIV-XXVI, 1979-81, pp. 1 sqq.

Establishment of a Muslim society in Bengal, nay, in the whole of India is an event of far-reaching effect in the history of Islām.

"With the advent of the Moḥammedans in India an era ends—the old order passes. And in no country was the movement of Islamisation more epochmaking. For, of the various civilisations with which the Moḥammedans came into contact in the course of their world conquest, none could have been more diametrically opposed to the ideas than that of the people of India. Apart from the fact that the Islāmic movement was of relatively recent growth, forcing itself on the ancient and firmly established social and religious structure of India, it also postulates a clashing of fundamental convictions, a conflict of realism with idealism, of the material with the visionary, of concrete with the abstract".<sup>1</sup>

The above is the observation of Percy Brown who studied the differences between the Hindu and Muslim styles of architecture. The observation made in the context of the Indian sub-continent, also holds good for Bengal. Rather, it is more appropriate for Bengal, because, though the Muslims had their political control over almost the whole of India for several centuries, Islām was more firmly rooted in the deltaic Bengal and the Muslim population swelled in this part of the sub-continent, more than in any other part, except, of course, the western frontier regions. There may be various reasons for Bengal to be overwhelmingly a Muslim majority area; it is not appropriate to discuss those historical, sociological and other reasons, but the fact remains that Bengal became a Muslim country with its majority Muslim population and this fact is of great importance in the social and cultural history of Bengal.

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1. Percy Brown : Indian Architecture (Islāmic Period), 2nd edition, Bombay, 1942, p.1.

The building up of a Muslim society is the result of a process of gradual growth. Even though some Muslims came to Bengal before the Muslim political conquest, they could not form themselves into a well-knit Muslim settlement or society. The Muslim settlements were rooted and the Muslim society was actually established after the Turkish conquest in the beginning of the 13th century. When Muḥammad Bakhtyār Khaljī conquered Nadia, he is said to have been accompanied by only 17 horsemen<sup>1</sup>.

But soon he was joined by the main body of his army who followed him from Bihār. After he established his capital at Lakhnautī, his followers settled there and it is in this way that the first Muslim society was established. When Bakhtyār Khaljī invaded Tibet his army consisted of ten thousand soldiers<sup>2</sup>. It is, therefore, clear that Muslim population began to pour themselves into Bengal after the political authority was established. The contemporary historian Minhāj also says how people of Bakhtyār Khaljī's own tribe flocked round him after his successes in Bihār and Bengal<sup>3</sup>. It is, therefore, natural that the Muslim society and Muslim settlements followed the political expansion and when various cities and regions were occupied by the Muslims, the Muslim society was established. Consequently, in course of time the Muslim population also gradually increased in Bengal.

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1. Minhāj-i-Sirāj: Ṭabaqāt-i-Nāṣirī, edited and translated into Bengali by A.K.M. Zakaria, Bānglā Academy, Dhaka, 1983, text, p. 8, translation, p.26.

2. Ibid., text, p.9, translation p.30.

3. Ibid., text, p.6; translation p.18.

The building up of the Muslim society in Bengal is an important and at the sametime fascinating study. Dr. 'Abdul Karīm has made an exhaustive study on the subject in his Social History of the Muslims in Bengal down to A.D. 1538<sup>1</sup>. We do not propose to study the subject afresh, but with a view to placing our main theme in the proper perspective, we shall dwell upon the subject a little comprehensively. The Muslim population was increased due mainly to two reasons - (a) the coming of the foreign Muslim population to Bengal and (b) the conversion of local people to Islām and their merging into the Muslim Society.

The foreigners came to Bengal on several occasions and prompted by various considerations. The first group to come to Bengal were the soldiers; they came in the train of the conquerors, or governors appointed to rule Bengal by the Sultāns or Emperors of Delhi. They never came alone, they were accompanied by their followers, retinue and sometimes with their wives and families, while some of them accepted local wives, thus further increasing the ranks of the Muslim society. The next group that may deserve mention are the Saadāt, 'Ulamā and Mashāikh. They came in their peaceful pursuits-some of them accepting service under the Muslim Government, while others simply engaged themselves in propagating the religion and teaching the people in the Islāmic sciences. As will be seen later, this group of people played the most important part in spreading culture and their

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1. 1st edition, Dhaka, 1959, 2nd revised edition, Chittagong, 1985.

activities are more important for the purpose of our subject of study. The next group of foreign Muslims who came to Bengal are the traders, businessmen, artisans and craftsmen. Dr. Karīm writes,

"All these constituted the foreign Muslim elements in the Society. Almost all of them came along with that horde of migration that was set afoot by the devastating flood of the Mongol eruption, that swept the whole of Central Asia including the heart of the Khilāfat of Baghdād. Many uprooted families from Central Asia sought refuge in this sub-continent; many of the crowned heads thrown out of their masnads, took the garb of royal saints, and moved on to a new missionary life; many craftsmen, architects, poets and artists flew away from the raging scourge and found shelter in the Indian sub-continent".<sup>1</sup>

The local people who accepted Islām also came from different ranks in the society. In the pre-Muslim period, the society was caste-ridden, social inequalities and oppression of the superior caste over the lower class of people was rampant. The traditional Hindu society was divided into Brahmin, Kshatriya, Vaishya and Sudra. It is the Brahmin group who dominated the society, who were reckoned as gods while the Sudras formed the lowest strata. None but the Brahmins had the access to temples and religious texts<sup>2</sup>. The lower class of people were there only to serve the Brahmins. In the face of such social injustices and oppressions, when Islām came with its message of social equality, fraternity, right of equal access to mosques, the Qurān and other religious texts, the oppressed humanity of Bengal got a ray of hope to free themselves from the Brahminical

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1. Dr. A. Karīm: op.cit., p. 189.

2. Chaitanya Bhagavata, Ādi, 14th.

oppression. It is in this way that the local people began to accept Islām<sup>1</sup>; not only that the lower class people came to the fold of Islām, but sometimes the Brahmins also accepted Islām being attracted by the Islāmic Ideals<sup>2</sup>.

Besides these two categories, the foreign Muslims and the converted Muslims swelling the ranks of Muslim society in Bengal, there was another group, i.e., the children of mixed marriages. We have already stated that many foreign Muslims came to Bengal unaccompanied by their wives and families<sup>3</sup>. They must have accepted local wives. History does not tell us many cases of such mixed marriages, but the possibility of such mixed marriages can not be ruled out altogether, and actually there are several examples in the early period of Muslim rule<sup>4</sup>. Dr. Karīm writes,

"There were also the children of mixed marriages, several examples of Muslim migrants taking Hindu wives are found in the literature. The children of such marriages attained ranks in the society depending upon their father's station in life. The example of Muhammad Khān, a 17th century Bengali poet may be cited, whose ancestor, a certain Māhīśawār came to Chittagong, married a Brahmin girl, and left behind a line of descendants who were governors of Chittagong in the later Ilyās Shāhī and Husain Shāhī periods.<sup>5</sup> Particularly, Rāstī Khān, Parāgal Khān, Chuti Khān (Nuṣrat Khān), Hamza Khān of this family played significant part in the political history of Chittagong. There does not appear to have been any stigma attached to the children of mixed marriages nor did they form any distinct class of their own".<sup>6</sup>

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1. Sunya Purana, edited by C.C. Bandopadhyay, Calcutta, B.S. 1336, Chapter on "Niranjaner Rushma".
  2. Chaitanya Bhagavata, Ādi, 14th.
  3. Supra, p. 6.
  4. Dr.A.Karīm:op.cit., p. 206, note - 7.
  5. 15-16th Centuries.
  6. Dr.A.Karīm:op.cit., p. 191.

The Muslim society thus established in Bengal consisted of various groups of people. In a 14th century document, the Muslim population of the capital city of Panduā (Fīrūzābād) have been grouped as follows<sup>1</sup> :

- i) The Saadāt, 'Ulamā, Mashāikh and others of similar nature,
- ii) The Khāns, Māliks, Umarā, Ṣadrs, Akāber and Maārif,
- iii) The train and suit of No. (ii).

In a 15th century Bengali book Manasa Vijaya of the poet Vipradas Piplai, the Muslim population of Sāt-gāon has been described as follows<sup>2</sup>:

- i) Mongol, Pathān and Mokadim (Makhdūm),
- ii) Sayyid, Mullā and Qādī.

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1. "Inshā-i-Mahrū" translated in the Journal of the Asiatic Society of Bengal, Calcutta, 1923, p. 280. In the early Muslim period, the capital of the Sultāns of Bengal was shifted from time to time from Lakhnautī to Panduā (Fīrūzābād) and vice-versa. The document in question is the proclamation of Sultān Fīrūz Shāh Tughluq of Delhi in course of his Bengal expedition against Sultān Shams al-dīn Ilyās Shāh of Bengal. During this period the capital of Bengal was at Panduā.
  2. Sukumār Sen: Bānglā Sāhityer Itihās, part I, Calcutta, 1940, p. 144. The book was written in 1495 A.D. Sāt-gāon (Saptagrāma of the Hindu period) was an important port city of south west Bengal, situated at the confluence of Bhāgirathī, Jamunā (a local river) and Saraswatī, also a local river. It was the porto pequeno of the Portuguese. Sāt-gāon remained an important port, administrative headquarters and mint-town throughout the whole of the Sultanate period. With the silting of the river Saraswatī, its importance diminished and with the rise in importance of the port of Hughli in the Mughal period, Sāt-gāon lost her importance totally. It is now a small township with a Railway station on the Indian Railway.

In popular parlance in India as also in Bengal, four groups of people are mentioned about the Muslims. They are Shaikh, Sayyid, Pathān and Mughal. These are the terms by which the Muslim population are generally known. They are both racial and professional groups. In this discussion we do not take into consideration the tribal or territorial groups of people, being deemed out of context. In the first list we get two classes of people—the learned class and the official class. The Saadāt, 'Ulamā' and Mashāikh belong to the first category and Khān, Mālik, Umarā' etc., belong to the second category. In the second list, Mongol and Pathān are racial terms, while Makhdūm, Sayyid, Mullā and Qādī are professional terms. In broad sense, it may be stated that Mongol and Pathān are similar to the Khān, Mālik and Umarā' groups of people of the first list. Though the Qādī belongs to the official group like the Khān, Mālik, etc., since the office of Qādī was always held by the learned people, the Qādī acutally belonged to the learned class. In general, therefore, we get here two groups of people - the ruling class represented by Khān, Mālik, Umarā', etc., (Mongol and Pathān also belonged to this group) and the learned class represented by the Sayyids, 'Ulamā', Mashāikh and Qādī, etc. The two classes of people may be easily distinguished. The Saadāt, 'Ulamā' and Mashāikh, etc., were those who were generally known as Ahl-i-Qalam or Ahl-i-Saadat. The other groups Khān, Mālik, Umarā', etc., were knwon as Ahl-i-Tegh or Ahl-i-Daulat. Of the religious class of Muslims in the Delhi Sultanate, Kanwar Muḥammad Ashraf writes,

"The religious class of Muslims was composed of a number of important groups, namely the theologians, the ascetics, the Sayyids, the Pīrs and their descendants. Of these the most important were the theologians who occupied the judicial and other religious offices in the state and they were collectively known as the Dastārbandān, or turban wearers, because the turban was their official head-dress. The Sayyids also used a distinctive head-dress, the Kulāh or a pointed cap and they were known as Kulāh-dārān or cap wearers. Both these groups with their distinctive head-dress had a recognised status in the kingdom, being the exponents of orthodox Islām".<sup>1</sup>

The same observation applies to Bengal also and Dr. Karīm has shown that the Sayyids, 'Ulamā' and Mashāikh enjoyed the same status and privileges in Bengal<sup>2</sup>.

The Muslim society in Bengal developed and flourished with the support of three forces, the Muslim rulers, the Muslim scholars and the Muslim Ṣūfīs. The latter two groups of people, i.e. the scholars and Ṣūfīs or 'Ulamā' and Mashāikh along with the Saadāt, constituted the learned class of people or the Ahl-i-Qalam, as against the Ahl-i-tegh (or Ahl-i-daulat), i.e. the Muslim ruling groups. All these people helped in their own way, the growth of Muslim society and development of Muslim culture in Bengal. The most important contribution of the rulers was that they conquered the country and expanded their political authority. If the country could not be conquered and kept under Muslim control, the Muslim society could not be established and Muslim culture could not be developed. The rulers, the kings and princes and their leading officials also contributed to the growth of Muslim society and culture by building mosques, madrasas, Khānqāhs and other religious

1. K.M. Ashraf : Life and conditions of the People of Hindustan, New Delhi, 1970 A.D., P. 96.

2. Dr.A.Karīm: op.cit., p. 195.

institutions and also by encouraging and giving financial help to the Saadāt, 'Ulamā' and Mashāikh. Without the active help of the ruling class, the learned class of Muslims probably could not have achieved so much success as they have achieved. It is clear that the Muslim rulers helped the growth of a distinct Muslim society in Bengal<sup>1</sup>. The people of the Ahl-i-Qalam group consisting of the Sayyids, 'Ulamā' and Sūfīs contributed even more to the growth of Muslim society and development of Muslim culture. It should be stated, however, that the distinction between these three groups of people - Saadāt, 'Ulamā' and Mashāikh is very thin; the Saadāt could be 'Ulamā' and Mashāikh at the same time and the same observation may apply to 'Ulamā' and Mashāikh also, i.e. an Ālim may be a Sayyid and Sūfī or a Sūfī may be a Sayyid and an Ālim. They contributed to the growth of Muslim society and development of Muslim culture in their own way. The 'Ulamā' or scholars or theologians chiefly engaged themselves in imparting education to the people in their madrasas. They either built madrasas themselves or attached themselves to institutions built by others<sup>2</sup>. All the same their chief duty was to teach. But they also devoted themselves to the writing of books on Islāmic literature and sciences<sup>3</sup>. The contribution of Sūfīs covered a wider range. They helped the rulers in the expansion of political power as known from the exploits of Shāh Jalāl of Sylhet or Shāh Badr of Chittagong or of Shāh Ṣafī al-dīn of Triveni, Sātgaon.

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1. Dr.A.Karīm: op.cit., "Growth of Muslim Society - The part played by the Sultāns".
  2. Ibid., Chapter IV, Section-B.
  3. Ibid., Chapter IV, Section-C.

They also helped in the preservation of Muslim rule as known from the activities of Shaiḫ Nūr Qutb 'Ālam in the time of Rājā Ganegh. But their chief contribution lay in teaching the people in the Khānqāhs and in the observance of Islāmic principles<sup>1</sup>.

We thus come to the question of Muslim education in Bengal. The most important factor in spreading Islāmic culture is the spread of Islāmic education. Without being educated in Islāmic sciences, particularly in the principles of Islām, in the day to day observance of religious life, the civilisation would have been meaningless. Even in the late 16th century a Muslim Bengali poet, Sayyid Sultān was lamenting how the Muslims of Bengal were ignorant of religious principles and were steeped in Hindu tales and mythologies. He says,

"It is a misfortune for the Muslims to live in Bengal. They neither know Arabic language nor do they understand their own religious principles, but they are all engrossed in (Hindu) tales".<sup>2</sup>

The poet further says about the duties and responsibilities of the 'Ulamā'. He says,

"Living in the country, if any 'Ālim does not teach (the religious principles), he will surely be put to hell. If the people (illiterate ones) commit sin, the 'Ulamā' will be held

1. Dr. A. Karīm : op.cit., Chapter IV, Section-C.

2. Sayyid Sultān : Wafāt-i-Rasūl, ed. 'Alī Ahmad, B.S.1356, P.7.

কর্মদোসে বদেউ বাঙ্গালি উর্ভপন।  
না বুকে বাঙ্গালি সবে মারবি বচন ॥  
মাপোনা দিনের বোল এক না বুঝিল।  
পরম্বাব সকল লইয়া সব রৈল ॥

responsible and Allāh will punish them<sup>1</sup>".

Therefore, keeping in view the importance of education it may not be deemed inappropriate here to discuss the growth of Islāmic education in Bengal.

Education is an obligatory duty upon the Muslims. The Prophet said<sup>2</sup>,

"Pursuit of knowledge is obligatory to all Muslim men and women", and "Seek knowledge even if it be in China".

Eversince the advent of Islām, Muslims conquered many countries and wherever they went, they were always particular to provide facilities for educating Muslim men and women. When Bengal was conquered by the Muslims, Muḥammad Bakhtyār Khaljī, the first conqueror, was conscious of the fact that he should provide for cultural, educational and social development of his co-religionists in his newly acquired territory. He was also conscious of the fact that without creating a society of Muslims, his political acquisitions could not survive, because Muslim society is the best support for a Muslim kingdom. The contemporary historian Minhāj-i-Sirāj says that Muḥammad Bakhtyār Khaljī after establishing his

1. Sayyid Sultān : Wafāt-i-Rasūl, ed. 'Alī Ahmad, B.S.1356, P.3.

দেগেত মালিম থাকি ছদি না জানাএ ।  
সে মালিম মারকে পড়িব সর্বধায় ॥  
নর সবে পাপ কৈলে মালিমেক ধরি ।  
মালিম সাফাতে মারিবেন্ত বেড়াবেড়ি ॥

2. 'Abd al-Ra'ūf al-Manāwī : Faid al-Qadīr Sharh al-Jāmi' al-Sagīr, vol. 4, Egyptian edition, Dār al-Fikr, 1391 A.H./1972 A.D, p. 287, and also vol. I, p. 542.

طلب العلم فریضه على كل مسلم وسامه؛ اطلبوا العلم ولو باليمن.

capital at Lakhnautī built mosque, madrasa and Khānqāh in every Khittā of his kingdom<sup>1</sup>. The historian also praises Sultān Ghiyāth al-dīn Iwad Khaljī, one of the lieutenants of Bakhtyār, for granting stipends to the Saadāt, 'Ulamā' and Mashāikh, who were engaged in imparting religious instructions.<sup>2</sup> Fortunately for the Muslims, Bakhtyār Khaljī's policy was followed with equal zeal by his successors. In the Muslim period such educational institutions for the Muslims were always available. Unfortunately most of the madrasas built in the Sultanate and Mughal periods have not survived, the buildings have been victims of the ravages of time. But information are available from inscriptions and other sources about the existence of madrasas of the Muslim period. Such informations have been pieced together by Dr. 'Abdul Karīm and Mr. 'Abdul Qādir<sup>3</sup>. They need not be repeated, but the salient features of the madrasas may be recorded as follows :

The madrasas were both state-owned and established by private initiative, particularly by the 'Ulamā' and Mashāikh. In the former category may be mentioned the madrasa of Zafar Khān at Trivenī, the madrasas of Sultān Jalāl al-dīn Muḥammad Shāh and Sultān 'Alā' al-dīn Husain Shāh, Bara Katra Madrasa

1. Minhāj-i-Sirāj : Ṭabaqāt-i-Nāṣirī, edited and translated into Bengali by A.K.M. Zakariā, Bānglā Academy, Dhaka, 1983, text p. 9; translation p. 29.
2. Ibid., text, p. 15, translation p. 56.
3. Dr. A. Karīm: op.cit., Chapter IV, Section A, B; Journal of the Asiatic Society of Bangladesh, vol. XXIV-XXVI, 1979-81 A.D., pp. 21 sqq.

and Lālbāgh madrasa at Jahangir nagar (Dhaka), the Katra madrasa of Murshid Qulī Khān at Murshidābād. In the second category may be included Maulānā Taqī al-dīn 'Arabī's madrasa at Māhīsūn, the madrasa of Shaikh Sharaf al-dīn Abū Tawwāmah at Sonārgāon, Shaikh Nūr Qutb 'Alam's madrasa at Panduā, Hawada Mian's madrasa at Bāghā, Nutan Paltan lane madrasa at Dhaka and many others that were lying scattered at different places in Bengal. It may however, be stated that the privately managed institutions also received state-help for their maintenance, because it was the policy of the Muslim government to grant allowance (variously known as inām, milk, madad-i-māsh, etc.) to the Saadāt, 'Ulamā' and Mashāikh, not only for their subsistence, but also to educate the people and for maintenance of their madrasas. For example, Sultān 'Alā' al-dīn Husain Shāh is known to have granted 22 villages for the maintenance of the religious establishments of Shaikh Nūr Qutb 'Alam<sup>1</sup>. Secondly, there were both higher institutions of learning and elementary institutions called maktabs. The madrasas were mostly residential with arrangements for residence of teachers and students in the Madrasa buildings<sup>2</sup>.

1. Tārīkh-i-Firishtāh, vol, II, Newal Kishore, Lucknow, p. 302; of course, the grant was apparently made after the saint's death.
2. The only madrasa building unearthed by archaeological excavations is that of Sultān 'Alā' al-dīn Husain Shāh at Darasbāri. The excavation report shows that it was a residential institution. Journal of the Asiatic Society of Bangladesh, Dhaka, vol. XXIV-XXVI, 1979-81, pp. 21 sqq.; see also Dr. A. Karīm: "Bangladeshe Madrasa Shikhar Gudār Kathā", a paper read at a Seminar on "Islām in Bangladesh" held in Oct' 1985 at the Baitush Sharaf Islāmīc Research Institute, Chittagong.

The madrasas were staffed by scholars of great reputation. Unfortunately we do not get a good account of these institutions for want of contemporary history of Bengal. Sayyid Ghulām Husain Ṭabāṭabā'ī in his Siyar al-Muta'akhkherīn, however, gives a vivid description of Bihār and Patna. He also refers to Murshidābād. In his time Bengal, Bihār and Orissa were under the same ruler, so his account may be taken to have represented the cultural life of Bengal also. He refers to many Muslim learned men and scholars whose main function was to impart teaching in madrasas. They received stipends and land-grants from the Mughal government<sup>1</sup>. Many of the institutions run by them were in existence in the early British period, and were seen by the early English writers. Buchanan Hamilton, for example, reports the existence in Bihār and North Bengal of many such institutions with teachers and students.<sup>2</sup> The writers particularly refer to Patna, Murshidābād and Dhakā. Sayyid Ghulām Husain Ṭabāṭabā'ī writes of Bihār as follows :

"There were in those times in 'Azīnābād (Patna) number of persons who loved sciences and learning, and employed themselves in teaching and in being taught; and I remember to have seen in that city nine or ten professors of repute and three or four hundred students or disciples; from whence may be conjectured the number of those that must have been in great towns, and in the retired districts"<sup>3</sup>

1. Siyar al-Mutakhkherīn, vol. II, Tr. Raymond Mustapha, pp. 165 sqq.
2. Martin : Eastern India, vol. I, London, 1938, pp. 46, 133.
3. Siyar al-Mutakhkherīn, vol. II, Tr. Raymond Mustapha, p. 175.

As against these madrasas or institutes of higher learning, there were maktabs or primary madrasas all over. For the Muslims, all mosques also served the purpose of maktabs where boys and girls of tender age were taught the Qurān and other elementary religious principles. The same person who led the prayers also served as teacher. That the ruins of many mosques in the Mughal period show them to have had two storeys<sup>1</sup>, the ground-floor serving as maktab, suggests that there was a deliberate attempt on the part of the builders to provide educational facilities for the children of the surrounding area. We are fortunate to know that the Mughal government established and maintained a madrasa at Dhaka. It was a state-managed one and the expenditure was borne by the government. It was housed in the Shāhī Masjid at Lālbāgh and the salary of the teachers was paid by the government. The last teacher of this madrasa whose name has come down to us was Maulavi Asad Allāh who died in 1750 A.D.<sup>2</sup>

Nothing definite is known about the syllabus and courses of studies taught in these madrasas. In those days, as it is now, to be an Ālim, a person had to acquire religious knowledge upto a generally accepted prescribed standard. Generally the following subjects were taught : Tafsīr (Exegesis)

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1. e.g. Begumbāzār mosque and Khān Muḥammad Mirdhā's mosque at Dhaka.  
James Taylor : A Sketch of the Topography and Statistics of Dacca, Calcutta, 1840, pp. 273-74.
  2. Ibid.

Hadīth (Traditions of the Holy Prophet), Fiqh (Islāmic law and jurisprudence), Uṣūl al-Fiqh (Principles of Islāmic Law), Taṣawwuf (Mysticism), Adab (Literature), Ṣarf and Nahw (Grammar) including Balāghat and Faṣāhat, Kalām (Scholasticism) and Mantiq (Logic). Scanty references available in the early inscriptions of Bengal show that 'Ilm al-Sharā' and 'Ulūm al-dīn' were taught in the madrasas. The inscription of Zafar Khān's madrasa at Triveni states that the madrasa was established for the teaching of 'Ilm al-Sharā' ( لتدریس علم الشرع ) and to manifest the Divine Faith ( لاظهار دين الله )<sup>1</sup>. 'Alā' al-dīn Husain Shāh's madrasa was established for the teaching of the science of religion and for instruction in the principles which lead to certainty تعليم احكام اليقين<sup>2</sup>. These inscriptions, therefore, refer to the study of 'Ilm al-Sharā', 'Ilm al-dīn' and Ahkām al-Yaqīn. These terms, however, have very wide connotations and include all categories of Islāmic sciences. Qur'ān, Hadīth and Fiqh are the basic subjects of Islamic sciences, without their studies no 'Ālim' could attain perfection. Fiqh was given top preference, because it deals with law and principles that guide the life of Muslims. In the Zafar Khān's inscription mentioned above, the Faqīh (legist) was given special attention. It says,<sup>3</sup>

فيرجو من الفقهاء بانبيد دعوة - لتثبيت ايمان اوان الجنادس

1. Shams ud-dīn Ahmed : Inscriptions of Bengal, vol. IV, Rājshāhī, 1960, pp. 19-20.
2. Ibid., p. 159.
3. Ibid., p.20.

"The builder expects blessings from the Faqih, i.e. the learned in the law, for the protection of his faith at the time of intense darkness, i.e. the darkness of grave and of death".

That the study of Fiqh was very much esteemed and the Fuqahā' were very much respected in the country is also known from some other references. About Sultān Shams-ud-dīn Yūsuf Shāh (1474-81 A.D.), Firishtah writes,

"He was a king, learned, virtuous, and tactful, who ordered for doing good and prohibited from doing evil. In his time nobody dared drinking openly and disobeying his orders. At interval, he called the leading 'Ulamā' to his presence and used to say, 'You should not side with anybody in discharging religious matters (matters pertaining to Shari'a). Otherwise there will be no good terms between you and me and I shall punish you'. As he was a learned man himself, most of the cases in which the Qādis failed, he used to dispose of himself "!

In an inscription, Sultān Jalāl al-dīn Fath Shāh (1481-86 A.D.) is called as "the revealer of the secrets of the Qurān, learned in all branches of learning, both concerning religion and body", i.e. theological and medical sciences 2.

1. Tārīkh-i-Firishtah, vol. II, p.298.

پادشاهی بود بعلم وفضل کاردانی آریسته ودر امر معروف ونبی  
منکر مبالغه میفرمود ودر عهد او هیچکس را یارا نبود که علانیه  
شراب خورد واز حکم او تجاوز نماید صدور علما را بعد از چند روز  
یکبار بحضور طلبیده میگفت شما در مهمات شرعی جانب کسی را  
سرعی ندارید وگرنه میان ما و شما صفائی نخواهد ماند و آزار بلیغ  
خواهم کرد - وچون خود نیز از علم بهره داشت بسیاری از معاملات  
را که قضات عاجز می شدند بنفس نفیس خود متوجه شده مفروض  
بی ساخت -

2. Journal of the Asiatic Society of Bengal, 1873, pp.282-86;  
'Abid 'Ali Khān & Stapleton: Memoirs of Gaur and Pandua,  
Calcutta, 1931 A.D., p.87.

کاشف اسرارالقران عالم علوم الادیان والابدان

In another inscription one 'Taqī al-dīn, son of 'Ain al-dīn, an officer of Sultān Nāṣir al-dīn Nuṣrat Shāh (1519-33 A.D.) who built a mosque at Sonārgāon claims himself to be a "chief of the Lawyers and teachers of Ḥadīs"<sup>1</sup>. (تدوة الفقهاء والمحدثين). It is, therefore, clear from the above discussion that Fiqh was an important subject included in the syllabus and courses of studies. As may be seen from the quotation cited above, about Shams al-dīn Yūsuf Shāh, he was himself a Faqīh and the 'Ulamā' addressed by him were Fuqahā', (legists), because the subject they dealt with appertained to legal matters and particularly Amr Bi'l Marūf and Nahī 'Ani'l Munkar. Sultān Jalāl al-dīn Fath Shāh was a Mufassir, because he is called Kāshif Asrār al-Qurān and he was also an expert in other religious sciences like Fiqh and Ḥadīth and in medical science. The officer Taqī al-dīn was a Faqīh and a Muhaddith. Thus, Fiqh received due attention from the 'Ulamā' of Bengal.

In conclusion, it can be said that the Muslim Society in Bengal developed gradually, so that it became a part and parcel of Bengal's body-politic. The facts that the Muslims settled in this country, learnt the local language, lived in harmony with the local people, accepted local wives and adopted various professions suited to their genius, bear out that they considered Bengal as their homeland. Side by side they adhered to the Islāmic religious principles and built religious institutions of their own. Thus, there is good

1. Journal of the Asiatic Society of Bengal, 1872, pp.337-38.

ground to suggest that a Bengali Muslim Society took a definite shape, and breathed a new spirit of tolerance, equality and universal love in the country so much so that large masses accepted Islām and even the then Hinduism was deeply affected as traceable in some of the elements of the Chaitanya movement.<sup>1</sup>

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1. For details see, Enāmul Haq : Bange Ṣūfi Prabhāva, Calcutta, 1935 A.D., pp.164 sqq.

CHAPTER - II

FIQH IN ISLAM

## CHAPTER II

### FIQH IN ISLĀM

a) **Connotation :**

The word Fiqh literally means wisdom<sup>1</sup>, knowledge of something and to understand. In this sense, Fiqh and Fahm are synonyms. An Arabic idiom goes فان لا يفقه ولا يفقه (so and so neither understands nor comprehends)<sup>2</sup>. The word Fiqh was originally used by the 'Arabs for a Camel expert; he who distinguished the she-camels that are lusting, from those that are pregnant. Accordingly, the expression فحل قومه was current among them<sup>3</sup>. From this expression, it is believed that the meaning of deep knowledge and understanding of anything has been derived. Hence, Fiqh al-Lugha, understanding of the science of language is the title of a work produced by al-Tha'ālibī (d.429 A.H.). This work has nothing to do with law; instead, it deals with the rules and regulations which enables a person to acquire command over the Arabic language. In pre-Islāmic days the term Faqīh al-'Arab was an appellation given to al-Hārith bin Kalada who was also called Ṭabīb al-'Arab, both expressions being synonymous.<sup>4</sup>

1. Hitti : History of the Arabs, 6th ed., London, 1958, p. 396.
2. Al-Jauharī : Al-Ṣiḥāḥ, Cairo, n.d., ed. Ahmad 'Abd al-Ghafūr 'Attār.
3. Ibn Manẓūr : Lisān al-'Arab, Beirut, 1956, vol. XIII, p. 253.
4. Lane, Edward William : Arabic-English Lexicon, London, 1863; Al-Suyūṭī, Jalal al-dīn : Al-Muzhir, Dār al-Fikr, Beirut, vol. I, p.638.

The derivative forms of term Fiqh, in its original sense of understanding, have been used in the Holy Qurān in twenty places. They are:<sup>1</sup>

- (1) Qurān-IV: 78 <sup>فَمَا لِهَؤُلَاءِ الْقَوْمِ لَا يَكَادُونَ يَفْقَهُونَ حَدِيثًا</sup>  
But what hath come to those people, that they fail to understand a single fact.
- (2) Qurān - VI: 25 <sup>وَجَعَلْنَا عَلَى قُلُوبِهِمْ أَكِنَّةً أَنْ يَفْقَهُوهُ وَفِي آذَانِهِمْ وَقْرًا</sup>  
But he have thrown veils on their hearts, so they understand it not, and deafness in their ears.
- (3) Qurān - VI: 65 <sup>أَنْظُرْ كَيْفَ نَصَرْنَا الْآيَاتِ لَعَلَّهُمْ يَفْقَهُونَ</sup>  
See how we explain the signs by various (Symbols) that they may understand.
- (4) Qurān - VI: 98 <sup>قَدْ فَضَّلْنَا الْآيَاتِ لِقَوْمٍ يُفْقَهُونَ</sup> We detail our signs for people who understand.
- (5) Qurān - VII: 79 <sup>لَهُمْ قُلُوبٌ لَا يَفْقَهُونَ بِهَا</sup> They have hearts where-with they understand not.
- (6) Qurān - VIII: 65 <sup>يَغْلِبُوا الْفَائِزِينَ الَّذِينَ كَفَرُوا يَا أَيُّهَا الَّذِينَ كَفَرُوا لَا تَفْقَهُونَ</sup>  
They will vanquish a thousand of the unbelievers; for these are a people without understanding.
- (7) Qurān - IX: 81 <sup>قُلْ نَارُ جَهَنَّمَ أَشَدُّ حَرًّا لَوْ كَانُوا يَفْقَهُونَ</sup>  
Say, the fire of Hell is fiercer in heat. If only they could understand !
- (8) Qurān - IX: 87 <sup>فَطَبَعَ عَلَى قُلُوبِهِمْ نَجَسًا فَهُمْ لَا يَفْقَهُونَ</sup> Their hearts are sealed and so they understand not.

1. Translations are those of 'Allāma Yūsuf 'Alī.

- (9) Qur'ān - IX: 122 - فَلَوْلَا نَفَرَ مِنْ كُلِّ فِرْقَةٍ مِنْهُمْ طَائِفَةٌ لِيَتَفَقَّهُوا فِي الدِّينِ  
 If a contingent from every expedition remained behind they could devote themselves to studies<sup>1</sup> in religion.
- (10) Qur'ān - IX: 127 - صَرَفَ اللَّهُ قُلُوبَهُمْ بِأَنَّهُمْ قَوْمٌ لَا يَفْقَهُونَ  
 God hath turned their hearts (from the light); for they are a people that understand not.
- (11) Qur'ān - XI: 91 - قَالُوا يَسْتَعْجِلُ مَا أَفْقَهُ كَثِيرًا مِمَّا نَقُولُ  
 They said, O Shu'aib ! Much of what thou sayest we do not understand !
- (12) Qur'ān - XVII: 44 - وَالَّذِينَ لَا يَفْقَهُونَ تَسْبِيحَهُمْ  
 And yet ye understand not how they declare His glory.
- (13) Qur'ān - XVII: 46 - وَجَعَلْنَا عَلَى قُلُوبِهِمْ أَكِنَّةً أَنْ يَفْقَهُوهُ وَفِي آذَانِهِمْ وَقْرًا  
 And we put coverings over their hearts (and minds) lest they should understand the Qur'ān and deafness into their ears.
- (14) Qur'ān - XVIII: 57 - إِنَّا جَعَلْنَا عَلَى قُلُوبِهِمْ أَكِنَّةً أَنْ يَفْقَهُوهُ وَفِي آذَانِهِمْ وَقْرًا  
 Verily we have set veils over their hearts lest they should understand this, and over their ears deafness.
- (15) Qur'ān - XVIII: 93 - وَجَدَ مِنْ دُونِهِمْ قَوْمًا لَا يَكَادُونَ يَفْقَهُونَ قَوْلًا  
 He found, beneath them, a people who scarcely understood a word.
- (16) Qur'ān - XX: 28 - وَأَخْلَلْ عَصَدَةً مِنْ لِسَانِي لِيَفْقَهُوا قَوْلِي  
 And remove the impediment from my speech, so they may understand what I say.

1. 'Allāma Yūsuf 'Alī obviously meant understanding by the word "studies".

- (17) Qur'ān - XLVIII: 15 - <sup>فَسَيَقُولُونَ بَلْ نَحْسَدُ وَنَنَايِلْ كَانُوا لَا يَفْقَهُونَ إِلَّا قَلِيلًا</sup>  
Then they will say, "But ye are jealous of us! Nay,  
but little do they understand (such things).
- (18) Qur'ān - LIX: 13 - <sup>ذَلِكَ بِأَنَّهُمْ قَوْمٌ لَا يَفْقَهُونَ</sup> This is  
because they are men devoid of understanding.
- (19) Qur'ān - LXIII: 3 - <sup>ذَلِكَ بِأَنَّهُمْ آمَنُوا ثُمَّ كَفَرُوا فَطَغَىٰ عَلَىٰ قُلُوبِهِمْ فَمَهْمٌ لَّا يَفْقَهُونَ</sup>  
That is because they believed, then they rejected  
faith: so a seal was set on their hearts, therefore,  
they understand not.
- (20) Qur'ān - LXIII: 7 - <sup>وَلَكِنَّ الْمُنَافِقِينَ لَا يَفْقَهُونَ</sup>  
But the Hypocrites know not.

The Qur'ānic expression <sup>لِيَفْقَهُوا فِي الدِّينِ</sup> - "that  
they may gain understanding in religion" - shows that in the  
Prophet's time the term Fiqh was not applied in the legal  
sense alone, but carried a wider meaning covering all aspects  
of Islām.

The derivative form of Faqiha ( <sup>فَقِيهَةٌ</sup> ) is used in its  
original sense, in the Al-Jāmi' al-Sahīh of Al-Bukhārī in ten  
places,<sup>1</sup> in the Al-Jāmi' al-Sahīh of Muslim in four places,<sup>2</sup>  
in the Al-Jāmi' of Tirmidhī in three places,<sup>3</sup> in the Sunan of

1. Al-Bukhārī: Al-Jāmi' al-Sahīh, Delhi, 1405 A.H. published  
by Mukhtār & Co. Deoband, U.P. India, vol. I, pp. 11, 18,  
25, 473, 478, 479, 496 (2 times); vol. II, pp. 679, 1081.
2. Muslim: Al-Jāmi' al-Sahīh, Kitāb al-Imān, Hadīth No. 8,  
Kitāb al-Fadāil, Hadīth Nos. 15, 168, Kitāb Fadāil al-  
Sahāba, Hadīth No. 199.
3. Tirmidhī: Al-Jāmi', Delhi, n.d., published by Kutub Khāna -  
i-Rashīdia, pp. 118 (2 times), 165.

Abū Dāūd in four places,<sup>1</sup> in the Sunan of Nasāī in one place<sup>2</sup>, in the Sunan of Ibn-i-Mājah in two places,<sup>3</sup> in the Mu'attā of Imām Mālik in two places,<sup>4</sup> in the Sunan of Dārimī in two places,<sup>5</sup> and in the Musnad of Imām Aḥmad b. Ḥanbal in thirty places.<sup>6</sup>

The derivative form of Tafaqqaha (تَفَقَّهَ) is used in its original sense, in the Al-Jāmi' al-Ṣaḥīḥ of Al-Bukhārī in four places,<sup>7</sup> in the Al-Jāmi' al-Ṣaḥīḥ of Muslim in one place,<sup>8</sup> in the Al-Jāmi' of Tirmidhī in two places,<sup>9</sup> in the Sunan of Abū Dāūd in one place,<sup>10</sup> in the Sunan of Ibn-i-Mājah in three places,<sup>11</sup> in the Sunan of Dārimī in five places,<sup>12</sup> and in the Musnad of Imām Aḥmad b. Ḥanbal in one place.<sup>13</sup>

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1. Abū Dāūd: Sunan, published by Mukhtar & Co., Deoband, India, Delhi, 1985 A.D., pp. 56, 97, 197, 198.
  2. Nasāī: Sunan, vol. II, Delhi, n.d., published by Mukhtar & Co., Deoband, India, p.5.
  3. Ibn-i-Mājah: Sunan, 'Alimī Press, Delhi, n.d., pp. 40, 97.
  4. Imām Mālik: Mu'attā, Delhi, n.d., published by Ashrafī book Depot, Deoband, India, Kitāb al-ṣayd, Ḥadīth No. 8, Kitāb al-Safar, Ḥadīth No. 94.
  5. Dārimī: Sunan, vol. I, Qairo, 1397 A.H./1978 A.D., pp. 73, 350.
  6. Imām Aḥmad b. Ḥanbal: Musnad, Beirut, 1398 A.H./1978 A.D., vol. II, pp. 164, 165, 189, 193, 195, 257, 260, 366, 391, 431, 438, 467, 469, 481 (2 times), 485 (2 times), 498, 503, 525, 539; vol. III, pp. 367, 383, 460; vol. IV, pp. 101, 399; vol V, p. 169; vol.VI, pp. 97, 138, 268.
  7. Al-Bukhārī: op.cit., vol. I, pp. 17,24; vol. II, pp. 904, 1103.
  8. Muslim: op.cit., Kitāb al-Ḥaid, Ḥadīth No. 61.
  9. Tirmidhī: op.cit., vol I, p. 64; vol. II, p.89.
  10. Abū Dāūd: op.cit., p. 44.
  11. Ibn-i-Mājah: op.cit., pp. 22, 23, 47.
  12. Dārimī: op.cit., vol.I, pp. 64, 73 (3 times), 79.
  13. Imām Aḥmad b. Ḥanbal: op.cit., vol.VI, p. 148.

The derivative form of Faqqaha ( فقه ) is used in its original sense, in the Al-Jāmi' al-Ṣaḥīḥ of Al-Bukhārī in four places,<sup>1</sup> in the Al-Jāmi' al-Ṣaḥīḥ of Muslim also in four places,<sup>2</sup> in the Al-Jāmi' of Tirmidhī in two places,<sup>3</sup> in the Sunan of Ibn-i-Mājah in one place,<sup>4</sup> in the Sunan of Dārimī in five places,<sup>5</sup> in the Mu'attā of Imām Mālik in one place,<sup>6</sup> and in the Musnad of Imām Aḥmad b. Ḥanbal in sixteen places.<sup>7</sup>

The derivative form of Istafqaha ( اشتفقه ) has been used in its original sense, in the Musnad of Imām Aḥmad b. Ḥanbal only in three places.<sup>8</sup>

The term Fiqh ( فقه ) has been used in its original sense, in the Al-Jāmi' al-Ṣaḥīḥ of Al-Bukhārī in eight places,<sup>9</sup> in the Al-Jāmi' al-Ṣaḥīḥ of Muslim in five places,<sup>10</sup> in the

1. Al-Bukhārī: op.cit., vol. I, pp. 16, 26, 439; vol. II, p. 1087.
2. Muslim: op.cit., Kitāb-i-Imārat, Hadīth No. 175; Kitāb al-Zakāt, Hadīth Nos. 98, 100; Kitāb Faḍāil al-Ṣaḥāba, Hadīth No. 138.
3. Tirmidhī: op.cit., vol. II, p. 89 (2 times).
4. Ibn-i-Mājah: op.cit., p. 20.
5. Dārimī: op.cit., vol. I, pp. 74 (2 times), 114; vol. II, p. 297 (2 times).
6. Imām Mālik: op.cit., Kitāb al-Qadr, Hadīth No. 8.
7. Imām Aḥmad b. Ḥanbal: op.cit., vol. I, pp. 266, 306, 314, 328, 335; vol. II, p. 234; vol. IV, pp. 92, 93 (2 times), 95, 96, 97, 98, 99, 101 (2 times).
8. Imām Aḥmad b. Ḥanbal: op.cit., vol. I, p. 318 (3 times).
9. Al-Bukhārī: op.cit., vol. I, pp. 29, 84, 92; vol. II, pp. 630, 713, 922, 1009, 1122.
10. Muslim: op.cit., Kitāb al-ʿIlm; Hadīth Nos. 82, 84; Kitāb al-Jumʿa, Hadīth No. 47; Kitāb al-Munāfiqīn, Hadīth Nos. 5, 40.

Al-Jāmi' of Tirmidhī in seven places,<sup>1</sup> in the Sunan of Abū Dāūd in two places,<sup>2</sup> in the Sunan of Nasāī in one place,<sup>3</sup> in the Sunan of Ibn-i-Mājah in four places,<sup>4</sup> in the Sunan of Dārimī in seventeen places,<sup>5</sup> and in the Musnad of Imām Aḥmad b. Ḥanbal in twenty eight places.<sup>6</sup>

The derivative form of Faḳīh ( فُقَيْه ) has been used in its original sense, in the Al-Jāmi' al-Ṣaḥīḥ of Al-Bukhārī in five places,<sup>7</sup> in the Al-Jāmi' al-Ṣaḥīḥ of Muslim in one place,<sup>8</sup> in the Al-Jāmi' of Tirmidhī also in one place,<sup>9</sup> in the Sunan of Ibn-i-Mājah in two places,<sup>10</sup> in the Mu'attā of Imām Mālik in three places,<sup>11</sup> in the Sunan of Dārimī in fourteen places,<sup>12</sup>

1. Tirmidhī: op.cit., vol. II, pp.90 (2 times), 93 (2 times), 157 (2 times), 212,
2. Abū Dāūd: op.cit., vol. II, p. 515 ( 2 times).
3. Nasāī: op.cit., vol. II, p. 178.
4. Ibn-i-Mājah: op.cit., pp.21 (2 times), 226 (2 times).
5. Dārimī: op.cit., vol.I, pp. 51,72, 74 (3 times), 75 (5 times), 79 (2 times), 100, 129, 149 (2 times), 365.
6. Imām Aḥmad b. Ḥanbal: op.cit., vol.I, pp. 6, 155, 381 (2 times), 405, 408, 426, 442, 443; vol. II, pp. 235, 267, 277, 380, 474, 480, 488, 541; vol. III, pp. 225, 494, 495; vol. IV, pp. 80 (2 times), 82 (2 times), 263; vol. V, pp. 183 (2 times), 194.
7. Al-Bukhārī: op.cit., vol.I, pp. 16, 155, 203, 531; vol.II, p.1061.
8. Muslim: op.cit., Kitāb al-Zakāt, Ḥadīth No. 132.
9. Tirmidhī: op.cit., vol.II, p.93.
10. Ibn-i-Mājah: op.cit., pp. 10,20.
11. Imām Mālik: op.cit., Kitāb al-Janāiz, Ḥadīth No. 43; Kitāb al-Ṣafar, Ḥadīth No. 88 ( 2 times).
12. Dārimī: op.cit., vol.I, pp. 64 (2 times), 65, 66, 87, 89 (2 times), 95 (2 times), 151 (2 times); vol. II, pp. 348 (2 times), 407.

and in the Musnad of Imām Aḥmad b. Ḥanbal in one place.<sup>1</sup>

The derivative form of Afqahu ( أَفَّأَهُ ) has been used in its original sense, in the Al-Jāmi' al-Ṣaḥīḥ of Al-Bukhārī in five places,<sup>2</sup> in the Al-Jāmi' al-Ṣaḥīḥ of Muslim in one place,<sup>3</sup> in the Al-Jāmi' of Tirmidhī also in one place,<sup>4</sup> in the Sunan of Abū Dāūd in three places,<sup>5</sup> in the Sunan of Nasāī in two places,<sup>6</sup> in the Sunan of Ibn-i-Mājah also in two places,<sup>7</sup> in the Sunan of Dārimī also in two places,<sup>8</sup> in the Mu'attā of Imām Mālik in one place,<sup>9</sup> and in the Musnad of Imām Aḥmad b. Ḥanbal in eight places.<sup>10</sup>

The Muslim society during the Prophet's life-time was not so much diversified and complex as it became later. The association of the Muslims with the non-Muslims of conquered territories, the emergence of several legal and theological schools in Islām, and the development of Islāmic learning were the major factors that caused a change in the simple meanings of several Islāmic terms as understood by the Muslims of the Prophet's time. It may be noted that in the early days

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1. Imām Aḥmad b. Ḥanbal: op.cit., vol. I, p. 349.
  2. Al-Bukhārī: op.cit., vol. I, p. 376; vol. II, pp. 981, 1008, 1011, 1014.
  3. Muslim: op.cit., Kitāb al-Hudūd, Hadīth No. 25.
  4. Tirmidhī: op.cit., vol. I, p. 172.
  5. Abū Dāūd: op.cit., vol. I, pp. 62, 305; vol. II, p. 610.
  6. Nasāī: op.cit., vol. II, pp. 13, 308.
  7. Ibn-i-Mājah: op.cit., pp. 186, 303.
  8. Dārimī: op.cit., vol. I, p. 89; vol. II, p. 177.
  9. Imām Mālik: op.cit., Kitāb al-Hudūd, Hadīth No. 6.
  10. Imām Aḥmad b. Ḥanbal: op.cit., vol. III, p. 108; vol. IV, pp. 116, 160, 219; vol. VI, pp. 25, 26, 68, 436.

of Islām the terms 'Ilm' and 'Fiqh' were frequently used for an understanding of Islām in general. The Prophet is reported to have blessed Ibn 'Abbās (d.68 A.H.) saying "اللهم فقهه في الدين" 'O' Allāh, give him understanding in religion !<sup>1</sup> It is quite obvious that the Prophet did not mean exclusively knowledge of the Law; rather he meant a wider and a deeper understanding of Islām in general. Once some bedouins requested the Prophet (Sm) to depute some one to their tribe to instruct them in religion ( يفقهونا في الدين )<sup>2</sup> These examples show that the term Fiqh was used in its broader sense extending to the tenets as well as the Law of Islām. The bedouins obviously did not intend to be taught exclusively the legal rules leaving aside other essentials of religion.

The term Fiqh in its broader sense, could perhaps even cover the meaning of asceticism ( زهد ) in the early period. It is reported that the Sūfī Farqad (d. 131 A.H./ 748 A.D.), while discussing certain questions, said to al-Ḥasan al-Basrī (d. 110 A.H.), that the fuqahā' would oppose him on those questions. Al-Ḥasan replied that a real faqīh, as a matter of fact, was a person who despised the world, was interested in the hereafter, possessed a deeper knowledge of religion, was regular in his prayers, pious in his dealings, refrained from disparaging Muslims and was the well-wisher of the community.<sup>3</sup>

1. Ibn Sa'īd: Al-Ṭabaqāt al-Kubrā, Beirut, 1957, vol. II, p. 363.

2. Ibn Hishām: Al-Sīra, Cairo, 1329 A.H., vol.III, p. 32.

3. Al-Ghazālī: Iḥyā'Ulūm al-dīn, Cairo, 1939, vol.I, p. 39.

The reason for its generic use in the early days of Islām appears to be that primarily the fundamentals of religion were emphasized. People were not engaged in the smallest particulars. Hence, this term signified not only intellectual understanding, but also the depth intensity of faith, knowledge of the Qur'ān, Laws relating to rituals and other general injunctions of Islām.

It is notable that till the reign of Māmūn (d.218 A.H.) Kalām and Fiqh were not separated. Till the second century of the Hijra, it appears, the word Fiqh included the theological problems as well as the legal issues. A well-known book like al-Fiqh al-Akbar attributed to Imām Abū Ḥanīfa (d. 150. A.H.) against the belief of Ahl al-Qadr, deals with the basic tenets of Islām i.e., faith, unity of Allāh, His attributes, the life hereafter, Prophethood, etc. These problems were dealt with in Kalām and not in the science of Law. It seems, therefore, that Kalām also was covered by the term of Fiqh in the early days. Due to its comprehensive and generic meaning Imām Abū Ḥanīfa is reported to have defined Fiqh as a 'soul's knowledge of its rights and obligations'<sup>1</sup> مَعْرِفَةُ النَّفْسِ مَا لَهَا وَبِأَعْلَانِهَا. When theological problems arose among the Muslims, the Umma was divided into several sects, and importance was attached to the veracity of belief. At that time Imām Abū Ḥanīfa is said to have declared that acquiring knowledge of Din was better than that of Aḥkām. Since he calls the knowledge of the Unity of Allāh and other allied beliefs al-Fiqh al-Akbar, he obviously meant by Din the basic beliefs of religion.<sup>2</sup> With

1. Imām Abū Ḥanīfa: Al-Fiqh al-Absaṭ, quoted by Kamāl al-dīn Aḥamd al-Bayādī in Ishārāt al-Murām min 'Ibārāt al-Imām, Cairo, 1949, pp. 28, 29.
2. Ibid., pp. 28-30.

the advent of the Mu'tazila school of thought, Kalām came to be introduced for the first time as an independent science, when Greek Philosophical works were translated into Arabic during Māmūn's reign.<sup>1</sup> This suggests that before the existence of Kalām as an independent science, Fiqh included the problems of this branch.

After the demise of the Holy prophet (Sm) the Muslims were confronted with new problems and had to exercise personal judgement in solving them. At this stage the term Fiqh came to be frequently used for the exercise of intelligence; at the same time, people endeavoured to collect and record the traditions coming through the chains of narrators. So, the knowledge resulting from the exercise of intelligence and personal opinion was termed as Fiqh, and that coming through the reporters was described as 'Ilm. The term 'Ilm began to be used in the sense of knowledge of the tradition i.e. Hadīth and Āthār, when the movement for collecting Hadīth towards the end of the first century of the Hijra began. Simultaneously the term Fiqh came to be used exclusively for knowledge based on the exercise of intelligence and personal judgement. In this period these two terms began to separate from each other. The year 94 A.H. is known as sana al-Fuqahā' (سنة الفقهاء), because a number of celebrated jurists of Medina like Sa'īd b. al-Musayyib and Abū Bakr b. 'Abd al-Rahmān died in this year.<sup>2</sup> Therefore, it is reasonable to

1. Al-Shahristānī: Al-Milal wa'l-Nihāl, Cairo, 1317 A.H. vol. I, p.32.

2. Ibn Sa'd: al-Tabaqāt al-Kubrā, Beirut, 1957, vol. V, pp. 143, 208.

assume that the terms Fiqh and 'Ilm were separated when towards the end of the first century, jurists and specialists in Hadīth came into existence. In the Qurān the derivatives of the word Fiqh have been used frequently to denote understanding. It is not found that the word Fiqh is used to mean learning. But the word 'Ilm has been used in the Holy Qurān for learning. A Qurānic passage reads: " رَبِّ زِدْنِي عِلْمًا " - My lord ! Increase me in knowledge (XX:114)<sup>1</sup>. Here 'Ilm refers to the revelation that came to the Prophet, which was learnt and read by the Muslims. But Fiqh was not learnt and not read like 'Ilm i.e., Qurān and Hadīth, but with the passing of time, a body of laws came into existence, and this whole corpus came to be known as Fiqh - now a systematic science of law that was learnt and acquired like 'Ilm.

It may be noted that, from the beginning, 'Ilm carried the sense of knowledge which came through an authority, the Qurān and the Hadīth, while Fiqh, by its very definition, involved the exercise of one's intelligence and personal thinking. So, Fiqh always remained distinct from 'Ilm. Although both the words, Fiqh and 'Ilm were used in their broader meanings and were more or less interchangeable, yet Fiqh never lost its intellectual character.

The Ṣaḥāba of the Prophet (Sm) who gave legal judgements and were noted for exercising intelligence in their decisions were known as Fuqahā'. A tradition indicates that the Fuqahā' in the presence of 'Umar, the great, dared not speak, as he

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1. Al-Qurān: XX : 114.

dominated them by virtue of his Fiqh and 'Ilm'.<sup>1</sup> Here the term Fuqahā' appears to signify those persons who were distinguished for employing their reason and intelligence in solving legal and administrative problems. "Let him who desires to seek Fiqh go to Mu'adh b. Jabal (d. 18.A.H.)", 'Umar, the great said in his speech delivered at Jābiyah.<sup>2</sup> Since Mu'adh had worked as a judge in Yemen during the life-time of the Prophet (Sm), 'Umar might be referring to his intelligence and legal experience. However, to draw a line of demarcation between the meanings of these terms particularly in the early decades of Islām is very difficult.

From the above discussion, it is clear that the scope of the term Fiqh was gradually narrowed down, and restricted and ultimately came to be applied to the legal problems and even simply to legal literature. At the same time, the term 'Ilm lost its general meaning and was confined to Hadīth and 'Āthār. With the growth of legal activity and with the development of Hadīth, ra'y became synonymous with Fiqh and riwāya with 'Ilm. A report indicates that when 'Aṭā' b. Abī Rabāḥ (d. 114 A.H.) gave an opinion, Ibn Jurayj (d. 150 A.H.) asked him whether he had based the statement on 'Ilm or ra'y.<sup>3</sup> Here 'Ilm is distinguished from ra'y and is used to mean knowledge based on tradition. 'Umar b. 'Abd al-'Azīz (d. 101 A.H.) advised Abū Bakr b. Muhammad b. 'Amr b. Ḥazm (d. 120 A.H.) for collecting and recording Hadīth, arguing that he feared the extinction of knowledge (durūs al-'Ilm).<sup>4</sup>

1. Ibn Sād: op.cit., vol. II, p. 336.

2. Ibid., p. 348.

3. Ibid., p. 386.

4. Al-Shaybānī: Mu'attā, Deoband, n.d., p. 391.

To speak summarily, ‘Ilm and Fiqh, in the beginning, had a broader sense but subsequently became restricted to specified meanings.

Among the early Muslims, it is found that the term Sharā’i was also current side by side with the term Fiqh. Reports indicate that the newly converted Muslims came to the Prophet (Sm) of Islām from different parts of Arabia and requested him to delegate some-one to their locality to instruct them in the Sharā’i of Islām.<sup>1</sup> But the term Shariā was hardly used in the early days of Islām. It was newly introduced to carry the specific meaning, i.e., the law of Islām, at a later date. The word Shariā literally means a "course to the watering - place" and a "resort of drinkers." The ‘Arabs applied this term specially to a course leading to a watering-place, which was permanent and clearly marked out to the eye. That is why, it means the clear path or the high-way to be followed.<sup>2</sup> Since Dīn is the way ordained by Allāh for mankind or is the clear-cut path of Allāh for mankind, the Qurān uses the words Shirā and Shariā<sup>3</sup> in the meaning of Dīn. In the life-time of the Prophet the term Sharā’i was used to mean the essentials of Islām. The bedouins obviously meant the essentials of religion when they requested the Prophet to depute someone to their tribe to instruct them the Sharā’i of Islām. They wanted to be acquainted with the fundamentals and

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1. Ibn Sād: op.cit., vol. I, pp. 333, 345, 355.
  2. Ibn Manzūr: Lisān al-‘Arab, Beirut, 1956.
  3. Al-Qurān: V: 51; XLV; 17.

obligatory duties of Islām. This is supported by other tradition in which when the Prophet was once asked about the Sharāi' of Islām, he mentioned prayer, Zakāt, fasting of Ramaḍān and Hajj Pilgrimage.<sup>1</sup> In this tradition the term Sharāi' was used to mean farā'id and obligatory duties. Imām Abū Ḥanīfa in his book - Kitāb al-'Ālim wa'l-Muta'allim distinguished Dīn from Sharī'a as he said that the Dīn was never changed, whereas Sharī'a continued to change through history. By Dīn he meant the basic tenets of the faith like belief in the unity of Allāh, in the Prophets, in the life after death, etc., while by Sharī'a he meant the performatory duties. He does not recognize any difference between the Dīn of various Prophets, but differentiates between their sharāi' and holds that every Prophet invited the people to his own Sharī'a and forbade them to follow the Sharī'a of earlier Prophets<sup>2</sup>. The term 'Dīn' came to be used in the specific sense, i.e. tenets of Islām, in Imām Abū Ḥanīfa's time. This is why, the term Uṣūl al-Dīn was used for Kalām in later ages.

But Imām Shāfi'ī used the term Sharī'a in the meaning of institution. He remarks: one Sharī'a should not be compared with another Sharī'a ( لا تناس شريعة على شريعة ..... ).<sup>3</sup> This is unique with Imām al-Shāfi'ī as it is not generally used in this meaning. Moreover, he used the Sharāi' in the meaning of performatory duties.<sup>4</sup>

1. Imām Abū Ḥanīfa: op.cit., pp. 52-56.

2. Imām Abū Ḥanīfa: Kitāb al-'Ālim wa'l-Muta'allim, Hyderabad, Deccan, 1349 A.H. pp. 5-6.

3. Imām Al-Shāfi'ī: Kitāb al-Umm, Cairo, 1325 A.H., vol. VII, pp. 196-97.

4. Imām al-Shāfi'ī: Jimā' al-'Ilm, Cairo, 1940 A.D., p. 104.

A.A.A. Fyzee, in his book, Outlines of Muhammadan Law, defines Shari'ā and distinguishes it from Fiqh in the following words:-

"Shari'at is the wide circle, it embraces in its orbit all human actions; fiqh is the narrow one, and deals with what are commonly understood as legal acts. Shari'at reminds us always of revelation, that 'ilm (knowledge) which we could never have possessed but for the Koran or Hadith; in fiqh, the power of reasoning is stressed, and deductions based upon 'ilm are continuously cited with approval. The path of Shari'at is laid down by God and His prophet; the edifice of Fiqh is erected by human endeavour. In the Fiqh, an action is either legal or illegal, Yajūzu, wa mā lā yajūzu, permissible or not permissible. In the Shari'at there are various grades of approval or disapproval. Fiqh is the term used for the law as a science; and Shari'at for the law as the divinely ordained path of rectitude."<sup>1</sup>

Hence, in the modern age the term shari'ā covers all aspects of Islām and combines Fiqh and Kalām. One difference may, however, be noted that shari'ā combines law and tenets both, while Fiqh deals with law alone. It may be pointed out that neither Fiqh nor Shari'ā corresponds to the canon Law of Christianity or to the law in the West in its purely technical sense.

Reading was not common in Arabia. So the term Qurrā' was applied to those persons who could read the Qur'ān among the Muslims at the Prophet's time. Later on, when the 'Arabs came in contact with new cultures and civilizations, knowledge spread among them, and they advanced in various fields of learning and Islāmic law was perfected and other branches of Islāmic learning had developed, the Qur'ān readers, in the opinion of Ibn Khaldūn, were no longer called Qurrā' but were

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1. A.A.A. Fyzee: Outlines of Muhammadan Law, London, 1960 A.D. p.21.

known as Fuqahā' and 'Ulamā'.<sup>1</sup> Among the Tābi'ūn there were Fuqahā' and 'Ulamā', that is, those who were authorities in Law called Fuqahā', and those who were authorities in Hadīth, called 'Ulamā'.<sup>2</sup> Among the learned men of Medina Sa'īd b. al-Musayyib (d.94. A.H.) figured prominently and was known as Faqīh al-fuqahā' and 'Ālim al-'Ulamā'.<sup>3</sup> The phrase Ahl al-'Ilm and sometimes Ahl al-fiqh was commonly used in the second generation as in the Mu'attā' of Imām Mālik is obvious, but it appears that these expressions were applied to those learned persons who were deeply concerned with deriving rules from the Qurān and the Sunna and giving verdicts on legal issues.

When the term Fiqh came to be applied exclusively to the legal problems, people began to write independent works on the particular subject. 'Abd Allāh b. al-Mubārak (d.181 A.H.) is reported to have compiled 'Ilm (Hadīth) in a book and arranged it according to the order of legal topics (Fiqh)

1. Ibn Khaldūn: Muqaddima, Beirut, 1900, p.446. Ibn Khaldūn's statement is supported by al-Shybanī's remarks that in these days the people who had more knowledge of the Qurān had more understanding in the religion -

إبتدأ أتباعهم لكتاب الله، لأن الناس كانوا في ذلك الزمان أتباعهم للقرآن اقتبهم في الدين.

Al-Shybanī: Kitāb al-Āthār, Karāchī, n.d., p. 68; it seems that the word Qurra' at the time of Ibn Mas'ūd, began to be used in its literal sense i.e. reciters, and ceased to convey the meaning of learned.

ان عبد الله بن مسعود قال لانسان : انك في زمان كثير فقهاؤه ، قليل قراؤه

تخط فيه حدودالقران وتضيع حروفه....وسياتي على الناس زمان قليل

قنهاؤه كثير قراؤه ، يحفظ فيه حروف القرآن وتضيع حدوده .

Imām Mālik : Mu'attā', Cairo, 1951, vol. I, p. 173.

2. Ibn Sād: Al-Tabaqāt al-Kubrā, Beirut, 1957, vol. II, p. 378.
3. Ibid., vol. V, p. 121.

battles (ghazawāt) and asceticism (zuhd), etc.<sup>1</sup> Towards the middle of the second century of the Hijra a number of books were found to be written exclusively on Fiqh. The works of Imām Abū Yūsuf (d. 182 A.H.) and particularly of al-Shaybānī (d. 189 A.H.) were the first systematic efforts in this field. Al-Mu'atṭā of Imām Mālik though is the first in the list of the early literature, yet, it is a book neither exclusively on Hadīth nor on Fiqh. In fact, it is the remnant of the literature of the period when Fiqh and Hadīth were intermingled. From this time onward, books began to be written on these two subjects separately.

It is clear from the above discussion that the generality of the term Fiqh gradually became restricted until it began to be applied to the legal sphere alone.

#### b. Origin:

Fiqh, the Islāmic law as it exists today is the result of a continuous process of development during the last fourteen hundred years after the advent of Islām. It consists of the express injunctions of the Qur'ān; of the legislation introduced by the Sunna (tradition or Hadīth) of the Prophet Muḥammad (Sm); and of the opinions of fuqahā' (jurists). In certain cases the opinions of fuqahā' are in agreement on a certain point, and this is known as Ijmā' or consensus; in other cases, the opinions may not be in agreement, this is called Qiyās or analogical deduction.<sup>2</sup> Fiqh is not a

1. Al-Dhahabī: Tadhkira al-Ḥuffāz, Hyderabad, Deccan, n.d., vol. I, p.250.
2. A.A.A. Fyze: Outlines of Muḥammadan Law, 4th edition, Delhi, 1974 A.D., p.1.

systematic code, but a living and growing organism; in spite of that there is amongst its different schools a large measure of agreement, because the starting point and the basic principles are identical. The differences that exist are due to historical, political, economic and cultural reasons.

Shari'a literally means the road to the watering place, the path to be followed.<sup>1</sup> But as a technical term it means the canon law of Islām, the totality of Allah's commandments, each one of which is called 'hukm'. It embraces all human actions. It contains an infallible guide to ethics. It is fundamentally a doctrine of duties, a code of obligation.<sup>2</sup> Legal considerations and individual rights have a secondary place in it; above all, the tendency towards a religious evaluation of all the affairs of life is supreme.

In accordance with Shari'a, religious injunctions are of five kinds, al-ahkām al-khamsa.<sup>3</sup> Those strictly enjoined are fard e.g., the daily prayers, five in number are Fard; and those strictly forbidden are haram; e.g., wine is haram. Between them we have two middle categories, namely, things which we are advised to do i.e., mandūb e.g., the additional prayers like those on the 'Īd, are mandūb; and things which we are advised to refrain from i.e., makrūh, e.g., certain kinds of fish are makrūh; finally there are things about which

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1. Supra, p. 37.

2. Encyclopaedia of Islām, II, p. 105; Law in the Middle East, vol. I, p. 31.

3. Kemal A. Fārūkī: 'al-Ahkām al-Khamsa, the five values', Journal of Islāmic Research Institute, Pākistān, vol.V, 1966 A.D., pp. 43-48.

Shari'a is indifferent; i.e., Jāiz, e.g., travelling by air.<sup>1</sup> Thus the Shari'a is totalitarian; all human activity is embraced in its sovereign domain.

The law in Islām is called Fiqh; it is the name given to the whole science of jurisprudence, because it implies the exercise of intelligence in deciding a point of law even in the absence of a Nass from the Holy Qurān or Sunna. In its widest sense Fiqh seeks to guide the entire field of human life-religious, political and civil. Besides laws regulating ritual and religious observances, it covers the whole field of family law, the law of inheritance, of property and contract, of all provisions for social life, of criminal and constitutional law, and finally the law regulating the administration of state and conduct of war. In short, all aspects of public and private life of a Muslim should be regulated according to Islāmic Shari'a and the science of these laws is called Fiqh.<sup>2</sup> Sir Hamilton Gibb remarks:

"Islāmic Law was the most far-reaching and effective agent in moulding the social order and community life of the Muslim peoples ..... (It) gave practical expression to the characteristic Muslim quest for unity. In all essentials it was uniform, although the various schools differed in points of detail. To its operation was due the striking convergence of social ideals and ways of life throughout Medieval Muslim world. It went deeper than Roman law; by reason of its religious bases and its theocratic sanctions it was the spiritual regulator, the conscience of the Muslim community in all its parts and activities."<sup>3</sup>

1. Encyclopaedia of Islām, S.V. Shari'a, vol. IV, p. 322; Levy: Social Structure of Islām, pp. 202-203; Fitzgerald: Law in the Middle East, I, p. 98.
2. Dr. Muḥammad Ishāq: "Historical Survey of Fiqh and Muslim Jurisprudence" in the Journal of the Asiatic Society of Pākistān, vol. VIII, No. I, June, 1963 A.D., pp. 27-36.
3. Sir Hamilton Gibb: Mohammedanism, p. 10.

c. Theories:

We have now to see how the fuqahā of Islām have defined the term Fiqh. Imām Abū Ḥanīfa's definition stresses the moral aspect: Fiqh is the soul's cognizance of its right and obligations<sup>1</sup> ( معرفة النفس مالها وما عليها ). This definition shows that in Imām Abū Ḥanīfa's conception of the science it would comprehend within its scope pure questions of faith which are the subject of the science of divinity and also abstract questions of ethics. It would indeed appear that the object of Fiqh in the first era of Islām was to attain the knowledge of the affairs of the next world, and of the subtle dangers and trials which beset the human soul in this world,<sup>2</sup> but as pointed out by Ghazālī, Fiqh in its current acceptation is confined to the science of the rules of law.<sup>3</sup> The author of Tauḍīḥ gives the definition of Fiqh, as the knowledge of the Laws (aḥkām) of the Sharī'a which are intended to be acted upon, and have been divulged to us by revelation or determined by concurrent decisions of the learned, such knowledge being derived from the sources of the laws with the power of making correct deductions therefrom.<sup>4</sup>

The Shāfi'ī Fuqahā define Fiqh as "the knowledge of the laws (aḥkām) of the Sharī'a, relating to men's acts and

1. Taftāzānī: Talvīḥ, vol. I, Cairo, 1327 A.H., p. 10 (margin).
2. Sir 'Abd al-Raḥīm: Muḥammadan Jurisprudence, Madrās, 1911 A.D., pp. 49-50.
3. Muḥammad Alā Thānavī: Kashshāf Istīlāḥāt al-Funūn, vol. I, Beirut, 1966 A.D., p. 31.
4. Tauḍīḥ, Calcutta edition, p. 14.

derived from sources in detail.<sup>1</sup>

أول العلم بالأحكام الشرعية العملية من أدلتها التفصيلية

The Mālikī fuqahā' define it as "the Science of the commands of the Shari'ā in particular matters deduced by the application of a process of reasoning."<sup>2</sup>

The Turkish Mejelle (Art-I) defines it as "the knowledge of practical legal questions"<sup>3</sup> "Fiqh or Jurisprudence is the knowledge of the practical rules of religion", Subkī remarks.<sup>4</sup>

Ibn Khaldūn opines, "Fiqh is the knowledge of the rules of Allāh which concern the actions of persons who own themselves bound to obey the law respecting what is required (wājib), forbidden (maḥzūr), recommended (mandūb), disapproved (Makrūh) or merely permitted (mubāḥ). Such knowledge is acquired from the Book (i.e. the Qurān), the Sunna; and such arguments as the legists may adduce for the necessary comprehension of the laws contained in them. It is the body of rules derived by these legal arguments that is called Fiqh"<sup>5</sup>. Most Islāmic authorities, however, define it in terms of its four basic Constituents,<sup>6</sup> and we may therefore say that:

1. Muḥammad Alā Thānavī: Kashshāf Istilāḥāt al-Funūn, vol.I, Beirut, 1966 A.D., p. 31.
2. Sir 'Abd al-Raḥīm: Muhammadian Jurisprudence, Madrās, 1911 A.D., p. 50.
3. S. Mahmassani: Philosophy of Jurisprudence in Islām, Leiden, 1961 A.D., p.8.
4. Subkī: Jam' al-Jawāmi', vol. I, Bulaq, 1283 A.H., p. 23(margin).
5. Ibn Khaldūn: Muqaddima, (tr. F. Rosenthal), vol. III, p.1.
6. Four basic Constituents: Qurān, Sunna, Ijmā' and Qiyās. (Sir 'Abd al-Raḥīm: op.cit., p. 48.)

"Fiqh or the science of Islāmic law is the knowledge of one's rights and obligations derived from the Holy Qurān or the Sunna of the Prophet (Sm) or the consensus of opinion among the learned (Ijmā') or analogical deduction (Qiyās)!"<sup>1</sup>

This is the classical view and is said to be founded on the oft-quoted well-authenticated tradition of Mu'adh. When Mu'adh was being sent to Yemen as the governor of that province and as the dispenser of Justice, the Prophet asked him on what he would base his decisions: "I will judge them according to the Book of Allāh", he replied. "But if that contains nothing to the purpose"? "Then upon the precedents of the Prophet". "But if that also fails you" ? "Then I will strive to interpret by my reason". And the Prophet raised his hands, and said, "Praise be to Allāh, who guides the messenger of His Prophet in what His Prophet is willing to approve".<sup>2</sup>

This is an important tradition emphasizing the principle that the exercise of independent judgement, within certain limits, is not only permissible but praiseworthy. The Qurān has to be interpreted, the actions and sayings of the Prophet duly considered, and judgement exercised in accordance with legal theory in case the Qurān and Sunna are silent on the question. A noteworthy feature of the Hadīth is that the Qurān is given pre-eminence and next comes the practice of the Prophet. Although consensus is not mentioned specifically, it prepares the way for it, for Ijmā' is nothing

1. Shāfi'i: Risāla, tr. M. Khaddurī, p. 78.

2. Ostorrog: The Angora Reform, London, 1927 A.D., Lecture-I, 'The Roots of the Law'; p.21; Wensinck: Early Mohammadan Tradition, p. 156; Dārimī: Musnad, Qairo, 1978 A.D., p.60.

but individual opinion, however, it receives the universal acceptance of the community, in other word, Ijmā' is an agreed and accepted opinion. Finally, if all these sources fail, then the opinion of a distinguished faqīh may also have the force of law.

Hence, according to this theory Fiqh is based on four foundations (uṣūl). They are: the Qurān, the Sunna, Ijmā' and Qiyās.

According to this theory, the first original source of Fiqh, is the Holy Qurān. The Sunna elaborates and explains the Qurān. Undoubtedly it constitutes an independent source; nevertheless, it is closely linked with the Qurān. Qiyās is the systematic form of ray and is based on the Qurān and the Sunna. Ijmā' is nothing but individual opinion, however, it receives the universal acceptance of the community. In a word, the Qurān, the sunna, Qiyās and Ijmā' are interlinked with each other; the same spirit runs through these sources for which the final authority is the Qurān. It is clear, therefore, that the Qiyās and Ijmā' are instruments or agencies for legislation on new problems for whose solution a direct guidance from the Qurān and the Sunna is not available. Therefore, Qiyās and Ijmā' can be considered as authoritative sources of Fiqh subservient to the Qurān and the Sunna. The authenticity of these auxiliary sources shall be determined only by the degree of their consonance with the other two original and unchallenged sources of Fiqh.

## d. Sources :

i). The Holy Qur'ān is the first and the most authentic source of Fiqh. Several Quarānic verses expressly indicate that it is the basic and main source of law in Islām.<sup>1</sup>

The Prophet lived at Mecca after revelation for thirteen years and at Medina for ten years. The period after the Hijra was no longer a period of humiliation, and the persecution of the Muslims had ceased. The guidance which the Muslims required at Mecca was not the same as the one they needed at Medina. That is why, the Medinese Sūra differ in character from those revealed at Mecca. The latter are comparatively small, and generally deal with the basic tenets of Islām. They provide guidance to the individual soul. The former are rich in Aḥkām relating to personal, civil, criminal, social and political problems of life. They provide guidance to a nascent social and political community. We find the term Zakāt in several Meccan Sūras;<sup>2</sup> which show that this institution was in existence at Mecca but not in its systematic and usual form. In the Meccan period this word has been used in the sense of monetary help on a voluntary basis as in the sense of moral purity. It was not an obligatory duty on the rich. Moreover, at Mecca no administrative staff was recruited for this purpose.

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1. Al-Qur'ān: V: 47, 48, 49, 50.

2. Al-Qur'ān: VII: 156; XXIII:4.

The Holy Qur'ān is the divine Book of Allāh transmitted to the Prophet Muḥammad (Sm) through Gibrael during particular moments of inspiration (wahī). Out of 6666 verses about 500 verses<sup>1</sup> deal with Aḥkām. Of them 200 verses deal with the

1. Al-Qur'ān: II: 29, 43, 106, 114, 115, 116, 124, 125, 143, 144, 154, 158, 172, 173, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 203, 216, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 255, 262, 263, 264, 267, 268, 269, 270, 271, 275, 278, 279, 280, 282, 283, 284, 286.
- III: 7, 8, 33, 34, 81, 82, 97, 104, 110, 130, 131, 132, 187.
- IV: 3, 4, 5, 6, 7, 8, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 29, 33, 34, 35, 36, 43, 48, 58, 59, 71, 86, 92, 93, 94, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 115, 116, 127, 128, 129, 130, 135, 141, 160, 176.
- V: 1, 2, 3, 4, 5, 6, 33, 34, 38, 39, 45, 55, 56, 58, 89, 90, 91, 95, 96, 97, 101, 102, 103, 106, 107, 108.
- VI: 68, 69, 118, 119, 120, 121, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 152, 153, 158.
- VII: 29, 30, 31, 46, 47, 48, 49, 80, 81, 99, 157, 172, 173, 204, 205.
- VIII: 1, 11, 15, 16, 27, 38, 39, 40, 41, 56, 57, 58, 59, 60, 61, 65, 66, 67, 68, 69, 72.
- IX: 5, 6, 11, 12, 17, 18, 19, 28, 29, 34, 35, 36, 41, 60, 65, 66, 84, 91, 103, 104, 107, 108, 120, 121, 122.
- X: 87.
- XI: 114.
- XII: 20, 72, 87, 88.
- XIV: 27.
- XVI: 5, 6, 7, 8, 14, 67, 75, 80, 81, 90, 91, 98, 101, 102, 106, 115.
- XVII: 1, 15, 22, 23, 24, 26, 27, 29, 31, 32, 33, 34, 35, 36, 37, 64, 78, 79, 110, 111.
- XVIII: 19, 98.
- XIX: 71, 72.
- XX: 13, 14, 130.
- XXI: 22, 26, 27, 78, 79.
- XXII: 25, 26, 27, 28, 29, 30, 32, 33, 36, 37, 41, 77, 78.

legal principles and about 80 verses outlines the personal laws relating to inheritance, marriage, dower, divorce, maintenance, gift, protection of minors, prohibition of

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- XXIII: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.  
 XXIV: 2, 3, 4, 5, 6, 7, 8, 9, 10, 27, 28, 29, 30, 31, 32, 33, 55, 58, 59, 60, 61, 63.  
 XXV: 48, 49, 62, 63, 64, 68, 72.  
 XXVI: 165, 166, 181, 182, 183, 192, 193, 194, 195, 196, 224, 225, 226, 227.  
 XXVII: 54, 55, 82, 91.  
 XXVIII: 27, 28.  
 XXIX: 8, 28, 29, 45, 67.  
 XXX: 1, 2, 3, 4, 5, 6, 17, 18, 38, 39.  
 XXXI: 6, 13, 14, 15, 17, 18, 19, 20, 34.  
 XXXII: 13.  
 XXXIII: 4, 5, 6, 28, 29, 32, 33, 36, 37, 40, 49, 50, 53, 54, 55, 56.  
 XXXVI: 77, 78, 79, 80, 81, 82, 83.  
 XXXVII: 102, 103, 104, 105, 106, 107.  
 XXXVIII: 21, 22, 23, 24, 25.  
 XXXIX: 7, 68, 69.  
 XL: 46.  
 XLII: 39, 40, 41, 42, 43, 51.  
 XLIII: 61, 86.  
 XLIV: 11, 12, 13.  
 XLVI: 15, 29, 30, 31.  
 XLVII: 4.  
 XLVIII: 16, 17, 24, 25, 27, 28, 29.  
 XLIX: 1, 2, 3, 6, 9, 10, 11, 12, 13, 14.  
 LI: 35, 36.  
 LII: 21.  
 LIII: 13, 14, 15, 16, 17, 18, 61.  
 LIV: 28.  
 LV: 68.  
 LVI: 74, 75, 76, 77, 78, 79, 80.  
 LVIII: 1, 2, 3, 4.  
 LIX: 2, 5, 6, 7, 8, 9, 10.

gambling, usury, homicide and excess of polygamy. The Qur'an also prescribes punishment for different kinds of crimes according to the gravity of the offences. Moreover, the emphasis in the Qur'an upon the final judgement by Allāh for actions of men on earth has a tremendous impact on the personal conduct of men in refraining them from doing wrong even alone and unseen by others, which any other procedural law evolved by men has failed to achieve. The Qur'an, apart from its substantive provisions, also indicated the means by which these were to be interpreted and supplemented.<sup>1</sup>

It is important to note that being of divine origin, the principles laid down by the Qur'an cannot be altered by even the Muslims.

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LX:	8, 9, 10, 11, 12.
LXII:	9, 10, 11.
LXIII:	1, 2.
LXV:	1, 2, 4, 6, 7.
LXVI:	1.
LXXI:	10, 11, 12.
LXXII:	18, 26, 27.
LXXIII:	1, 2, 3, 4, 20.
LXXIV:	1, 2, 3, 4, 5, 6, 7, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48.
LXXV:	16, 17, 18, 19, 20, 21, 22, 23, 24, 25.
LXXXIV:	21, 22, 23.
LXXXVII:	1, 14, 15.
CVIII:	1, 2, 3.

1. N.J. Coulson: A History of Islamic law, Edinburgh, 1964 A.D., p. 55.

It is clear that the Qur'ān is neither a legal code in the modern sense nor it is a compendium of ethics. The primary purpose of the Qur'ān is to lay down a way of life which regulates man's relationship with Allāh, but the Qur'ān legislates equally for man's social life as it does for his communion with his Creator. The laws of inheritance, rulings for marriage and divorce, provisions for war and peace, punishments for theft, adultery and homicide, are all meant for regulating the ties of man with his fellow beings. In addition to these specific legal rules, the Qur'ān abounds in moral teachings. Therefore, it is not correct to say, as Coulson declares, that "the primary purpose of the Qur'ān is to regulate not the relationship of man with his fellows but his relationship with his Creator."<sup>1</sup>

The Qur'ānic legislation is not couched in purely legal terms. There is an amalgam of law and ethics. The Qur'ān, in fact, addresses itself to the conscience of man. That is why, the legal verses were revealed in the form of moral exhortation, sometimes exhorting people to the obedience of Allāh and occasionally instilling a keen sense of fear of Allāh in the minds of Muslims. Hence, it contains emphatic statements about certain specific attributes of Allāh at the end of its verses, e.g., Allāh is all-hearing, all-seeing and the like. It also goes without saying that the Qur'ān does not seek to be pan-legistic, i.e., to lay down all the details of life. Broadly

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1. N.J. Coulson: A History of Islāmic Law, Edinburgh, 1964 A.D., p. 12.

speaking, it can be said that the legislative part of the Qur'ān provides a model for further legislation and does not constitute a legal code by itself.

A commoner begins to read the Qur'ān with the idea that it is a comprehensive book of aḥkām. But he does not find in it detailed laws and bye-laws relating to the social life, culture, and political problems, etc. He reads numerous verses in the Qur'ān that lead him to believe that everything has been mentioned in this Book and nothing has been left out.<sup>1</sup> Besides, he notices that the Qur'ān lays great emphasis on saying prayer and giving Zakāt, but at the same time he finds that it does not mention their details, the result is that many questions arise in the mind of a layman while studying the Qur'ān.

This difficulty arises from ignoring the fact that Allāh did not reveal the Qur'ān in a vacuum, but as a guide to a living Prophet, who was engaged in a living struggle. The Qur'ān, however, instead of mentioning the minutiae, talks of basic principles. Moreover, it presents the Islāmic ideology in a general form, suited to the changing circumstances in all ages and climes. It should be noted that the Qur'ān sometimes explains itself, and as a book of guidance it did not leave untouched anything relating to the fundamentals. As regards the practical shape of life to be led by a Muslim and the community as a whole, it shows and demarcates the borders of the various aspects of life. It is the task of

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1. Al-Qur'ān: VI: 38; VII: 52; XII: 111.

the Prophet to present the ideal practical life in the light of the limits enunciated by the Qurān. The Prophet was, in fact, sent primarily to exemplify the teachings of the Qurān. That is why, the Sunna never goes against the Qurān, nor the Qurān against the Sunna.

The interpretation of the Qurān in the early period was not so complex and sophisticated as in the later ages. The legal rules not derived from the Qurān in the early period were sought to be drawn from it later on. The methodological inference from the Qurān grew more and more intricate and philosophical in the wake of the deep and minute study of the Qurān by the people in the later ages.

The corpus of Fiqh is rich in the examples where, in the same problem, some Fuqahā' argued on the basis of the Qurān, while the others did so on the basis of traditions or personal opinion. Such differences do not imply that in every single case the place given to the Qurān was determined by the attitude of the group concerned to the ever-mounting tide of traditions from the Prophet, and that the Qurān taken by itself, apart from its possible bearing on the problem raised by the traditions from the Prophet, can hardly be called the first and foremost basis of early legal theory, as Schacht says.<sup>1</sup> Prof. Schacht does admit that a number of legal rules, particularly in family law and law of inheritance, not to mention cult and ritual, were based on the Qurān from the

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1. Schacht, Joseph: The origins of Muhammadan Jurisprudence, Oxford, 1959 A. D., p.224.

beginning.<sup>1</sup> It is significant to note that the position of the Qur'ān as the first and foremost basis for legal theory does not mean that it treats every problem meticulously.

The Qur'ān, as we know, is not basically a code of law, but a document of spiritual and moral guidance. The presentation of the details of legal rules does not fall under the basic objectives of the Divine Book. The instances quoted by Prof. Schacht relate mainly to the cases, whose detailed manner of application has not been mentioned in the Qur'ān. Although the legal verses of the Qur'ān are quite specific; nevertheless, such verses are open to interpretation, and different rules can be derived from the same verse on the basis of Ijtihād. That is the reason for the difference of opinion among the fuqahā' in the cases mentioned by Schacht. According to one faqīh, a law can be deduced from some verse but the same verse is silent on the same problem according to the other. Hence, one argues on some point on the basis of the Qur'ān, while the other on the basis of the Sunna. It is reported, for example, that during the caliphate of Abū Bakr a grandmother approached him asking her share from the heritage of her deceased grandson. Abū Bakr reportedly replied: "Neither in the Book of Allāh is there anything for you nor do I know anything in the Sunna of the Prophet."<sup>2</sup> Abū Bakr's reference in the first instance to the Qur'ān clearly shows that this practice owes its origin from the earliest days of Islām.

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1. Schacht, Joseph: op.cit., p. 224.

2. Imām Mālik: Muḥaḍḍāḥ, Cairo, 1951 A.D., vol. II, p. 513.

In another Hadīth we find that a slave of Ibn 'Umar, who deserted him, committed theft. He sent him to Sā'id b. al-'Ās, the governor of Medina, for amputating his hand. But the latter refused to do so on the plea that it is not permissible for the hand of a deserting slave to be amputated. Thereupon, Ibn 'Umar reportedly remarked: "In which Book of Allāh did you find it?"<sup>1</sup> This sort of report shows the attitude of the early generations towards the Qurān, and its position in the process of law-making.

The doctrine of abrogation (naskh) of the individual verses in the Qurān is also significant in Islāmic jurisprudence. The classical concept of this doctrine affirms that a number of verses in the Qurān having been repealed are no longer operative. These repealed verses are no doubt part of the Qurān, but carry no practical value. This raises a very serious question: when the Qurān is eternal and its injunctions are valid for all ages, how can it be plausible that some of its passages have lost their practical value? It seems that this concept was not in existence in the lifetime of the Prophet. It must have emerged sometime later for reasons not definitely known to us.

11) The second important source of Fiqh is the Sunna, the practice of the Prophet. Sunna essentially means the exemplary conduct of some person. The word sunna was used in pre-Islāmic times for an ancient and continuous usage, well-established in the community (sunna al-Umma); later, the term was applied

1. Imām Mālik: Mu'atta, Cairo, 1951 A.D., vol. II, p.833.

to the practice of the Prophet (Sunna al-Nabī). In the context of Islāmic Jurisprudence, it refers to the model behaviour of the Prophet. The Islāmic concept of the Sunna originates with the advent of the Prophet. Since the Qurān enjoins upon the Muslims to follow the conduct of the Prophet, which is described as exemplary and great,<sup>1</sup> Sunna became the 'ideal' for the Muslim community.

The Qurān asks the Prophet to decide the problems of the Muslims according to the Revelation.<sup>2</sup> So, the basic authority for legislation is the Qurān. Nevertheless, Allāh declared the Prophet to be the interpreter of the Qurānic texts.<sup>3</sup> Moreover, it describes the functions of the Prophet, namely, announcing of the revelation before people, giving normal training to them, and teaching them the Divine Book, and wisdom.<sup>4</sup> The Sunna is, therefore, closely linked with the Qurān and it is rather difficult to say that these are two separate sources. It is the Sunna that gives concrete shape to the Qurānic teachings. The Qurān, for instance, mentions Ṣalāt and Zakāt, but does not lay down their details. It is the Prophet who explained them to his followers in a practical form. Moreover, the Divine Book made obedience to the Prophet obligatory; therefore, the Sunna i.e., behaviour of the Prophet, be it in the form of saying or deeds, became ultimately a source of Fiqh. The Qurān says: "But nay, by the

1. Al-Qurān: XXXIII: 21; LXVIII:4.

2. Ibid., V: 48, 49.

3. Ibid., XVI:44.

4. Ibid., III: 164.

Lord, they will not believe (in truth) until they make thee judge of what is in dispute between them and find within themselves no dislike of that which thou decidest, and submit with full submission<sup>1</sup>". This shows that voluntary submission to the decisions of the Prophet was made an essential part of the Muslim's faith.

The most important basis of Fiqh, which is, in fact, a supplement to the Sunna, is the opinions and practice of the Companions. From the early days of Islām the Muslims have treated the decisions of the Companions as one of the major sources of Fiqh. The reason for this is that the Companions were the immediate observers of the Sunna of the Prophet. Having been in association with him for years together they were acquainted not only with his sayings and behaviour, but also with the spirit and character of the Sunna left by him for the coming generations. Their legal opinions despite differences, represented the spirit of the Prophetic Sunna. That is why, the fuqahā' of the early periods frequently argued on the basis of their legal decisions.

The Companions played a vital role in establishing the Sunna of the Prophet. Hence it became more or less customary with the early schools to argue on the basis of the practice of the Companions. They must have thought that the action of the Companions was based on the Prophetic Sunna or they were better equipped to take decisions in the light of the Sunna.

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1. Al-Qur'ān: IV: 65.



The Successors (tābiūn), too, played a major role in the development of Fiqh. Since they were closely associated with the Companions, their opinion carried weight in Fiqh. Their decisions constituted a source of Fiqh for the early schools. We find cases where the opinion of a Successor was even preferred to that of the opinion of a Companion<sup>1</sup>. Early works on Fiqh are replete with the legal opinions of the Successors. The early schools quote their opinions in support of their doctrines, and occasionally make them the sole basis of their arguments. After quoting traditions from the Prophet and the Companions, Imām Mālik quotes the practice and opinion of the Successors. Imām Abū Yūsuf clearly bases the principles of abstaining from infliction of hadd punishment on the accused in case of doubt on the opinions of the Companions and the Successors<sup>2</sup>. As the practice and opinions of the Companions and the Successors reflected the Sunna of the Prophet, the early schools regarded them as an important source of Fiqh. Imām Al-Shāfiī also regards the opinions of the Companions as a source of Fiqh<sup>3</sup>. It is also appears from Kitāb al-Umm that he follows the opinions of the successors in support of his thesis<sup>4</sup>.

1. Al-Shaybānī: al-Siyar al-Kabīr, Hyderabad, Deccan, 1335 A.H., vol. II, p. 260.

2. Imām Abū Yūsuf: Kitāb al-Kharāj, Cairo, 1302 A.H., p.90.

3. Imām Al-Shāfiī: Kitāb al-Umm, Cairo, 1325 A.H., vol. VII, pp. 221, 246.

4. Ibid., p. 41.

iii) The third source of Fiqh is Ijmā'. It is a principle for guaranteeing the veracity of the new legal content that emerges as a result of exercising Qiyās and Ijtihād. It is, in fact, a check against the fallibility of Qiyās. Ijmā' is the consensus of opinion of the Muslim scholars and Fuqahā'. Modern scholars consider it to be the most important element of Fiqh, and an examination of the Corpus of the Fiqh reveals that a major portion of the Fiqhī aḥkām consists of the concurrent opinions of Muslim scholars on legal questions.<sup>1</sup> Snouck Hurgronje considers it to be 'the foundation of foundations' and the movable element in the Fiqh<sup>2</sup>. The principle is tersely summarized by the Prophet (Sm.) himself, 'My community will never agree on an error'<sup>3</sup>, and several Qurānic texts are adduced in its support<sup>4</sup>. In theory the Muslim community as a whole could never agree upon anything contrary to the Qurān or Hadīth, but with the expansion of the boundaries of the Islāmic world there was necessity of eliminating the diversity of aḥkām emanating from local authorities. This was done by Ijmā'.

There are points which have been universally accepted and agreed upon by the entire community. This sort of Ijmā' that allows no difference of opinion is generally confined

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1. A.A.A. Fyzee: Outlines of Muhammadan law, 4th ed. Delhi, 1974, p. 20.
  2. Hurgronje, C. Snouck: Selected works, edited in English, by G.H. Bousquet and J. Schacht, Brill, 1957 A.D., p. 289.
  3. A. Raḥīm: The Principles of Muhammadan jurisprudence, Madras, 1911 A.D., p. 115.; A.J. Wensinck: The Muslim Creed, Cambridge, 1932 A.D., p. 113.
  4. Al-Qurān: III: 103; IV: 115.

to obligatory duties. This is known as Ijmā' al-Umma. On the contrary, there are certain rules which we may call positive law that are agreed upon by the learned of a particular region, but they do not carry the force of the consensus of the community. This is known as Ijmā' of the learned (Ijmā' al-Khāssa). The Ijmā' of the learned, in Pre-Shāfiī period, was a mechanism for creating a sort of integration among the divergent opinions which arose as a result of the individual legal activity of fuqahā' and Mujtahids. It seems that the whole system of Fiqh in the Pre-Shāfiī period was held together and strengthened by this institution. It represents the average general opinion of each region in respect of the positive ḥukm. It sets aside the stray and 'unsuccessful' opinions circulating in each locality. It is remarkable that the Ijmā' of the learned is not the name of the decisions on legal issues taken by an assembly of Muslim jurists. In fact, it emerges by itself through a process of integration and creates for itself a position in the community.

Imām Shāfiī holds, as is evident from his writings, that Ijmā' is something static and formal having no room for disagreement. That is why, he is reluctant to accept the validity of the Ijmā' of the learned as a source of Fiqh due to differences among them. Only the Ijmā' of the community is valid according to him. He says that the community at large cannot neglect the Sunna of the Prophet which, however, individuals may neglect. He contends that the community can never agree on a decision opposed to the Sunna of the Prophet nor on an error<sup>1</sup>. As such, he restricted Ijmā' only to the obligatory duties. Imām Shāfiī

1. Al-Shāfiī: Al-Risāla, Cairo, 1321 A.H., p. 65.

opines that legal knowledge may be derived primarily from the Qur'an and the Sunna of the Prophet, then from the Ijmā' of the community. In cases these sources are silent on some point, he follows first the agreed opinion of the Companions. Then in case of differences among them he adopts the opinion of one of the first four Caliphs. He argues finally on the basis of Qiyās which is strictly based on the Qur'an and the Sunna of the Prophet alone<sup>1</sup>, which he calls aṣḥān (two bases). He regards these two sources as independent entities ('aynān), while Ijtihād according to him is not 'ayn (entity), but something created by human intelligence<sup>2</sup>. He believes that the Qur'an and the Sunna provide answers to all possible problems concerning religion<sup>3</sup>.

iv) The fourth and last source of Fiqh is Qiyās. Qiyās is reasoning by analogy. It is derived from the Jewish term hiqqīsh, from an Aramaic root, meaning to beat together<sup>4</sup>. In Arabic usage this word means measurement and therefore analogy. When it is directed towards achieving systematic consistency and guided by the parallel of an existing decision, it is called Qiyās<sup>5</sup>. When it reflects the personal choice of the faqīh, guided by his idea of appropriateness, it is called Istiḥsān or Istiṣlāḥ, preference<sup>6</sup>. It is a process of analogy

1. Al-Shāfi'ī: Kitāb al-Umm, Cairo, 1325 A.H., vol. VII, p.246.

2. Ibid., vol. VI, p. 203.

3. Ibid., p. 271; cf. Al-Risāla, op.cit., p. 4.

4. Joseph Schacht: Origins of Muhammadan Jurisprudence, Oxford, 1959 A.D., p. 99.

5. A.A.A. Fyzee: Outlines of Muhammadan law, 4th ed., Delhi, 1974 A.D., p. 21.

6. Joseph Schacht: op.cit., p. 98.

and deduction by which the ḥukm of a text is applied to a particular case through reason, logic and comparison on bringing out the intention of the text which may not appear on the surface of it. All the four schools of Fiqh have accepted Qiyās as an important source of Fiqh<sup>1</sup>. The Prophet (Sm.) himself emphasised on the application of analogy and reason in dispensing justice when appointing Ḥadhrat Mu'ādh, the chief justice of Yemen, as reported in a Ḥadīth saying, when there was no guidance in the Qur'ān or the Ḥadīth in a particular case, reason was to be applied.<sup>2</sup>

In fact, it is a systematic and developed form of ra'y. The most natural and simple mode of reasoning is ra'y which played a paramount role prior to the prevalence of Qiyās. In the early days of Islām, ra'y was a generic term that covered practically different modes of Ijtihād. We find its use in the Prophet's time as well as after him by the Ṣaḥāba. The Qur'ān and the Sunna, no doubt provide us with legal rules with regard to the individual and social life of Muslims. But human life, being dynamic, requires laws and aḥkām that should change with the changing circumstances. Ra'y is an instrument that enables the coverage of diverse situations and enables Muslims to make new aḥkām according to their requirements. The period of 'Umar's Caliphate abounds in such instances.

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1. A. Rahīm: Muhammadan Jurisprudence, Madrās, 1911 A. D., p. 138.
  2. Amīr 'Alī: Spirit of Islām, pp. 115, 183; Supra, p. 46.

Firstly, we meet with a semi-technical use of the term Qiyās in the letter of 'Umar b. al-Khaṭṭāb, the second Caliph, to Abū Mūsā al-Ashārī (d. 44 A.H.). 'Umar is reported to have advised him to acquaint himself with the parallels and precedents and then to weigh up the cases (qis al-Umūra), deciding what in his judgement would be the most pleasing to Allāh and nearest to ~~the~~ truth<sup>1</sup>. From such beginnings as this reported advice of 'Umar, ra'y appears to have developed later into legal and technical concept of Qiyās, viz., to find out an essential common factor between two similar cases and to apply the rule of one to the other. However, it is noteworthy that the result after the application of Qiyās by different persons is not necessarily one and the same. The reason is that the actual location of the common factor (illa) is open to difference of opinion. As such, a rule inferred by applying Qiyās is always subject to challenge, and can be rejected by any opposed group.

Imām Shāfi'ī regards Qiyās as weaker than Ijmā'. He does not permit the use of Qiyās in the presence of a tradition i.e. Khabar. He treats Qiyās as a thing permitted for the sake of need (manzilatu ḍarūratin). As Tayammum is allowed, he argues, in the absence of water during a journey, so is the case with Qiyās. He contends that since no ṭahārat is valid with Tayammum when water becomes available, similarly use of Qiyās is invalid in the presence of Khabar<sup>2</sup>. He seeks to prove the validity of Qiyās on the basis of the Qur'ānic verse: "Whensoever

1. Al-Mubarrad: Al-Kāmil, Cairo, 1936 A.D., vol. 1, p. 14.

... الفهم الذموم فيما تلجأج في صيدرك بما ليس في كتاب ولا سنة ثم اعرف الاشياء  
والامثال نفس الامور عند ذلك ، واعمد الى ائربها الى الله واشبهها بالحق ...

2. Imām Al-Shāfi'ī, Al-Risāla, op. cit., p. 82.

thou Comest forth turn thy face towards it so that men may have no argument against you<sup>1</sup>". From this verse he infers that the use of Qiyās in reasoning is obligatory on Muslims. Explaining this verse he remarks that the man who is far away from the Kāba depends on indications (dalā'il) like stars and mountains. Similarly, one should depend on the indications to reach a certain conclusion<sup>2</sup>.

**e. Development :**

Fiqh divides Aḥkām, the religious injunctions relating to rights and obligations of a man vis-a-vis society into Ḥaqq Allāh and Ḥaqq al-'Ibād. Fiqh is the study of practical question of law and Ḥukm. In part, it is concerned with things of the next world, and in that behalf is called 'IBĀDĀT. Where it is concerned with material world, it is divided into three parts: (1) Munākahāt, (2) Mu'āmalāt, and (3) 'Aqūbāt<sup>3</sup>. Questions dealing with relations between man and woman are called Munākahāt; those dealing with order in human affairs are called Mu'āmalāt; and those dealing with the establishment and maintenance of such order in society, such as penal laws are called 'Aqūbāt. Now, it can be said that this Sharī'a and Fiqh are methods of understanding Islāmic Law<sup>4</sup>, and to trace out the origin of Sharī'a and Fiqh we are to study the development of Fiqh.

1. Al-Qur'ān: II: 150.

2. Imām Al-Shāfi'i: Al-Ribāla, Cairo, 1321 A.H., pp.66 sqq.cf. Kitāb al-Ūmm, op.cit., vol VII, pp.272 sqq.

3. Zain al-'Ābedīn: Thoughts on Islāmic law and Justic, Dhaka, 1982 A.D., pp. 13-14.

4. Ibid., pp. 15-16.

Sir 'Abd al-Raḥīm, following the usual classification, divides the course of Muhammadan Law, the Fiqh, into four periods<sup>1</sup>. On the other hand, Muḥammad al-Khudārī, in his history of Fiqh, divides the periods of the history of Fiqh, into six periods<sup>2</sup>. The classification of al-Khudārī is to be preferred, but for the sake of simplicity and because it would be out of place to enter into historical details concerning this particular question, the classification of Sir 'Abd al-Raḥīm, which is generally accepted, is adopted here. But historical analysis compels us to add the fifth period, i.e. the period after the abolition of caliphate in 1924 A.D./1302 A.H. Thus there are five periods in history of Fiqh.

#### Period - I (A.D. 609-632/upto 10 A.H.)

In fact, the real formation of the science of Fiqh, starts in a more or less systematic manner at the hands of the Successors, (the Tābiūn). The science of Fiqh, was not systematised during the time of the Prophet (Sm) and the Companions (Ṣaḥāba). Since the time of the Tābiūn, it began to take its

1. Sir 'Abd al-Raḥīm: Muhammadan Jurisprudence, London/Madrās, 1911 A.D., pp. 16-34.
2. Muḥammad al-Khudārī: Tārīkh al-Tashrīī al-Islāmī, 3rd ed., Cairo, 1930 A.D./1308 A.H., p. 4; abridged Urdu translation, Tārīkh-i-Fiqh-i-Islāmī, by Maulānā 'Abd al-Salām (Azamgaḥ), 1346 A.H. The best general account is by Schacht in LME. 1, pp. 57 sqq. and also abridged Urdu translation, Tārīkh-i-Fiqh-i-Islāmī by Maulānā Ḥabīb Ahmad Hāshimī, Karāchī, 1978 A.D.

formal shape and to develop into a body and independent subject of study<sup>1</sup>.

The first period commenced with the regime of the Holy Prophet Muḥammad (Sm.) in 609 A.D. and ended with his death in 632 A. D. This has been called the "Legislative period" of Islām when laws were enacted by Allāh, the divine legislator and promulgated in the words of the Qurān, or the Hadīth of the Prophet Muḥammad (Sm.). These are the foundations upon which the super-structure of the four sunni schools of jurisprudence has been constructed.

During the time of the Prophet the science of Fiqh as a matter of fact, like other religious sciences was not codified so as to furnish the Ṣaḥāba with hand-books as a guide to their ritual matters. They could have sought guidance of the Prophet

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1. Western scholars such as Joseph Schacht present a different picture of the development of Fiqh. The popular and administrative practice of the late Umayyad period, according to them, was transformed into Islāmic law. (Majīd al-Khaḍḍurī: Law in the Middle East, Washington, 1955 A. D., p.40; article "Pre-Islamic background and early development of Jurisprudence" by Joseph Schacht). The orientalist ignore the fact that the Muslims had the Qurān and the precedents left by the Prophet and the Companions. Where there was no precedent or clear instructions, they exercised their personal opinion. But this, too, was not against the spirit of the teachings of the Qurān and the Sunna of the Prophet. All this raw material, practised and produced by the early Muslims, developed into a systematic law. Certain popular customs no doubt permeated the Fiqh, but these did not deviate from the fundamental principles of Islām. Thus, the view that Fiqh, is purely based on the popular practice of the Umayyads and does not take its thread from the Qurān and the sunna of the Prophet is contrary to facts, and untenable.

at every stage. But the Ṣaḥāba did put before him very few questions due as much to their excessive veneration for him as to the prohibition of unnecessary inquest enjoined in the Holy Qur'ān<sup>1</sup>. We have it on the authority of the Musnad of al-Dārimī<sup>2</sup> (d.255 A.H./868-69 A.D.) that the total number of questions put by the Ṣaḥāba for the solution of legal and religious problems does not exceed seventeen and these have embodied in the Holy Qur'ān<sup>3</sup>.

It should not be presumed that the Companions of the Prophet(Sm.) were barred from seeking clarification, or putting questions to supplement to their knowledge of the Sharī'a. They had full liberty to do that. As a matter of fact, the Prophet commended the Anṣār-women for their forthwith enquiries about religious affairs<sup>4</sup>. In the realm of Sharī'a, therefore, the practice and Sunna of the Prophet was the living guide to the Ṣaḥāba who would follow their great master minutely and meticulously so that the knowledge of the Sharī'a became directly transmitted to them. The result was that the Sunna remained mostly a general directive, performatory in character and

1. Al-Qur'ān: II: 108; V: 101, 102.
2. Dārimī: Musnad, vol.I, Dār al-Fikr, Cairo, 1978 A.D., p.51.
3. Al-Qur'ān: II: 189, 215, 217, 219, 220, 222; V:4; VII:187; VIII:1; XVII:85; XVIII: 83; XX:105; XXXIII:20; LI:12; LXXIX:42.
4. Muslim: Al-Jāmi' al-Sahih, vol.1, Delhi, 1376 A.H., published by Kutub Khana-i-Rashidia, Delhi, p.150.; Abū Dāūd: Sunan, vol. I, 1985 A.D., published by Mukhtār & Co., Deoband, p.44; Ibn-i-Mājah: Sunan, 'Alimi Press, n.d., p.47; Muhammad b. Ismā'il al-Bukhārī: Al-Jāmi' al-Sahih, vol.I, 1405 A.H., published by Mukhtār & co. Deoband, p. 24.

interpreted by the early Muslims in different ways. People did not know the details of many a problem even in the lifetime of the Prophet<sup>1</sup>. Of course, the Prophet laid down certain regulations, but the fuqahā' and Mujtahids elaborated them with more details. Had the Prophet laid down specific and rigid rules for each problem once and for all—what was not possible for him in face of urgency of conducting the struggle for Islām—the coming generations would have been deprived of exercising reason and framing laws according to the exigencies of time. Moreover, the Prophet (Sm.) gave in writing to certain governors and Companions the regulations regarding Farā'id, Salāt, Zakāt, Diyāt, etc., and that some individual Ṣaḥāba had written documents as memorial to rituals and legal matters.<sup>2</sup> This is the most important period so far as the first two source of Fiqh the Qurān and the Hadīth are concerned.

#### Period - II (A.H. 10-40/A.D. 632-662)

The second period of the development of Fiqh entered with the death of the Holy Prophet (Sm.) in 632 A.D. when the spiritual and political governance of the Muslims devolved upon the Ṣaḥāba. So a new era commenced in the history of Fiqh. So long the Prophet was alive, he was the sole guide to the Muslims in all walks of their life. But the Prophet was no more, so the Qurānic revelations which used to direct the actions of the Muslims, whenever necessary, had now ceased for ever.

1. Abū Yūsuf: Kitāb al-Kharāj, Cairo, 1332 A. H., pp. 13-20, 25, 106.

2. (i). Dr. Muḥammad Ishāq: "Historical Survey of Fiqh and Muslim Jurisprudence" in Journal of the Asiatic Society of Pākistān, vol. VIII, No. 1, June, 1963 A.D., p. 28.

(ii) Ibn Sād: op.cit., vol. I, pp. 307, 327, 333, 345, 355.

Whatever the Prophet had left—the Qurān and the Sunna—had to be carefully studied and applied with intelligence<sup>1</sup>. The fresh facts and new circumstances arose for which apparently no express provisions were made in the Qurān and the Sunna especially as the affairs of the community became more complex with the growth of Islāmic empire. The Ṣaḥāba adhered to the Qurān and the Sunna of the Prophet. In the absence of anything there, the Ṣaḥāba had to guide themselves in the light of those usages of the community which had not been put aside by the Prophet. Those who were associated with him as his Companions and shared his Council must have known the policy of the Islāmic law and whether a particular rule or decision was in harmony with the principles as laid down in the Holy Qurān and Sunna<sup>2</sup>. Sometimes they exercised their own common sense and equity. There were occasions when, with the spirit of the Qurān in view, they adopted measures in some cases radically different from those of the Prophet. Their outlook was essentially dynamic and they were always prepared to solve a problem not only in the light of what the circumstances demanded, but also in the light of the spirit of the Qurān and the Sunna of the Prophet<sup>3</sup>. This period is marked by four

1. Khalīq Aḥmad Niẓāmī: Some Aspects of Religion and Politics, 'Aligarh, 1961 A.D., p. 35.
2. Muḥammad Ishāq: "Historical survey of Fiqh and Muslim Jurisprudence" in the Journal of the Asiatic Society of Pākistān, Dhaka, vol. VIII, No. I, June 1963, pp. 28-29.
3. Al-Jaṣṣāṣ, Abū Bakr al-Rāzī: Ahkām al-Qurān, Constantinople, 1325 A.H., vol. III, pp. 123-124; Ibn Saʿd: al-Ṭabaqāt al-kubrā, Beirut, 1957, vol. V, p. 350; Aḥmad Ḥasan: The early development of Islāmic Jurisprudence, Ripon printing press, Lāhore, Pākistān, 1970 A.D., pp. 118-121.

things:

- i) The close adherence to the ancient usages under the light of the Qur'ān and the Sunna of the Prophet,
- ii) The collection and the edition of the text of the Qur'ān, the final recension whereof took place in the Caliphate of 'Uthmān, the third Caliph. It is the Qur'ān-'Uthmān's edition, - which exists absolutely pure and without corruption to this day, and this may be called the authorised text,
- iii) The credit of 'Umar - the 2nd Caliph - that he could visualise the supreme importance of disseminating among the people tafaquh - legal thought - as envisaged in al-Kitāb and al-Sunna. To this end he deputed several jurist Ṣaḥāba to different Zones of the Caliphate, viz., 'Abd Allāh b. Mas'ūd (d. 32 A.H.) in al-'Irāq, Ma'qal b. Yāsar (d. 67 A.H.) and 'Ubāda b. al-Ṣāmit (d. 34.A.H.) in Syria and Hibbān b. Abī Jabala (d. 37 A.H.) in Egypt, etc. This timely step of 'Umar had far-reaching effect in producing a number of schools of Fiqh and Islāmic law in different parts of the Caliphate under the Ṣaḥāba and the Tābi'ūn, and
- iv) The administrative legislations began in this period. This led to adaptation of the laws and traditions of the conquered territories such as Persia and Rome, but the Islāmic law, according to Mahmassānī, remained basically un-influenced by them because of its divine origin<sup>1</sup>.

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1. S. Mahmassānī: Philosophy of Jurisprudence in Islām, (Falsafa al-Tashrī'ī fi al-Islām), Beirut, 1946, 2nd ed. 1952. English translation by F.J. Ziadeh (Beirut), Leiden, 1961, p. 145. Some writers have laid too much emphasis on the influence of Romano-Byzantine law on these systems. Maulānā Shiblī Nūmānī has criticised these exaggerated notions in his book-Sirat al-Nūmān, Delhi edition, 1893 A.D., pp. 119-125.

Period-III (40-200 A.H./662-822 A.D.)

It is the period of growth and development of different schools of Fiqh. This third period of Fiqh takes us from 40 A.H. to the third century of Hijra. It is still more important, because in this period the work of collecting the traditions of the Prophet was vigorously undertaken and out of the lot, the collections of Bukhārī and Muslim came to be recognized as authoritative<sup>1</sup>.

During the earlier part of this period i.e. in the first century of the Hijra, hundreds of schools of Jurisprudence appeared, but few could crystallize into definite systems<sup>2</sup>. "Some five hundred schools of Jurisprudence" writes Mez, "are said to have disappeared at or about the beginning of the 3rd/9th century<sup>3</sup>". Four schools of Fiqh, however, stand out prominently in the history of Islām, the Ḥanafite, the Mālikite, the Shāfiīte and the Ḥanbalite.

After being deputed by 'Umar the Second Caliph, 'Abd Allāh b. Masūd trained pupils for a long time in Hadīth and Fiqh at Kūfa in 'Irāq. Of his disciples the names of 'Alqama b. Qays al-Nakhāī (d. 62 A.H.) and Aswad b. Yazīd al-Nakhāī (d.75 A.H.) are best known. 'Alqama occupied the professorial seat and at his death Aswad succeeded him. On Aswad's death the Mantle of teacher fell on Ibrāhīm al-Nakhāī (d. 95 A.H.) who was known as the "Jurist of al-'Irāq". It was Ḥammād b. Abū Sulaymān

1. 'Abd al-Raḥīm: op.cit., pp. 20,30-31; A.A.A. Fyzee: op.cit., p. 33.

2. Khaliq Ahmad Niẓāmī: op.cit., pp. 35-36.

3. Adam Mez: The Renaissance of Islām, London, 1937, p. 212.

(d. 120 A.H.), a disciple of Ibrāhīm al-Nakhāī, who was the teacher of Imām Abū Ḥanīfa Númān b. Thābit (d. 150 A.H.). This was how the School of al-'Irāq came into being, which also bore rich heritage of Caliph 'Alī in the sphere of fatawā, legal decisions and qaḍāyā, Case-laws. The jurists of this school of Fiqh were called ahl al-rāy, the upholders of private judgement. This is called the Ḥanafī school named after Imām Abū Ḥanīfa (80/699-150/766). This is the oldest and supposedly the most liberal of the four schools. Imām Abū Ḥanīfa was fully alive to the new demands on religion as a consequence of the expansion of Muslim political power. His chief instruments in establishing his system of Fiqh were opinion and analogy. He started with the Qurānic text and developed from it further details. He employed Qiyās more because the science of Hadīth had not developed fully by that time, and no recognized collections were available. In essentials, his system does not differ from the others. He also insisted upon the right of preference (Istiḥsān), which necessitated a careful study of actual conditions in legal thinking<sup>1</sup>. Imām Abū Ḥanīfa believed in a careful study of actual conditions and an intelligent application of the Qurānic spirit to solve new problems. Consequently, his school is considered "as the most tolerant school of Islām"<sup>2</sup>, and "it possesses greater power of creative adaptation than any other school of Muhammadan Law." As a system of religio-judicial thought, Von Kremer considers it to be "the highest and the loftiest achievement

1. Muḥammad Ishāq: op.cit., p. 30; A.A.A. Fyze: op.cit., pp. 33-34; Khaliq Ahmad Nizami: op.cit., p. 36.

2. Hitti : History of the Arabs, 6th edition, London, 1958 A.D., pp. 397-398.

of which Islām was capable"<sup>1</sup>. Qāḍī Abū Yūsuf and Imām Muḥammad al-Shaybānī, both jurists of the first rank were the disciples of Imām Abū Ḥanīfa.

Side by side with the school of al-'Irāq, there developed another school at al-Medina under the leadership of such eminent jurist-companions as 'Umar, 'Uthmān, Ibn 'Umar, Zaid b. Thābit, Ibn 'Abbās and 'Āisha . Among their numerous disciples, Sāid b. al-Musayyib (d. 93 A.H.), Sālīm b. 'Abd Allāh b. 'Umar (d. 106 A.H.) 'Urwa b. al-Zubair (d.94 A.H.) and Khārija b. Zaid b. Thābit (d. 100 A.H.) became famous as fuqahā, jurists of al-Medina. Then came Ibn Shihāb al-Zuhri (d. 124 A.H.), the great jurist-traditionist whose disciple Mālik b. Anas (d.179 A.H.) became the exponent of Medina/Hejāz school of the upholder of Apostolic traditions. The Kūfa school of Imām Abū Ḥanīfa is to be distinguished from this Medina school of Mālik b. Anas (97/715-179/795), which did not place much reliance on Qiyās and gave more emphasis on Ijmā' and practice of Medina having more tendency to Islamise in line with the ideal citizens of Medina and was guided by systematic reasoning with practical expediency<sup>2</sup>. His chief book, the Mu'aṭṭā, which contains about three hundred traditions, is really a corpus uirius, not a corpus traditionum<sup>3</sup>, and is the oldest corpus of Sunnite law

1. Von Kremer: Culturgeschichte, vol. I, p. 497, cf. Hitti: op.cit., p. 398. A full but uncritical account of the life of Abū Ḥanīfa will be found in Shiblī Nūmānī's Sīrat al-Nūmān, (Urdū), Delhi edition, 1893 A.D., Azamgaḍh edition, 1936 A. D.

2. Schacht: Encyclopaedia of Islām, vol. III, p. 205.

3. MacDonald: Development of Muslim Theology, Jurisprudence and Constitutional Theory, London, 1903, p. 78.

extant and is of the interest because it forms a link between the Fiqh literature of earlier days and the Hadīth collections of later times<sup>1</sup>. According to Schacht, Mālik's tendency to consistent systematic reasoning is secondary to his dependence on prevalent usage by tradition. His reasoning is inspired by material considerations, by practical expediency, and by the tendency to Islamise<sup>2</sup>. He introduced the doctrine of Istidlāl and the doctrine of Istiṣlāh<sup>3</sup>. The Medinese school of jurisprudence criticised the 'Irāqian School. The conflict between them was "essentially the controversy between the deductive and inductive methods in legal research"<sup>4</sup>.

Between the liberal 'Irāq and the conservative Medina, there arose the third School, which we have to consider as the school of Imām Shāfi'ī (150/767-204/820). He was a pupil of Imām Mālik and of Imām Muḥammad al-Shaybānī, the pupil of Imām Abū Ḥanīfa. Modern critics place Imām Shāfi'ī very high as a jurist; he is one of the greatest jurists of Islām, and the creator of the classical theory of Islāmic jurisprudence. Shāfi'ī is generally regarded as the founder of the science of Uṣūl-i-Fiqh; and he perfected the doctrine of Ijmā'. Imām Shāfi'ī may be described as an eclectic who acted as an

1. 'Abd al-Raḥīm: op.cit., p. 28; A.A.A. Fyze: op.cit., p.34.
2. Schacht: Encyclopaedia of Islām, vol. III (rev.ed.) Ḥanafīyya, p. 142; The traditional account of his life will be found in Ḥayāt-i-Mālik by Sayyid Sulaymān Nadavī, 3rd edition, Aḏamgaḏh, India, 1940 A.D.
3. 'Abd al-Raḥīm: op.cit., pp. 164, 167; N.J. Coulson: op.cit., p. 92.
4. Dr. Md. Iqbal: Reconstruction of Religious Thoughts in Islām, Lāhore, 1930 A.D., p. 177.

intermediary between independent legal investigation and the traditionism of his time. In his 'Risāla' he investigated the principles and the methods of jurisprudence. His famous Book 'Kitāb al-Umm' is a positive contribution towards the development of Muslim jurisprudence<sup>1</sup>.

Imām Aḥmad b. Ḥanbal (164/780-241/855), the founder of the fourth important school, was originally the pupil of Imām Shāfiī. He strictly adhered to the principle of following the Hadīth literally and rejected the attitude of ahl-al-ray and opposed the extension of Ijmā' and Qiyās. His school represents the attitude of extreme orthodox intransigence. He was a man of very saintly character and more of a traditionist than a faqīh. Ṭabarī, the historian refused to recognize him as a faqīh and considered him to be nothing more than a mere muhaddith. Goldziher doubts whether he can be said to have founded a new school of Fiqh, but he is undoubtedly recognized as an Imām by the Sunnites.<sup>2</sup>

It must not be supposed that these were the only Imāms of the Fiqh. There were others too who attained the rank of Imām or Mujtahid, but whose schools did not survive; such as

1. Heffening: Encyclopaedia of Islām, vol. IV, p. 253; Ḥāfiẓ Muḥammad Naīm Nadavī Ṣiddīqī: "Imām Shāfiī awr Unkī Khidmāt"; Maārif, Aẓamgaḥ, India, January and February, 1968 A.D., pp. 25-40 and 98-110 respectively. Imām Shāfiī's Risāla has been translated into English by M. Khaddūrī, Baltimore, 1961. A. D.
2. Goldziher: Encyclopaedia of Islām, vol. I, p. 188, 'Hanabila'; E. Laoust: Encyclopaedia of Islām, vol. III, (rev.ed.), p. 158.

al-Ḥasan al-Baṣrī (d.110 A.H.) had school at al-Baṣra, al-Auzā'ī (d.157 A.H.) in Syria, Sufyān al-Thaurī (d.161 A.H.) at al-Kūfa, Layth b. Sa'd (d. 175 A.H.) in Egypt. The jurist-traditionists like Sufyān b. 'Uyaina (d. 198 A.H.), Ishāq b. Rahwaih (d. 237 A.H.), Abū Thaur (d. 140 A.H.), and Dā'ūd al-Zāhirī (d. 270 A.H.) had their respective schools. All of these schools of law evolved distinct methodology of Ijtihād and had followers in different lands<sup>1</sup>.

The Ḥanafī has its followers all over the world. The followers of this school are constituting more than one third of the Muslims including vast majority of Muslims in Syria, Lebanon, Egypt, Afgānistān, Pākistān, India, Banglādesh, Turkey and China<sup>2</sup>.

The Shāfi'īs are to be found on the coast-line of Arabia and India, In South Arabia, Lower Egypt, East Africa and South-East Asia. For instance, the Koknis of Bombay, the Moplahs (Mapillahs) of Malabar, the Moors of Ceylon and the Arabs in Java are all Shāfi'īs<sup>3</sup>.

The Moors of Spain belonged to the Mālikī School. North Africa, the Maghrib and West Africa are wholly of Mālikī persuasion<sup>4</sup>. We have no Mālikīs in India and Bangladesh<sup>5</sup>.

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1. Muḥammad Ishāq: op.cit., p. 31; Schacht: op.cit., p. 288; Aghnides: Mohammedan Theories of Finance, with an Introduction to Mohammedan law and a Bibliography, New York, 1916 A.D., p. 133.
  2. 'Abd al-Raḥīm: Muhammadian jurisprudence, London-Madrās, 1911 A. D., p. 27; A.A.A. Fyzee: Outlines of Muhammadan Law, 4th ed., Delhi, 1974 A.D., p. 35.
  3. 'Abd al-Raḥīm : op.cit., p. 29; A.A.A. Fyzee: op.cit., p. 35.
  4. 'Abd al-Raḥīm: op.cit., p. 27; A.A.A. Fyzee: op.cit., p. 35.
  5. A.A.A. Fyzee: op.cit., p. 36.

The school of Aḥmad b. Ḥanbal consists only of a few followers, and those only in certain parts of Arabia<sup>1</sup>. The followers of Ibn Saūd are Ḥanbalis; but except in the centre of Arabia, the Ḥanbalis are **no-where** else to be found.<sup>2</sup>

In short, in this third period application of analogy and reason in the interpretation and administration of Islāmic law which was approved by the Prophet himself gathered momentum and this was systematized and made more scientific and deductive in nature. The individual reasoning (Ray) took the shape of Ijtihād and greater number of traditions were being accepted as authoritative and the door of Ijtihād was more and more widened to carry them to the extreme, even sometimes to queer results. Besides the founders of the four schools of Fiqh, there were also others in this period who attained the rank of Imām or Mujtahid, namely, Dā'ūd b. 'Alī al-Zāhiri, Sufyān al-Thaury and Abū Thaur.

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1. 'Abd al-Rahīm: op.cit., p. 29.
  2. A.A.A. Fyzee: op.cit., p.35; Encyclopaedia of Islām, vol. II, p.104. Regarding the distribution of the schools see Schacht: Esquisse, Paris, 1953 A.D., pp. 57 sqq.; F. Rahmān: Islām, London, 1966 A.D., gives the total number of Muslims as 600 m. but the usual count is as follows: 384 m. Sunnites, 40 m. Shiites, 1 m. Kharijites. (Revue, de l'Academic Arabe de Damas, 1967 A.D., vol. XLII, p.196.)

Period - IV (201-1302 A.H./823-1924 A.D.)

It is known as period of Ijtihād and Taqlīd. This fourth period is not only long and varied, but also one of general decadence. It extends from the third century of Hijra to the abolition of the Sultanate or to the abolition of Caliphate by the Turkish Republic, for, after the abolition of Caliphate Sunnite Islām had no generally recognized head. Therefore, we may be said to be living since then in the fifth period wherein great inroads have been made by the secular law (qānūn) into the domain of the Shariā law in all Muslim countries. This tendency, it is submitted, is likely to increase, until ultimately the law will largely be secularized<sup>1</sup>.

After the four recognized schools had been founded, the later schools applied themselves to the methods, laid down by the founders and developed each system in a particular manner. No attempt was made to go to the main sources. Even no individual jurist was ever afterwards recognized as having the same rank as the founder himself. On the one hand the doctrine of taqlīd came into prominence; on the other hand, the limits of Ijtihād, the power of independent interpretation of law and ahkām were greatly restricted. This was contrary even to the attitude of the founders of the Schools.<sup>2</sup> None of them ever claimed the

1. Anderson and J. Coulson: op.cit., pp.37 sqq; M. Mujeeb: The Indian Muslims, London, 1967 A.D., p. 37.
2. The Abbāsīd Caliph Manṣūr, in another report, Hārūn al-Rashīd wanted the Mu'atta of Imām Mālik to be nailed on the walls of Kāba and every one forced to act upon it. The Imām objected to it and said that his was not the final word. There was room for further interpretation.

finality which the later generations assigned to them. The earlier Jurists had greater powers; the later ones could not cross the barrier and were classified as of lower and lower rank. The classification of the Fuqahā' of this period is very elaborate, seven different grades are recognized, beginning from the Imāms as founders down to the Muftī<sup>1</sup>. Practically, in every case the later Fuqahā' were considered lower in grade; until, a period came when, as a reaction to the hair-splitting research and their queer results, the exercise of independent judgement-Ijtihād was totally forbidden. This is known as the closure of the door of Ijtihād during the fourth/tenth century<sup>2</sup>. Text books were profusely written on the different aspects of Fiqh and Uṣūl al-fiqh, but no attempt was made to go to the roots of Islāmic Law. The decisions of the old masters were classified under special rubrics and neatly collected in manuals. For instance, the Hidāya of Imām Abū al-Ḥasan Burhān al-Dīn 'Alī Abū Bakr of Murghīnān and the Kanz al-Daqā'iq of Maulānā Abū al-Barakāt 'Abd Allāh Nasafī are the two most outstanding works of this kind.

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1. N.P. Aghnides: Introduction to Mohammedan law (in Mohammedan Theories of Finance), New York, 1916 A. D., pp. 121-123; 'Abd al-Rahīm: op.cit., pp. 168, 182 sqq.
  2. Joseph Schacht: Esquisse, Paris, 1953 A.D., pp. 63 sqq.; Origins of Muhammadan jurisprudence, Oxford, 1959 A.D., p.116; Law in the Middle East, vol. I, p. 73.

Period - V (1302 A.H./1924 A.D. - the present day)

The fifth period commences with the abolition of the Caliphate or Sultanate. It is known as the period of quasi - Ijtihād. Though for convenience of division the historians earmark the abolition of Caliphate or Sultanate as the beginning of the fifth period, this period of quasi-Ijtihād actually began, as a reaction of the closure of the door of Ijtihād and resulting Taqlīd, as early as in the beginning of 1900 A.D., when Muḥammad 'Abduh, the famous Egyptian Jurist, advocated for the reinterpretation of the Qurānic revelations as a basis for modern legal reforms. Iqbāl in his 'Reconstruction of Religious Thoughts in Islām' also asserted the same rights of the present generation of Muslims<sup>1</sup>. There was a universal awakening of the Muslims to reconstruct the Islāmic values in the context of the present needs of the people, keeping in view their socio-economic conditions, so that sharī'a does not become a mere moral code and loses its juristic sanction. Thus, with the changing of time, Islāmic law all over the world must now be considered in a different light, juristically<sup>2</sup>. This was materialised first in the Syrian law of personal status in 1953, then fully by the Tunisian law of personal status in 1957 A. D. and Algerian ordinance of 1959 A. D., by the Moroccan code of 1958 and by the 'Irāqī law of personal status, 1959 A.D. and lastly by the Muslim Family laws Ordinance in Pakistan in 1961, now in

1. N.J. Coulson: A History of Islāmic Law: Edinburgh, 1964 A.D., pp. 202-217.
2. M.K. Nawāz: "A Re-examination of some Basic Concepts of Islamic law and Jurisprudence" in the Indian year book of International Affairs, Madrās, 1963 A.D., p. 205.

Banglādesh also, with the difference that in the other countries polygamy has been either prohibited (Tunisia) or restricted to a point of prohibition, but in Pākistān and Banglādesh it was neither prohibited nor restricted in such a manner but only certain conditions were imposed upon the husband indulging in it<sup>1</sup>. (Muslim Family Law Ordinance, Sec.-6.).

In this regard we must now consider the doctrines of Ijtihād and Taqlīd. Ijtihād literally means "exerting one's self to the utmost degree to attain an object"; and technically, 'exerting one's self to form an opinion in a case or as to a rule of law'<sup>2</sup>. Fiqh was not a corpus of legislative activity but a science developed by Ijtihādī thought. Hence, the considered opinion of individual specialists often becomes parts of the law and Fiqh. In his polemics and discussions Imām Shāfiī, while acknowledging and depending the Sunna of the Prophet, expresses himself solidly against the unthinking and unquestioning acceptance of the opinions of men<sup>3</sup>. In the early days of Islām many individuals were known as mujtahids. But this power was cut down by the parallel doctrine of taqlīd. Taqlīd literally means imitation. Technically it means

1. N.J. Coulson: op.cit., pp. 205, 212-214; A.A.A. Fyzee: op.cit., p. 481, Appendix-E.
2. Encyclopaedia of Islām, vol. II, p. 448; 'Abd al-Rahīm: op.cit., p. 168; Imām Shāfiī: Kitāb al-Umm, Cairo, 1325 A.H., vol. VII, pp. 203-204; N.J. Coulson: op.cit., pp. 182, 202.
3. Joseph Schacht: op.cit., p. 6; for Imām Shāfiī's classical precept to Muzani against blindly following himself or anyone else, see Shāfiī's Kitāb al-Umm, vol. I, op.cit., p. 1.

following the opinion of another person without knowledge of the authority for such opinion<sup>1</sup>. A Muslim had to follow the law; every man in the street could not be learned in the rules of Shari'ā; being ignorant, he was asked to follow the opinion of those who knew better. Those who knew better were denied independence of judgement in any vital matter. Hence the circle of taqlīd<sup>2</sup>. Moreover, this attitude of taqlīd was, in part, due to a fear of rationalism and analytic thought. Free thought was muzzled lest it may endanger the solidarity of Islāmic society. From the 13th century there is a tendency amongst the legists of Islām for over-organisation by a false reverence for the past. Professor Gibb observes: "Its very lack of flexibility contributed to those results (Unifying force in Islāmic culture) by preventing divergences and disintegration into purely local systems"<sup>3</sup>.

Fiqh has since then remained in a petrified state and has not marched with the times. There were, however, men like Imām Ibn-i-Taimyyah (d. 1328 A.H.), Ibn Daqīq al-ʿĪd (d. 1302 A.H.), Suyūṭī (d. 1505 A.H.), Juwainī (d. 1085 A.H.) and others who rebelled against the finality and insisted upon

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1. 'Abd al-Raḥīm: op.cit., p. 171.
  2. All mankind is under taqlīf, which means the obligation to follow the aḥkām of Allāh. Hence, every man being sane and adult is a mukallaf, a person on whom an obligation rests, and Allāh is the Mukallif, one who casts the obligation of obedience upon mankind.
  3. H.A.R. Gibb: Mohammedanism, Home University Library, London, 1951 A.D., p. 106.

freedom of Ijtihād. Their thought, no doubt, exercised tremendous influence in their respective areas of activity, but it could not give a new orientation and a forward pull to the Muslim juristic activity and could not crystalize into a movement<sup>1</sup>.

There is nothing, in the eye of Islām, to force the principle of blind imitation on the Muslim<sup>2</sup>. In fact, it is only due to political and other causes that they still consider themselves bound by older views, while the letter of the law allows them liberty to develop their system of jurisprudence. Therefore, to say that legally no one can have the rank of mujtahid at present is wrong; the practical difficulty, however, is that, these days there is no chance of anybody being recognised as such. Unless a bold step is taken, as suggested by that Islāmic thinker Dr. Md. Iqbāl, in his "Reconstruction of Religious Thoughts in Islām" the Sharī'a will remain a fossil<sup>3</sup>. He suggests that the principles of Ijmā' should be applied and that the power of Ijtihād should reside not in one individual, but in a body of learned Muslim scholars of advanced views, who may interpret the law so that it falls in line, as far as possible, with modern legal and social ideas. We are of the opinion that Ijtihād should be exercised by the competent Muslim scholars in

1. Khalīq Aḥmad Nizāmī: op.cit., p. 39.

2. 'Abd al-Raḥīm: op.cit., p. 173; Joseph Schacht: Esquisse, Paris, 1953, pp. 63 sqq.; S. Mahmassani: op.cit., pp. 92 sqq.

3. Dr. Md. Iqbāl: Reconstruction of Religious Thoughts in Islām, Lāhore, 1930 A.D., pp. 242-244.

co-operation with the Government so that it can be enacted into legislation; otherwise it would remain purely theoretical and the conflict between the scholars and the Government will continue, because Ijmā' establishes itself only gradually and almost imperceptibly with the passage of time; so there should be some precise and formal machinery to ascertain the agreement on the immediate questions<sup>1</sup>.

What was then the law administered, in the law courts by the Qādīs? The law courts enforced just the law contained in these manuals. No Qādī could think of going back to the primary sources of law. If the Qādīs or muftīs anywhere exercised their individual judgement it was only in regard to secondary points where the editors of the school compendiums did not agree and even in that case an attempt at reconciliation was all that they made. The decisions of the muftīs (i.e. fatwās) based on earlier authorities were often collected together and thus a large number of books on fatwā came into being<sup>2</sup>.

So far as the attitude of Muslim governments towards Qādīs was concerned, they gave them perfect freedom in civil and personal matters concerning marriage, inheritance, waqf, etc., but in regard to the administrative matters they sought to

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1. Ahmad Hasan: op.cit., p. 223; A.A.A. Fyze: op.cit., p. 38.

2. Khaliq Ahmad Nizami: op.cit., p. 39.

restrict the jurisdiction of the Qādīs<sup>1</sup>. If the Fatāwā collections of the middle ages are scrutinized as a whole it would appear that while innumerable problems relating to civil, personal and religious matters have been discussed in details, there is hardly any reference to political or administrative problems. In administrative matters the Muslim governments were guided, not by the Sharī'a laws, but by what Baranī calls, the Dawābit<sup>2</sup>, i.e., the secular regulations framed by the rulers in the light of the exigencies of the time. It is, however, notable that while Imām Ghazālī admitted that the acts of the secular administration were valid in view of the circumstances of the time<sup>3</sup>, Ibn-i-Khaldūn rejected the validity of this secular legislation, declaring it to be concerned only with this world, fleeting and vain, whereas the laws of the Sharī'a are designed to secure man's welfare both here and hereafter<sup>4</sup>.

1. In the 10th century A.H. a Jewish Rabbi wrote about Egypt: "They have two kinds of justice, the one Sharī and the other Urī. The Sharī justice is in the hands of the chief Qādī, who decides what is the religious law, the prince being charged to carry out his decisions, while the urī justice is entrusted to the prince of the country who may put a man to death by Urī even if it be contrary to the religious law and without the knowledge of the chief Qādī". (Levy: The social structure of Islām, p. 262. For reference see also Goldziher: Zahiriten, p. 205).
2. Fatāwā-i-Jahāndārī, Maqrizī writes: "People are in our day, and have been ever since the beginning of the Turkish regime in Egypt and Syria, under the impression that laws are of two kinds, the first that of Sharī'a and the second that of siyāsa". (Khiṭaṭ, vol. II, Būlāq, 1270 A.H., p. 220.
3. Ghazālī: Iqtisād fī al-Itiqād, Cairo, 1327 A.H., pp. 98 sqq.
4. Ibn Khaldūn: Prolegomenes, ed. Quatremere, vol. I, p. 342, as cited by Levy in the Social Structure of Islām, p. 259.

CHAPTER III

FUQAHĀ' OF BENGAL

### CHAPTER III

#### FUQAHĀ' OF BENGAL

We have seen in the introductory chapter that the 'Ulamā' of Bengal engaged themselves in maintaining madrasas and teaching the people. Fiqh constituted an important subject of study in the curriculum of madrasas and all who became 'Ālim' read and mastered themselves over Fiqh. Moreover, Fiqh was a subject of study which helped the 'Ulamā' to teach the general people in day to day practice of Islāmic way of life. So the 'Ulamā' paid special attention to reading, comprehending and mastering over Fiqh. The point, we would like to stress here is that all who belonged to the group of 'Ulamā', also studied Fiqh and may be termed as Faqīh, varying, however, in the degree of their acquisition of knowledge on Fiqh.

In the Muslim period, the study of Fiqh played an important part. Many of the officers of the Muslim government, both in the Sultanate and the Mughal period, were learned in the law. For example, the offices of Qāḍī, Muftī, Ṣadr, Ṣadr al-Ṣudūr, Shaikh al-Islām, etc., were filled by men of great learning, particularly in the science of Fiqh. This pre-eminent position of the 'Ulamā' and Fuqahā' continued until a few years after the establishment of the British rule. So, it may be said that there were a large number of Fuqahā' in the country in the Pre-British period and the early years of the British period. Of these great number of Fuqahā', all did not write books and so names of many of them have been lost in

obscurity. Some of the Fuqahā' are known to us as being great Sūfīs but their erudition and role as Fuqahā' have been forgotten. For example, Shaikh Jalāl al-dīn Tabrīzī, Shaikh Nūr Qutb 'Ālam, etc., are known to us as great sūfīs, but they were also great Fuqahā'. Even many books also have been lost due to ravages of time and inclement weather of the country, so that names of many of those who wrote books have also been lost. In our search for Fuqahā' and books on Fiqh in Bengal, we have come across the names of some eminent Fuqahā' of the early Muslim period, but unfortunately their writings have not survived. In some cases we have been able to trace only the names of authors and the titles of their books but the books have not survived. In this chapter we propose to discuss about both these categories. Those whose books have been available and examined have been discussed in the next chapter.

The names of many Fuqahā' are available in the standard books viz., Maulānā Rahmān 'Alī's Tadhkira-i-'Ulamā'-i-Hind, Sayyid 'Abd al-Hayy's Nuzha al-Khawātir, and Muhammad Ishāq Bhattī's Fuqahā'-i-Hind<sup>1</sup> and Fuqahā'-i-Pāk O'Hind. In these books names of Fuqahā' of Bengal have also been listed<sup>2</sup>, but no details about them or their works are found. So we propose to list names of

1. Maulānā Rahmān 'Alī: Tadhkira-i-'Ulamā'-i-Hind. 1st edition, Newal Kishore, Lucknow, 1894 A.D., 2nd edition, 1914 A.D., Urdu edition, ed. by Muhammad Ayūb Qādirī, Karāchī, 1961 A.D. The Maulānā composed this book in 1887-91 A.D.; Sayyid 'Abd al-Hayy: Nuzha al-Khawātir, in 8 vols., 2nd edition, Hyderabad, (1962-1979 A.D.), 8th volume, 1st edition, Karāchī, 1976 A.D.; Muhammad Ishāq Bhattī: Fuqahā'-i-Hind, in 5 vols., published by Idāra-i-Thaqāfāt-i-Islāmiya, Lahore, 1st edition, Lahore, 1974-81 A.D.; and Fuqahā'-i-Pāk O'Hind, in 2 parts, published by Idāra-i-Thaqāfāt-i-Islāmiya, Lahore, 1st edition, Lahore, 1982-82 A.D.

2. The lists are given in the Appendix Nos. I, II and III respectively.

these Fuqahā' in this chapter with whatever additional information is available. The lists are given in the appendices Nos. I, II and III.

1. Maulānā Ṣamsām al-dīn Farghānī<sup>1</sup>: He was a contemporary of Muḥammad Bakhtyār Khaljī, the first conqueror of Bengal. Qādī Minhāj-i-Sirāj, the author of the Ṭabaqāt-i-Nāsiri met him when he came to Bengal during the years 640-42 A.H. (1242-44 A.D.). From his name it appears that he came from Farghāna in Central Asia.
2. Shaikh Niẓām al-dīn Farghānī: He was the brother of Maulānā Ṣamsām al-dīn Farghānī. Both the brothers settled in Lakhnautī.
3. Qādī Rukn al-dīn Samarqandī: He was a Qādī in the time of Sultān 'Alā' al-dīn 'Alī Mardān Khaljī (1210-1213 A.D.). Qādī Rukn al-dīn converted to Islām one Bhojar Brahmin, a Yogī of Kamrup and translated into Persian and later into Arabic, a sanskrit book entitled Amritkund, presented to him by the yogī. The translated book was entitled Baḥr al-Ḥayāt or Ḥaud al-Ḥayāt. The circumstances leading to the conversion of the yogī is stated as follows<sup>2</sup>:
 

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  1. In the Lāhore edition and Raverty's English translation of the Ṭabaqāt-i-Nāsiri, his name is Muṭamad al-Daula. Minhāj-i-Sirāj became his guest in 642 A.H. and collected his information about the history of Bakhtyār Khaljī from him. Muṭamad al-Daula (or Ṣamsām al-dīn) was then residing at a place in between Deokot and Bekanawah. (Raverty: Ṭabakāt-i-Nāsiri, vol. I, p. 565).
  2. Journal of the Pakistan Historical Society, vol. 1, part I, 1953 A.D., pp. 46 sqq.

"There was in Hind an authentic book well-known among the philosophers and learned men named Amritkund, i.e. 'the cistern of Nectar'. When the Muslims conquered cities of Hind and the banner of Islām was flown there, the news reached Kamrup, the extreme territory of Hind where lived its learned men and philosophers; and one of them came out to hold discussions with the learned divines of Islām. His name was Bhojar Brahmin, the Yogī, meaning in Arabic an ascetic. He reached Lakhnauti in Bengal during the regime of Sultān 'Alī Mardān, entered the mosque on Friday and enquired about the Muslim divines. The people pointed out to him the abode of the Qāzī Ruknuddīn of Samarqand. The Yogī asked him, who is your prophet? Muḥammad, (peace be on him) is the Apostle of God' was the reply. The yogī then asked, 'is he the same Prophet who said about the soul 'it is by order of my Lord'. 'Yes' you are right', the Qāzī affirmed. The Yogī then declared, we have found this Prophet in the Scripture of Brahmin' or two Abrahāms (i.e. Abrahām and Moses). Thereafter, the Yogī embraced Islām and learnt Islamic sciences to such an extent that the Muslim divines permitted him to pronounce legal decisions. The Yogī then presented this book to the Qāzī (God's mercy on him) who admired it and practised the science of Yoga so much so that he reached the Yogī's stage. Then he translated the book into Persian and from Persian into Arabic."

About Qāḍī Rukn al-dīn Samarqandī Dr. A. Karīm writes;<sup>1</sup>

"Qāzī Rukn-ud-dīn Muḥammad Samarqandī is identified with Qāzī Rukn-ud-dīn Abū Ḥāmid Muḥammad bin Muḥammad al-'Amidī of Samarqand who was a famous Ḥanafī jurist and a sūfī. He was a distinguished Muslim theologian and was the author of Kitāb-ul-Irshād. He was also the founder of the science of al-khilāfī wal-jadl (dialectics). He died at Bukhārā on the 9th Jamādī II, 615 A.H./1218 A.D."

4. Qāḍī Minhāj-i-Sirāj: He is the great historian and the author of the Ṭabaqāt-i-Nāṣirī. He held the post of Qāḍī in the Delhi Sultanate. He came to Bengal during the viceroyalty of Tughral Tughān Khān during the years 640-642 A.H./1242-1244 A.D. He did not settle in Bengal<sup>2</sup>.

1. Dr. A. Karīm: Social History of the Muslims in Bengal (down to A.D. 1538), 2nd edition, Chittagong, 1985 A.D. p. 96.

2. Raverty: Ṭabakāt-i-Nāṣirī, vol. II, pp. 736-742.

5. Qāḍī Jalāl al-dīn Kāshānī : He also came to Bengal during the time when Qāḍī Minhāj was there. In 641 A.D. Mālik Tughral Tughān Khān, the governor of Bengal suffered a defeat at the hands of the king of Orissa. Tughān Khān implored for assistance from the Sultān of Delhi. 'Alā' al-dīn Masūd Shāh, the Sultān of Delhi sent to his assistance Mālik Tamar Khān Qirān, the governor of Awadh, and also sent Qāḍī Jalāl al-dīn Kāshānī with robes of honour for the Bengal ruler<sup>1</sup>. The Qāḍī was a learned divine. It is, however, not known whether he settled in Bengal.
6. Shaikh Jalāl al-dīn Tabrīzī<sup>2</sup> : He was a great saint and probably came to Bengal in the reign of Sultān Shams al-dīn Iltutmish. He was a contemporary of Shaikh Quth al-dīn Bakhtyār Kākī of Delhi and Shaikh Bahā' al-dīn Zakariyā of Multān. He settled in Bengal and is probably lying buried at Deotala 'urf Tabrīzābād, about fifteen miles north of Panduā. His dargāh at Panduā is known as Bārī dargāh or Bais Hazārī dargāh. It is visited by hundreds of devotees every year.
7. Maulānā Taqī al-dīn 'Arabī : The word 'Arabī suggests that he was an 'Arab and came from 'Arabia to Bengal. He opened a madrasa at Māhīsūn identified with Māhī-Santosh of Minhāj, situated in modern Rajshahi district. Māhīsūn became a prominent Muslim cultural centre during the early

1. Raverty : Tabakāt-i-Nāṣirī, vol. II, p. 739.

2. For his life-sketch see, Dr. A. Karīm : Social History of the Muslims in Bengal, 2nd edition, pp. 123-129.

period of Muslim rule in Bengal. Muḥammad Shirān Khaljī, one of the lieutenants of Bakhtyār Khaljī retired to Māhīsūn being chased by Qutb al-dīn Aibak's general. Since then Māhīsūn came to prominence. It is known from a letter of Shaikh Sayyid Ashraf Jahāngīr Simnānī that some early Sūfīs of the Suhrawardia order are lying buried at Māhīsūn<sup>1</sup>. Shaikh Yahyā Manerī (father of Shaikh Sharaf al-dīn Yahyā Manerī) was a student of the Maulānā. Nothing more is known about him.

8. The next great Faqīh in Bengal was Shaikh Sharaf al-dīn Abū Tawwāmah who came to Sunārgāon<sup>2</sup> towards the end of the 13th century A. D.<sup>3</sup>. He was a Ḥanafī Faqīh and a Muḥaddith of great reputation and was well-versed in Chemistry, natural sciences and Magic. He was born in Bukhārā and was educated in Khurāsān. One of his disciples, whose name is not known, wrote a book on Fiqh entitled Nām-i-Haqq.<sup>4</sup>
9. Qāḍī Nāsir Muḥammad : An inscription of Sultān Rukn al-dīn Kaikāūs (1291-1300 A.D.) discovered from Triveni, refers to one Qāḍī Nāsir who spent money out of his own funds

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1. Bengal : Past and Present, vol. LXVII, No. 130, 1948 A.D., pp. 35-36.
2. Shāh Shu'āib : Manāqib al-Asfiya, extract printed at the end of Maktūbāt-i-Ṣādī, p. 339.
3. About the date of his arrival in Sunārgāon, see Dr. A. Karīm: Social History of the Muslims in Bengal (down to 1538 A.D.), 2nd edition, pp. 97-100.
4. See infra, chapter IV, Section II, pp. 148-153.

"for education for the sake of Allāh, so that the Merciful (Allāh) may be pleased through his munificence with every student. From his private money he grants subsistence to servants (meaning teachers) for the teaching of the Muslim law, besides providing them with carpets". Qādī Nāṣir Muḥammad must have occupied the post of Qādī in the Muslim kingdom of Lakhnautī, though his name is not available in any other source. The inscription referred to above is dated 1298 A.D. and the inscription also refers to Zafar Khān Ghāzī, the first conqueror of Triveni for the Muslim ruler. It appears, therefore that Qādī Nāṣir Muḥammad was also a Qādī in the reign of Sultān Rukn-al-dīn Kaikāūs. The Qādī must have been a colleague of Zafar Khān.

10. Shaikh Sharaf al-dīn Yahyā Manerī: He was the son of Shaikh Yahyā Manerī of Bihār. While very young, he came to Sonārgāon with Shaikh Sharaf al-dīn Abū Tawwāmah and studied in the madrasa founded by the latter. He was therefore a student and later a murīd of Sharaf al-dīn Abū Tawwāmah and studied under him at Sonārgāon. But he did not settle in Bengal, rather went back to his homeland, Maner in Bihār. He studied at Sunārgāon under Maulānā Abū Tawwāmah for twelve years, and married a daughter of his teacher. Though he settled in Bihār, the Sultān of Bengal, Sikandar Shāh is known to have been in correspondance with him and received instructions and guidance from him<sup>2</sup>.

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1. Shams-ud-dīn Ahmed: Inscriptions of Bengal, vol. IV, Rājshāhī, 1960 A.D., pp. 18-20.
  2. Dr. A. Karīm: Social History of the Muslims in Bengal, (down to A.D. 1538) 2nd edition, Chittagong, 1985 A.D., p. 129.

11. Shaikh Akhī Sirāj al-dīn 'Uthmān : He was a disciple and Khalīfa of Shaikh Niẓām al-dīn Auliya', and came to Bengal at the order of his Pīr. Shaikh Akhī was originally from Bengal but went to Delhi to receive spiritual training. After obtaining Khilāfat he came back to his homeland and settled there<sup>1</sup>. Shaikh 'Alā' al-Huq was his Chief Khalīfa . He died in 1357 A.D., and is lying buried at Guad. He is popularly known as Purānā Pīr (Old Pīr) or Pīrān-i-Pīr (Pīr of Pīrs)<sup>2</sup>. It seems that Purānā Pīr is more appropriate, because Pīrān-i-Pīr is a high title applied to Ḥadrat 'Abd al-Qādir Jilānī.
12. Shaikh 'Alā' al-Huq : He was the son of Shaikh Asād of Lāhore, but settled in Bengal. He claimed to be a Quraishī Hāshimī and traced his origin from Khālid bin Walīd. He was a disciple of Shaikh Akhī Sirāj al-dīn who was a disciple of Shaikh Niẓām al-dīn Auliya'. 'Alā' al-Huq was a great saint and left a line of Sūfīs in Bengal through his son and Khalīfa Shaikh Nūr Quṭb 'Ālam and another Khalīfa Shaikh Sayyid Ashraf Jahāngīr Simnānī. Shaikh 'Alā' al-Huq is lying buried at Pandūā beside the tomb of his more illustrious son Shaikh Nūr Quṭb 'Ālam. The Dargāh is known as Shash Hazārī or Choti Dargāh<sup>3</sup>.

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1. Shaikh 'Abd al-Huq Dehlavī: Akhbār al-Akhyār fī Asrār al-Abrār, (Urdū tr.) pp. 86-87.
2. Dr. A. Karīm: op.cit., pp. 133-34.
3. Details about him is available in Shaikh 'Abd al-Huq Dehlavī: op.cit., pp. 142-43.

13. Shaikh Nūr Quṭb 'Ālam was a great 'Ālim and Faqīh<sup>1</sup>. He was the son and spiritual successor of his father Shaikh 'Alā' al-Ḥuq. According to the Riyād al-Salāṭīn, he was a fellow-student of Sulṭān Ghiyāth al-dīn Aẓam Shāh and a student of Qādī Hamīd al-dīn Kunjānashīn<sup>2</sup>. Shaikh Nūr Quṭb 'Ālam was the guardian-saint of Panduā when Rājā Ganesh assumed sovereignty after over-throwing the Ilyās Shāhī rulers. Shaikh Nūr Quṭb 'Ālam interfered in the politics during this time, and it is due to his exertions that Muslim rule was restored in Bengal<sup>3</sup>. Shaikh Nūr Quṭb 'Ālam was a great saint. It is said that in order to practise the virtue of humility, he used to do all sorts of lowly works, such as washing of clothes of wanderers and musāfirs who came to his father's Khānqāh, carrying fuel and water, keeping water constantly hot for ablution during winter days. It is not known whether he wrote any book, but he often advised the contemporary reigning Sulṭān Ghiyāth al-dīn Aẓam Shāh on religious matters. The date of the death of Shaikh Nūr Quṭb 'Ālam is a subject of controversy. The date varies from 808 A.H./1405 A.D., 813 A.H./ 1410 A.D., 851 A.H./ 1447 A.D. and 818 A.H./ 1415 A.D. This last date is generally accepted now<sup>4</sup>

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1. Muḥammad Ishāq Bhattī: Fuqahā-i-Hind, vol.II, Lāhore, Ist edition, 1975 A.D., p. 135.
  2. Riyād al-Salāṭīn: Tr. 'Abdus Salām, pp. 112-114.
  3. For details see, Ibid.
  4. Dr.A.Karīm: op.cit., p. 138.

14. Shaikh Mīr Sayyid Ashraf Jahāngīr Simnānī : He was a disciple of Shaikh 'Alā' al-Huq of Panduā. He stayed for some years in Bengal, but returned to Jaunpūr where he died and is lying buried at Kachūchah Sharīf<sup>1</sup>. He is known to have written the following books all appertaining to Fiqh<sup>2</sup>:

- i) Tālīqāt 'alā Hidāya al-Fiqh wa al-Uṣūl,
- ii) Mukhtaṣar fī Uṣūl al-Fiqh,
- iii) Al-Fatāwā al-Ashrafia ,
- iv) Mir'at al-Haqāiq wa Kanz al-Daqāiq,
- v) Risāla fī jawāz simā' al-Ghinā.

It is unfortunate that the books have not been available to us.

15. Shaikh Husām al-dīn Mānikpūrī : Shaikh Husām al-dīn Mānikpūrī, was a disciple of Shaikh Nūr Qutb 'Ālam. He stayed at Panduā at the Khānqāh of his murshid for several years. He did not settle in Bengal, but went back after receiving Khilāfatnāmah and Ijāzatnāmah, from his murshid and settled in Mānikpūr and has been lying buried there<sup>3</sup>.
16. Qāḍī Sirāj al-dīn : He was a Qāḍī of Panduā during the reign of Sultān Ghiyāth al-dīn Azam Shāh (1392-1410 A.D.).

1. Dr.A.Karīm:op.cit., p. 139.

2. Ishāq Bhattī : Fuqahā-i-Hind, vol. II, Lāhore, 1975, pp. 138-55; 'Abd al-Hayy: Nuzha al-Khawātir, vol. III, 2nd edition, Hyderābād, 1968, p. 34.

3. Dr.A.Karīm:op.cit., p. 143.

Ghulām Husain Salīm in his Riyāḍ al-Salāṭīn has given a story stating how Qāḍī Sirāj al-dīn issued a summon to the Sultān asking the latter to appear before his court as a defendant in a case instituted against him (the Sultān) by a widow. It is said that while on a hunting exercise, the Sultān's arrow hit the son of the widow and killed him. So the widow preferred the appeal before the court of Qāḍī Sirāj al-dīn. The Sultān satisfied the widow and so the case was settled. After this the Sultān said to the Qāḍī that if he did not do justice on consideration of the Sultān's being involved, he (the Sultān) would have killed the Qāḍī with his sword. The Qāḍī brought out a stick from underneath his seat and said that if the Sultān did not obey his order, he (the Qāḍī) would have struck him (the Sultān) with that very stick. It appears, therefore, that the Qāḍī was free and independent in discharging his duties. It also demonstrates that the Muslim Sultāns of Bengal were respectful towards Islāmic Law<sup>1</sup>.

17. Sultān Shams al-dīn Yūsuf Shāh of Bengal (1474-1481 A.D.): He was also a great Faqīh. Firishta's assessment about him quoted earlier<sup>2</sup>, shows that the Sultān was so great a learned man that he used to decide the cases himself in which the Qāḍīs failed to arrive into a decision.

1. Riyāḍ al-Salāṭīn, tr. 'Abdus Salām, p. 108.

2. Supra, p. 20.

18. Muḥammad bin Yazdān Bakḥsh 'urf Khawajgi Shirwānī : He was a Muḥaddith and copied the Saḥīḥ al-Bukhārī for Sultān 'Alā' al-dīn Ḥusain Shāh in the capital city of Ikdala<sup>1</sup>.
19. Taqī al-dīn son of 'Ain al-dīn : He was a great officer under Sultān Nāṣir al-dīn Nuṣrat Shāh (1519-1532 A.D.). He was a تدوین الفقہ والمحدثین<sup>2</sup>. But unfortunately we do not know whether this people wrote any book on Fiqh.
20. Amīr Abū al-Ma'ālī : He was a great theologian and died in Bengal in 1636 A. D. He is known to have written a book — Risāla -i-'Adālat in Persian<sup>3</sup>.
21. Shaikh Faḍl Allāh Purniyavī : He was a great 'Ālim and a Faqīh of his time. He was martyred in 1180 A. H. (1766 A. D.)<sup>4</sup>.
22. Shaikh Muḥammad Ṣāliḥ Bangālī : He was a great Ḥanafī scholar in Fiqh and other Islāmic sciences. Nothing more is known about him<sup>5</sup>. It is said he attained mastery over Fiqh, Uṣūl, Kalām and Mantīq.

1. Dr. A. Karīm: Social History of the Muslims in Bengal, 2nd edition, p. 103.
2. Supra, p. 21.
3. Raḥmān 'Alī : Tadhkira -i-'Ulamā'-i-Hind, Urdū edition, Karāchī, 1961 A.D., p. 560.
4. Ishāq Bhattī : Fuqahā'-i-Hind, vol. V, part-I, Lāhore, 1979 A.D., p. 320; 'Abd al-Ḥayy : Nazha al-Khawātir, vol. VI, 2nd edition, Hyderābād, 1978 A.D., p. 227.
5. Ishāq Bhattī : op.cit., vol. V, part-II, Lāhore, 1981 A.D., p. 190.; 'Abd al-Ḥayy : op.cit., p. 321.

23. Muḥammad Asad Allāh Bangālī : He was a teacher in the Lālbāgh Madrasa , Dhaka, in the 19th century. He died in 1850 A.D.<sup>1</sup> It is said he attained mastery over Fiqh, and Uṣūl al-Fiqh.
24. Qāḍī 'Abbās 'Alī : He held the charge of Dār al-Iftā' in Calcutta. He also became the Qāḍī of Calcutta and later became the Qāḍī al-Quḍāt of India. He wrote a commentary of Hidāya , a standard book in Fiqh. He died in 1220 A.H/ 1805 A.D.<sup>2</sup>
25. Muftī 'Abd al-Wadūd Madrāsī : He was born in Chaughari, District Bardwān, West Bengal. He received education at Calcutta Madrasa . Probably he served in some capacity in Madrās, for which he was called Madrāsī. He died in 1228 A. H./ 1813 A.D. in Calcutta.<sup>3</sup>
26. Muftī Khalīl al-dīn son of Qāḍī Najm al-dīn : He translated into Persian the chapter on Tazīrāt of Durr al-Mukhtār. He wrote this book at the instruction of Mr. Harrington, an English Official. The book was printed from Calcutta. He was born in 1814 A.D., and died in 1864 A.D.<sup>4</sup>
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1. Muḥammad Ishāq Bhattī: Fuqahā-i-Pāk Ō Hind, vol. I, Lāhore, 1982 A.D., p.117.
2. Ibid., Vol.II, p. 50.
3. 'Abd al-Hayy: Nuzha al-Khawāṭir, vol.VII, 2nd edition, Hyderābād, 1979 A.D., p.314; Muḥammad Ishāq Bhattī: op.cit., p.262.
4. Rahmān 'Alī: op.cit., p. 513.

27. Shaikh Hamīd al-dīn of Mangalkot : He was a great theologian and attained mastery over Fiqh. He settled in Mangalkot, Bardawān, West Bengal, India<sup>1</sup>.
28. Hakīm Māshā' Allāh of Murshidābād : He was contemporary of Allāh Wardī Khān, Nawāb of Bengal from 1740-1756 A.D. He was a Faqīh. Nothing more is known about him.<sup>2</sup>
29. Maulānā Fakhr al-dīn of Bardawān . He was a contemporary of Warren Hastings, the Governor General of India. It is said that he refused to grant an interview of Warren Hastings. He was a great theologian and a Faqīh.<sup>3</sup>
30. Mullā Muhammad Ashraf of Chātgam : He was a theologian. Nothing more is known about him.<sup>4</sup>
31. Muftī Muḥammad bin Diyā' al-dīn of Bardawān. He received education in the Calcutta Madrasa and was appointed a Maulvī in the Supreme Court of Calcutta. He was also appointed Head of the Dār-al-Iftā' in Calcutta. He edited a Persian translation of Hidāya in 1221 A.H./1809 A. D.<sup>5</sup>

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1. 'Abd al-Ḥayy : op.cit., vol. V, p. 140.  
 2. Ibid., vol. VI, p. 248.  
 3. Ibid., p. 224.  
 4. Ibid., p. 275.  
 5. Ibid., vol. VII, p. 427.

32. Maulānā 'Abd al-Qādir of Sylhet : He wrote the following two books:

- i) Al-Radd al-Māqūl 'Alā al-Nahj al-Maqbūl,
- ii) Al-Durr al-Azhar fī Sharḥ al-Fiqh al-Akbar.

From the titles it appears that the first deals with taqlīd and the second is a commentary of al-Fiqh al-Akbar attributed to Imām Abū Hanīfa .<sup>1</sup>

33. Maulānā Anwār Allāh Chātgamī : He was a Khaṭīb of the Shāhī Jāmi' masjid of Chittagong. Side by side he was also a teacher in a nearby madrasa . His father's name was Muḥammad Salīm. He visited Makka to perform ḥajj and he stayed there for some time and wrote a book in Arabic entitled Al-Shawāriq al-Makkia li-daf'Zulumāt al-Bid'iyya . The book was printed at Makka, but the book is not available here. The title of the book suggests that the book deals with bid'āt or innovations. The date of publication of this book is not known, nor it is known when he was a Khaṭīb and a teacher at Chittagong. It seems, however, that he flourished in the 19th century<sup>2</sup>.

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1. Rahmān 'Alī: op.cit., p. 314; 'Abd al-Ḥayy : Al-Thaqāfāt al-Islāmiya fī al-Hind, Urdū edition, Lucknow, 1969 A. D., pp. 322-323.
  2. 'Abd al-Ḥayy : Nuzha al-Khawāṭir, vol. VII, Hyderābād, 1979 A.D., p. 89.

34. Muftī Gadā Husain : He is said to be a great Muftī and flourished in Chittagong in the early 19th century. His house was situated near the Walī Khān Mosque, Chawkbāzār, Chittagong. Maulvī Hamīd Allāh Khān wrote much in praise of his piety and erudition<sup>1</sup>.
35. Maulānā ‘Abd al-Awwal : He was the son of Maulānā Karāmat ‘Alī Jaunpūrī. He was a great Faqīh and wrote several books on Fiqh, but unfortunately we have not been able to trace those books. He lies buried at Māniktalā, Calcutta<sup>2</sup>.
36. Maulānā ‘Abd al-Hakīm : Maulvī Hamīd Allāh Khān writes that he was a great ‘Alim and Faqīh and was an inhabitant of Bānskhālī. Nothing more is known about him.<sup>3</sup>
37. Qāḍī Dāniṣh : He was an inhabitant of Suluk Bahr to the east of Chawkbāzār, Chittagong. Maulvī Hamīd Allāh Khān writes about his erudition and says that he wrote the following books<sup>4</sup>:

- a) Tanbih al-Ghāfilīn,
- b) Hidāya al-Mūminīn.

Both the books are not available now. He lived in the beginning of the 19th century.

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1. Hamīd Allāh Khān: Aḥādīth al-Khawānīn, Calcutta, 1871 A.D., p. 184.
  2. ‘Abd al-Hayy: Nuzha al-Khawāṭir, vol. VIII, 1st edition, Karāchi, 1976 A.D., pp.211-213.
  3. Hamīd Allāh Khān: op.cit., p. 189.
  4. Ibid., p.220.

38. Maulvī Rahmat Allāh : Maulvī Rahmat Allāh lived in the 18th century, the exact date of his birth and death is not known. Maulvī Hamīd Allāh Khān in his Aḥādīth al-Khawānīn says that he was a great 'Ālim and established a madrasa at Paindong village, on the river Dhurang, in Fatikcharī Upazila, Chittagong district. At his instance and with his instruction, Shaikh Muṭṭalib, one of his students, wrote Kifāyatul Musallīn in Bengali.<sup>1</sup> Hamīd Allāh Khān's testimony about him has been quoted in a later chapter.<sup>2</sup>
39. Muftī Gharīb Allāh : Maulvī Hamīd Allāh Khān in his Aḥādīth al-Khawānīn refers to Muftī Gharīb Allāh as a great Faqīh. He was an inhabitant of Chittagong and lived in the 19th century.<sup>3</sup>
40. Maulānā Imām al-dīn Bangālī : He was an inhabitant of Sudhārām, in the District of Noākhālī. He was a great 'Ālim and Faqīh and was a murīd of Sayyid Aḥmad Shahīd Brelvī and took part in the latter's Jihād movement<sup>4</sup>. Maulānā Karāmat 'Alī received instruction from him. Unfortunately his writings have not survived. He died in 1857 A. D.

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1. This book has been discussed later, Infra, pp.210-216.  
 2. Infra, p.214.  
 3. Hamīd Allāh Khān: op.cit., p. 89.  
 4. 'Abd al-Ḥayy: Nuzha al-Khawāṭir, vol.VII, Hyderābād, 1979 A.D., p. 77.

41. Maulānā Nāzīr Ḥasan : He was originally from Deoband, but served in the Dhaka University and Dhaka Madrasa . He came to Dhaka in 1919 and died there at 1922 A.D. He wrote a book entitled Kashf al-Ghitā'an-Mas'ala al-Ribā. The book was written in Urdū on prohibition of interest. The book was printed from Dhaka, but unfortunately we could not get hold of the book<sup>1</sup>.
42. Maulānā Ḍamīr al-dīn : He was a vastly learned man in Fiqh and other Islāmic sciences. He was an inhabitant of Shuabīl, Fatikcharī, Chittagong. Later he settled at Hāthazārī since he was appointed as Ustād al-Fiqh; later he became Head Maulānā in the Hāthazārī Muīn al-Islām madrasa , and served that institution for long time. He was a Muftī and wrote Fatwās on various subjects. He put emphasis on the Qurān, Sunna and Fiqh and discard all rituals and ceremonies out-side the principles of the Qurān and Sunna as bidāt. He was a great Faqīh of his time. He was also the Khalīfa of Maulānā Rashīd Aḥmad of Gungūh, U.P. India and also the Murshid of Muftī 'Azīz al-Ḥuq, the founder of the Patiya Madrasa .<sup>2</sup> Unfortunately his writings have not come down to us. He died in 1359 A.H./1940 A.D. at the age of 63.<sup>3</sup>

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1. 'Abd al-Ḥayy: Nuzha al-Khawāṭir, vol. VIII, Karāchī, 1976 A.D., p.491.
  2. For a discussion about Muftī 'Azīz al-Ḥuq, see Infra, pp.127-29.
  3. Faiḍ Aḥmad: Tadhkira-i-Ḍamīr, 1st edition, Chittagong, 1377 A.H./1957 A.D.; Muhammad Shehābul Hudā: The Saints and Shrines of Chittagong, unpublished thesis, preserved in the Library of Chittagong University, pp.213-220.

CHAPTER IV

WORKS ON FIQH IN BENGAL

SECTION I  
WORKS IN ARABIC

## CHAPTER IV

### WORKS ON FIQH IN BENGAL

In this Chapter attempt has been made to record the books on Fiqh produced in Bengal in various languages like Arabic, Persian, Urdū and Bengali. It has already been mentioned in the foregoing Chapters that the 'Ulamā' of Bengal taught and wrote on Fiqh to meet the need of the Muslims of Bengal. We give below a chronological list of the works on Fiqh in different languages with a brief review.

#### SECTION I

##### WORKS IN ARABIC

1. Qāḍī Sirāj al-dīn Khān:

Qāḍī Sirāj al-dīn Khān wrote a book on Fiqh entitled Jāmi' al-Taẓīrāt min Kutub al-thiqāt<sup>1</sup>. The book was written in 1220 A.H./1805 A.D. in Calcutta when Henry Clerk and Herbert Harrington were judges there. Nothing about the author is known except that he was a Qāḍī in the service of the East India Company.

The author states that though the most important branch of Fiqh is that which deals with Hadd (Divine ordinance), Qiṣās (retaliation) and Taẓīr (Punishment of criminal offences),

1. 'Raḥmān 'Alī: Tadhkira-i-'Ulamā'-i-Hind, 1st edition, Newal Kishore, Lucknow, 1894, Urdū ed. by Muhammad Ayūb Qādirī, Pākistān Historical Society, Karāchī, 1961, p. 571; Muhammad Ayūb Qādirī (ed): 'Ilm O'Amal, vol. I, Karāchī, p. 144; Catalogue of the Arabic Manuscripts in the British Museum, vol. I, Alden Press, Oxford, 1st edition, 1879 A.D., reprint, 1966 A.D.

as it is the branch through which the life and property of a man are rendered safe and secure, yet there is not a single book dealing exclusively with these problems. Having felt the need for such a work, he, at the encouragement of Herbert Harrington, composed this work.

The book contains an introduction, seven chapters and a conclusion. In the introduction the author distinguishes between a Hadd and a Tázīr in the following ways:-

- i) Hadd is fixed by the Naṣṣ (explicit text), while Tázīr depends upon the will of the Imām or the Qāḍī.
- ii) Hadd cannot hold good when there is a doubt of the slightest degree, while Tázīr is established even if it is doubtful.
- iii) A minor is immune from Hadd, but not from Tázīr.
- iv) Hadd is common to both a Muslim and a non-Muslim, whereas Tázīr is applicable to a Muslim only.

Although the book was written entirely from the Muslim standpoint and strictly follows Fiqh, yet one cannot but notice the influence of the newly brought culture of the West in the book. The arrangement and treatment of the subject reveal it.

It is an interesting work and the author should be given credit for writing this book. It is a matter of regret that it has not been possible to ascertain how the book was received by the contemporary 'Ulamā'.

2. Muftī Ṭayyib Allāh Khān :

Muftī Ṭayyib Allāh Khān was born in 1208 A.H./1793 A.D. in the village Jahānpūr of Fatikcharī Upazila, Chittagong. His father's name was Gharīb Allāh Khān, who was a learned theologian and a Muftī himself. Ṭayyib Allāh Khān first obtained his education in Chittagong, but at the age of twenty-five went to Calcutta to receive higher education. While studying in Calcutta he read Musallam al-Thubūt of Maulānā Muḥibb Allāh Bihārī with his teacher Maulānā Najaf 'Alī. During his student-days he cherished eagerly the desire of writing a Sharḥ (Commentary) of Musallam al-Thubūt, but could not materialise it then. After completing his education in Calcutta, Ṭayyib Allāh returned to his village home and taught in the madrasas for six years. In the meantime, the first Burmese war started<sup>1</sup>. Colonel Thomas Robertson, Col. General of the British Army ordered Ṭayyib Allāh Khān to join war; so he stayed during war years at Būsīdong camp in Arākān and helped in war operations<sup>2</sup> and was engaged in the army for about 12 years. In reward of his services, Ṭayyib Allāh Khān was appointed Deputy Collector and served in this capacity for ten years. After retirement at the age of 55, the Maulānā paid attention to

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1. The First Burmese war took place in 1824-26, the Second in 1852, and the Third in 1885. (v. D. Mahajan: British rule in India and after, New Delhi, 1973, pp. 103, 168 and 218).
  2. The author does not say anything about his job-specification.

the writing of the book Kuwwārat al-Sannūt fī Sharḥ Musallam al-Thubūt. His elder brother Maulānā Bashīr Allāh and his son Muḥammad Walī Allāh encouraged him to write the book<sup>1</sup>.

The book Kuwwārat al-Sannūt fī Sharḥ Musallam al-Thubūt is in manuscript form, and is preserved in the Library of al-Jāmi'a al-Islāmiya, Patiya (former Ḍamīriya Qāsim al-'Ulūm Madrasa) bearing Catalogue No. 1273. It is a big volume of 784 folios, each folio is of the size of 9½" X 5½", the written portion being 6½" X 4". The manuscript is in the original hand-writing of Muftī Ṭayyib Allāh Khān. The writing is nastāliq. It seems that no other copy of the book was made.

A discussion about Musallam al-Thubūt and its author Muḥibb Allāh Bihārī may not be out of place here. Maulānā Muḥibb Allāh Bihārī was born at Kārah, a village in Bihār. So he was known as Bihārī. He received his education under Maulānā Qaṭb al-dīn Shamsābādī and others of great reputation. Muḥibb Allāh Bihārī was a contemporary of Aurangzib who appointed him Qāḍī of Lucknow and he died in 1119 A.H./1707 A.D. He wrote several books of which the present one was on Uṣūl al-Fiqh.

The Musallam al-Thubūt was written in 1109 A.H./1697 A.D. and it was so well received by scholars that it was honoured as a text-book in the madrasas and it is continuing as a text-book even today. The subject-matter of the book Musallam al-Thubūt is discussed below in the words of M.G. Zubaid Aḥmad<sup>2</sup>.

1. Vide Appendix No. IV.
2. M.G. Zubaid Aḥmad : The contribution of Indo-Pakistan to Arabic Literature, 2nd edition, Lahore, 1968, pp. 67-69.

"The book consists of an introduction, two main sections, one called Mabādī (data) and the other Maqāṣid (conclusions), and an appendix. The introduction contains discussions on the definition, scope and purpose of this science. The author defines it as a brief statement of the arguments and principles a theologian requires in order to work out the detailed arguments. For instance, says he, this science deals with such a principle as may guide us to infer from the verse 'Ātū al-Zakāt ( آتُوا الزكوة ), that Zakāt is incumbent and necessary. The difference between logic and Uṣūl al-Fiqh is this that the former is concerned with the mode of arguing and thinking and not with the truth, or otherwise, of the promises, while the latter aims at both the aspects. The four 'roots' for the deduction of laws, the Qur'ān, Sunna (the Prophet's sayings and doings), Ijmā' (consensus) and Qiyās (Analogy) are the subject-matter of this science. The purpose of Uṣūl al-Fiqh is to gain knowledge of religious injunctions.

"The section of Mabādī is divided into three divisions called Maqālas. The first Maqāla deals with logical problems, and so it may be regarded as a chapter on logic. The second Maqāla is again divided into four chapters. The first deals with Ḥākim, that is to say, the principal or final authority for good and bad. The author says that God is unanimously recognised to be the final authority; but according to the Ash'arites goodness and badness are religious judgements, that is, the action which has been ordered to be done by religion is good and that which is prohibited is bad. The Hanafites and Mū'tazilites, on the other hand, hold that goodness and badness exist in things themselves, independently of religious commands and prohibitions. He further discusses this problem in detail and points out the difference between Hanafites on the one hand, and the Mū'tazilites on the other.

"The second chapter of the second Maqāla deals with the nature of Hukm and its various kinds, such as Fard (obligatory), Wājib (incumbent), Mustahabb (approved), Mandūb (a thing the doing of which is more excellent than leaving it undone but which is allowable to leave undone), Jāiz (allowable), Makrūh (disapproved), and Harām (unlawful). The third chapter is devoted to a discussion on man's capability or incapability of religious responsibilities. The fourth contains discussion on religious obligations.

"The third Maqāla dwells on some subtle grammatical, philological and rhetorical topics which are essential for a thorough understanding of the language of the Islāmic scripture.

"The Maqāsid consists of four chapters called Uṣūl, dealing with the four 'roots' of the Islāmic deductions. The appendix dwells upon Ijtihād.

"It may be of interest to note that Amān Allāh Benār<sup>ḥ</sup>sī, an eminent scholar of the age, was a contemporary of Muḥibb Allāh. They used to hold polemic discussions with each other on Uṣūl al-Fiqh. We find that Muḥibb Allāh often refers to his rival in his book, in order to refute his way of thinking.

"The Musallam al-Thubūt as a text-book is highly appreciated not only in India but also in Egypt. The author was an expert in writing text-books, and several commentaries have been written upon them. But it is a matter of great regret that this way of writing text-books and commentaries has been harmful rather than useful to learning. Both these forms of literary composition were carried to extremes. The text-books are brief to obscurity or even worse, while the commentaries are tedious, lengthy and full of uncalled for and un-necessary matter, so that it is very difficult, even

for a serious student, to follow the main trend of thought. But we cannot blame Muhibb Allāh for this defect, for this way of writing text-books had been long established as the accepted fashion of the time and had been regarded as a laudable practice. His merit as a text-book writer should be judged from the standard of the time in which he lived and not from that of our time, in which text-books are written as lucidly and clearly as possible".

In his Sharḥ, Muftī Tayyib Allāh Khān explained difficult words and phrases in simple and lucid form of Arabic language. The problems discussed in the original book was also explained and simplified with annotations and further proofs.

3. Khān Bahādur 'Abd al-Karīm Khākī:

His name was 'Abd al-Karīm<sup>1</sup> and Khākī was his nom de plume, while he received the title of Khān Bahādur from the British Government. His father's name was 'Abd al-'Azīm. But he was popularly known as Gerānī Mia. He was born at Elāchīpūr of Manikganj, Dhaka.

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1. The life and works of Khān Bahādur 'Abd al-Karīm Khākī have been derived from A.B.M. Ḥabīb Allāh: Descriptive Catalogue of the Persian, Urdu and Arabic manuscripts, Dhaka University Library, vol.1, Dhaka, 1966, pp.135, 316, 350-353; vol.II, Dhaka, 1968, p.459; Raḥmān 'Alī Ṭaiṣh: Tawārīkh-i-Daḡga. 'Āra, Star of India Press, 1910, pp.211 sqq; Ḥakīm Ḥabīb al-Raḥmān: Thalāṭha Ghassāla, unpublished, preserved in Dhaka University Library, ff350 sqq; Muḥammad 'Abdullāh: Banglādesher Kheyātanama Arabībid, Dhaka, 1986, pp.43-49, Muḥammad 'Abdullāh: Banglādeshe Fārsī Sahitya, Dhaka, 1983, pp. 190-196.

Khān Bahādur 'Abd al-Karīm was a very learned man in religious sciences. But unfortunately we have not been able to ascertain the details of his educational career. He was first appointed a Maulvī in the Judge's Court of Mymensingh. When the post of Maulvī was abolished 'Abd al-Karīm Khākī was appointed Deputy Magistrate and Deputy Collector. In this capacity he worked in various districts, such as Rangpur, Faridpur and Malda. After retirement he performed the holy Hajj and passed the rest of his life in reading and writing. He was childless. He died towards the end of the 19th Century in Dhaka and lies buried in Daira Sharīf, 'Azīmpur, Dhaka.

Khān Bahādur 'Abd al-Karīm wrote a good number of books; such as 1. Jāmi' al-Rumūz. 2. Fawā'id-i-Khākia marūf ba-Khākī. 3. Risāla-i-Masā'il-i-Ḍarūria. 4. Chirāg-i-Īmān, Marūf ba-Fatwā-i-Sūd. 5. Fuwād al-Kalām, 6. Tanvīr al-Qulūb. 7. Rumūz al-Akhlāq. 8. Diwān-i-Khākī, 9. Miṣbāḥ al-Janān. 10. Tazkia al-Qulūb. 11. Mawāhib al-Murām fī Tafsīr al-Kalām.

Of these books, the first four deal with Fiqh, the first, i.e., Jāmi' al-Rumūz is in Arabic, the Second, i.e., Fawā'id-i-Khākia Marūf ba-Khākī is in Persian and the third and fourth, i.e., Risāla -i-Masā'il-i-Ḍarūria and Chirāg-i-Īmān Marūf ba Fatwā-i-Sūd are in Urdū<sup>1</sup>

1. The Books in Persian and Urdū have been discussed in later respective sections.

Jāmi' al-Rumūz :

The book consisting of 611 pages has been published from Newal Kishore Press, Lucknow, in 1291 A.H. (1874 A.D.). The book is an Arabic Sharḥ of Viqāya al-Riwāya, the famous Arabic works on Fiqh by 'Ubaid Allāh, Ṣadr al-Sharī'a. Khān Bahādur 'Abd al-Karīm explained the Subject-matter in simple and lucid Arabic language.

4. Maulānā Sayyid 'Abd al-Ḥayy :

Maulānā Sayyid 'Abd al-Ḥayy<sup>1</sup> was born in 1276 A.H./1859-60 A.D. in Mirzākḥīl village in the Sātkānia Upazila of Chittagong. His father's name was Maulānā Mukhlis al-Rahmān, (1229 A.H.-1302 A.H./ 1813 A.D.-1885 A.D.), the author of Sharḥ al-Ṣudūr Fī Daf' al-Shurūr, a book written in protest of Taqvia al-'Imān of Shāh Ismā'īl Shahīd, and a Fatwā Dar Bāb-i-Wajūb-i-Taqlīd bi-al-Tā'īn Yaki as 'Āimma - i-Arbā'a<sup>2</sup>. Maulānā 'Abd al-Ḥayy had an elder brother named Maulānā 'Abd al-Qayyūm, who was the Head Maulānā of Arabic and Persian in Hugli Collegiate School and Superintendent of Hugli Muslim Boarding. So Maulānā 'Abd al-Ḥayy came of a cultured and learned family.

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1. A four volume biography of Maulānā Sayyid 'Abd al-Ḥayy was written by Maulānā Ḥakīm Sayyid Sikandar Shāh (first Khalīfa of Maulānā 'Abd al-Ḥayy), edited by Maulānā Shāh 'Abd al-Qadīr and printed at Delhi, in 1354A.H./1935 A.D.
  2. Infra, pp. 158-160.

The boy 'Abd al-Ḥayy received his first lesson from his father under whose care he learnt the reading of the Holy Qurān. Then he was admitted to a village Maktab where he received his elementary education. After this he started reading books of higher standard under his father. He did not relish reading Arabic grammar, and so he became a little indifferent to education. As a result his father and other members of the family became annoyed. Young 'Abd al-Ḥayy was moved at the annoyance of his father and at the age of 15, with the consent of his mother, left home for Calcutta with a view to achieving higher education.

He studied at Calcutta for 3 years<sup>1</sup>. After that he went to Mirzāpūr, U.P., India, to study under Maulānā 'Abd al-Samī'. But he did not stay there; rather went to Lucknow where he began to study under the care of Maulānā Muḥammad 'Abd al-Ḥayy of Feringi Maḥal, Lucknow. After he completed four years at Lucknow, his father sent his elder brother (Maulānā 'Abd al-Qayyūm) to Lucknow to get him returned to his house for the purpose of his ('Abd al-Ḥayy's) marriage, which had already been arranged by his father. His marriage was solemnised at the age of 22 in 1245 Maghī (1883 A.D.) with Bahādura Khātūn, a daughter of Chowdhury

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1. Details about his education in Calcutta is not known.

Ikrām al-Ḥuq of Kālīpūr, Bañskhālī Upazila, Chittagong<sup>1</sup>. Soon after his marriage, he again left for Lucknow and engaged himself in studies. In 1302 A.H./ 1885 A.D. he again returned home on hearing about the death of his father. This time also he did not stay long, but went back to Lucknow after offering Fātiḥā in his father's grave. In 1304 A.H./1886 A.D. his teacher Maulānā 'Abd al-Ḥayy of Lucknow died<sup>2</sup>, so he went to Gunguh and studied Hadīth at the feet of Maulānā Rashīd Aḥmad Gunguhī (d. 1905 A.D.). He received Sanad and Ijāzat from Maulānā Rashīd Aḥmad Gunguhī.

After completing his studies, he started teaching at Feringi Maḥal, Lucknow, but later shifted to the Madrasa -i-Chashmah-i-Raḥmat, Ghāzīpūr, U.P., India. In this Madrasa he took the place of Maulānā Fārūq Aḥmad of Chariakūt, who retired as Head Maulānā in 1307 A.H./1889 A.D. After serving there for 6 years he resigned. During this period he went to Mecca to perform Hajj where he came in contact with Hājī Imdād Allāh, Muhājir-i-Makkī<sup>3</sup>. Maulānā 'Abd al-Ḥayy read Mathnavī of Maulānā Rūmī with him and received Khilāfat of

1. He married seven wives, the first and one more died in his life time, two were divorced by him and three survived him.
2. Maulānā 'Abd al-Ḥayy Lakhnavī died at the age of 40, in the year 1304 A.H./ 1886 A.D.
3. Maulānā Hājī Imdād Allāh was a resident of Thānabhane, in the district of Muzaffar Nagar, U.P., India. He took lead in the anti-English movement during the Sepoy Mutiny of 1857 and when the English government tried to seize him, he left for Makka and resided there. (Maulānā Raḥman 'Alī: Tadhkira-i-'Ulamā-i-Hind, Urdū translation by Muḥammad Ayūb Qādirī, Karāchī, 1961 A.D., p. 123).

Nizāmiya Tarīqa (Tarīqa of Shaikh Nizām al-dīn Auliya' ) from him. From this time onward he attained spiritual ascendancy and became prominent as a Ṣūfī and Pīr. After this he returned home and devoted himself to esoteric exercises for about 27 years. He died on 17 Dhī-al-Hijja, 1339 A.H. /22 August, 1921 A.D. He left a large number of murīds and followers.

Maulānā Sayyid 'Abd al-Ḥayy wrote a book entitled Taḥqīq al-Aḍābīr fī Simā' al-Mazāmīr. It is an Arabic manuscript containing only 47 folios, each folio is of the size of 9" x 5", the written portion being 6" x 4". The manuscript is in the original hand-writing of Maulānā Sayyid 'Abd al-Ḥayy. The writing is nastālīq. It seems that no other copy of the book was made, and it is now being preserved in his Khānqāh at Mirzākhīl darbār, i.e. in his village home. He stated that he wrote in Arabic because people sufficiently learned in Arabic, could comprehend the subject of his discussion.

As stated above the book deals with Simā'. The author first deals with and defines Simā' and then quotes from the Qur'an and the Hadīth to show that in some cases Simā' is Jāiz and Mubāh, in some cases Makrūh, while in other cases Ḥarām. His main point of argument is intent or intention of Simā'. If the Simā' is well-intentioned, i.e. if the Simā' is a part of the devotion to Allāh and His Prophet, then the Qur'an

and Hadīth do not prohibit it. Whatever that may be, in this book the depth of scholarship of the Maulānā is aptly proved. In this book the Maulānā also appears as a liberal critic and not a dogmatic one.

5. Maulānā 'Abd al-Latīf:

Maulānā 'Abd al-Latīf, one of the eminent theologians of the 20th century in Chittagong, was born in 1281 A.H./ 1862 A.D.<sup>1</sup> He belonged to a middle class Taluqdār family of Mīrsarai. His father 'Alīm al-dīn was a prominent lawyer of the then Mīrsarai civil court, and earned reputation and prominence by dint of affluence and intellect in the society. The name of Maulānā 'Abd al-Latīf's mother was Monijān who was a niece of Sūfī Nūr Muḥammad, a famous saint of Chittagong<sup>2</sup>. At the age of five, the boy 'Abd al-Latīf was sent to a local Maktab where he completed the reciting of the Holy Qurān and also read some primary books in Arabic and Persian. Then he was admitted into Maulānā Akram 'Alī's

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1. Sayyid 'Alī Aẓam : Latīf Charīf, Noākhālī, Noor Press, 1369 B.S./1962 A.D., pp.1-2.

2. Sayyid 'Alī Aẓam : Latīf Charīf, Noākhālī, 1369 B.S./1962 A.D. p.2; Sūfī Nūr Muḥammad was a Khalīfa of Sayyid Aḥmad Shāhid Brelvi and he took part in the Jihād movement undertaken by his murshid. Sūfī Nūr Muḥammad also joined in the battle of Bālākot but returned injured. He is lying buried at village Maliaish, also known as Mithānālā in Upazila Mīrsarai, Chittagong.

Madrassa near about his own village. After studying a few years in that Madrassa he proceeded to Chittagong city to receive higher education and got himself admitted into the 5th Class, in the Muhsinia Madrassa<sup>1</sup> and proved himself to be a meritorious student in the class, and earned reputation amongst his teachers. Later he left the Madrassa and proceeded to Calcutta 'Āliā Madrassa, but though admitted, he could not continue his studies due to sudden attack of small pox.<sup>2</sup> Therefore, he returned home and continued his studies again in the Muhsinia Madrassa<sup>3</sup>. After one year he returned to the Calcutta 'Āliā Madrassa and in due course passed the Fāḍil Examination with distinction obtaining a gold medal. The authorities further honoured him with a teaching appointment in the 'Āliā Madrassa. But he did not stay long at Calcutta<sup>4</sup>, rather came back to his home district and engaged himself as a temporary teacher in

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1. The Muhsinia Madrassa was the oldest Islāmic Institution in Chittagong established in 1874 out of the Muhsin fund. Later in the early 20th century the Madrassa was turned into a new scheme one and Intermediate Classes were also attached to it. At present it is named Muhsin College.
  2. Sayyid 'Alī Aẓam : Latīf Charīṭ, Noākhālī, Noor Press, 1369 B.S./ 1962 A.D., p.4.
  3. Sayyid 'Alī Aẓam : Latīf Charīṭ, Noākhālī, 1962 A.D., p.4.
  4. Ibid., pp.4-5., I could not ascertain the period of his stay at the Calcutta Madrassa as a teacher. Most probably his appointment was a temporary one, otherwise there was no point in leaving a metropolitan Madrassa for a district one.

the Muhsinia Madrasa, Chittagong. But Maulānā 'Abd al-Laṭīf was not content with his teaching job; his thirst for knowledge dragged him to north India, where, in Deoband, a great centre of Islāmic learning was developed. He enrolled himself as a student of the then India's versatile genius Ḥaḍrat Rashīd Aḥmad of Gungūh. Therefore, on the advice of his teacher the Maulānā entered the Dār al-'Ulūm of Deoband, where he spent a pretty long time to acquire knowledge in all branches of Islāmic learning. He attained so much proficiency that he was endowed with the title of Maulānā by the Deoband Madrasa <sup>1</sup>.

After return from Deoband the Maulānā himself established a Madrasa and after a few years while Mīrsarai Madrasa was founded, the Maulānā closed down his own Madrasa and did his best for the development of the other <sup>2</sup>. After establishment of the Madrasa, he undertook journey to different places for preaching religion and taking part in the national issues. <sup>3</sup> After completing a successful life the Maulānā died in 1939 A.D./1359 A.H. on the 16th Dhī al-Hijja.<sup>4</sup>

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1. Sayyid 'Alī Aẓam : Laṭīf Charit, Noākḥālī, 1962 A.D., p.9.
  2. This shows that he was a real 'Alim and was interested on disseminating Islāmic learning.
  3. Sayyid 'Alī Aẓam : Laṭīf Charit, p.9.
  4. Ibid., pp.84-85.

He left a large number of murīds and followers.

In all eight books of Maulānā 'Abd al-Laṭīf have come down to my hand; mostly these were originally written as Fatwās, but later published in book form. Of these eight books only two i.e. Ifāda al-Ṭullāb and a Fatwā on reading the khutba of Friday prayer in Languages other than Arabic, are in Arabic, another, i.e. Fatwā against the Qādiyānīs is in Persian and the rest are in Urdu. The Persian fatwā and the Urdu books have been discussed in chapters dealing with books in these languages.

i) Ifāda al-Ṭullāb : It was completed on Tuesday, 23rd Jumādī II, 1324 A.H./1906 A.D. and published in the following year from the Ḥasanī Press, Rāmpūr, India. The Book contains twenty pages. Originally the fatwā was written by one Maulvī 'Abd al-Qādir, a teacher in a local Madrasa, and sent it to Maulānā 'Abd al-Laṭīf for his opinion. The Maulānā found the composition as unacceptable to him, so he recast and rewrote the whole thing as to become a model of Fatwā to both the original author Maulvī 'Abd al-Qādir and the Maulānā's students. The problem dealt with in this Fatwā was : whether a maternal uncle can get his under-aged niece married in the presence of paternal uncle without permission of the latter. The Maulānā in his Fatwā opines that maternal uncle cannot do it and such marriages are illegal.

As stated, through this Fatwā the Maulānā taught his students and others the way how to write a Fatwā. The Fatwā shows that the Maulānā had great proficiency in Arabic language.

ii) Fatwā on reading the Khutba of Jumā prayer in languages other than Arabic :

The original Fatwā is not available and so its title is not known. Maulānā Muḥammad Nūr al-Ḥuq Laṭīfī in his Ishāat al-Maṭālib al-Laṭīfiya<sup>1</sup> refers briefly to this Fatwā<sup>2</sup>.

Later the Maulānā elaborated this Fatwā in an Urdu book entitled Ishāat al-Tālīm bi-ghair al-Arabia fī tardīd Karāhat al-Khutbāt al-Ghair al-Arabia. It is discussed in a later section dealing with Urdu books on Fiqh literature.

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1. 1st edition, Maṭba‘-i-Ḥamīdī, Rāmpūr, India, 1937 A.D., pp.3-4.

2. Appendix No. V.

6. Maulānā Muḥammad Ishāq Bardawānī :

Maulānā Muḥammad Ishāq Bardawānī<sup>1</sup> was born in 1283 A.H./1866 A.D. at village Kaithan in the district of Bardawan, West Bengal, India. His father Qādī Luṭf al-Hudā was a respectable man in his locality. Muḥammad Ishāq received his primary education in his village under Maulvī Mumtāz Husain. Then he went to Mangalkot (in Bardawan district) and studied Ḥadīth, Tafsīr, Fiqh and Arabic literature under Maulānā Mumayyiz al-Ḥuq Bardawānī. Then he went to Ārā in Bihār and received higher education in Islāmic sciences under the guidance of Maulānā Muḥammad Ḥanīf. After completing his education there, Muḥammad Ishāq went to Kānpūr and studied Ḥadīth from Ḥakīm al-Umma Maulānā Ashraf 'Alī Thānavī at the Jāmi' al-'Ulūm, Kānpūr and obtained Sanad (Certificate) in 1309 A.H./1891-92 A.D.

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1. The life and works of Maulānā Muḥammad Ishāq Bardawānī have been derived from 'Abd al-Sattār: Tārīkh-i-Madrassa-i-'Āliya, (Urdū), Dhāka, Young Press, 7, Kelāsh Ghush lane, 1959, pp.186-88; 'Abd al-Ḥayy: Nuzha al-Khawāṭir, vol.8, Karāchī, 1970, p.52; Ahmad Sāid: Bazm-i-Ashraf Ke Chand Chirāg, Lāhore, n.d. p.204; Sankshipta Islāmī Bishva Kosh, vol.I, Islāmīc Foundation Bangladesh, Dhāka, 1982, pp.209-10; Nūr Muḥammad Aẓamī : Ḥadīthar Tattva O Itihās, Imdādia Library, Dhaka, 1975, pp. 227,274; Muḥammad 'Abdullāh : Bangladesher Kheyātanāmā Arabībid, Dhaka, 1986, pp. 51-52.

Maulānā Ishāq was appointed a teacher in the Jāmi' al-'Ulūm, Kānpūr and he was also placed at the Head of Dār al-Iftā'. After retirement of Maulānā Ashraf 'Alī Thānavī from the post of Principal of the Jāmi' al-'Ulūm, the post was offered to Maulānā Ishāq Bardawānī, and the latter occupied the position for long fifteen years. During this time the Maulānā Committed the Holy Qurān to memory. Following an internal disturbance in the Madrasa, Maulānā Ishāq resigned the post in 1910 A.D. and came to Calcutta on being appointed a teacher in the Calcutta 'Āliya Madrasa. In 1919 A.D. he came to the Islāmic Intermediate College, Dhaka, on transfer as a lecturer of the College. He was next promoted to Professorship. While still there, he was entitled "Shams al-'Ulamā'" by the Government in 1926 A.D. During this year he performed Holy Ḥajj. In 1933 A.D. he retired from Government Service and joined the Dhaka University as a Professor of Arabic and Islāmic Studies, and continued in this post till his death in October, 1938 A.D. at the age of 73.

Maulānā Ishāq Bardawānī was a great Muḥaddith, a Mufassir and a Faqīh. He was a Khalīfa of Maulānā Ashraf 'Alī Thānavī and a saintly person. He was also a great writer. We have been able to collect the following books written by him :

1. Sahl al-Wuṣūl ilā 'Ilm al-Uṣūl, 2. Risāla Ahsan al-Nuzul li Aṣḥāb 'Urs al-Kul. 3. Al-Tanqīḥāt al-Saniyya fī Tahrīm al-Raqs wa al-Ghinā wa Sijda al-Taḥiyya, 4. Al-Ḥikma al-Bāligha fī Makārim al-Akhlāq wa al-Adab. 5. Al-Nūr al-Lāmi'; 6. Al-Lūlu' al-Maknūn bi al-Amthāl Allatī Tamaththala bihā al-Amīn wa al-Māmūn. Besides, he wrote a good number of Fatwā' while he was in the Jāmi' al-'Ulūm, Kānpūr, but these have not come down to us.

Of these books the first three deal with Fiqh. The first is in Arabic and the last two in Urdū language.

Sahl al-Wuṣūl ilā 'Ilm al-Uṣūl :

It was published by Qāḍī Ibrāhīm from Dhaka. This is a text book meant for the Intermediate Classes of the then Islāmic Intermediate Colleges under New Scheme education. The language is simple so that students could understand it without difficulty!

7. Maulānā Muftī 'Azīz al-Ḥuq:

Maulānā Muftī Shāh 'Azīz al-Ḥuq was born at Charkānai, Patiya Upazila, in the district of Chittagong in 1905 A.D. After having elementary education at home, he was educated at Kaigrām Madrasa and Jīrī Madrasa both of

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1. I have seen a copy of this book in possession of Dr. Serājul Ḥaque, Professor Emeritus, Dhaka University.

which are located under Patiya Police station. The late Maulānā ‘Abd al-Wadūd (d. 1968 A.D.) the Chief Muḥaddith of Jīrī Madrasa was impressed by his out-standing scholarship. Muftī Shāh ‘Azīz al-Ḥuq was under the able guardianship of the said Muḥaddith during his stay in the Madrasa. Finally he completed his education in different branches of Islāmic learning and Arabic literature at Mazāhir-i-‘Ulūm Madrasa, Sahāranpūr and Dār al-‘Ulūm, Deoband, U.P., India. For about six months he enjoyed the spiritual companionship of Ḥakīm al-Umma Maulānā Ashraf ‘Alī Thānavī<sup>1</sup> (d. 1943 A.D.). After completing his student career, ‘Azīz al-Ḥuq returned home in 1345 A. H./1926 A.D. and accepted a teaching job at Jīrī Madrasa. For about fifteen years he was not only the central figure at Jīrī Madrasa, but also his fame spread all over the country as a great Ṣūfī and a saintly person. His erudition in Fiqh earned him the title of Muftī and he used to discharge his duty as a Muftī at Jīrī Madrasa. He was also a poet of considerable merit. He wrote many poems in Arabic, Persian and Urdū. In 1353 A.H. he became a murīd of Shaikh Ḍamīr al-dīn Aḥmad<sup>2</sup> (d. 1359 A.H./ 1940 A.D.) who was a Khalīfa of late Maulānā Rashīd Aḥmad of Gungūh (d.1323 A.H./1905 A.D.) U.P., India. He later became a Khalīfa of his Murshid Shaikh Ḍamīr

1. Maulānā Ashraf ‘Alī Thānavī was a great scholar of Thānabhone of Muẓaffar Nagar in U.P., India. He was a great Muḥaddith, Faqīh and author of many books.

2. He was a Head Maulānā of Hāthazārī Muīn al-Islām Madrasa, Chittagong.

al-dīn Aḥmad.<sup>1</sup>

At the instance of his murshid Maulānā Ḍamīr al-dīn Aḥmad, Muftī 'Azīz al-Ḥuq established a Madrasa at Patiya namely "Ḍamīria Qāsīm al-'Ulūm" which is now known as "Al-Jāmi'a Al-Islāmia", Patiya, a great institution of Islāmic learning in Bangladesh. He died on Friday, the 15th Ramaḍān, 1380 A.H./1960 A.D. at the age of 57 and was buried near the Jāmi' Masjid of that Madrasa.

His role as a spiritual reformer is of great significance. Apart from his literary activities, he travelled widely to every nook and corner of Bangladesh and delivered innumerable sermons to help the Muslims in leading a true Islāmic life. He also established a publication department in the Al-Jāmi'a Al-Islāmia, Patiya, with a view to spreading the message of Islām.

Maulānā 'Azīz al-Ḥuq's great contribution to the study of Fiqh lies in his Ni'ma al-'Arūḍ Fī Naẓm al-Furūḍ

(نعم المرض في نظم الفروض)<sup>2</sup>. The book deals with the law of inheritance. This versified book contains one hundred twenty

1. Abū al-Faḍl 'Alī Aḥmad al-Khīlī : Ḥayāt-i-'Azīz, 1st edition, Chittagong, 1961 A.D.; Qāri Faiḍ Aḥmad : Tadhkira -i-Damīr. 1st ed. Chittagong, 1377 A.H./1957 A.D.; Maulānā 'Abd al-Ḥuq : Yād-i-'Azīz, 2nd ed., Chittagong, 1978 A.D.

I have also collected information about him from his friends and colleagues in the Jīrī Madrasa and also in the Patiya Madrasa where I had the honour to be an humble pupil of Maulānā Muftī Shāh 'Azīz al-Ḥuq.

For a discussion on Shaikh Ḍamīr al-dīn see Supra, p. 105.

2. 1st edition, Jayyid Barqī Press, Delhi, 1354 A.H./1935 A.D.

verses excluding Hamd and Ṣalāt which have (14 + 14) 28 verses. Both the quality of his poetry and lucid discussion of the subject-matter earned appreciation from a great Muftī like Maulānā Iẓāz 'Alī of Deoband<sup>1</sup>.

Those one hundred and twenty verses are divided as follows :

1. <u>Aḥkām al-Taraka</u>	3 verses
2. <u>Tartīb al-Waratha</u>	6 "
3. <u>Dhikr al-Mawāni'</u>	2 "
4. <u>Dhikr al-Sihām al-Muqaddara</u>	1 verse
5. <u>Dhikr Aṣḥāb al-Farā'id</u>	2 verses
6. <u>Aḥwāl al-Ab</u>	2 "
7. <u>Aḥwāl al-Jadd</u>	2 "
8. <u>Aḥwāl Awlād al-Umm</u>	2 "
9. <u>Aḥwāl al-Zauj</u>	1 verse
10. <u>Aḥwāl al-Zauja</u>	1 "
11. <u>Aḥwāl al-Jadda</u>	2 verses
12. <u>Aḥwāl Banat al-Sulb</u>	2 "
13. <u>Aḥkām Banat al-Ibn</u>	3 "
14. <u>Aḥwāl al-Ukht</u>	2 "
15. <u>Al-Akhawāt li-Ab</u>	2 "
16. <u>Aḥwāl al-Umm</u>	4 "
17. <u>Bayān al-Aṣabāt</u>	2 "
18. <u>Taqsim al-Aṣabāt</u>	9 "

1. In this connection the opinion of Maulānā Muftī Iẓāz 'Alī is worth mentioning :

حامدا ومصليا ومسلما اما بعد فقد طالعت هذه الرسالة الفريدة الفراء فلهي أحسن  
من مباحث الحسان ومتنزهات الجنان ولا بد لمن سلك مسلك الفرائض ان يحفظها فيها  
اختصارا مع زيادة الضوابط والمسائل المنفرعة عليها كأنها البحر في الكوز الا ان فيها ارتكاب  
بعض من الضرورات الشعرية ولا يحيد عن نظم القواعد العلمية في سلك الابيات  
اللهم فتنبئها قبولاً حسناً وانفع بها نفعاً عاجلاً كاملاً اللهم آمين  
محمد اعزاز علي (غفر له) امر وهي مقيدة دار العلوم بنو ١٣٥٢ روال ١٣٥٢ ١٣٥٢

19. <u>Bāb al-Ḥajab</u>	8 verses
20. <u>Bāb Makhārij al-Furūd</u>	3 "
21. <u>Bāb al-‘Aul</u>	3 "
22. <u>Mārifā al-Tamāthul wa gairihī</u>	5 "
23. <u>Bāb al-Taṣḥīḥ</u>	6 "
24. <u>Bāb al-Radd</u>	7 "
25. <u>Bāb al-Munāsakha</u>	8 "
26. <u>Bāb Dhawī al-Arḥām</u>	6 "
27. <u>Al-Ṣinf al-Awwal</u>	8 "
28. <u>Al-Ṣinf al-Thānī</u>	5 "
29. <u>Al-Ṣinf al-Thālith</u>	7 "
30. <u>Al-Ṣinf al-Rābi‘</u>	6 "

At the end, the author adds a chapter on Ashtāt al-Mufīda in which various subjects have been discussed. These are Muḥarramāt of women (i.e. those women with whom marriage is not allowed); Fard and Wājib of Ḥajj; payment of Ṣadaqāt and Dam on making errors in performing Ḥajj; stages in the nomenclature of camels ; classification of tigers and their names in Arabic, Persian and Urdū; classification of brass and copper; names of spaces in between two fingers; and permissibility of keeping different stages of hairs. An interesting feature of the book is that, the author has given explanations of the verses in Arabic so that it becomes easy to comprehend the meaning of the verses.

8. Muftī 'Amīm al-Iḥsān :

His original name was Muḥammad, but was better known as 'Amīm al-Iḥsān<sup>1</sup>. He comes of a Ḥusainī Sayyid family. He was born in the house of his maternal uncle on Monday, 22nd Muḥarram, 1329 A.H. (24th January, 1911 A.D.) in the village Pachna, district Mungher in Bihār. His mother was <sup>Sayyida</sup> Sājida daughter of Sayyid 'Abd al-Bārī. His grand-father Sayyid Nūr al-Ḥuq Qādirī was an inhabitant of Randhar of Mungher district. 'Amīm al-Iḥsān's father Sayyid 'Abd al-'Azīm Muḥammad 'Abd al-Mannān left Mungher and came to Calcutta where the family settled. At Calcutta Sayyid 'Abd al-'Azīm became a Murīd of Sayyid Barkat 'Alī Shāh Mujaddidī Bijwārī (d.1926 A.D.). Muftī 'Amīm al-Iḥsān got association of this holy saint in his boyhood. Later he also followed his father in becoming a Murīd of Sayyid Barkat 'Alī Mujaddidī.

'Amīm al-Iḥsān received his primary education from his parents and from his uncle Maulānā 'Abd al-Dayyān. In 1345 A.H./1926 A.D. he was admitted to the Calcutta Madrasa wherefrom he passed the 'Alim, Fādil and Title examinations. In 1933 A.D. he completed his education with distinction obtaining gold medal on the result of his final examination

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1. The life and works have been derived from 'Abd al-Sattār: Tārīkh-i-Madrasa-i-'Āliq, 1st ed., Dhaka, 1959, pp. 177-181; Nūr Muḥammad Azamī: Hadīth Tattva O Itihās, 2nd edition, Dhaka, 1975, pp. 318-319; Abū al-Qāsim Bhuiyan: Tahdhīb, 2nd year, 'special Qur'ān Sankhyā', 1981, pp. ka-jha; Muḥammad 'Abdullāh: Banglādesher Kheyātānāmā Arabībid, Dhaka, 1986, pp. 96-103.

and became a Mumtāz al-Muḥaddithīn. He came in contact with many learned Ulamā of various provinces of the then Indian Sub-Continent and studied with them on specialised subjects.

In 1353 A.H./1934 A.D. Muftī 'Amīm al-Iḥsān was appointed Pesh-Imām of the famous Nā-Khudā Masjid of Calcutta and was given charge of Dār al-Iftā' attached to the Masjid. Side by side he was also appointed a teacher in the Madrasa attached to the mosque. During this time he had the honour to become a colleague of Maulānā Abul Kalām 'Azād (for some time President of Indian Congress who died as Education Minister of India in 1958 A.D.) and Maulānā Husain Aḥmad Madanī, the famous leader of Indian Congress and the learned Muḥaddith of Dār al-'Ulūm, Deoband, India.

In 1937 A.D. 'Amīm al-Iḥsān was appointed Qāḍī (Marriage Register ?) of Central Calcutta, which post he held in addition to his other responsibilities. In 1940 A.D. he was elected President of the Anjuman-i-Qurrā-i-Bangālā. On 2nd July 1943 A.D. Muftī 'Amīm al-Iḥsān was appointed a teacher in Calcutta 'Ālia Madrasa and on partition of Bengal in 1947 A.D., when the Calcutta Madrasa was shifted to Dhaka, the Muftī also came along to Dhaka. In 1955 A.D., 'Amīm al-Iḥsān was appointed Head Maulānā of the Dhaka 'Ālia Madrasa and retired from the same post in 1969 A.D. In 1964 he was appointed Imām and Khaṭīb of Bait al-Mukarram mosque, Dhaka, which position he held till his death. He died on 10 Shawwāl, 1394 A.H. (27th October, 1974 A.D.) and is lying buried at Kalutola Mosque graveyard.

Muftī 'Amīn al-Ihsān wrote a good number of books and a large number of Fatwā. It is said that while in Calcutta he wrote not less than one lac Fatwā. Unfortunately most of his writings have not come down to us. His writings which could be found are as follows :

On Uṣūl al-Fiqh :

1. Qawā'id al-Fiqh, 2. Adab al-Muftī, 3. Lubb al-Uṣūl, 4. Mā lā Buddha li al-Faqīh, 5. Al-Tanvīh li al-Faqīh, 6. Tuhfa al-Barkatī li- Sharḥ Adab al-Muftī.

On Fiqh :

7. Fatāwā Barkatiya, in 20 vols, 8. Al-Iḥṣān min Nūr al-Īdāh, 9. Kitāb Mauqūt, 10. Al-Īdhān wa al-Tabshīr, 11. Al-Mushala, 12. Raf' al-Galgala, 13. Izhār-i-Ḥaqq, 14. Al-Ḥajj wa al-Ziyāra.

On Tafsīr :

15. Ithaf al-Ashraf bi Ḥāshiyā al-Kashshāf, 16. Al-Ihsān al-Sarī bi Tawḍīḥ Tafāsīr Ṣaḥīḥ al-Bukhārī.

On Uṣūl al-Tafsīr:

17. Al-Tanvīr.

On Ḥadīth :

18. Fiqh al-Sunan wa al-Āthār, 19. Manāhij al-Suādā, 20. Al-Arbā'in fī al-Ṣalāt 'alā al-Nabī,

21. Muqaddima -i-Sunan-i-Abū Dāūd, 22. Muqaddima -i-Marāsīl-i-Abī Dāūd.

On Uṣūl al-Hadīth :

23. Mīzān al-Akḥbār, 24. Hawāshī al-Sādī,  
25. Minna al-Bārī.

On Biography :

26. Awjaz al-Siyar,

On History of 'Ilm al-Fiqh and of 'Ilm al-Hadīth :

27. Tārīkh-i-'Ilm al-Fiqh, 28. Tārīkh-i-'Ilm al-Hadīth.

I could not lay my hands upon these books except Qawā'id al-Fiqh and Adab al-Muftī, both of which relate to Uṣūl al-Fiqh and were written in Arabic.

Qawā'id al-Fiqh :

It is an important work written in Arabic on Principles of Fiqh containing 560 pages. The book was published by the Madrasa -i-'Āliya publication department in 1961 A.D. from Zeeco Press, Lakshmi Bāzār, Dhaka.

Adab al-Muftī :

This small booklet containing only 22 pages deals with guidance to Muftī. The book deals with the qualifications of a Muftī and the way of writing a Fatwā. This book was also published from Zeeco Press, Lakshmi Bāzār, Dhaka.

9. Maulānā Muftī Faiḍ Allāh :

Maulānā Muftī Faiḍ Allāh<sup>1</sup> was born in 1310 A.H./ 1892 A.D. in village Mekhal, Upazila Hāthazārī, Chittagong. His father's name was Munshī Hidāyat 'Alī Chowdhury and mother's name was Raḥīm al-Nisā'. When he was two and a half years old, he lost his mother. At the age of seven he started education in the hands of Maulānā 'Abd al-Qādir of his own village. Maulānā 'Abd al-Qādir was a disciple of Maulānā Rashīd Ahmad of Gungūh, India. Later Faiḍ Allāh received his primary education under Maulvī Amīr 'Alī, a student of Hāthazārī Muīn al-Islām Madrasa and young Faiḍ Allāh was admitted into the same Madrasa at the age of ten in 1320 A.H. /1902 A.D. Faiḍ Allāh proved himself to be a brilliant student and completed his education at the same Madrasa in ten years' time. Thereafter, at the age of 20/21 he went to India and got himself admitted into the Dār al-'Ulūm, Deoband. There he stayed for two years and three months and acquired higher training in Islāmīc sciences. He would have stayed there for a longer period, but the sudden death of his father brought him back home. He had to shoulder the responsibility of his family consisting of his minor brothers and sisters.

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1. The life-sketch of Maulānā Muftī Faiḍ Allāh has been derived from Nūr Muḥammad Azamī: Hadīthar Tattva O Itihās, 2nd edition, Dhaka, 1975, p.351; Izhār al-Islām: Hayāt-i-Muftī-i-Azam, (Urdū), 1st edition, Chittagong, 1397 A.H.; Muḥammad Nūmān : Marthiya - i-Muftī-i-Azam, 1st edition, Chittagong, 1397 A.H.; Muḥammad 'Abdullāh: Banglādesher Kheyātanāmā Arabībid, 1st edition, Dhaka, 1986, pp. 165-173; Tahdhīb, Dhaka, October-Nov. 1976, p.73; Muḥammad 'Abdullāh : Banglādeshe Fārsī Sāhitya, 1st edition, Dhaka, 1983, pp.299-307.

After he came back home, he was invited to take charge of Head Maulvī in various madrasas, but he preferred to join his own alma mater, the Hāthazārī Muīn al-Islām Madrasa<sup>1</sup> where he would be able to remain under the guidance of his former teachers. He passed the rest of his life in this institution, teaching and doing research on Islāmīc subjects and retired at the prime age. After retirement also he taught students in his residence, but the number of such students rose so high that he was compelled to start a Madrasa there with the name of Madrasa -i- Hāmī al-Sunna. While he was still teaching there he died on Thursday, 11 Shawwāl, 1396 A.H./1976 A.D. He obtained Khilāfat and Ijāzat from his spiritual teacher Maulānā Saīd Ahmad Sandwīpī (Muhaddith Shāhib) at the age of forty and performed Hajj at the age of sixty.

Maulānā Muftī Faiḍ Allāh wrote a large number of books on various subjects including Fiqh. He wrote the following books while he was still a student in the Hāthazārī Madrasa. The books are lying in manuscript form.

1. He wrote in Arabic Al-Iqtisād while he was still a student of Hāthazārī Muīn al-Islām Madrasa. The book was a commentary of Bānat Suād of Kaāb bin Zuhair. It was written at the instruction of his teacher Maulānā Abd al-Hamīd (1870-1920 A.D.).

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1. Hāthazārī Muīn al-Islām Madrasa was founded in 1899 A.D. and was transferred to its present site in 1901 A.D.

2. He wrote a commentary in Arabic on 'Aks-i-Naqid, 'Aks-i-Mustavī, and Tanāquḍ, all chapters of Sullam al-'Ulūm of Maulānā Muhibb Allāh Bihārī.

The Maulānā also wrote in Persian 'Umda al-Aqwāl Fī-Radd Mā Fī Aḥsan al-Maqāl<sup>1</sup> while he was a student of Dār al-'Ulūm, Deoband, U.P., India.

After he completed his studies and started his teaching career he wrote more than fifty books and issued innumerable fatwās on different problems. Those which relate to Fiqh and collected by me are as follows :

ARABIC :

1. Injāh al-Hājāt, 2. Al-Falāh Fī Mā Yata'allaqu bi al-Nikāh, 3. Risāla -i-Darūd wa Qiyām, 4. Risāla -i-Hukm-i-'Āla-i-Mukabbir al-Saut, 5. Fatwā-i-Takrār al-Jamā'a fī Masjid al-Maḥalla, 6. Targhib al-Umma ilā Tahsīn al-Niyya, 7. Adīya Māthūra, 8. Fatwā Fī Intirām al-Masājid wa Rifāyati Hurmatihā wa 'Adābihā, 9. Aḥkām al-Dāwāt al-Murawwaja, 10. Izhār al-Ikhtilāl Fī Risāla al-Itidāl.

PERSIAN :

1. 'Umda al-Aqwāl fī Radd Mā fī Aḥsan al-Maqāl,
2. Rāfi' al-Ashkālāt, 3. Munkirāt al-Qubūr, 4. Al-Manzūmāt

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1. This book has been discussed in the next section.

al-Mukhtasara, 5. Irshād al-Umma ilā al-Tafriqa baina al-Sunna wa al-Bidā, 6. Hifz al-Īmān, 7. Hadya -i- Ramaḍān, 8. Rāh-i-Haqq, 9. Al-Faiṣala al-Jaliya li Ahkām al-Simā' wa Sijda al-Tahiyya, 10. Fatwā-i-Taṣarruf Namūdan dar Ashyā-i-Mauqūfa, 11. Daf' al-Ītisāf fī Ahkām al-Ītikāf, 12. Fatwā -i-Niyat Kardan ba Zubān-i-Arabī dar Namāz, 13. Fatwā-i-Naukarān-i-Kiṣhtī wa Jahāz Musāfir Hast yā Nist, 14. Ahkām al-Hajj, 15. Al-Kalām al-Fāṣil baina al-Haqq wa al-bāṭil, 16. Faḍāil wa Masāil-i-Qurbānī.<sup>1</sup>

URDU :

1. Izāla al-Khabṭ wa al-Haimān, 2. Daf' al-Wasāwis fī Auqāf al-Madāris<sup>2</sup>

ARABIC BOOKS :

1. Risāla -i-Darūd wa Qiyām : This is originally a fatwā written in 1345 A.H./1926 A.D. and published from 'Alīnī Press, Delhi, without bearing any date. This book deals with various forms of offering Darūd and their merits. He also put forward arguments against customary Darūd and Qiyām in Milād Sharīf and proved that it is Bidāt.

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1. Persian books have been discussed in the next section, (Section-II).
  2. This book has been discussed in a later section, (Section-III).

ii. Fatwā Karāhat Takrār al-Jamā'a fī Masjid al-Mahalla :

It was written in 1357 A.H./1938 A.D. and published from Kohinoor Electric Press, Chittagong. The Fatwā deals with the question whether a second Jamā'at of Namāz can be held after the first Jamā'at in the Mahalla masjid. According to the author it is Makrūh.

iii. Adiya Māthūra : It is written in 1360 A.H./1941 A.D. and published from Fine Press, Lucknow, in 1363 A.H./1943 A.D. It deals with various Du'a and the times at which these have to be recited. It is said that the book has also been translated into Bengali, but the Bengali version has not come to my hand.

iv. Fatwā Ihtirām al-Masājid wa Ri'āyati Ḥurmatihā wa 'Ādābihā : It was written in 1361 A.H./1942 A.D. and published from Fine Press, Lucknow, in 1363 A.D./1943 A. D. It deals with preserving the sanctity and purity of mosques. The author says that any work relating to the worldly affairs is not permissible to be performed in the mosques.

v. Injāh al-Ḥājāt : This is an Arabic translation of Rāh-i-Najāt, an Urdū work on Fiqh by Hāfiẓ Muḥammad 'Alī of Pānīpat, India. It was translated in 1365 A.H./1945 A.D. and published from Islāmia Litho Press, Chittagong by al-Maktaba al-Faiḍia, Hāthazārī, Chittagong and contains 33 pages. The following subjects were treated :

Īmān, Wadū, Ghusal, Tayammum, Namāz, Jamāat, Adhān, Salā al-Musāfir, Salā al-Jumā, Vitr, Īdain, Kafn, Dafn, Janāza, Zakāt, Sadaqāt al-Fiṭr, Qurbānī, Fasting, Hajj. But the translator omitted Duā offered after five times of prayers and Khuṭba of Nikāh.

vi. Al-Falāh fī Mā Yataʿallaqu bi al-Nikāh : It was written in 1366 A.H./1946 A.D. and published by Maulānā Muḥammad Qāsim Faiḍī from Chittagong and contains 56 pages. This book deals with various problems connected with Nikāh and the evil practices followed by people due to their ignorance. The Maulānā advised the people to give up those practices.

vii. Targhīb al-Umma Ilā Taḥsīn al-Niyya : It was written in 1370 A.H./1950 A.D. and published by al-Maktaba al-Faiḍia, Hāthazārī, Chittagong. This book deals with Niyyāt for any religious affair. The discussion is on the basis of the Hadīth ( انما الاعمال بالنيات ).

viii. Risāla Ḥukm ʿĀla-i-Mukabbir al-Ṣaut : It was written in 1377 A.H./ 1957 A.D. and published from Islāmia Litho Press, Chittagong by Maulānā Muḥammad Qāsim Faiḍī. The book deals with using sound-aids like microphone in saying prayers and calling Adhān. In his opinion it is Makrūh.

ix. Izhār al-Ikhtilāl fī Risāla al-Ītidāl : It was written in 1379 A.H./1959 A.D. in Arabic with urdū translation in protest against Al-Ītidāl fī Mas'alat al-Hilāl of Muftī 'Azīz al-Ḥuq, discussed later <sup>1</sup>. In this book the Maulānā refutes the arguments of Muftī 'Azīz al-Ḥuq and expresses the opinion that keeping fast or offering 'Īd prayers relying on the Radio and Television news about sighting of the moon is not permissible in Sharī'a.

x. Ahkām al-Dāwāt al-Murawwaja : It was originally written in 1387 A.H./1967 A.D. in Arabic and published by Kutub Khāna-i-Faiḍia, Hāthazārī, Chittagong. Recently it has been edited and published in Arabic and with Urdū translation by Maulānā Izhār al-Islām from Kutub Khāna-i-Faiḍia, Chittagong. The book deals with offering Munājāt after the Fard prayers. The Maulānā is of the opinion that offering such Munājāt is bidāt or innovation.

10. Maulānā Tajammul Ḥusain Khān :

Maulānā Tajammul Ḥusain Khān<sup>2</sup> was born on 17 Bhādra in 1315 B.S./1908 A.D. at the village Paṣhūrībunia, in Bhāndāria Upazila of Barisal district. His father's name was Maulvī Ramḍān 'Alī Khān. Tajammul Ḥusain received his

1. See Infra, pp. 197-198.

2. The life and works of Maulānā Tajammul Ḥusain Khān have been derived from Nūr Muḥammad Aẓamī : Hadīthar Tattva O Itihās, 2nd edition, Dhaka, 1975, pp. 339-340; Muḥammad 'Abdullāh : Banglādesher Kheyātanāmā Arabībid, 1st edition, Islāmīc Foundation, Dhaka, 1986, pp. 239-241.

primary education in local school. Then he received training in 'Ilm al - Qirā' in the Dhāwā Madrasa. Then he came to Noākhālī and got himself admitted into the Karāmatia Madrasa of Bhavāniganj in Lakshmīpūr Upazila. He passed the 'Ālim examination in the first division from this Madrasa. Then he proceeded to Calcutta and passed the Fādil and Kāmil (in Fiqh) examinations, from the Calcutta 'Ālia Madrasa in 1930 and 1933 respectively. He obtained first division in both the examinations and also a gold medal on the results of his Kāmil examination.

On return home Maulānā Tajammul Ḥusain first served the Pāngāshia Madrasa as a teacher, and later in 1935 A.D. joined Keundia High Madrasa as an Arabic teacher. He served the latter institution for long seven years. During his stay at Keundia Madrasa he passed the Intermediate examination as a private candidate in 1941 A.D.

In 1943 A.D. Maulānā Tajammul Ḥusain Khān joined the Sarsīna Dār al-Sunna 'Ālia Madrasa as its principal and occupied this exalted chair for long 33 years until his retirement.

He retired in 1975 A.D. on health ground and died in 1975 A.D. at his village home and lies buried in his family graveyard. He was one of those pillars who were closely connected in building up the Sarsīna Dār al-Sunna 'Ālia Madrasa.

Maulānā Tajammul Ḥusain Khān was a great ‘Ālim and a reputed author. On his death the fortnightly Bengali Journal ‘Tablīgh’ of Sarsīna published an obituary reference, in which among other things, the journal wrote,<sup>1</sup>

“ তাঁর অনন্যসাধারণ ব্যক্তিত্ব, আদর্শে অবিকল দৃঢ়তা, বীরত্ব ও ধীরত্ব তাঁকে এক স্বতন্ত্র মহিমায় অর্গান করেছিল। নীতির ব্যাপারে আপোষহীনতা ছিল তাঁর চরিত্রের অন্যতম বৈশিষ্ট্য। কঠোরতার এই বাহ্য প্রকৃতির আড়ালে লুকিয়েছিল এক শিও-সরল, বিনয়ী, অসাময়িক ও দরদী হৃদয়। যারা তাঁর সংস্পর্শ লাভ করেছেন, তাঁরা হৃদয়ের পরিচয় পেয়ে হয়েছেন মুগ্ধ ও বিস্মিত। ”

Maulānā Tajammul Ḥusain Khān was a great writer. Ten books written by him have so far been available. They are :

1. Jawāhir al-Fiqh, 2. Talīm-i-Urdū, 3. Mirqāt al-Tarjama , 4. Khulāṣa al-Mizān, 5. Mirāt al-Adab,
6. Vishāh al-Adīb (in a manuscript form ), 7. Beheshter Dāmin, 8. Islām Nīti, 9. Islāme Dārī O’ Libās, 10. Hajj O’ Ziyārat.

Of these books the first, eighth, ninth and tenth deal with Fiqh. The first is in Arabic and the rest are in Bengali.<sup>2</sup>

#### Jawāhir al-Fiqh :

This book was written by him in 1949 A.D. in Arabic. This small book consisting of 64 pages has been

1. Fortnightly Journal "Tablīgh" 31 Sankhya, 1979 A.D.
2. Bengali books have been discussed later in Section -IV.

published from Sarsīna by the Sarsīna Dār al-Sunna Madrasa in 1951 A.D. The author wrote this book as a text-book for the students of the 4th year of Dākhil stage. It is divided into several chapters, each chapter being sub-divided into sections. It deals with essential principles of Islām such as Salāt, Rozā, Zakāt, and Hajj.

11. Maulānā Muhibb Allāh :

Maulānā Muhibb Allāh was born in the village in Sikalbāhā / the Patiya Upazila, Chittagong. His father Maulānā Wahīd Allāh was a vastly learned man and a Sūfi, being a Khalīfa of Maulānā Aḥsan Allāh Mashriqī of Dhaka.

The boy Muhibb Allāh received his education from his father and his uncle Sūfi Aḥsan Allāh. He passed his Fādil examination from the Kālārpūl Madrasa in Chittagong.<sup>1</sup> Then he went to north India and studied for five years at the Rāmpūr Madrasa and for four years at the Murādābād Madrasa. Then he returned home and engaged himself in teaching in Madrasas until his death<sup>2</sup>. He wrote many books but I could not lay my hands upon these books except one namely ( التمريجات الغنية في معرفة ما في التوجيهات البسية )

Al-Taṣrīḥāt al-Guniya fī Radd Mā fī al-Tauijīhāt al-Bahiyya<sup>3</sup>  
In this book of 33 pages the author has quoted relevant

1. Both Sikalbāhā and Kālārpūl are adjacent village on the south of Karnaphuli river, opposite Chittagong town.
2. Facts about Maulānā Muhibb Allāh have been obtained from his son Maulānā Aḥmad Allāh, who could not furnish further details about him.
3. 1st edition, Kohinoor Electric Press, Chittagong, no date.

portions from Al-Taujihāt al-Bahiyya of Maulānā Amīn al-Ḥuq Farhādābādī, Chittagong. Maulānā Amīn al-Ḥuq Farhādābādī was a Murīd of Maulānā Shāh Ahmad Allāh of Maizbhandār Sharīf, Chittagong. In his al-Taujihāt al-Bahiyya Maulānā Farhādābādī gave his opinion in favour of legality of Simā and Sijda before a pīr or his dargāh. In this book Maulānā Muḥibb Allāh refuted the opinion expressed in that book and positively proved the prohibition and illegality of prostration of greeting ( سجدة التحيّة ) and Simā.

**S E C T I O N    I I**

**W O R K S   I N   P E R S I A N**

Section II  
WORKS IN PERSIAN

1. Nām-i-Ḥaqq:

Nām-i-Ḥaqq, a book on Fiqh in verses is probably the oldest to have been written in Bengal. It is written in Persian language. There are two editions of the book, one published from Bombay in 1885 A.D. and the other from Kānpūr in 1332 A.H./ 1907 A.D. Having been published from two places within two decades, it seems that the book was very popular. The name of the author of this book is not known, the date of composition is given in the following manner :

نود و سه ہفت و ششصد سال      از وفات رسول (ص) تا امسال  
نیمہ از جمادی الاول      بود کاین نظم گشت مستکمل

"693 years have elapsed since the death of the Prophet upto this year. In the first half of Jamādī I, this versification was completed".

693 years after the death of the Prophet is equivalent to 703 A.H./ 1303 A.D., but if the author meant the Hijrī year, the date falls in 1293 A.D.<sup>1</sup> The author in his introduction refers to one Sharaf who is identified with Shaikh Sharaf al-dīn Abū Tawwāmah<sup>2</sup>.

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1. Dr. A. Karīm : op.cit., pp. 101-102.

2. Dr. M. Ishaq : India's contribution to the Study of Hadīth Literature, 1st edition, Dhaka, 1955, pp. 53-54; Islāmic Culture, vol. XXVII, No. I, January, 1953, p. 10.

Shaikh Sharaf al-dīn Abū Tawwāmah, a great Ḥanafī jurist<sup>1</sup> and a traditionist of great reputation came to Delhi in about 1260 A.D. and from there he came to Sonārgāon in Bengal in about 1282 to 1287 A.D.<sup>2</sup> The introductory verses are as follows:

- |        |                           |                           |
|--------|---------------------------|---------------------------|
| ( ۱ )  | من بمجز و تصور معترفم     | نی چونادان احمق و خرفم    |
| ( ۲ )  | پیش ازین گفته اند اهل سلف | عز من صنف قد استمدف       |
| ( ۳ )  | لیک هر قدر خویش کوشیدم    | به زیبکاری و خموشیدم      |
| ( ۴ )  | من بقدر مجال کوشیدم       | فنهرا برد نظم پوشیدم      |
| ( ۵ )  | نکنی عیب گرتو بتوائے      | که درو حله پوشائے         |
| ( ۶ )  | اسپ تازی اگر چه به تازو   | لاشه خویشتن نهند ازو      |
| ( ۷ )  | صدو هشتاد بیت و ده باب ست | لائق روزگار اصحاب ست      |
| ( ۸ )  | موجز و دلپذیر افتادست     | لاجرم سے نظیر افتادست     |
| ( ۹ )  | این ترا یادگار از شرف ست  | نام او در جهان بهر طرف ست |
| ( ۱۰ ) | از بخارا است مولد و نسبش  | در خراسان علوم مکتسبش     |

1. Dr. M. Ishāq says that Shaikh Sharaf al-dīn Abū Tawwāmah was a Ḥanbali jurist (India's Contribution to the Study of Hadīth Literature, 2nd edition, pp.53,67,116) but according to the Manāqib al-Asfiya of Shāh Shūaib he was a Ḥanafī. Moreover, as he came from Khurāsān, he is very likely to have been a Ḥanafī, because in Central Asia Ḥanafīs were predominant.
2. There is a controversy about the date of Shaikh Sharaf al-dīn Abū Tawwāmah's arrival at Sonārgāon in Bengal. According to Dr. M. Ishāq, he came to Sonārgāon in the reign of Sultān Shams al-dīn Iltutmish (1210-1236) of Delhi (Dr. M. Ishāq: India's Contribution to the Study of Hadīth Literature, pp.53-54) and according to Dr. Ṣaghīr Ḥasan al-Maṣūmī, he came to Sonārgāon in 1271 A.D. in the reign of Sultān Ghiyāth al-dīn Balban, (Islāmic Culture, vol. XXVII, No .I, January, 1953, p.10) but after discussing at length, the political condition of Bengal, Dr. A. Karim has come to the conclusion that "Sharaf al-dīn Abū Tawwāmah came to Sonārgāon in between 1282 and 1287 A.D." (Social History of the Muslims in Bengal, 2nd edition, p.99.) The view of Dr. A. Karim has been accepted here.

1. "I admit of my inability and shortcomings. I am not unwise and unaware and ignorant (of my worth).
2. "Our predecessors have put forward the excuse, he who writes, becomes the target (of critics); (thus implying that he also puts forward the same excuse).
3. "But to try so far as one can is better than to remain silent and inactive.
4. "I tried upto my ability; I put forward (have written) the fiqh in the garb of verse.
5. "Do not find fault with me; rather cover it with the robe of honour (i.e. improve upon it) if you can.
6. "Though the Arabian horse runs swiftly, yet the lean and thin ass legs on, i.e. somehow goes towards the goal.
7. "There are one hundred and eighty verses and ten <sup>4</sup>capters, which are befitting the people of today (i.e. commensurating the short time that they can devote towards religious studies.)
8. "It is short and pleasant, hence it has become unique.
9. "This is a reminiscence of Sharaf for you; whose name is spread all over the world.
10. "His ancestry and birth-place is Bukhārā; he got his education and other achievements in Khurāsān!"

From the above quotation, Dr. Saghīr Hasan Māṣūmī expresses the opinion that Shaikh Sharaf al-dīn Abū Tawwamah himself composed the book, Nām-i-Ḥaqq<sup>2</sup>. But Dr. A. Karīm does

1. Translation is of Dr. A. Karīm; see Social History of the Muslims in Bengal, 2nd edition, Chittagong, 1985, pp. 100-101.

2. Islāmic Culture, vol. XXVII, No. 1, 1953, p. 11.

not agree on this point, and says that Shaikh Sharaf al-dīn Abū Tawwāmah was not himself the author of the book, rather one of his disciples wrote it as a reminiscence of Shaikh Abū Tawwāmah. Dr. A. Karīm's arguments are as follows :

"Verses 9 and 10 (of the above quotation) record that the book was a reminiscence from one Sharaf whose name was spread throughout the world and who was born in Bukhārā and received his education in Khurāsān. So Sharaf of the verses may be identified with Maulānā Sharaf-ud-dīn Abū Tawwāmah. But they also suggest that he was not the author himself, rather from his reminiscence, some one else, most probably one of his Students, wrote the book. In the first place, if he (Sharaf) was the author himself, he would not have introduced himself in the third person, while in the preceding verses, verses 1-7, he always used the first person. Secondly if Sharaf was the author himself, he would not have claimed to have been renowned throughout the world, while in the preceding verses, he expressed himself with humility"<sup>1</sup>

Whatever that may be, the date of composition of the book shows that it was written in Bengal after Shaikh Sharaf al-dīn Abu Tawwāmah's arrival in Sonargaon.

The book is small, being very short and as the author says, لائق روزگار اصحاب ست i.e. "befitting the people of to-day", meaning that people of his day had neither

1. Dr. A. Karīm : op.cit., p.101.

time nor aptitude to read big volumes. This small book on fiqh, contains one hundred and eighty verses divided into ten chapters. In addition there are three introductory chapters containing Hamd, Naat and the author's personal introduction. There is also a Khātima (concluding chapter) containing the date of composition of the book. The ten chapters are divided as follows :

Chapter	I	deals with <u>Wadū</u> or (ablution). It is divided into four sections:
	Section I	<u>Fard</u> (i.e.Obligatory part) of <u>Wadū</u> ,
	Section II	<u>Sunnat</u> of <u>Wadū</u> ,
	Section III	<u>Mustahabb</u> of <u>Wadū</u> ,
	Section IV	<u>Makrūh</u> (that which is hateful and unbecoming) of <u>Wadū</u> ,
Chapter	II	deals with those matters that render <u>Wadū</u> void.
Chapter	III	deals with <u>Ghusal</u> (purificatory bath). It is divided into three sections:
	Section I	deals with <u>Fard</u> of <u>Ghusal</u> ,
	Section II	deals with <u>Sunnat</u> of <u>Ghusal</u> ,
	Section III	deals with the quantity of water that is required in <u>Wadū</u> and <u>Ghusal</u> .
Chapter	IV	deals with those matters that make <u>Ghusal</u> obligatory.
Chapter	V	deals with <u>Tayammum</u> .

Chapter	VI	deals with <u>Ṣalāt</u> (prayers). It is divided into four sections:
	Section I	<u>Fard</u> of <u>Ṣalāt</u> ,
	Section II	<u>Wājib</u> (near obligatory) of <u>Ṣalāt</u> ,
	Section III	Additional prostration necessitated by committing mistakes in course of prayer ( <u>Sahwu Sijda</u> ).
	Section IV	<u>Sunnat</u> of <u>Ṣalāt</u> .
Chapter	VII	deals with obligatory ( <u>Fard</u> ) prayers of the day and night.
Chapter	VIII	deals with obligatory <u>Sunnat</u> ( <u>Sunnat-i-Mu'akkada</u> ) prayers of the day and night.
Chapter	IX	deals with the fasting in the month of <u>Ramaḍān</u> .
Chapter	X	deals with the penalty to be paid for breaking the fast in the month of <u>Ramaḍān</u> .

2. Maulānā Ghulām Yahyā :

Maulānā Ghulām Yahyā was originally from Bihār, but became a resident of Calcutta, where he accepted a Qāḍīship under the Government of the East India Company. Nothing more is known about his career.

His Hidāya in Persian language is actually a translation of Hidāya, an Arabic complete treatise of Muḥammadan Law according to the Ḥanafi School. This was

written in Arabic language by Burhān al-dīn 'Alī b. Abū Bakr al-Murghināni ( d. A.H. 593/A.D. 1196). Burhān al-dīn's Hidāya is an authoritative work cited by the lawyers and this has also been a text-book in the Madrasas of Bengal even today. The work is upto today unrivalled in the field of Fiqh literature.

When the East India Company took over the administration of Bengal, they found it difficult to interpret the Muslim law for want of their knowledge in Arabic. So Warren Hastings, the Governor General (1772-1785 A.D.) got this authoritative work Hidāya of Burhān al-dīn translated by Maulānā Ghulām Yahyā. In this difficult task of translation Maulānā Ghulām Yahyā was assisted by Mullā Tāj al-dīn, Mir Muḥammad Husain and Mullā Shari'at Allāh.<sup>1</sup> The date of translation is given in Persian chronogram " برای فارسی پراییه انجام یافت " giving the date 1190 A.H./ A.D. 1775-76. The book was later edited by Shaikh Muhammad Rashid of Bardawan<sup>2</sup> which was translated into English by Charles Hamilton and published by him, in London in 1791 A.D.<sup>3</sup>

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1. Nothing is known about these three personages.
  2. Hakim 'Abd al-Hayy Lakhnavi : Al-Thaqafat al-Islāmiya fi al-Hind, Urdu translation by Abu al-'Irfaan Nadavi, Lucknow, 1969, p. 156. Nothing is, however known about Shaikh Muhammad Rashid of Bardawan.
  3. See also Catalogue of the Persian Manuscripts, in the British Museum, Alden Press, Oxford, 1966, vol. I, p. 23.

3. Maulānā Shihāb al-dīn :

Maulānā Shihāb al-dīn hailed from Islāmābād (Chittagong). His father's name was Sayyid Mu'azzam b. Qutb al-dīn, but nothing is known about him. He wrote a book in Persian language entitled Fawā'id al-Mubtadī<sup>1</sup>.

It is an interesting compilation of practical rules for guidance in the daily life of a Muslim, and of religious formulae and observances with miscellaneous information of a popular religious nature such as the manner of converting a non-Muslim, names of the twelve Shī'ā sects, dealing with Fiqh. But the book also contains various other subjects not appertaining to Fiqh at all. For example, the book deals with effects of eclipses, earthquake, thunder, names of lunar months, omens, names of Solar months according to Arabic, Persian and Hindi Calendar, duration of night and day in different months, Muslim and Hindu auspicious days, stars and their effects, preparing a child's horoscope, astrological Propheying, the Abjad system of counting, Arabic and Hindi numerals.

The author has given a list of books consulted by him e.g. Sharḥ-i-Viqāya, Jāmi' al-Rumūz, Fatāwā-i-Naqshabandī, Tuḥfa al-Nasāih, Kifāya al-Mu'minīn, Khulāsa al-Islām, Sirāj al-Qulūb and Miftah al-Janān. He has mentioned no date.

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1. Fawā'id al-Mubtadī, MS. No. DU/85, Dhaka University Library.

But as he has dedicated the book to the king Abū al-Muzaffar Jalāl al-dīn 'Alī Gauhar Shāh 'Ālam Bādshāh (1759-1806), it is certain that this work was written when Shāh 'Ālam was living, that is, in between 1759 and 1806 A.D.<sup>1</sup>

4. Salāmat 'Alī Khān 'urf Ḥadhāqat Khān :

The author was acting as a legal assistant to Mr. John Knife who was the judge in the Court of Second Instance at Muhammadābād. In order to facilitate the decision of Criminal Cases, the author compiled a book known as Ikhtiyār in 1212 A.H./1797 A.D. It is a treatise on Penal Law (احکام حدود و تعاص) according to the Ḥanafī school. The author stated his sources as Fatāwā-i-Qāḍī Khān, Sharḥ-i-Viqāya, Qudūrī, Hidāya, its Hawāshī, Fatāwā Ḥammādiya, Fuṣūl-i-'Imādiya, Fatāwā Sirājiya, Kanz al-Daqa'iq, Jāmi' al-Rumūz, Ashbāh O' Nazā'ir, Minḥ al-Gi fār, Muḥīṭ-i-Burhānī, Muḥīṭ-i-Burhānī, Khulāsa and Khizāna al-Riwaya.

In addition, he says that he commenced the work in 1212 A.H./ 1797 A.D. a date expressed by its title, and presented it to Mr. John Dean.

1. A.B.M.Ḥabībullah : Descriptive Catalogue of the Persian, Urdu and Arabic Manuscripts in the Dhaka University Library, vol.I, Dhaka, 1966, p.268; A.B.M.Ḥabībullah has described the MS. as follows:

"135 ff.; 9 x 6½ in.; coarse hand-made brown paper, shikastah writing with read over linings on topic headings and names; colophon signed by the copyist and owner Muḥammad Jamil, son of Sh. Muḥammad Murād son of Shaikh Madarī, resident of Shāhbāzpur, pargana Sarail, district Tipperah, Chakla Raushanābād within Nasirnagar Police Station; transcription completed at the house of Shaikh Ghulām Muḥammad in the city of Jahāngīr nagar, during the British rule under the Naib Nāzim Nusrat Jang, on the 1st of Māgh 1226 B.S., corresponding to 5th Rabi'1, 1235 A.H. (1819 A.D.)."

This work is divided into an introduction ( مقدمه ) and two books; ( کتاب ) i.e. chapters on Hudūd and Qisās; it consists entirely of substance and extracts quoted from the original authoritative Arabic works with Persian translation. It was printed in Calcutta in 1244 A.H./1828 A.D.<sup>1</sup>

5. Qādī Sirāj al-dīn 'Alī Khān :

Qādī Sirāj al-dīn 'Alī Khān wrote an Arabic work on Fiqh entitled Jāmi' al-Tāzīrāt min Kutub al-Thiqāt.<sup>2</sup> The author wrote a persian version of the same book and entitled it Jawāhir-i-Zuwāhir. The language of this book is very lucid and simple.

6. Khān Bahādur 'Abd al-Karīm Khākī<sup>3</sup> :

Fawā'id-i-Khākia Mārūf ba Khākia Fākia :

This book was written in 1272 A.H./1855 A.D. but it is not yet published; a manuscript is preserved in the Dhaka University Library<sup>4</sup>. This book was written when the author was occupying the post of Maulvī in the Mymensingh

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1. Catalogue of the Persian Manuscripts, in the British Museum, vol.I, Alden Press, Oxford, 1966, p.24.
  2. The Arabic work has been discussed already in Section-I, pp.108-109; See also Rahmān 'Alī: Tadhkira -i-'Ulamā'-i-Hind, Urdū edition, published by Pakistan Historical Society, Karāchī, 1961 A.D. p.571; Muhammad Ayūb Qādirī: 'Ilm O'Amal, vol I, Karāchī, 1960 A.D., p.144.
  3. His life-sketch has been given in section -I, pp. 114-115.
  4. A.B.M. Habibullāh : Descriptive Catalogue of the Persian, Urdu and Arabic Manuscripts in Dhaka University Library, vol. I, Dhaka, 1966, p. 353.

collectorate. The first part of the book was written in Nastāliq and the rest in Shikastah styles. The book is a small one, consisting of only 29 folios of 10½" x 8" each. The book is in Persian prose and deals with 'Ilm-i-Farāid. It is a short treatise on the Law of inheritance; the same subject also forms a chapter in his Urdu book-Tanvīr al-Qulūb, which was published<sup>1</sup>. The book- Fawā'id-i-Khākia is divided into one Muqaddima and two bābs, each covering several faṣls.

7. Maulānā Mukhlis al-Rahmān:

Maulānā Mukhlis al-Rahmān was born at Mirzākhil, a village in the Sātkānia Upazila of Chittagong district in 1229 A.H./1813 A.D. His father's name was Maulvī Sayyid Ghulām 'Alī who came of a very respectable family of the area. He was a Zamīndār and pleader in the Judge's court, Chittagong. Mukhlis al-Rahmān received his primary education in his own house, where he read Arabic and Persian literature and subjects of Islāmic sciences. Then he left for Calcutta with a view to achieving higher education and after some years achieved great success in studies. He became a profound scholar in Islāmic sciences.

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1. Published from Urdu Guide Press, Calcutta, in 1294 A.H./1877 A.D.

After completing his studies in exoteric sciences, Maulānā Mukhlis al-Rahmān paid attention to achieve success in taṣawwuf and engaged himself in meditation and in finding out a pīr to whom he might be attached. He went to Lucknow and presented himself before Maulānā Burhān al-dīn of Feringī Maḥal. Maulānā Burhān al-dīn sent him to Maulānā Imdād 'Alī of Bhāgalpūr, Bihār. He was also asked to read Hizb al-Baḥr. Maulānā Mukhlis al-Rahmān went to Bhāgalpur but found that Maulānā Imdād 'Alī was then living in Buxar where he was appointed a Sub-judge. So the Maulānā Mukhlis al-Rahmān went to Buxar and placed himself under the service of Maulānā Shāh Imdād 'Alī, and took oath of Bai'at from him. After six months he was sent by his pīr (Maulānā Shāh Imdād 'Alī) to go to Chāprā to meet his (Maulānā Shāh Imdād 'Alī's) pīr Ḥadrat Shāh Muḥammad Maḥdī Qādirī. After serving him for sometime, Maulānā Mukhlis al-Rahmān came back to Maulānā Shāh Imdād 'Alī. This time Maulānā Shāh Imdād 'Alī granted him Khilāfat and entitled him "Jahangir Shah".

Thereafter Maulānā Mukhlis al-Rahmān came back home and started teaching in his own Madrasa established at his village home. Many students received education under him both in exoteric and esoteric subjects, and the fame of the Maulānā spread far and wide. People out of love called

him "Baḍa Maulānā". He was a good speaker and often silenced his opponents if they entered into debate with him. After completing a successful life he died in 1302 A.H./ 1885 A.D. He is lying buried in his village Mirzākḥīl.

Maulānā Mukhlis al-Rahmān wrote a book in Persian language entitled Sharḥ al-Ṣudūr fī Daf'al-Shurūr. This book is in protest of Taqviat al-Īmān of Maulānā Shāh Ismāīl Shāhīd. In this book he put forward arguments in favour of Ṣūfīs and Ṣūfism, their making Bai'at of their Murīds. One of his fatwās has also come to light, it is entitled Fatwā dar Bāb-i-Wujūb-i-Taqlīd bi al-Tāīn ba Yake As 'Āimma-i-Arbāa (فتویٰ در باب وجوب تقلید بالتعیین بہ یکے از ائمہ اربعہ). It is also in Persian language. This Fatwā deals with taqlīd and the Maulānā put forward nine arguments and proved that people should accept any of the four Madhhabs. Both the book and the fatwā have been published after his death, in 1322 A.H./ 1904 A.D.<sup>1</sup>

#### 8. Maulānā Muḥammad Ashraf 'Alī :

Maulānā Muḥammad Ashraf 'Alī al-Qādirī b. Munshī Bāqir 'Alī of Islāmābād (Chittagong), (d.A.H.1343/A.D.1924) hailed from the village Shāh Mīrpūr, in the Patiya Upazila, Chittagong. The village Shāh Mīrpūr is situated on the South bank of the river Karnaphulī. He was a Mudarris (teacher) in the Chittagong Govt. Madrasa (now Muhsin College).

1. Published from Mujtabāi Press, Calcutta, 1322 A.H.

He wrote a book in Persian language entitled Al-Qaul al-Wasīṭ Baina al-Ifrāṭ wa al-Tafriṭ<sup>1</sup> (القول الوسيط (بين الافراط والتفريط)). This book is a small one containing one hundred eighteen pages, excluding introduction, 2 pages and Khātima, 4 pages. Though this book has been published in A.D. 1908, its date of composition was 1317 A.H./1899-1900 A.D. In this work the author has discussed many Ankām and their answers. It deals with contemporary problems faced by the Muslims of his time. In this sense, it is like a fatwā literature. Though it is written in Persian language, the author quotes profusely from authoritative Arabic works. So it is a well-documented book and thus it is popular with the 'Ulamā'.

9. Maulānā 'Abd al-Laṭīf<sup>2</sup>:

Book on Qadiani Problem: The book was written by Maulānā 'Abd al-Laṭīf to put a brake to Qādiyānī preachings of Maulvī 'Abd al-Wāḥid of Brahmanbāria. Sayyid 'Abd al-Wāḥid was a famous 'Ālim and a Qāḍī. But he was himself a Qādiyānī and preached Qādiyānī principles among the Muslims of Brahmanbāria. Maulānā 'Abd al-Laṭīf in course of his preachings once visited Brahmanbāria and accepted the hospitality of 'Abbās Alī Khān, Zamīndār of the place. There he heard about the Qādiyānī preachings of Sayyid 'Abd al-Wāḥid. The Maulānā

1. Ist edition, Matba'-i-Majīdī, Kānpūr, 1908 A.D. A copy of this book is preserved in Chittagong Madrasa Library (now Muhsin College) where the author had been serving.
2. His life sketch has been given in section I, pp. 120-122.

wrote several letters to the said Sayyid 'Abd al-Wāḥid requesting to enter into a debate with him on the issue, but Sayyid 'Abd al-Wāḥid did not dare facing the Maulānā. When the Maulānā failed to bring Sayyid 'Abd al-Wāḥid to a debate, he thought it wise to write a book on the futility of the Qādiyānī faith. The book was a voluminous one, but unfortunately I could not lay my hands upon it. There is only one copy in the custody of the Maulānā's descendants, but they are not ready to part with it. The biographer of the Maulānā says that in this voluminous work the Maulānā quoted from the Qurān, Ḥadīth and Fiqh literature profusely and concluded that the Qādiyānī principles are wholly anti-Islāmic and anybody professing Qādiyānī principles is liable to lose his 'Imān<sup>1</sup>.

10. Muftī Faiḍ Allāh<sup>2</sup>:

i. 'Umdat al-Aqwāl fī Radd Mā fī Aḥsan al-Maqāl :

This book was written in 1332 A.H./1913-14 A.D., while Muftī Faiḍ Allāh was a student in the Dār al-'Ulūm Deoband Madrasa and published from Qāsimī Press Deoband, U.P. India, in 1334 A.H./1915 A.D. The book was in protest against Aḥsan al-Maqāl of Damīr al-dīn of Hnīlā in Cox's Bāzār. In this "Aḥsan al-Maqāl" Maulvī Damīr al-dīn dealt with some traditional practices<sup>3</sup> prevalent among the Muslims of Bengal

1. Sayyid 'Alī Aẓam : Latīf Charīṭ, pp. 12-13.
2. His life-sketch has been given in Section I, pp. 136-137.
3. These practices are, for example, Fātiḥā, Darūd, Qiyām, Khairāt, etc. They themselves are not un-Islāmic, but the way they were offered by some sections of the people in exchange of money or for making show are not permissible in strict Islāmic Sharī'a.

and stated that these were permissible in the Islāmic law.

The teachers and students of Deoband who strictly adhere to the Islāmic principles in letters and spirit, took exception to this book and decided to write nullifying the opinion of Maulvī Ḍamīr al-dīn. The responsibility of this task was given to Muftī Faiḍ Allāh (then a student) because they wanted that the opinion of a Bengali Muslim should be protested by another Bengali Muslim.

ii. Rāfi' al- Ashkālāt 'alā Ḥurmat al-Istijār 'alā al-Ta'āt:

It was written in 1345 A.H./1926 A.D. and published from Army Training Press, Dayāganj, Delhi; it contains 56 pages. This book deals with a problem prevalent in Bengal even today, i.e. whether it is permissible in Islāmic Shari'a to accept money in exchange of 'Ibādāt-i-Maqṣūda or doing some religious works, like offering Janāza prayer, conducting Milād Sharīf, offering Ziyārat, reciting the Holy Qurān (Khatm-i-Qurān) either for the purpose of Khatm or in Tarāviḥ prayers. This was a burning question in the society in those days and even today these questions are very much present in different sections of Muslim 'Ulamā'<sup>1</sup>.

The author was against accepting money by performing such 'Ibādāt Maqṣūda and religious duties and expressed his opinion against it unequivocally.

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1. The same question was also dealt with by Maulānā 'Abd al-Laṭīf which has been discussed in the next chapter, See infra, pp. 189-191.

iii. Munkarāt al-Qubūr :

The book was written in 1360 A.H./1941 A.D. and published several editions from Chittagong, and it contains 24 pages. The book deals with the demerits of evil practices prevalent among the Bengali Muslims regarding Mazārāt and Qabrs, especially in Chittagong – there is a practice of engaging reciters of the Holy Qurān in the Qabr for four days and illuminating the Qabr after the death and burial of a person. The writer categorically opined that such practices are against the Sharī'a.

iv. Al-Manzūmāt al-Mukhtaṣara :

It was published from Qāsīmī Press, Deoband, India, by Anjuman-i-Ishāat-i-Islām, Hāthazārī, Chittagong. It contains only 7 pages. This is a poetical work in which a question, whether it is permissible in Islām to accept money in exchange of Ibādāt-Maqṣūda or doing absolute religious affairs has been discussed in verse briefly.

v. Irshād al-Umma ilā al-Tafriqa baina al-Bidā wa al-Sunna :

It is a poetical work containing 16 pages published from 'Alīmī Press, Delhi, India. In this book the author instructed the people to give up the Bidāt or innovation, rather to adhere to and pursue the sunna of the Prophet Muḥammad (Sm) and to follow the Madhhab of Imām Abū Hanīfa without fail.

★ vi. Hifz al-Īmān :

It was published from 'Alīmī Press, Delhi, India, by Anjuman-i-Ishāat-i-Islām, Hāthazārī, Chittagong. The book deals with 'īmān (Belief) in Allāh, explanations as to how 'īmān can be perfect and how it can be imperfect or one who can lose his 'īmān. This book also deals with the futility of the Qādiyānī faith. The author has quoted from the Qurān, Hadīth and Fiqh literature profusely and opined that anybody professing Qādiyānī faith are liable to lose his 'īmān.

vii. Hadiya-i-Ramaḍān :

It was published from Islāmia Litho Press, Chittagong, by Kutub Khāna-i-Faiḍiya, Hāthazārī, Chittagong. This book deals with fasting and different aspects of fasting. The do'es and don'ts during the fasting of Ramaḍān have also been discussed.

viii. Rāh-i-Ḥaqq:

It was published from Islāmia Litho Press, Chittagong. It deals with devotion and piety and the way how one can attain satisfaction of Allāh.

ix. Al-Faiṣala al-Jaliya li Ahkām al-Simā' wa Sijda al-Taḥiya :

It was written in 1352 A.H./1933 A.D. and published from 'Alīmī Press, Delhi, India. This is a book in which the author gave his opinion about the permissibility of Simā' and making Sijda in dargāhs or before the Pīrs. The

author unequivocally opined that these are ḥarām and prohibited in Islāmic Law.

x. Fatwā-i-Taṣarruf Namūdan Dar Ashyā-i-Mauqūfa :

This fatwā was issued in 1357 A.H./ 1938 A.D. and published by Kutub Khāna-i-Faiḍiya, Hāthazārī, Chittagong. It deals with how to utilise and spend the assets of waqf property.

xi. Daf' al-Itisāf fī Ahkām al-Itikāf :

It was written in 1376 A.H./1956 A.D. and published by Kutub Khāna-i-Faiḍiya, Hāthazārī, Chittagong. It contains 16 pages. The book deals with whether it is permissible to be in Itikāf for forty days. The author is of the opinion that it is not proved by Sharī'a, but it is a practice innovated by the Ṣūfīs. So it is not permissible.

xii. Fatwā-i-Niyat Kardan ba Zubān-i-Arabī dar Namāz :

It was written in 1949 A.D. In this fatwā the Maulānā defined Niyat and gave opinion that niyat is fard (obligatory) for Namāz; but to recite the niyat in Arabic is not necessary. He also says that one should not insist on doing niyat in Arabic language.

xiii. Fatwā-i-Naukarān-i-kishtī wa Jahāz Musāfir hast ya Nist :

It was published in 1351 A.H./1932 A.D. from 'Alīmī Press, Delhi. It contains 8 pages. In this fatwā the Maulānā

discusses the question, whether sailors serving in ships and steamers for long period of time shall be considered Musāfir or Muqīm. The Maulānā opines that if the conditions of being a Musāfir are found in them, then the sailors and the service holders of the ships and steamers shall be considered Musāfirs!

xiv. Faḍāil wa Masā'il-i-Qurbānī :

It was published by Kutub Khāna-i-Faiḍiyya, Hāthazārī, Chittagong. It deals with the merits of Sacrifice and rules governing the same.

xv. Aḥkām al-Ḥajj :

It was written in 1370 A.H./1950 A.D. and published by Kutub Khāna-i-Faiḍiyya, Hāthazārī, Chittagong. In this book the author discusses the rules and regulations of Shari'ā by which Hajj is governed.

xvi. Al-Kalām al-Fāṣil baina al-Ḥaqq wa al-Bāṭil :

This is a versicle composition containing 8 pages and published by Anjuman-i-Ishāat-i-Islām, Hāthazārī Muīn al-Islām Madrasa, Chittagong. In this booklet the Maulānā expressed his opinion that practices of Sūfīs which are not provided by Shari'ā, are illegal. He also says that meditation on the sūfīs (and not on Allāh) is also prohibited by Shari'ā.

1. Vide Appendix NO.VI.

SECTION III  
WORKS IN URDU

Section III

WORKS IN URDU

1. Maulvī Amānat Allāh :

Maulvī Amānat Allāh hailed from Calcutta. He was a great theologian. Nothing is known about him. He wrote a book in Urdū entitled Hidāyat al-Islām .

The Hidāyat al-Islām is an Urdū compilation on fiqh; it is actually a manual of Muslim religious rites and observances. It was written in 1804 A.D. for John Gilchrist<sup>1</sup>

The work was planned to be printed from Calcutta in two volumes with an English translation by John Gilchrist, but only the 1st volume was printed in 1804 A.D. The second volume and John Gilchrist's English translation were never published. Another edition of this volume appeared in Calcutta in 1263 A.H./ 1846 A.D. The book was transcribed by 'Azīz Ahmad of Chilchali, in the district of Nāogāon.<sup>2</sup>

2. Maulānā Karāmat 'Alī Jaunpūrī :

Maulānā Karāmat 'Alī Jaunpūrī was a great Muslim divine who preached religion in several districts of the then Bengal and died in 1873 A.D., and is lying buried at Rangpūr town. He was born on 18th Muharram, 1215 A.H./1800

1. He must have been an English Officer in Calcutta in the Law department. Nothing more is known about him or about the author.
2. A.B.M. Habibullāh : Descriptive Catalogue of the Persian, Urdu and Arabic manuscripts in Dhaka University Library, vol.II, Dhaka, 1968, pp.455-456.

A.D. at Mullahatola Mahalla, Jaunpūr of an elite Muslim Şiddīqī family. His father's name was Shaikh Imām Baksh. From his boyhood the Maulānā was well-behaved, truthful and thoughtful. He received his primary education at the hand of his father and studied under other teachers and was specialised in various fields. He read Dīniyāt under Maulānā Qudrat Allāh Rūdūlavī, Ḥadīth under Maulānā Aḥmad Allāh Anāmī, Maqūlāt under Maulānā Aḥmad 'Alī Chaḍiakūthī, and 'Ilm-i-tajvīd under Maulānā Sayyid Ibrāhīm Madanī and Maulānā Sayyid Muḥammad Iskandarānī. Maulānā Karāmat 'Alī was a calligraphist and it is said that he could write the whole Sūra al-Ikhlāṣ over a single grain. He also received traditional military training.

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1. The life-sketch of Maulānā Karāmat 'Alī Jaunpūrī has been derived from Maulānā 'Ubaid al-Ḥuq : Banglādesher Pīr Auliya'gan, Fenī, 1969, pp. 148-50 ; Maulānā Raḥmān 'Alī : Tadhkira -i-'Ulamā'-i-Hind, Urdū edition, Karāchī, 1961, pp. 395-96; Maulānā Nūr Muḥammad Aẓamī : Ḥadīth Tattava O' Itihās, Dhaka, 1965, p. 266; Maulānā 'Abd al-Ḥayy of Lucknow : Nuzha al-Khawāṭir, vol.7, pp.403-404; Maulānā 'Abd al-Bāṭin : Sīrat-i-Maulānā Karāmat 'Alī Jaunpūrī, Ilaḥābād, 1368 A.H./1948 A.D.; Nūr al-dīn Zaidi : Tadhkira -i-'Ulamā'-i-Jaunpūr, Maṭbā'-i-Aẓam al-Maṭābī, Jaunpūr, 1889 A.D., p.125; Maulānā 'Abd al-Awwal : Muqaddima -i-Mufīd al-Muftī, Lucknow, 1326 A.H./1908 A.D., pp. 140-141; James Wise : Notes on Races, Castes and Trades of Eastern Bengal, London, 1833 A.D., p. 27.

At the age of 18, the Maulānā decided to receive spiritual training and with the permission of his father went to Bairilly and became a disciple of Maulānā Sayyid Aḥmad Shahīd Brelavī. Karāmat 'Alī stayed with his Pīr for only 18 days, and in this short span of time, he impressed his Pīr so much so that the latter granted him Khilāfat. At the behest of his Pīr he went back to Jaunpūr and engaged himself in preaching religion.

He visited house to house and instructed the illiterate people in|correctly performing prayers(namāz), fasting, observing purdah and other religious affairs. In those days there was a custom prevalent among the people of Jaunpūr to call Adhān to indicate the dawn and sunset, but there was no Adhān-call during the day time. The Maulānā advised the people for calling Adhān during five times of prayers. Besides he also induced the people to give up irreligious practices in celebrating marriage ceremony. In those days the mosque built by Sultān Ibrāhīm Sharqī (804-844 A.H.) fell into disuse; no prayer was held therein; rather it was used for worldly affairs; even some portion of it was used as cow-shed. The Maulānā was horrified at this and successfully abolished these ill-practices. The mosque was reverted to holding prayers. At first Maulānā Karāmat 'Alī himself offered prayer in that mosque with his five followers; then the people followed suit.

When Sayyid Ahmad Shahīd started for Jihād (culminating on the Balakot war) Karāmat 'Alī sought permission from his Pīr to accompany him, but the Pīr withheld permission, rather he asked him to go to Bengal to preach religion. In those days the Muslims of Bengal and Assam were steeped in irreligious practices and many Hindu and non-Muslim customs crept into the Muslim society. Maulānā Karāmat 'Alī through his preachings, taught the Muslims and made them alive to the irreligious practices and induced them to shun them. He used to visit different districts of Bengal in a bajrā boat where he resided with his family. He left great effect upon the Muslims of Bengal, even during these days, after about a hundred years of his death, his name is remembered by the Muslims of Bengal, particularly in the districts of Dhaka, Faridpur, Mymensingh, Rangpūr, Bogra, Khulna, Barisal etc. His descendants still visit different parts of Bengal and they are always received by the people with due respect.

While Maulānā Karāmat 'Alī was visiting Sandwip, his son Maulānā 'Abd al-Awwal was born in the bajrā boat. He also visited Noākhālī at the invitation of Maulānā Imām al-dīn (d.1857 A.D.). He was engaged in preaching religion for about 51 years and died in Rangpūr in 1290 A.H./1873 A.D. He left three sons, Maulānā Hāfiz Maḥmud, Maulānā Hāfiz Ahmad and Maulānā 'Abd al-Awwal. They also engaged themselves in preaching religion in Bengal. His son Maulānā Hāfiz Maḥmud died at Jaunpūr in 1296 A.H./1878 A.D., Maulānā Hāfiz

Aḥmad died at Dhaka in 1898 A.D. and Maulānā 'Abd al-Awwal died at Maniktala, Calcutta, in 1920 A.D.

During the time Maulānā Karāmat 'Alī was preaching in Bengal, Ḥājī Shari'at Allāh (d.1838 A.D.) of Faridpūr started his Farā'idī movement. Maulānā Karāmat 'Alī was against the Farā'idī movement; unlike Ḥājī Shari'at Allāh he was of the opinion that India was Dār al-Islām and it was unlawful to wage Jihād against the English government.

Maulānā Karāmat 'Alī wrote a large number of books dealing with various subjects. I have been able to collect names of the following 50 books<sup>1</sup>:

A) Dhakhīra -i-Karāmat, part -I,

1. Mukāshafat-i-Rahmat,
2. Risāla -i-Faid-i-'Āmm,
3. Tazkiya al-'Aqā'id,
4. Hujjat-i-Qāṭi'a,
5. Nūr al-Hudā,
6. Kitāb-i-Istiqāmat,
7. Zinat al-Muṣallī,
8. 'Aqā'id-i-Ḥaqqā.

B) Dhakhīra -i-Karāmat, part -2,

9. Qaul al-Thābit,
10. Dāwāt-i-Masnūna,
11. Qāmi' al-Mubtadi'in.

1. In the Sīrat-i-Karāmat 'Alī of Maulānā 'Abd al-Bāṭin 41 books have been mentioned and Maulānā Nūr Muḥammad Aẓamī in his Ḥadīthar Tattva O Itihās, has given the name of 49 books.

12. Ḥaqq al-Yaqīn,
13. Bai'at Nāmah,
14. Qaul al-Amīn.

C) Dhakhīra -i-Karāmat, part -3,

15. Murād al-Murīdīn,
16. Al-Qaul al-Ḥaqq,
17. Mirāt al-Ḥaqq,
18. Itmīnān al-Qulūb,
19. Mulakhkhas, *in Arabic*
20. Zād al-Taqwā,
21. Rafīq al-Sālikīn,
22. Miftāh al-Janna,
23. Makhārij al-Ḥurūf,
24. Zīnat al-Qārī,
25. Sharḥ-i-Jazrī,
26. Kaukab-i-Durrī,
27. Nūr 'alā-Nūr,
28. Rāḥat-i-Qulūb, *201*
29. Quwwat al-Īmān,
30. Iḥqāq al-Ḥaqq,
31. Tanvīr al-Qulūb,
32. Tazkiya al-Niswān,
33. Nasīm al-Ḥaramain,
34. Karāmāt al-Ḥaramain,
35. Barāhīn-i-Qāṭi'a Fī-Maulūd-i-Khair  
al-Bariyya, *in Arabic*

36. Qurratal 'Uyūn,
37. Risāla -i-Faisala,
38. 'Ukāzat al-Mūminīn,
39. Fath-i-Bāb-i-Sibyān,
40. Tarjama -i-Mishkāt Sharīf, vol. I,
41. Tarjama -i-Shamā'il-i-Tirmidhī,
42. Burhān al-Ikhwān,
43. Sharḥ-i-Shātībī,
44. Misbāḥ al-Zulam,
45. Radd al-Bidāt, X
46. Quwwat-i-Rūḥ,
47. Sabīl al-Rashād,
48. Risāla -i-Mahmūdīa, *Muhammadīya*
49. Dāfi' al-Waswās,
50. Hidāyat al-Rāfiḍīn.

Of these the following books deal with Fiqh:

1. Zīnat al-Muṣallī, in Urdū
2. Dāwāt-i-Masnūna, in Arabic *and Urdu*
3. Miftāḥ al-Janna, in Urdū,
4. Tazkiyat al-Niswān, in Urdū, about pardah system of Women,
5. Radd al-Bidāt, in Urdū, *no such book written by him*
6. Qāmi' al-Mubtadiin, in Urdū, *Maqami*
7. Nasīm al-Haramain, in Arabic about bidāt, *legal questions*
8. Barāhīn-i-Qāṭi'a -Fi-Maulūd-i-Khair  
al-Bariyya, in Arabic,

9. Mulakhkhas, in Arabic,
10. Mukāshafāt-i-Rahmat, in Urdū,
11. Hujjat-i-Qāṭi'a, in Urdū,
12. Kaukab-i-Durri,
13. Iḥqāq al-Ḥaqq,
14. 'Ukāzat al-Mūminīn,
15. Fath-i-Bāb-i-Sibyān,
16. Hidāyat al-Rāfiḍīn,

i) Miftāḥ al-Janna :

Miftāḥ al-Janna is a book on fiqh and Jurisprudence, written by a famous revivalist of Bengal in the field of Islām when in the 19th century, many Un-Islāmic practices crept into the Muslim society, particularly among the illiterate people. It is a significant work on fiqh and is considered a very important contribution of Muslim Bengal to the Islāmic learning. It deals with the fundamental and essential principles of Islām, like 'Imān, Wadū, Ghusal, Ṣalāt and fasting in the month of Ramādān. It deals in detail with the Fard (essential), Sunnat, Wājib (near obligatory), Mustahabb (optional) and Makrūh (undesirable), and suggests methods to rectify omissions and commissions in the performance of these essentials. This book was intended to be a guide to the Muslims to regulate their lives in accordance with the teachings of the Prophet. Written in Urdū language, it has four chapters in addition to one introductory

1. 1st edition, Calcutta, 1243 A.H./1827 A.D. There are many editions of this book.

chapter dealing with Hamd, Na'at, discussion of heaven and hell, 'Imān, Khatm-i-Nabuwat and the author's introduction. The four chapters dealing with subject-matter of the book, are divided as follows :

Chapter	I	deals with <u>'Imān</u> and merits of <u>Ṣalāt</u> (prayer). It is divided into two sections:
Section	I	<u>'Imān</u> ,
Section	II	Virtues of <u>Ṣalāt</u> (prayer),
Chapter	II	deals with purification( <u>Tahārat</u> ). It is divided into thirteen sections:
Section	I	deals with <u>Wadū</u> (ablution),
Section	II	deals with those matters that render <u>Wadū</u> void,
Section	III	deals with <u>Ghusal</u> ,
Section	IV	deals with the quality of water that is required in <u>Wadū</u> ,
Section	V	deals with water of well,
Section	VI	deals with offal water( <u>pas-Khurdah</u> ),
Section	VII	deals with <u>Tayammum</u> (purification with sand),
Section	VIII	deals with cleaning of stocking ( <u>Mash-i-Mauzā</u> ),
Section	IX	deals with doing <u>mash</u> upon the bandage and injury,
Section	X	deals with monthly menstruation, ( <u>حيض</u> - <u>Haid</u> ), Puerperal period ( <u>نفاس</u> - <u>Nifās</u> ), Immoderate flux of the menses( <u>Istiḥādā</u> استحياض) and the disabled( <u>Maḍhūr</u> - معذور ),

- Section XI deals with purification of dirty things ( Nijāsāt -نجاست) ,
- Section XII deals with the division of the dirty things, and the injunction regarding it ,
- Section XIII deals with cleaning(Istibrā'), purification after natural evacuation(Istinjā')and Istinqā'.
- Chapter III deals with Ṣalāt(prayer), It is divided into thirty two sections:
- Section I deals with the times of Ṣalāt (prayer) as well as with supererogative times(Mustahabb waqt) and those times in which the prayers are prohibited and in which prayer became makrūh ,
- Section II deals with Adhān and Iqāmat ,
- Section III deals with preceeding conditions to prayer ( شُرَاط ) ,
- Section IV deals with internal obligatory affairs of prayer ( اِرْكَان ) ,
- Section V deals with Wājibāt (near obligatory) of prayer ,
- Section VI deals with Sunnat of prayers ,
- Section VII deals with supererogative affairs of prayers ( مُسْتَحَبَات ) ,

- Section VIII deals with formation and mode of prayers,
- Section IX deals with the performance of prayer in congregation (jamāat),
- Section X deals with happening Hadath ( حدث لاحق ہونا ) in course of prayers, as well as with those matters which nullify wadū in course of prayers,
- Section XI deals with Lāḥiq ( لاحق ),
- Section XII deals with Masbūq ( مسبوق ),
- Section XIII deals with those matters which make the prayer void,
- Section XIV deals with those matters which are Makrūh in prayer,
- Section XV deals with Vitr prayer,
- Section XVI deals with Sunnat prayer,
- Section XVII deals with Tarāvīḥ prayers,
- Section XVIII deals with the prayers at the time of eclipse of the sun and that of the moon ( كسوف ، خسوف ),
- Section XIX deals with Istisqā' prayer, i.e. prayer at the time of drought,
- Section XX deals with Idrāk of Fard prayer ( ادراك الفريضة ),

- Section XXI deals with performance of an appointed prayer which is omitted ( قضاة ),
- Section XXII deals with additional prostration necessitated by committing mistakes in course of prayer ( سجدة سهو ),
- Section XXIII deals with the prayer of sick man ( صلوة المريض ),
- Section XXIV deals with prayer in a boat,
- Section XXV deals with prostration at the time of reading Ayat of the Holy Qur'an called Ayat-i-Sijda,
- Section XXVI deals with the prayer of Musafir (traveller),
- Section XXVII deals with Friday-prayer,
- Section XXVIII deals with 'Id prayer,
- Section XXIX deals with the prayer at the time of fear ( صلوة الخوف ),
- Section XXX deals with funeral prayer ( صلوة الجنائزة ),
- Section XXXI deals with martyr,
- Section XXXII deals with the prayer within Kaba.

Chapter	IV	deals with fasting. It is divided into seven sections:
Section	I	deals with fasting,
Section	II	deals with the matters by which fasting becomes nullified and doing <u>qaḍā</u> and <u>Kaffāra</u> is obligatory,
Section	III	deals with the matters which are <u>Makrūh</u> in fasting,
Section	IV	deals with <u>Itikāf</u> ,
Section	V	deals with <u>Sadaqat al-Fiṭr</u> ,
Section	VI	deals with Sacrifice,
Section	VII	deals with <u>'Aqīqa</u> ( عقیقة ).

There is a supplementary part in which two Khutbas of 'Īd al-Fiṭr and 'Īd al-Aḍḥā have been added.

ii) Zīnat al-Muṣallī :

It is a work on Fiqh in which the author discussed about Ṣalāt which is soul fundamental principle among five fundamental institutions of Islām. Ṣalāt is the basis of all things, as the Prophet says :

"Those who established Ṣalāt verily established Dīn and those who destroyed Ṣalāt verily destroyed Dīn".<sup>1</sup>

1. 'Abd al-Ra'ūf al-Manāwī : op.cit., vol. IV., p. 248.

So, Ṣalāt is very important. It has been accepted by Muslims all over the world to have embodied the principles of Ṣalāt, which guide the Muslims in their daily life.

The book is a small one, having twenty four pages and three chapters. These three chapters are in addition to a conclusion. The three chapters dealing with the subject-matter of the book are divided as follows :

Chapter	I	deals with necessary <u>Masā'il</u> of <u>Ṣalāt</u> . It is divided into thirteen sections:
Section	I	deals with <u>Fard</u> of <u>Waḍū</u> (ablution),
Section	II	deals with <u>Sunnat</u> , <u>Mustahabb</u> and <u>Makrūh</u> of <u>Waḍū</u> .
Section	III	deals with those matters which render <u>Waḍū</u> void.
Section	IV	deals with <u>Fard</u> , <u>Sunnat</u> , and <u>Mustahabb</u> of <u>Ghusal</u> ; those matters which make <u>Ghusal</u> obligatory; ,when <u>Ghusal</u> is <u>Sunnat</u> , when it is <u>Mustahabb</u> and when it is <u>wājib</u> .
Section	V	deals with <u>Tayammum</u> .
Section	VI	deals with <u>Sharā'it</u> of <u>Ṣalāt</u> (external obligatory).
Section	VII	deals with <u>Arkān-i-Ṣalāt</u> , (internal obligatory).

- Section VIII deals with wajibāt of Ṣalāt,  
 Section IX deals with Sunnat of Ṣalāt,  
 Section X deals with Mustahabb of Ṣalāt,  
 Section XI deals with those matters which  
 nullify Ṣalāt,  
 Section XII *deals with Makrūhāt of Ṣalāt,*  
 Section XIII deals with additional prostration  
 necessitated by committing mistakes  
 in course of prayer.

Chapter II deals with those matters which create  
 interruption in humble entreaty in course  
 of prayers and their remedies. It is  
 divided into three sections :

- Section I deals with soul ( نفس ) and devil  
 ( شیطان ) which creates interruption,  
 Section II deals with mystery of Arkān and Adab  
 ( ارکان و آداب کے بحیثوں ) of Ṣalāt,  
 Section III deals with reality of the Arkān of  
Ṣalāt.

Chapter III deals with utterance of word of Niyyāt by  
 tongue, and the translation of Duā and  
Tasbīh of Ṣalāt. It is divided into three  
 sections :

- Section I deals with the utterance of Alfāz-i-  
Niyyāt,  
 Section II deals with the words of Niyyāt and its  
 places,  
 Section III deals with Duā-i-Qunūt.

Last of all there is Khātima in which, bearing in mind the  
 meaning of Duā and Tasbīh, and presence of Allāh has been  
 emphasised.

3. Khān Bahādur 'Abd al-Karīm Khākī<sup>1</sup>:i) Risāla -i-Masā'il-i-Ḍarūriah<sup>2</sup>:

It is in manuscript and not published. It is preserved in the Dhaka University Library bearing call no. AR/139. The book is a small one, consisting of 10 folios, each folio is of the size of 9½" x 7½". The writing is bold nastāliq. It seems that this manuscript is in the original hand-writing of the author Khān Bahādur 'Abd al-Karīm Khākī, and no other copy of the book was made. It deals with two fatwās on certain questions facing by the Muslims in those days.

ii) Chirāg-i-Īmān Marūf ba Fatwā-i-Sūd<sup>3</sup>:

This book consisting of 24 pages has been published from Ripon Press, Calcutta in 1306 A.H./1888 A.D. In this book the author 'Abd al-Karīm Khākī quoting from Qurān, Hadīth and Fiqh literature has proved the illegality of all kinds of interest (Sūd) according to the Islāmic point of view.

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1. For his life-sketch see section I, pp. 114-115.
  2. A.B.M. Habībullāh : Descriptive Catalogue of the Persian, Urdū and Arabic manuscripts in the Dhaka University Library, vol. II, Dhaka, 1968, p.459.
  3. Ibid., vol I, p.135; Muḥammad 'Abdullāh : Bangladeshe Fārsī Sahitya, Dhaka, 1983, p.193.

4. Maulānā Muḥammad Ishāq Bardawānī<sup>1</sup>i) Al-Tanqīhāt al-Saniyya fī Tahrim al-Raqṣ wa al-Ghinā wa Sijda al-Taḥiyya :

This book was printed from Maṭba‘-i-Wahīdī, Calcutta. This small book of 26 pages was probably<sup>2</sup> printed in 1917 A.D. In this book the author discussed Simā‘ and Sijda -i-Taḥiyya in the light of the Qurān, Hadīth and Fiqh. The author passed the opinion that Simā‘ and Sijda -i-Taḥiyya are Harām and illegal.

ii) Risāla Aḥsan al-Nuzul li Aṣḥāb ‘Urs al-Kul<sup>3</sup>

The book was published in 1924 A.D. from the Raḥmānia Press, Dhaka. In this book the author discussed at length the ‘Urs-i-Kul and threw light on the position of ‘Urs-i-Kul.

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1. For his life-sketch see Section I, pp. 125-126.
  2. There is no publication date, but in the copy which I have seen, there is an autograph of the author bearing date 17.2.1917.
  3. Dr. Serājul Ḥaque, Professor Emeritus, Dhaka University, possesses a copy of this book.

5. Maulānā 'Abd al-Latīf!

Maulānā 'Abd al-Latīf wrote six books on Fiqh in Urdū. They are (i) Safīnat al-Maādin fī Intifā' al-Murtahin bi idhn al-Rāhin, (ii) Fatwā on Bande Mātarm, (iii) Fatwā on eating Shaplā or Shakush fish, (iv) Fatwā on accepting remuneration for performing any religious function like offering Janāza prayer, (v) Fawā'id-i-Latīfia, (vi) Ishāat al-tālim bi ghair al-Arabia fī tardīd-i-Karāhat al-Khutbat al-Ghair al-Arabia.

1. Safīna al-Maādin fī Intifā' al-Murtahin bi idhn al-Rāhin:

This fatwā deals with a controversial subject. In those days there was a practice among the Muslims to mortgage mov<sup>o</sup>able and immov<sup>o</sup>able properties to the richer people in exchange of loans. Generally the Hindu Mahājans (money lenders) were very much active in this business, even the richer section of the Muslims also indulged in it. The practice was known as Kot or Jaishudī<sup>2</sup>. The mortgage was conditional, i.e. the holder of Kot title was to enjoy the produce and all other benefits of the property mortgaged as

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1. For his life-sketch see Section I, pp. 120-122.
  2. Jai means land and shudī means on interest. Probably land mortgaged on condition of accruing interest is the root of the word.

long as the owner could not repay the loan with interest. The rate of interest was high and within a short time the total loan with interest reached to such a height that ninety nine percent of the owners could not think of repaying. In this way the poor Muslims became bankrupt and the money lenders grabbed their properties.

The Muslim 'Ulamā' were generally opposed to this practice and opined that Kot mortgage was against Islāmic Law. Maulānā 'Abd al-Laṭīf also wrote this fatwā on the subject. It was written in 1339 A.H./1921 A.D. and published in book form in 1344 A.H./1925 A.D. from the Kamālī Press, Ismā'īl Madan Lane, Calcutta. The book contains 24 pages. The Bengali version of this book was written and published by his son Muḥammad Nūr al-Ḥuq Laṭīfī in 1331 B.S./1924 A.D. from Islāmia Press, Calcutta. His opinion was a little different from the other 'Ulamā'. The Maulānā did not categorically say that Kot mortgage was legal, but he put forward the argument in favour of 'Bai' bil' wafā' meaning purchase on condition.<sup>1</sup>

It should, however, be stated that Maulānā sidetracked the main issue. Even his "Bai' bil'-wafā" is not supported by the general body of 'Ulamā'. For example, Maulānā Abū Bakr, the Pīr Ṣāhib of Phurphurā and his Khalīfa Maulānā Rūḥ al-Amīn opposed it. They said that Bai' bil'-wafā is prohibited according to the Shariā.<sup>2</sup>

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1. Appendix No.VII.

2. Sayyid 'Alī Aẓam : Laṭīf Charīṭ, p.21.

ii) Fatwā on Bande Mātaram :

The question was whether it was permissible for the Muslims to raise the slogan Bande Mātaram, which literally means worshipping the mother India. The Maulānā in this fatwā gave the opinion that it was permissible for the Muslims and if anyone raised this slogan he will not be Kāfir and it will not be a kufri for the Muslims<sup>1</sup>. Şūfī Şadr al-dīn<sup>2</sup> entered into a debate with the Maulānā on this issue, but the Maulānā failed to justify his stand point.<sup>3</sup>

I could not get a copy of the Fatwā, but from Sayyid 'Alī A'zam's discussion about it in Laṭīf Charīṭ, it appears that the fatwā was given in or about 1920 A.D. The date is significant; those were the days when Indian political leaders were trying to bring about a rapprochement between the Lucknow Pact of 1916 and in the wake of the Khilāfat and Non-cooperation Movements initiated by Mahātmā Ghāndhī, Maulānā Muḥammad 'Alī and Şawkat 'Alī. The Maulānā was also probably influenced by the wave of the political rapprochement.

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1. Sayyid 'Alī A'zam : op.cit., pp. 22-23.

2. Şūfī Şadr al-dīn, a Khalīfa of the Saint Maulānā Abū Bakr Şhāh of Phurphurā was a renowned Muslim divine who preached Islām in Jessore, Pabna, Bogra, Rangpur, Dinajpur, Khulna, Nadia, Barisal, Comilla, Noākhālī and Burma.

Originally he was from Jessore but is lying buried at the village Gazāriā, Fenī. He lived one hundred year from 1840 to 1940 A.D.

3. Maulānā 'Ubaid al-Ḥuq : Bangladesher Pīr Auliyāgan, Ḥamīdia Press, Noākhālī, 1969 A.D., p.173.

iii) Fatwā on eating Shāplā or Shakush fish:

Shāplā or Shakush fish is actually the Hangar of our Bengali language. Generally the Muslims do not eat this, probably because of the high amount of fat which is injurious to health. The main question is: whether it belongs to the species of fish. The Maulānā consulted various lexicons, e.g. 'Ajāib al-Makhlūqāt, Hayāt al-Haywān, Ṣurāḥ, Muntakhab, Qāmūs and quoted profusely from authoritative books on Fiqh viz, Fatāwā-i-Qādī Khān, Radd al-Muḥtār, Durr al-Mukhtār Fatāwā-i-Ālamgīrī and Hidāya, and proved that this belongs to the Species of fish and it is permissible for the Muslims to eat it<sup>1</sup>.

iv) Tadqīq al-Baṣārat fī Khairāt al-Janāza wa al-Ziyārat:

There is a practice among the 'Ulamā' and Khwandkārs<sup>2</sup>

1. Sayyid 'Alī Aẓam: Laṭīf Charīt, pp.24-25. This humble self begs to differ with the Maulānā. A comparison may be made with Khamr and Maysir. The relevant verse in the Holy Qurān is as follows: يسئلونك عن الخمر والميسر - قل فيها اثم كبير و منافع للناس وانها اكبر من نفعها - The Qurān prohibits taking Khamr and Maysir; although there is some benefit in them, because harm is greater than benefit. In this case also Shakush fish is fatty and more injurious to health than accruing benefit. So it should be avoided.
2. The Khwandkārs (Generally written as khondkārs) are a class of people well-versed in day to day practice of Islāmic way of life. The illiterate or less educated Muslims call them to perform Janāza prayers and offering Ziyārat or reading the Qurān with the hope of getting Maghfirat for the dead ones. The word Khwandkār is derived from Khwāndan (reading) and Kardan (doing) Originally they used to perform day to day religious duties in mosques and madrasas or helped the illiterate and less educated Muslims in performing their religious duties. These people were called either Mullā or Khwandkārs or Akhand, the last two words derived from the same root. But gradually they formed professional classes and the title became hereditary.

to accept Khairāt (remuneration in exchange of labour) by offering Janāza prayer and making Ziyārāt in the graves. A section of the 'Ulamā was against this practice and they opine that this sort of accepting remuneration is not provided by Islāmic Law. Maulānā 'Abd al-Latīf opposed the 'Ulamā and wrote the fatwā wherein he states that it is permissible to accept such remuneration. In the then India and Burma people were accustomed to pay liberally Khairāt and Sadaqāt in expectation of Maghfirat of the dead persons. The recipients of such Khairāt and Sadaqāt were the 'Ulamā and Khwandkārs who recited the Holy Qurān (or Khatm-i-Qurān) and offered Fātiḥā for the dead soul. So the Maulānā gave the opinion that such Khairāt received for Janāza prayer and making Ziyārāt is lawful. He adduced proofs in support of receiving Khairāt in exchange of offering Janāza prayer, Ziyārāt, Milād and Qiyām and issued this Fatwā. The fatwā was published by his son Maulānā Muḥammad Nūr al-Ḥuq Latīfī in book form<sup>1</sup>.

In this fatwā also the Maulānā side-tracked the main issue. The question was : whether the 'Ulamā were permitted to accept Khairāt by doing a work which was enjoined on

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1. Sayyid 'Alī Aẓam : Latīf Charīṭ, p.40. I have not been able to discuss this book as I could not lay my hands upon it.

them by Shari'ā , and not ; whether Khairāt was permissible. For example, Janāza prayer is Fard-i-Kifāya. One has to offer the prayer whether he is paid or not. Similarly reading the Milād is equivalent to preaching of Islām. It is incumbent on the 'Ulamā' to preach and to explain religious principles to illiterate people. Here the Maulānā's approach was negative; he says, Khairāt and Sadaqāt are permissible (for which there is no controversy) and the law defines as to who were the persons that could receive such Khairāt and sadaqāt. So the Maulānā has shifted from the main issue. The Maulānā also refrains himself from commitment; he does not categorically say that acceptance of Khairāt by the 'Ulamā' by offering religious functions like saying Janāza prayer is permissible, but says that Khairāt is permissible. He therefore, says by implication that the 'Ulamā' were permitted to accept such Khairāt.

v) Fawā'id-i-Laṭīfiya :

This book is divided into four parts. The first part is called Wazā'if-i-Laṭīfiya which deals with his Sūfī Tariqa and Wazīfa of his murīds. The second part is called Khuṭba -i-Laṭīfiya and it contains Khuṭba of Jumā prayers and some essential du'ā. The third part is called Mujarrabāt-i-Laṭīfiya containing tāvīdh(amulet) and the fourth part is called Fatawā' -i-Laṭīfiya containing legal discussions on various problems facing by the Muslims in those days.

vi) Ishāat al-Talīm bi Ghair al-Arabia fī Tardīd  
Karāhat al-Khutbāt al-Ghari al-Arabia:

This is an elaboration of his Arabic fatwā on the subject already mentioned in Arabic section.<sup>1</sup>

6. Maulānā Muḥammad Nūr al-dīn:

Nothing is known about the life of Maulānā Nūr al-dīn, except that he was an Islāmābādī, i.e. he hailed from Chittagong. Maulānā Muḥammad Nūr al-dīn wrote kashf al-Hāja ( كشف الحاجة ) which is actually a translation of the famous Persian work on Fiqh, Mā Lā Budda Minhū of Qādī Thanā' Allāh of Pānīpat, India. The translator, Maulānā Muḥammad Nūr al-dīn says that while he was coming back from North India in 1362 A.H./1943 A.D. after completing his education, his friends requested him to translate the Persian work Mā Lā Budda Minhū for the benefit of non-Persian knowing Muslims of Bengal, and at their request he translated the book into Urdū.

The book Kashf al-Hāja deals with essential principles like Imān, purification (Tahārat), Salāt, Dafn and Kafn, Zakāt, Fasting, Hajj, Taqwā, Ihsān and Taqarrub, all those subjects that guide the Muslims in their day to day life.

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1. Appendix No.VIII.

The book contains nine chapters and a conclusion.

The nine chapters are divided as follows :

Chapter	I	deals with <u>Imān</u> in which there is one section for taking care about <u>Ṣalāt</u> .
Chapter	II	deals with <u>Tahārat</u> i.e. purification. It is divided into ten sections:
Section	I	deals with <u>Wadū</u> (ablution),
Section	II	deals with those matters which renders <u>Wadū</u> void,
Section	III	deals with <u>ghusal</u> ,
Section	IV	deals with those matters which make <u>Ghusal</u> obligatory,
Section	V	deals with filthy things,
Section	VI	deals with purification from unseen filthy things,
Section	VII	deals with the purification from a filthy thing which is seen,
Section	VIII	deals with running water and confined water,
Section	IX	deals with well and Pit,
Section	X	deals with purification by sand ( <u>Tayyammum</u> ).

Chapter	III	deals with <u>Ṣalāt</u> in which there are fifteen sections:
Section	I	deals with the time of prayers,
Section	II	deals with <u>sharā'it</u> of prayers,
Section	III	deals with the <u>Arkān</u> of prayers,
Section	IV	deals with the <u>Wājibāt</u> of prayers,
Section	V	deals with <u>Jamā'at</u> , <u>Imāmat</u> and additional prostration necessitated by committing mistakes in course of prayer,
Section	VI	deals with saying prayer in accordance with <u>Sunnat</u> ,
Section	VII	deals with <u>Ḥadath</u> in course of prayer,
Section	VIII	deals with <u>Qaḍā</u> prayer,
Section	IX	deals with those matters that nullify <u>Ṣalāt</u> and with those matters that are makrūh, hateful and unbecoming of <u>Ṣalāt</u> ,
Section	X	deals how a sick man will say his prayers,
Section	XI	deals with prayers of a <u>musāfir</u> ,
Section	XII	deals with <u>Jum'a</u> prayer,

Section	XIII	deals with near-obligatory ( <u>wājib</u> ) prayer,
Section	XVI	deals with <u>Nafal</u> prayer,
Section	XV	deals with <u>Sijda Tilawat</u> (prostration at stated points in reading the Holy Qurān),
Chapter	IV	deals with funeral in which there are three sections :
Section	I	deals with martyr,
Section	II	deals with Condolence,
Section	III	deals with visit to the grave- yard.
Chapter	V	deals with <u>Zakāt</u> , It is divided into three sections :
Section	I	deals with those persons who are suitable to take <u>Zakāt-money</u> ,
Section	II	deals with <u>Ṣadqa-i-Fiṭr</u> ,
Section	III	deals with <u>Ṣadaqāt-i-Nāfila</u> .
Chapter	VI	deals with fasting. It is also divided into three sections:
Section	I	deals with those matters which make <u>Qaḍā</u> or <u>Kaffāra</u> obligatory,

Section	II	deals with <u>Nafal</u> fasting,
Section	III	deals with <u>Ītikāf</u> .
Chapter	VII	deals with <u>Hajj</u> ,
Chapter	VIII	deals with <u>Taqwā</u> . It is divided into five sections:
Section	I	deals with eatable things,
Section	II	deals with dress, etc.
Section	III	deals with <u>Jimā</u> ( عجا ) and those matters which raise evil propensity,
Section	IV	deals with <u>Kasab</u> and Trading,
Section	V	deals with <u>Ḥaqq al-Ībād</u> ,
Chapter	IX	deals with <u>Iḥsān</u> & <u>Taqarrub</u> and the concluding part, i.e. <u>Khātima</u> deals with <u>Kufrī</u> words and innovation ( بدعت ).

7. Muftī Faīd Allāh<sup>1</sup> :

i) Daf' al-Wasāwis fī Auqāf al-Madāris :

The book was written in 1943 A.D. It contains 32 pages. It was published by Kutub Khāna-i-Faiḍiyya, Hāthazārī, Chittagong. The book deals with the proper appropriation of Waqf property of the Madrasas.

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1. For his life-sketch see Section I, pp. 136-137.

ii) Izālat al-Khabṭ wa al-Haimān :

The book is written in Urdu in 1957 and published from Islamia Litho Press, Chittagong in 1958 A.D. It contains 32 pages. The book deals with Ruḡyat-i- Hilāl i.e. sighting the moon in the month of Ramaḡān and 'Īd. He is of the opinion that keeping fast and observing 'Īd can not be done relying on the news of Radio and Television about the sighting of the moon.

8. Maulānā Muftī 'Azīz al-Huq!

Muftī 'Azīz al-Huq has two publications in Urdu to his credit. They are (i) Al-Ītidāl fī Mas'ala al-Hilāl (Khabar-i-Radio Kī Taḡqīq) (الاعتدال في مسألة الهلال (خبر راديو کی تحقیق) )

ii) Ītikāf-i-Chehel Rūz (اعتكاف چهل روز).

Actually the Maulānā wrote Fatwas on the above subjects and later published them in book form . The Maulana, infact, wrote many fatwas, but unfortunately none, except these two have been preserved. These publications<sup>2</sup> (Originally fatwās) — are entitled Al-Ītidāl fī Mas'ala al-Hilāl (Khabar-i-Radio Kī-Taḡqīq) and the other "Ītikāf-i-chehel Rūz". Both are written in Urdu with profuse quotations from authoritative books on Fiqh. These two fatwās bear witness to his erudition & depth in Fiqh and Uṣūl al-Fiqh. Many of his

1. For his life-sketch see Section I, pp. 127-129.

2. Al-Ītidāl fī Mas'ala al-Hilāl: Ist edition, Chittagong, 1372 A.H./1952 A.D.; Ītikāf-i-Chehel Rūz : Ist edition, Chittagong , 1379 A.H./1959 A.D.

contemporary muftis declined to accept the radio news as an evidence for sighting of the moon . At the same time there was no precedence on problems like this. Quoting profusely from different books on Fiqh he concludes as follows :

ہلال کے متعلق پوری تحقیق و تفتیش کر کے  
خبر شائع کرنے کے لیے حکومت نے ایک کمیٹی دو ہلال کمیٹی، کے نام کو بنائی  
جس کے اراکین معتبر علماء کی ایک جماعت ہیں جب تک یہ کمیٹی ہلال کے  
متعلق ریڈیو کے کارکنوں کو کوئی اطلاع نہ دے اس وقت تک وہ لوگ  
ہلال کی کوئی خبر شائع کرنے کا من جانب حکومت مجاز نہیں ہیں اور  
کمیٹی پر یہ ذمہ داری بھی ہے کہ وہ شرعی طریقہ سے رویت ہلال پر گواہیاں  
لیں اور جب چاند ثابت ہو جائے تو عام اعلان کے لئے ریڈیو کے کارکنوں  
کو مطلع کریں تاکہ مسلمانوں کو بد نظمی سے بچایا جاسکے -

پس ایسی حالت میں شہادت تو ہلال کمیٹی کے رو برو ہو جاتی ہے اور  
ریڈیو صرف اعلان اور خبر پہنچانے کا آلہ ہوتا ہے جس کو خبر عن الشہاد  
و خبر عن اقرار العلماء المعتمدين کہا جاسکتا ہے جو طریق موجب میں داخل  
ہے لیکن خبر دینے والا سامنے نہ ہونے کی وجہ سے شناسائی کے قصور اور  
مستور الحال کے ضعف کا انجبار باب قضا سے نہ ہونے کی بنا پر خبر کے تعدد  
دو تواتر سے ہو سکے گا -

مذکورہ بالا عبارات کو امعان نظر اور غیر جانبدارانہ انداز میں مطالعہ  
کرنے سے ان شاء اللہ تعالیٰ رشد و ہدایت کا راستہ کھل جانے کی امید ہے

This fatwā was attested to and approved by many muftis of the Sub- continent including Maulānā Husain Ahmad al-Madani, Maulānā Izāz 'Alī and Mufti Kifāyat Allāh of U.P. India.<sup>1</sup>

1. Mufti 'Aziz al-Huq : Al-Itidāl fī Mas'ala al-Hilāl ,  
Ist edition, Chittagong, 1372 A.H./1952 A.D.

Similarly his fatwā on Itikāf-i-Chehel Rūz  
 ( اعتكاف چهل روز ) bears testimony to his profound  
 scholarship in Fiqh and sound judgement. The question was  
 whether Itikāf for forty days was permissible or not. In  
 answering to this question the said Muftī 'Azīz al-Ḥuq went  
 back to original sources of Fiqh, the Qurān and Hadīth and  
 brought forward ten arguments in supporting the proposition  
 that the Itikāf for forty days was permissible in Islām.

These two fatwās of Muftī 'Azīz al-Ḥuq indicate his  
 originality in the field of fiqh.

SECTION IV

WORKS IN BENGALI

Section IV

WORKS IN BENGALI

1. Alāol :

The great medieval Bengali poet Alāol wrote a book entitled Tuhfā or Tattva Upadesh. The poet lived in the 17th century in the court of Arākān and received patronage from some Muslim ministers of that court, such as Quraishi Māgan Thākūr, Sulaimān, Sayyid Muḥammad and Nabarāj Majlis. Alāol was originally a Bengali Muslim, some say his homeland was Chittagong<sup>1</sup>, while others say that he came from Farīdpūr<sup>2</sup> and his father was a noble in the court of Majlis Qutb, one of the Bāra Bhuiyans of Farīdpūr. Whatever that may be, while going through the river, Alāol and his father were attacked by Harmads (Portuguese Pirates); Alāol's father was killed, while the poet himself was imprisoned and was sold to the Arakanese. There in Arākān, Alāol accepted an appointment as ordinary soldier (sawār) and came in contact with the Muslim ministers as stated above. The ministers found in him the poetic talent, patronised him and entrusted him with the work of

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1. Muḥammad Enāmul Ḥaq : Muslim Bangālā Sāhitya, Dhaka, 1968, pp 241-42; Arākān Rājsabhai Bangālā Sāhitya, 1st edition, Dhaka, 1936 A.D. pp.44-46.
  2. Dr. Muḥammad Shahīdullāh: Banglā Sāhityer Kathā, vol.II, (Madhya Yugh ) 2nd edition, Dhaka, 1374 B.S./1967 A.D. p.218.; Syed 'Alī Aḥsan: Padmābatī, 1st edition, Dhaka, 1968 A.D. p.68.

writing books. Alāol's date of birth is not known, but he appears to have lived upto the eighties of the 17th century!<sup>1</sup> He wrote a number of Bengali books, of which Tuhfā is an important work. The date of composition of Tuhfā is stated in the following words :<sup>2</sup>

পুস্তক সমাখ সংখ্যা শুন মুসলমানী।  
 নাম সিদ্ধ নববিক লও পরিমানি।।  
 শাবানের চতুর্বিংশ দিন গোমবার।  
 সমুখে বরাত নিশি শুভ যোগসার।।  
 তরুণ অরুণ সমে বেলা দুই যাম।  
 'তত্ত্ব উপদেশ' এহি পুস্তকের নাম।।  
 মলদের সন সংখ্যা বুঝাই নির্ণয়।  
 ঋতু যোগ অত্র এক বসন্ত সময়।।  
 ফাল্গুন মাসেত জান চতুর্বিংশ গোম।  
 সমাখ হৈল এহি পুস্তক মনোরম।

Ghulām Samadānī Quraishī finds out the Hijrī date 1073 and Maghi date 1026. 1073 A.H. is equivalent to 1662 A.D., while 1026 M.E. is equivalent to 1664 A.D. There is, therefore, a slight discrepancy in the date.<sup>3</sup>

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1. Syed 'Alī Aḥsan : Padmābatī, 1st edition, Dhaka, 1968 A.D. pp.81-84.
  2. Alāol: Tuhfā, edited by Ghulām Samadānī Quraishī, 1st edition, Dhaka, 1975. p. 114.
  3. Ibid., p. 8.

Chapter	I	<u>Tauhid,</u>
Chapter	II	<u>Imān,</u>
Chapter	III	<u>Gorsawāler Kathā, i.e., Sawāl- Jawāb in the grave,</u>
Chapter	IV	<u>‘Ilm</u> or knowledge,
Chapter	V	<u>Ahkāms</u> relating to <u>Waḍū, Tayammum,</u> purificatory bath ( <u>Ghusal</u> ) and cleanliness after call of nature,
Chapter	VI	<u>Namāz,</u>
Chapter	VII	<u>Zakāt,</u>
Chapter	VIII	<u>Rozā,</u>
Chapter	IX	<u>Musāfir</u> and how they should offer prayers,
Chapter	X	Recitation from the Holy Qurān and offering <u>duā</u> and their merits,
Chapter	XI	How to earn livelihood,
Chapter	XII	Rules governing marriage,
Chapter	XIII	How to bring the newly wed bride to the bridegroom's house,
Chapter	XIV	How to take daily food,
Chapter	XV	How to drink (non-intoxicant),
Chapter	XVI	How to wear apparels,
Chapter	XVII	about sleep and dream,
Chapter	XVIII	Trade and business according to <u>Shariā,</u>

Alāol further says that the original work Tuḥfat al-Nasāih was written by Shaikh Gadā in 795 A.H. and he has translated it 278 years after the work of Shaikh Gadā. So the date comes to (795 + 278) 1073 A.H./1662 A.D.<sup>1</sup>

In this calculation also the discrepancy remains. Dr. S.S. Husain writes, "The Maghī date which the above formula yields is 1026 or 1664 A.D. The Hijri date, also given in the same formula, has so far proved impossible to ascertain. It seems that Alāol began the work in 1662 A.D. and finished it in 1664 A.D."<sup>2</sup>

Alāol's Tuḥfā is actually free translation of Tuḥfat al-Nasāih of Shaikh Yūsuf Gadā of Delhi written in 795 A.H./1393 A.D. The original book was written by Shaikh Gadā at the instance of his Murshid Shaikh Muḥammad for the guidance of the latter's (Shaikh Muḥammad's) son Abū al-Faḥ. The book deals with religious subjects appertaining to Fiqh and also some customary practices prevalent among the Muslims. After writing verses on Ḥamd, Nāṭ, the poet's autobiographical notes and praises of his patron Minister of Arākān, in the initial several chapters, the author discusses the subjects appertaining to Fiqh:

1. Descriptive catalogue of Bengali Manuscripts in Munshī 'Abdul Karīm's Collection; edited by 'Abdul Karīm and Aḥmad Sharīf, translated by S. Sajjād Husain, Dhaka, 1960 A.D., p.137.
2. Ibid.

Chapter	I	<u>Tauhid</u> ,
Chapter	II	<u>Imān</u> ,
Chapter	III	<u>Gorsāwāler Kathā</u> , i.e., <u>Sāwāl- Jāwāb</u> in the grave,
Chapter	IV	<u>‘Ilm</u> or knowledge,
Chapter	V	<u>Ahkāms</u> relating to <u>Waḍū</u> , <u>Tayammum</u> , purificatory bath ( <u>Ghusal</u> ) and cleanliness after call of nature,
Chapter	VI	<u>Namāz</u> ,
Chapter	VII	<u>Zakāt</u> ,
Chapter	VIII	<u>Rozā</u> ,
Chapter	IX	<u>Musāfir</u> and how they should offer prayers,
Chapter	X	Recitation from the Holy Qurān and offering <u>duā</u> and their merits,
Chapter	XI	How to earn livelihood,
Chapter	XII	Rules governing marriage,
Chapter	XIII	How to bring the newly wed bride to the bridegroom's house,
Chapter	XIV	How to take daily food,
Chapter	XV	How to drink (non-intoxicant),
Chapter	XVI	How to wear apparels,
Chapter	XVII	about sleep and dream,
Chapter	XVIII	Trade and business according to <u>Sharī'a</u> ,

Chapter	XIX	Sufism,
Chapter	XX	Good nature and politeness,
Chapter	XXI	Loans and how to repay,
Chapter	XXII	Manners in assemblies ( <u>Majlises</u> ),
Chapter	XXIII	Jealousy,
Chapter	XXIV	To pay <u>ṣadaqāt</u> ,
Chapter	XXV	<u>Taqdīr</u> and <u>tawakkul</u> ,
Chapter	XXVI	<u>Ṣabr</u> or patience,
Chapter	XXVII	<u>Tauba</u> ,
Chapter	XXVIII	Miserliness,
Chapter	XXIX	Good deeds,
Chapter	XXX	Philanthropy,
Chapter	XXXI	<u>Wādā</u> or to keep words,
Chapter	XXXII	How to talk decently,
Chapter	XXXIII	Permissible games,
Chapter	XXXIV	To sacrifice hunted animal,
Chapter	XXXV	To see the new moon,
Chapter	XXXVI	Manners of old people,
Chapter	XXXVII	About worries and condolence,
Chapter	XXXVIII	About martyrs,
Chapter	XXXIX	Forty worries,
Chapter	XL	How to increase wealth. Here the poet refers to the merits of reciting various <u>Sūras</u> of of the Holy Qurān, and merits of <u>chāsht</u> prayer, <u>Rozā-i-Ayyām</u> <u>-i-Bīd</u> , Morning walk, etc.

Chapter	XLI	Actions for which people may go to heaven,
Chapter	XLII	Actions for which people may go to hell,
Chapter	XLIII	<u>Sunna</u> of Ḥaḍrat Ibrāhīm,
Chapter	XLIV	<u>Murdār</u> for which <u>qisās</u> is not necessary,
Chapter	XLV	Miscellaneous.

## 2. Naṣr Allāh Khondkār<sup>1</sup>:

Poet Naṣr Allāh Khondkār is one of the great Muslim poets of Bengal who have written in Bengali language. He is known to have written three books :

- a) Jangnāma,
- b) Mūsār Sāwāl,
- c) Shari'atnāma.<sup>2</sup>

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1. The derivative of the word Khondkār has been discussed at supra, p. 189.
  2. For a long time scholars believed that he wrote another book, Hidāyat al-Islām, but Dr. 'Abdul Karīm has recently shown that the book which is called Hidāyat al-Islām by previous scholars is actually the other name of Shari'atnāma (Naṣr Allāh Khondkār : Shari'atnāma, ed. by Dr. A. Karīm, p.3).

Jangnāma deals with tales of wars in which Ḥaḍrat 'Alī is said to have taken part; the subject-matter of Mūsār Sāwāl is not known; but Shari'atnāma is a book on Fiqh. The first two books have not been published, while Shari'at-nāma has been edited by Dr. A. Karīm<sup>1</sup>. The date of Naṣr Allāh Khondkār and the date of composition of his works have also been subject of controversy among modern scholars.

Dr. Muḥammad Enāmul Ḥaq thought that the poet Naṣr Allāh Khondkār was alive during the periods from 1560 to 1625 A.D.<sup>2</sup> But this view has now been challenged. Dr. Ḥaq could not find out the date of composition of any book of the poet, so he fixed the date on the basis of circumstantial evidence. But Dr. 'Abdul Karīm has got the date of composition stated by the poet Naṣr Allāh Khondkār in his Shari'atnāma and on the basis of this, Dr. Karīm states that the poet composed his Shari'atnāma in 1749 A.D.<sup>3</sup>

As stated above Shari'atnāma is a book on Fiqh.

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1. Published by the Bengali Department, Chittagong University, 1975 A.D.
  2. Muḥammad Enāmul Ḥaq : Muslim Bangālā Sāhitya, pp.172-173.
  3. Shari'atnāma, edited by Dr. A. Karīm, Dhaka, 1975, pp.29-30.

The book, therefore, deals with Amr bi'l Mārūf and Nahī 'ani'l Munkar<sup>1</sup> (that which is to be done and that which is to be prohibited). He also says that the aim of the book was to preach Islāmic Aḥkām on the basis of the Hanafī Madhhab.

The poet starts with Namāz<sup>2</sup>. Although the author states that he was discussing about Namāz, he does not say anything about the Aḥkām of Namāz, but says that no one should go to the masjid for purposes other than offering Namāz<sup>3</sup>.

Then the poet writes about some un-Islāmic practices prevailing in the then Muslim Society. He particularly refers to plastering the floor of the house with cow-dung and says that plastering the floor of the house with

1. Shari'atnāma, edited by Dr. A. Karīm, Dhaka, 1975, p. 55.

বিসমিল্লাহিত্ত রহমানির রহীম।  
শরীয়াতনামা বাণী কর অবদান।  
অবশ্য মানিব যেবা হয় মসলমান ॥  
মসলমানে মসলমানী কর্ম না করলে।  
মসলমান নহে হেন শাস্ত্র মধ্যে বোলে ॥  
আমর মানাই যত আছে শরীয়াতে।  
সহরিসে কাঁহ আমি শুন রপাঁচিতে ॥  
হুকুম সবারে শাস্ত্র আমর বোলেম।  
মানারে বোলেয়ে নেহী আরবী ডায়ায় ॥

2. Ibid., p. 58.

আদ্যে নমাজের কথা কাঁহ পদবন্দে।  
একে একে তুমি সবে শুন মহানন্দে ॥

3. Ibid.

বিন সেবা হেতু মসজিদে ন যাইবা।  
হাদি যায় নিরস্তরে প্রভুকে সোঁকবা ॥

cow-dung makes the house unclean. He also says that women during **mense** period do not become impure and also writes elaborately the do's and don'ts of such women. He also discusses the period after which the women become pure after giving birth to<sup>a</sup> child and discusses do's and don'ts of such women. The author also discusses at length the merits of the observance of purdah by women. After this the author gives a long description about the deads and the condition of the dead people from death to burial in the qabr and also the condition after burial.

The rules governing kafn and dafn have also been discussed elaborately. This portion of the author's discussion is based on 'Allāma Suyūṭī's Budūr al-Sāfira fī Umūr al-'Ākhira and Sharḥ al-Ṣudūr fī Ahwāl al-Mawtā wāl-Qubūr. The author again discusses at length the un-Islāmic practices prevalent in the then society, particularly regarding marriage. In this connection the poet also refers to the position of women as provided by Islāmic law. Then the poet criticises bitterly the hypocrite Maulānās who misguided the illiterate Muslims for their own pecuniary gain. The poet seems to be a very learned man in Islāmic sciences and quoted profusely from the Holy Qur'ān.

### 3. Shaikh Parān<sup>1</sup>:

Shaikh Parān was a Bengali poet living in Sitākunda Upazilā of Chittagong district. He wrote two books, Kaidānī Kitāb and Nūr Nāma. Kaidānī (Qaidānī) Kitāb (also known as Naṣiḥatnāma) is a book on Fiqh, describing one hundred thirty Fard of Waḍū and Namāz, Chār Kursī, names of Madhhabs, Fard of Ghusal, seven points of Īmān, name of Wajūd, name of veins, and the number of the hairs of the body. Nūr Nāma deals with Roz-i-Azal or first day's creation of Allāh.

### 4. Shaikh Muṭṭalib :

Shaikh Muṭṭalib, son of Shaikh Parān ( discussed just above) was also an inhabitant of Sitākunda Upazila, but received education under Maulvī Raḥmat Allāh, a renowned 'Ālim who established a madrasa at Paindang village on the bank of Dhurung river in Fatikchhari Upazila . I have come to learn from an inhabitant of Paindang village that a mosque in the same village is still known as "Maulvī Raḥmat Allāh mosque". A madrasa is attached to the mosque, but most probably the separate madrasa does not exist today.

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1. Shaikh Parān's time has been discussed later, see infra, p.214.

Shaikh Muṭṭalib wrote two books on Fiqh, with the titles Kifāyat al-Muṣallīn and Kaidāni Kitāb. The books are in Bengali verses and they were written with the instruction of his teacher Maulvī Raḥmat Allāh. The Poet admired his teacher very much!

It is, therefore, clear from the poet's own admission that Maulvī Raḥmat Allāh was a great ‘Ālim, in piety he became a Ḥabīb ( friend ) of Allāh and he became an accomplished scholar. He was a Hajī ( হাজী হেজরত ), Qārī and Ḥafīz, and he led the prayers in the mosque.

1. Kifāyat al-Muṣallīn, edited by Dr. Aḥmad Sharīf, 1st edition, Dhāka, 1978, p. Tha.

মৌলবী রহমতুল্লা তপে তোষে হাবীবুল্লা  
 চতুর্দশ এলেম অবধান ।  
 হাজী হোরমাইন ভাত আর কারী কেয়ায়ত  
 তাৎখিক হাফিজ কোরান ॥  
 মসজিদে রহমানে আসি সবে মুসলমানে  
 তারাবীত গুনন্ত খতম ।  
 নামাজ কোরান ধনি পুলকে মুম্বীন গুনি  
 সহস্র ভাহার মধ্যে ভ্রম ॥  
 যথ সব মুম্বীন আসিয়া জুমার দিন  
 নমাজ করন্ত কুতুহল  
 মোহাম্মদী দীন কাম শিবায়ন্ত অবিশ্বাস  
 মুসলমানী করন্ত উবল ।  
 জানে ধ্যানে অভি শক্ত আশ্রা ভাবে নিতি ভক্ত  
 কদাচিত ভ্রম নাহি ভান ।  
 যথেক পাঠকগণ পাঠ দেন্ত অরুক্ষণ  
 বিতাবেয় যিনি অবধান ॥

He comprehensively described the circumstances leading to the composition of his book Kifāyat al-Muṣallīn.<sup>1</sup>

1. Kifāyat al-Muṣallīn, edited by Dr. Aḥmad Sharīf, 1st edition, Dhāka, 1978, p.Da-Na.

একদিন সভা করি জুমার নযাজ পড়ি  
বসিছিল মৌলবীর সঙ্গে ।

দীন ইসলাম বাস্তব সকলে পুছন্ত তাত  
পছন্তর দেখ্ত মনোরঞ্জে ॥

পুনি যুগপাণি ছুড়ি সবে নিবেদন করি  
কহিতে লাগিলা তান স্থান ।

আলিম কাজিল জানি তোমার আদেশ মানি ;  
তেন মতে করে মুসলমান ॥

পূর্বের আলিমগণ সবে কৈল মতুপান  
চির আউ নাহিক কাহার ।

আরবী ভাষেত থাকে না বুঝন্ত সর্বলোকে  
বঙ্গভাষে করহ প্রচার ॥

তবে তার বুঝি মর্ম, করিবেক সেই কর্ম  
পাইবেক শাস্ত্র উপদেশ ।

শুনিয়া শব্দের বাণী, সবে লৈব পরিমাণি ;  
মুসলমানী করিব বিশেষ ॥

সকলে মিলিয়া পুনি আমাকে কহিল বাণী  
করিবারে পুস্তক সঞ্চার ।

আমি যুগপাণি ছুড়ি নিবেদন ভক্তি করি  
কোনমতে করিমু বিচার ॥

মোহোর বচন ধর দলিল বাজালা কর  
শকা না করিও কদাচন ॥

আরবীত সর্বজন না বুঝন্ত সে বচন  
সবে বুঝে পয়ার সুছন্দ ।

মুসল্লিরূপ যথ কর্ম পাইবেক তার মর্ম  
সকলে জানিব ভালমন্দ ॥

মোহোর নিকট তুমি না করহ শকা ।

কেয়ামতে ভাল হৈব হৈলে দীন উকা ॥

Continued :-

The poet wrote his book not only at the inspiration of his teacher Maulvī Raḥmat Allāh, but the teacher actually explained to his student the difficult passages. The poet also refers to the sources from which he derived his information! He also says that he consulted authoritative books on Fiqh like Muḥit, Fatwā-i-Khāniya, Fatwā-i-Kubrā, Sharḥ-i-viqāya, Hidāya, Qudūrī, Kanz, 'Aqā'id, Maufiq, Kashf al-Mizān. The comprehension of such authoritative books was really difficult for the young student Muṭṭalib, so he had to take help and assistance from his teacher Maulvī Raḥmat Allāh.

Continued:-

সর্বথাএ তুমি মোর বসিয়া নিকট ।	→ কিতাবের রোয়াইত কহেস্ত বুঝাই ।
হীরা ছে'দবারে তুমি করহ প্রকট ॥	তাহান আদেশ মুই নিরেত ধরিয়া
তাহান আদেশ মানি কৈল অঙ্গীকার ।	করযুগে তান যুগ-চরণ বন্দিয়া ।
মুসলমানী শাস্ত্র কথা করিতে প্রচার ॥	ওস্তাদ সকলের পদে করিয়া আরাতি
মহাশয় মৌলবীক দর্পণ করিয়া ।	কিফায়তুল মুসল্লিন গুণের ভারতী ।
চলিলুম বিকট পশ্বে আল্লাক ভাবিয়া ॥	সীতাকুণ্ড গ্রামে শেখ পরান সুজন
তাহান নিকটে মোকে সাপরে বৈসাই →	তাহান নন্দন হীন মুতালিবে ভান ।

1. Kifāyat al-Muṣallīn, 1st edition, Dhaka, 1978, pp. Na-Pa.

যথেক হকুম আর নিষেধ করিছে	→ ফেকা এলম হোস্তে এ সকল নিকালিছে
কহিবাম কোন্ এলম হস্তুে নিকলিছে ।	ভাল মন্দ নামাজের সকল কহিছে ।
ফেকার এলম হস্তুে তাকে বিচারিয়া	এ সব কিতাব মাঝে কহিয়াছে সত্য
কিতাবেতে কহিছেস্ত মনে বির্মসিয়া ।	বিচারি চাহিবা তথা না করিলে পৈতা ।
রাবী সবে রোয়াইত করিছে কিতাবে	মউফেক আর এক কাসফল মিজান
ভাল মন্দ জানিবারে যত লোক সবে ।	এ সব কিতাব জান এলম স্থান ।
রোয়াইত কোন্ কোন্ কিতাবে আছএ	নামাজের যত ইতি তর্জিব কহিছে
সে সব কিতাব নাম শুন সভামএ ।	এ সব কিতাবে সেই মসায়েল আছে ।
কিতাব মহিত আর ফতাবি থানিরা	সব মসায়েল আনি করি একত্তর
কতাবি কোবরা আর শরা বেকারা ।	কহিয়াছে কারদানি কিতাব অন্তর ।
হেদায়া কুহুরী কল্প আর আকায়েদ	আরবীত সকলে না বুঝে ভাল মন্দ
এসব কিতাবে আছে এহি ভেদাভেদ । →	তেকারণে বঙ্গভাষে রচিলু পদবন্দ ।

The date of composition of Shāikh Muṭṭalib's Kifāyat al-Muṣallīn is a subject of controversy among scholars. Dr. Muḥammad Enāmul Ḥaq and Aḥmad Sharīf think that the poet flourished in the early 17th century, while his father Shāikh Parān was alive approximately from 1560 to 1615 A.D.<sup>1</sup> But this view has been challenged by Dr. A. Karīm who is of the opinion that the poet and his teacher were alive in the 18th century. Dr. A. Karīm based his opinion on the observation of Ḥamīd Allāh Khān's Aḥādīth al-Khawānīn<sup>2</sup>.

1. Muḥammad Enāmul Ḥaq : Muslim Bangālā Sāhitya, 3rd edition, Dhaka, 1968, pp.195-199 ; Kifāyat al-Muṣallīn, edited by Dr. Aḥmad Sharīf, 1st edition, Dhaka, 1978, pp.ṭ-ṭh.
2. 1st edition, Calcutta, 1871, p.189.

مولوی رحمت اللہ مرحوم کہ ہر فاملہ  
 کابیش منزلی از شہر بجانپ شمال نزدیک باب دہورنگ  
 نوطن داشت روی در روم بمدرستہ قسطنطنیہ کسب علوم کردہ  
 ہون و اعلم رانقہ و اربع روزگار درین دیار بود و چون او در تحقیق  
 مسائل فقہی خصوصاً در صوم و صلوات ازین دیار شریفہ کسی  
 نفاستہ - و از متعلمین طالب العلم او کسی مطاوب ہنام از  
 شنیدہ کتابی ہنام کفایۃ المصلی در مسائل صوم و صلوات ہزیان  
 بنکلہ تصنیف کردہ و آن باشارہ او بودہ باشد کہ تعلیم ہامیان  
 ازان مراد داشت و آن نمونہ بیست از تحقیق و علم او چہ آن در  
 تحقیق مسائل در باب خود ہسندہ و کافی امت و مسائل کی  
 در کتب متدارلہ یافتہ نشود در آن مذکور امت و آن کتاب ہائل  
 کذاب مفتاح الصلوات در فارمی امت کہ انکی کتب مسائل  
 این باب است

The following subject has been discussed in the  
Kifāyat al-Muṣallīn :

Wadū : Fard, Sunnat, Mustahabb, Makrūh of Wadū, and  
the reasons for nullifying Wadū, as well as  
the kind of water that should be used for Wadū and  
the nature of Wadū which is Fard or Wājib or  
Mustahabb.

Tayammum.

Ghusal : Fard, Wājib, Sunnat of Ghusal.  
Fard ghusal, Wājib ghusal and Sunnat ghusal  
i.e., the nature of Ghusal which is fard or  
wājib or Sunnat.

Haid and Nifās: The history of Haid.

Death : The rules governing Kafn and dafn of dead  
bodies.

Namāz : Aḥkām-i-mashrūʾa and Ghair-i-mashrūʾa; Aḥkām-i-  
Mashrūʾa: Fard, Wājib, Sunnat and Mustahabb;  
Aḥkām-i-Ghair-i-Mashrūʾa: Ḥarām, Makrūh and  
Mufsid. Discussion on Fard, Wājib, Sunnat-i-  
Muʾakkada, Mustahabb and Ghair-i-Muʾakkada,  
Discussion on Mubāḥ.

Discussion on Ḥarām and Makrūh and reasons  
that nullify Namāz.

Detailed discussion on Namāz :

Fard, Wājib, Ṣahib-i-Tartīb of Namāz, Qaḍā Namāz and Vitr Namāz, Sahu Sijda.

Sunnat : ʿĀm, Khāṣ and ten sunnats.

Mustahabb : ʿĀm and Khāṣ.

Importance of Namāz, Mubāḥ, (ʿĀm and Khāṣ) and three Khāṣ Mubāḥ.

Makrūh of Namāz.

Kaidānī (Qaidānī) Kitāb :

It is actually an abridged form of Kifāyat al-Muṣallīn. The book deals <sup>with</sup> Waḍū, Tayammum, Ghusal, Namāz and seven points of ʿImān.

5. Sayyid Nūr al-dīn C. 1730-1800 A.D.

Sayyid Nūr al-dīn's origin and whereabouts are not properly known. His father's name was Sayyid ʿAzīz al-dīn and he is considered to be a resident of Fatikchari Upazila of Chittagong district.<sup>1</sup> He wrote four books viz,

1) Daqāiq al-Ḥaqāiq, 2) Mūsār Sāwāl, 3) Qiyāmatnāma or Rāḥat al-Qulūb, 4) Hitopadesh or Burhān al-ʿĀrifīn. Of these Daqāiq and Rāḥat al-Qulūb deal with Fiqh.

1. Muḥammad Enāmul Ḥaq : Muslim Bangālā Sāhitya, p.287.

1) Daqā'iq al-Ḥaqā'iq was written in 1197 B.S. (1790 A.D.).<sup>1</sup> Several manuscript copies of this book both in Bengali and Arabic characters have been found, so it is not possible to say whether the author wrote in Bengli or Arabic script. Dr. Muḥammad Enāmul Ḥaq thinks that the original book was in Bengali script.<sup>2</sup> The book is said to be a Bengali translation of Kanz al-Daqā'iq of Imām Ḥafīz al-dīn Abu'l Barakāt 'Abd Allāh bin Ahmad Nasafī who died in 710 A.H. (1310 A.D.)<sup>3</sup>. But the author himself does not say that he translated the original book.<sup>4</sup>

From this it does not appear that he wrote the book on the basis of the Arabic Kanz al-Daqā'iq. We have compared the book with the original and found that it is not a translation of Kanz al-Daqā'iq, but an independent composition based on some Arabic authoritative works. For example, Kanz al-Daqā'iq deals with only 'Ibādāt, Muāmalāt and Muāsharāt, there is no discussion in this book on the "death" and condition relating to it, but Sayyid Nūr al-Dīn's work deals with only death and its after effects.

1. Muhammad Enamul Haq: Muslim Bangala Sahitya, p.288.

2. Ibid., p.287.

3. Ibid., p.288.

4. A. Karīm and Ahmad Sharīf : Punthi Parichiti, p.211.

নানান মতে রোয়াইতে আচএ কিতাবে।  
দেপি ভালে কহি মাত্র মুন তুমি শবে॥

The book is divided into 22 chapters. Of these, 10 chapters deal with death, conditions after death, coming of 'Azrāil and Shaitān at the time of death, State of Rūh, etc. Then comes several chapters on the state of dead bodies in the qabr and coming of angels with their respective missions in the Qabr. Then comes discussion on Qiyāmat, Bā'ath, etc. Lastly the author discusses Kafn, Dafn, sadaqāt, etc.

ii) The second book of Sayyid Nūr al-dīn on Fiqh is Qiyāmatnāma, also called Rāhat al-Qulūb. Two manuscript copies of this book have been collected and are now being preserved in the Dhaka University Library.<sup>1</sup> The author wrote this book on the basis of authoritative Arabic and Persian books on Fiqh.<sup>2</sup> Herein he cites important books such as Rāhat al-Qulūb, Sharḥ -i-Viqāya, Aṣḥāb al-Shahādat bi 'Umdat al-'Azīz, Fath al-'Alī, Hidāya, Ṣalāt-i-Masūdi. The other books cited by him such as Abdaru 'Umdat al-'Azīz, Alischa ah-i-Aul, 'Ulmat Jebas Sanat, Ranj -i-Arāmadi, cannot be properly identified.

1. 'Abdul Karīm and Aḥmad Sharīf: Punthī Parichiti, pp.79-80, 486-87.

2. Ibid., p.487.

নানামত তফসির লেখা ছিল পরবাব।  
রাহাতুল কুলুব নামে আছিল কিতাব ॥  
সরাহুল বকায়া আর আসহাবুল শাহাদৎ  
বেউমদাতুল আজিজ আর তাতে ফতেহুল আলি।  
আবদরু উমদাতুল আজিজ আর হেদায়  
আলিশা আহে আউল উলুমত ছেবছানাত  
রঞ্জআরামদি আর ছানাতমছদি।  
আর বহু কিতাবে রোয়ায়েত সুবি ॥  
দেশি ভাসে কহিতেছি গুনিগনর ঠাই।  
ন মানিলে চাহ সবে কিতাবেত চাই ॥

The book Qiyāmatnāma or Rāḥat al-Qulūb contains 19 chapters dealing with Qiyāmat, Bihisht and Dozakḥ, rights of parents, Usurers, Rozā and Namāz, evils of drinking wine, merits of Namāz, Rozā and reading of the Holy Qurān, rights of husband and wife, evils of telling a lie, back-biting and envy, merits of mercy, Wasiyat and other miscellaneous issues.

#### 6. Maulvī Ḥamīd Allāh Khān

Maulvī Ḥamīd Allāh Khān, son of Khān Bahādur 'Ubaid Allāh Khān, was a great historian of Chittagong in the 19th century. He was born in 1808 A.D. in a very old aristocratic family; his forefathers used to hold high office under the Mughal Government. He died in 1870 A.D. and is lying buried in Chittagong in his family graveyard. His descendants are still living in the Qatalganj area of Chittagong and the family is looked upon by people with respect. The Maulvī wrote a number of books!

1. a) Aḥādīth al-Khawānīn also known as Tārīkh-i-Islāmābād Chātgam and Tārīkh-i-Ḥamīd, a Persian history of Chittagong, completed in 1869, and published from Calcutta in 1871 A.D.
- b) Gulzār-i-Shahādat, a Bengali work published from Calcutta in 1870 A.D., containing 132 pages, and dealing with the episode of Karbala. A manuscript copy is found in the library of Chittagong Madrasa (now Muhsin College).

Of his compositions, two deal with subjects appertaining to Fiqh viz, Klibatta Mochan and Trān Path. In his Bengali

- c) Anwār al-Niarain Fī Akhbār al-Khiarain, a Persian work dealing with the life of Ṣūfī Nūr Muḥammad and Maulānā Imām al-dīn Bangālī. The book is not printed, Manuscript is also not available. Ṣūfī Nūr Muḥammad, a renowned saint of Chittagong of the 19th century is lying buried at Maliaish (Mithā Nālā) in modern Mir Sarai Upazila of Chittagong. He was the Murshid of the writer Ḥamīd Allāh Khān. Maulānā Imām al-dīn Bangālī comes from Noākhalī. He was a Pir-Bhai (fellow murīd) of Ṣūfī Nūr Muḥammad.
- d) Nasabnāma, a Persian work dealing with the family history of several aristocratic families of Chittagong. The work is not now available, but there are references about this book in the Aḥādīth al-Khawānīn.
- e) Iḥāṭa -i-Ḥaṣira li-Khizāna -i-Āmira, a book based on Ghulām 'Alī Azād Bilgrāmī's Khizāna-i-Āmira. The book is not published, but a manuscript is preserved in the Chittagong Madrasa (now Muhsin College) Library.
- f) 'Ajāib al-Makhlūqāt, a Bengali book on medicine. In this book the author has found out medicinal qualities of various trees, creepers and flora. He has also found out inaccuracies of medicinal descriptions given by Hakīm Muḥammad Ḥusain Khān of Delhi in his Makhzan al-Adaviyāt (Aḥādīth al-Khawānīn, p.296; Abd al-Ḥuq Chowdhury: Chattagrāmer Charitāvidhān, p.110).

book Klibatta Mochan, the author satired at those Muslims who shave their beard.<sup>1</sup> The book was composed<sup>2</sup> in 1258 A.H./ 1842-43 A.D. But it was published in 1870 A.D. (1277 B.S.)

g) Dharma Vivāda, a Bengali book containing 263 pages published from Calcutta in 1870 A.D. I have not been able to collect the book; one copy is preserved in the India Office Library (Now Commonwealth Relations Office), London. (Muhammad 'Abdur Razzāq: Banglā Bhāshāya Islāmī Pustaker Tālika, Dhaka, 1977 A.D. p.167). It appears that the book deals with some controversial issues among the Muslims.

1. In one place the author writes, ('Abdul Qādir: Maulānā Moḥammad Naīm-ud-dīn, Dhaka, 1979, p.31.)

“হিজড়ার ন্যায় লোকদের গতি। আমি তাহার পনর প্রকার দোষ  
লিখিতেছি। মহামাযিম মহাশয়েরা মনোযোগ করিবেন। ওহে  
ভাই, যদি তুমি আপনাকে না-মদ' খোজার ন্যায় বানাইতে চাহ,  
তবে দাড়ি কাট, কেননা খোজা ও না-মদের দাড়ি হয় না।”

In another place he says, (Muhammad Enāmul Haq: Muslim Bangālā Sāhitya, 3rd edition, Dhaka, 1968 A.D., p.299.)

“দাড়ি মুখে দিল প্রভু পুরুষ লক্ষণ।  
নারী-বোজা-মুখে দাড়ি না হয় কখন ॥  
আপনার পুরুষে কি মন্দ দেখিলা।  
যার জন্য পুরুষ লক্ষণ ভাঙিলো ॥”

2. 'Abdul Qādir: Maulānā Moḥammad Naīm-ud-dīn, Dhaka, 1979, p.31.

“জমাউর জিলহজ্জার চতুর্থে কহিল।  
হিজরী সন বার সত আটান হইল ॥  
এই গ্রন্থের নাম ক্লাইব-মোচন।  
তার অর্থ নপদ-সম্ব-কাজ্য বিনাশন ॥...  
এই সন সময়েতে সমাশ্র হৈল কথা।  
উচিৎ পরমেশ্বরের শোক সর্বদা ॥”

"Trān Path" is also a Bengali poetic work which was written in 1285 A.H./1868 A.D. and was published in 1870 A.D.(1277 B.S.). It is a book-let of 16 pages and it deals with Tauhīd, ways and means of knowing Allāh and His creation!

7. Maulānā Muḥammad Naīm al-dīn :

Maulānā Muḥammad Naīm al-dīn was born in the first part of 1832 A.D. in the village Shuranj, in the Tangail

1. Descriptive Catalogue of Bengali Manuscripts in Munshī 'Abd al-Karīm's Collection, edited by Ahmad Sharīf, translated by S. Sajjād Husain, Dhāka, 1960 A.D., p.276.

“ শ্রীশ্রীহক নাম

জানপথ নামক

পদবন্দী পুস্তক

আহাতে বোদা নিরাশ্রন এক ও জখা

সাধ্য তাহানে চিননের ও আননের কথা

ও তুকুতি আহাতে লোকে জান পায়

ও কুকুতি আহাতে মনিস্যে দুই কুল

হারায় তাহার বিবরনাদি পদেতে

এছলাম আবাদ অর্থাৎ

চাটখামের প্রধান রইছ

শ্রীযুত বোহাশ্বদ হামিদোলাহ খান

বাহাদুর ছাযেব ইছলামাবাদির

কৃত ”

Upazila of present Tangail district.<sup>1</sup> He received his early education under his father and later got himself admitted into Madhaya Banglā School (Middle Bengali School) and passed the Chātravrittī (Studentship) examination<sup>2</sup>. In 1847 A.D. he went to Dhaka to receive higher education in Islāmic sciences in the Dhaka Madrasa where he received training under the learned 'Ulamā' in various Islāmic subjects like Qurān, Hadīth, Tafsīr, Fiqh, Manṭiq and such other subjects. He also learnt Arabic, Persian and Urdu literature. Then he proceeded to North India to study in the famous Madrasas of the Islāmic cultural centres.<sup>3</sup> He utilised this

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1. Ebrāhīm Khān: "Maulvī Naīm al-dīn" in Māh-i-Nāu, Dhaka, 1365 B.S.; 'Abdul Qādir: Maulānā Moḥammad Naīm-ud-dīn, 1st edition, Dhaka, 1979; "Banga Bhāshā O Musalmān Samāj," in Monthly Moḥammadi, Bhādra, 1336 B.S.
  2. In those days, Madhaya Banglā School (Middle Bengali School) was a part of the education system in between Primary and Entrance Schools. Students in the Madhaya Banglā School were given extensive training in Arithmetic and Bengali, particularly they got proficiency in understanding of problems relating to land, land-tenure, land revenues, interests, etc. The final examination of these schools was called Chātra Vrittī (Studentship) examination.
  3. He received his higher education in North India, but unfortunately we could not find out the name of the Madrasa to which he was admitted.

opportunity to meet the learned 'Ulamā of North India and to be in company of famous Ṣūfī-saints. At last he got the title of 'Ālim al-Dahr ('Ālim of the age). With these laurels he came back to his homeland in 1872 A.D. at the age of 41, and here he engaged himself in teaching and in calling the people to the right path.<sup>1</sup> The Maulānā died on 23 November, 1908 A.D. at his residence in his village home.<sup>2</sup>

Maulānā Naīm al-dīn came in close contact with Ḥāfiẓ Mahmūd 'Alī, son of Wājid 'Alī Khān Pannī (alias Chānd Mian), the famous Zamīndār and philanthropist of Karatia, Tangail. Almost all his books were published from Mahmūdiya Press, Karatia, the Press established by Ḥāfiẓ Mahmūd 'Alī. The author also received patronage from the said Zamīndār, Ḥāfiẓ Mahmūd 'Alī and the author has gratefully acknowledged his debt of gratitude to his benefactor in almost all his books. Some of his books dealt with the differences between

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1. I have come to learn from Prof. Mansūr al-dīn of Ḥabībullah Bahār College, Dhaka, Grandson of Maulānā Naīm al-dīn that the Maulānā served in a Madrasa in Pābnā. He is also said to have edited and published Akhbār-i-Islāmiya, a Bengali monthly journal from Calcutta. It was first published in 1884, but it did not last long. I have not been able to collect any copy of the Journal.
  2. Ebrāhīm Khān : "Maulvī Naīm al-dīn" in Māh-i-Nāu, Dhaka, 1365 B.S.

the Ḥanafī School of Law and the Ahl-i-Ḥadīth (also called Lā-Madhhabīs) because they do not believe in Taqīd. Maulānā Naīm al-dīn being a Ḥanafī tried his level best to establish the supremacy of the Ḥanafī opinion as against the Lā-Madhhabīs. From his books it also appears that the area where he worked was also under the influence of the Lā-Madhhabīs.

Maulānā Naīm al-dīn wrote and published eleven books on Fiqh. These are as follows :

1. Zubdatul Masā'il, in 2 parts, first part, first published in 1873 and 2nd part, first published in 1891.
2. Fatāwā-i-Mahmūdiya, published in 1892.
3. Ithbāt-i-Ākhir-i-Zuhr, published in 1892.
4. Inṣāf, published in 1892.
5. Risāla -i-Rafā Yada'in, published in 1896.
6. Risāla -i-Tarāvīḥ, published in 1897.
7. Risāla -i-Vitr, published in 1897.
8. Ṣirātul Mustaqīm, published in 1897.
9. Adilla -i-Ḥanafīya, published in 1897.
10. Dharmar Lāṭhī.
11. Maulūd Sharīf.

1) Zubdatul Masā'il, Part-I

In the introduction of this book the author gives the reasons and circumstances in which he wrote his book in Bengali language.<sup>1</sup> In 1881 A.D. (1288 B.S) the author thoroughly revised the book and added some new questions in it. In 1895 A.D. the book was further revised in a third edition. In 1903 A.D.(1309 B.S.) the eighth edition, in 1911 A.D.(1317 B.S.)i.e., the year after his death, the ninth edition were published. In the same year, i.e. 1911 A.D. the 10th edition of the book was published, and his sons Qasim al-din Ahmad and Fakhr al-din Ahmad say that this edition was further revised by Maulana Qadi 'Abd al-Latif Khondkar of Udaipur, Khulna. In this way the book went for the 18th edition also, and I had the privilege to get a copy of this edition.<sup>2</sup>

The book contains 287 pages, and divided into the following chapters:

- Chapter I Waḍū, Tayammum, Ṣalāt, Adhān, Zakāt, Fiṭrā, and Roḍā.
- Chapter II Marriage, Kābin dealing with wife(wives), Tālāq (divorce), Oath and Waḡf.
- Chapter III Buying and selling, interest, partnership, Hebā (gift), Ijāra, (lease), Bandhak (mortgage), Bhūmi Bargā (Bargā system of land), trade, Qurbānī, hunting of birds, Waṣiat (trust).
- Chapter IV Daibhāgā (partition of heritage).

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1. Appendix No. IX.

2. The discussion here is on the basis of this 18th edition, Calcutta, 1926 A.D. (1333 B.S.).

As stated above the book has been written in question - answer form!

1. Zubdatul Masā'il, 18th edition, Calcutta, 1926 A.D. The beginning is as follows :

“ বালক।—এই অসার সংসারে সার কৰ্ম কি ?

শিক্ষক।—ধৰ্মাধৰ্ম বিবেচনা কৰিয়া কলযাপন কৰা, ইহাই সংসারে সার কৰ্ম (কোরান)।

বা।—ধৰ্ম ও অধৰ্ম কি ?

শি।—শয়ৰ বিধিমত আচরণ কৰাকে ধৰ্ম ও তাহার বিপরীত-চরণকে অধৰ্ম বলে (কোরান)।

বা।—ধৰ্ম কৰিলে কি লাভ ও অধৰ্ম কৰিলে কি ফল হইবে ?

শি।—যিনি ধৰ্ম লাভ কৰিবেন, পরকালে তাহার সদগতি (নাড়া) লাভ হইবে অর্থাৎ চিরকাল পরম সৰ্বে বেহেশতে কলযাপন কৰিবেন ও পাপগণ দোহাৰে নানা ক্লেশ ভোগ কৰিবে (কোরান)।

বা।—বেহেশত কি ও দোজখ কি ?

শি।—বেহেশত একটি অশ্বিনীয় ও অতুলনীয় সখবাস উদ্যান [বাগান] যাহার নানাবিধ সৰ্ব্বের বর্ণনা কোরান শাস্ত্রে লিখিত আছে ; দোজখ একটি প্রবল অগ্নিকুণ্ড, যাহাতে নানাবিধ ক্লেশকর আয়োজন প্রস্তুত আছে (কোরান)।

বা।—কি কি কৰ্ম কৰিলে ধৰ্ম লাভ হইবে ?

শি।—কলেমা, নামাজ, রোজা, হজ্জ, জাকাৎ ইত্যাদি সংকৰ্ম কৰিলে ধৰ্মলাভ হইবে ; কিন্তু ইমান ব্যতীত কোন প্রকার সংকৰ্মের পদ্যলাভ হইবে না। ইমানই সকলের মূল (আকায়েদে নসফি)।

বা।—ইমান কি ?

শি।—সাত বিষয় মনে সত্য জানা ও মখে বলা, ইহারই নাম ইমান (ফেকা আকবর)।

বা।—সেই সাত বিষয় কি কি ?

শি।—যিনি এই সংসার সৃজন কৰিয়াছেন, তাহার নাম আল্লাহ। শ্বিনীয়—তাহার ফেরেস্তাগণ [দূতগণ]। তৃতীয়—তওরাত, জব্বর, ইঞ্জিন, ফোরকান প্রভৃতি গ্রন্থসকল তাহার মখজাত। চতুর্থ—পয়গম্বরগণ [বার্তাবহগণ]। পঞ্চম—কেয়ামত। ষষ্ঠ—তিনি সংকৰ্ম ও অসংকৰ্ম উভয়েরই সৃজনকর্তা ; কিন্তু বিভিন্ন এই যে, সংকৰ্মে তিনি সন্তুষ্টি ও অসংকৰ্মে অসন্তুষ্টি। সপ্তম—মরণের পরে পদনবার জীবিত কৰিবেন। এই সকলকে সত্য জানা ও বলা, ইহারই নাম ইমান (ফেকা আকবর)। ”

ii) Zabdatul Masā'il, Part -II

The first edition of this book was published on 4th February, 1891 A.D. (1297 B.S.). The second edition was published at the request and with the financial assistance of Wājid 'Alī Khān Pannī 'urf Chānd Miā, the great Zamīndār and philanthropist of Karatia.<sup>1</sup> The 5th edition was published by Kabīr al-dīn Ahmad and Brothers from Majumdār Press, 106, Upper Chītpūr Road, Calcutta, in 1925 A.D. (1332 B.S.).<sup>2</sup>

The book consists of 314 pages and deals with problems that did not find place in the first part. This book is also not a translation, but was written on the basis of authoritative works like Fatawā-i-'Ālamgīrī, Durr al-Mukhtār, Radd al-Muhtār. The book is divided into 83 chapters dealing with such subjects as Īmān (belief), Kabīra Gunāh (great sin), Murtadd (apostasy), Waḍū (Ablution), Ghusal (purificatory bath), Tayammum (purification by means of dust where water is not available), Nifās (puerperal), Kalūkh (purification by clods of earth after natural calls), Adhān ( call to prayer), Namāz (prayer), Viṭr (odd number of rakāts of prayer at night ), Tarāvīḥ (Tarāvīḥ prayer

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1. His name is well-known. The Karatia Sā'adat College and many other institutions of Karatia still bear witness to his philanthropy. His family still exists at Karatia with name and fame.
  2. I have consulted this 5th edition.

during the month of Ramaḍān), Masjid (mosque), Sijda-i-Tilāwat (prostration at stated-points in reading the Holy Qurān), Shahīd (martyr), Zakāt (poor rate), Fiṭra (Ṣadaqa paid on the day of 'Īd al-Fiṭr), Rozā (Fasting), Nadhr (votive offering), Ītikāf (to stay in the mosque for specified days and nights with the intention of earning reward). The author deals with Qiyāmat (resurrection) and bā'ath (regaining life)!

iii). Fatawā-i-Mahmūdīa :

This is acutally a Bengali translation of Fatawā-i-Ālamgīrī in four volumes but unfortunately I could not lay my hands upon first, second and third volumes. The fourth volume which has come to my hand was published in 1892 A.D. (1299 B.S./1309 A.H) . The book was translated at the inspiration and also probably with the financial assistance of Diwān Ḥāfiẓ Maḥmūd 'Alī, son of Wājid 'Alī Khān Pannī of Karatia. That is why the book has been entitled Fatawā-i-Mahmūdīa, in honour of the author's patron. The author also acknowledges the assistance he had received from Maulvī Ghulām Sarwār, whose identify is not known, and it was printed in the Mahmūdīa Press, Karatia, the printer being Mīr Aṭhar 'Alī. This fourth volume consists of 157 pages.

The following subjects were dealt with in this volume :

- a) Some additional Masā'il about Nafal Namāz,
- b) Tarāvīḥ Namāz,
- c) Khatm-i-Qurān in the Tarāvīḥ Namāz,
- d) Rules relating to join Fard prayer while saying Sunnat prayers,

- e) Saying of Qaḍā prayers,
- f) Sahwu Sijda,
- g) Offering of prayers by the sick persons,
- h) Offering of prayers on boat,
- i) Offering of prayers while on Safr (tour),
- j) Jum'a prayer,<sup>1</sup>
- k) 'Īd prayer.

iv). Risāla-i-Rafā Yadain :

This book was published at the instance of Diwān Ḥāfiẓ Maḥmūd 'Alī Khān and with the assistance of Maulvī Ghulām Sarwār. It was published in 1896 A.D. (1303 B.S.) and was printed in the Maḥmūdīa Press, Karatia. Before publication in book form, Maulānā Nāim al-dīn published a few essay on the subject in the Akhbār-

1. Maulvī Muḥammad Nāim al-dīn: Fatawā-i-Maḥmūdīa, vol. IV, p. 129.  
A few words about the Jum'a prayer are as follows :

“গ্রামবাসী লোক শহরে গেলে যদি জম্মার দিবস তথায় থাকিবার নিয়ত করে, তবে তাহার প্রতি জম্মা নাজেম হইয়া যাইবে। কেননা সেই দিনের জন্য সেই ব্যক্তির প্রতি শহরের নিয়ম খাটিবে। যদি সেই দিবস জম্মার ওক্ত হইবার পূর্বে কি পরে চলিয়া যাইবে, তবে তাহার প্রতি জম্মা পড়া ওয়াজেব হইবেক না। কিন্তু যদি জম্মা পড়ে তবে ছওয়াব পাইবে। ইহা 'ফতওয়ায় কাঁজ খান', তর্জানিস এবং 'মর্দাহত' মধ্যে লিখিয়াছে।

“গ্রাম্য এবং অরণ্যবাসী যাহাদের প্রতি জম্মা ওয়াজেব নহে তাহাদিগকে জায়েজ যে, জম্মার দিবস জোহরের নামাজ আজান একামত বলিয়া পড়িবে। যদি প্রবাসী ব্যক্তি জম্মার দিবস শহরে নামাজ পড়ে, তবে পৃথক পৃথক হইয়া নামাজ পড়িবে। যদি শহরবাসীগণের জম্মা ফওত হয়, তবে তাহাদের প্রতিও এই নিয়ম খাটিবে। এবং পণ্ডিত ও কয়েদীগণের জন্যও এই নিয়ম। উহাদিগকে জম্মাতে নামাজ পড়া মকরুহ। ইহা 'ফতওয়ায় কাঁজ খান' মধ্যে লিখিয়াছে।”

i-Islāmia, Sravan-Bhādra.<sup>1</sup>

v). Risāla-i-Tarāvīḥ:

Risāla-i-Tarāvīḥ is actually a book-let consisting of twenty pages only. It was first published from Maḥmūdīa

1. It was a monthly Journal, edited from Calcutta by Maulvī Nāim al-dīn himself. He tried to convert the paper to a weekly one, but could not run the paper and after a short time it was stopped. See also Maulvī Nāim al-dīn : Risāla-i-Rafā Yadaīn, Karatia, Mymensingh, 1896 A.D./1303 B.S., p.48. An extract from this book is quoted below :

“বঙ্গদেশে দীর্ঘকাল যাবত রফা-এদায়েনের মসলা লইয়া স্থানে স্থানে তুমুল গোলযোগ হইতেছে। কেহই এ বিষয়ের মূল দলিল অনঙ্গস্থান করিয়া সত্য কথা বঙ্গ-ভাষায় প্রকাশ করিতে বন্ধপরিষ্কার হন নাই। কেহ কেহ কেবল ফেকার মসলা বলিয়া ধোকা দিতেছেন। এই অবস্থা দেখিয়া, নমাজের মধ্যে রফা-এদায়েন করা কি না করা, এই সম্বন্ধে যাহা কোরাণ হাদীসে প্রকাশ আছে এবং প্রাচীন ধার্মিক পণ্ডিতগণ কোরাণ হাদীস দৃষ্টে যে মত প্রকাশ করিয়া গিয়াছেন, তাহাই এই রেসালায় প্রকাশ করা হইল। ভরসা করি, এই রেসালা পাঠে কেহরই রফা-এদায়েন না করা সম্বন্ধে সন্দেহ থাকিবেক না।... ..”

“নামাজে রুকু দেওয়া-কালে ও রুকু হইতে মাথা উঠান-কালে রফা-এদায়েন (হস্ত উত্তোলন) করা দরুস্ত কিনা” এই প্রশ্নটি সম্পর্কে আলোচ্য পুস্তকে বহু বাদ বিতর্কের অবতারণা করিয়া আবশ্যিক মসলা প্রদত্ত হইয়াছে। বিতর্কে সংগ্রহ করিয়াছেন লা-মজহাবী মৌলবী, হানিফী মৌলবী, নকু মণ্ডল ও ফজর আলী মণ্ডল। প্রসঙ্গত বহু প্রসিদ্ধ কিতাব হইতে প্রামাণ্য হাদীসসমূহ পেশ করা হইয়াছে। একটি হাদীস :

“হযরত আবু মসউদ বলিয়াছেন : হযরত পয়গম্বর সাহেব রফা এদায়েন করিতেন, আমরাও রফা-এদায়েন করিতাম, তিনিও ছাড়িয়া দিয়াছেন, আমরাও ছাড়িয়া দিয়াছি।”

বলা হইয়াছে :

“এমাম আবু হানিফা সাহেব রফা ইদায়েন না করার হাদীসে আমল করিয়াছেন, এজন্য হানিফীয়গণ ঐ ঐ সময় রফা ইদায়েন করেন না। এই ইহার শেষ কথা।”

Press Karatia, in 1897 A.D./1304 B.S. The author Maulvī Nāim al-dīn received help and assistance in the publication of this book also from Ḥāfiẓ Maḥmūd 'Alī Khān, Zamindār of Karatia and Maulvī Ghulām Sarwār.

The subject-matter of this book is to prove on the authority of Ḥadīth, the twenty Rakāts of Tarāvīḥ prayer as provided in the Ḥanafī Madhhab. The author has quoted his source, i.e. the Ḥadīth properly in a scientific manner. The Lā-Madhhabīs ( those who do not belong to any of the four schools of Law in Islām) and the people of the Ahl-i-Ḥadīth sects offer their Tarāvīḥ prayer in two, four or eight rakāts. The author seeks to establish that the opinion of the Ḥanafī Madhhab in this respect is based on Islāmic injunctions.

vi). Risāla -i-Vitr :

This book-let containing only 16 pages was also published with the help and assistance of Ḥāfiẓ Maḥmūd 'Alī Khān, the Zamindār of Karatia, and Maulvī Ghulām Sarwār. It was published in 1897 A.D./1304 B.S.

The Ḥanafī jurists think that the vitr prayer is wājib (near obligatory ) and according to them the vitr prayer consists of three rakāts, while the Lā-Madhhabī or Ahl-i-Ḥadīth sect considers the vitr prayer as Sunnat and they offer only one Rakāt of prayer. In this book-let

Maulvī Naīm al-dīn quoted Ḥadīth with their sanad and sources justifying the opinion of the Ḥanafī Madhhab and nullifying the view of the Ahl-i-Ḥadīth sect.

vii) Risāla -i-Ṣirāṭul Mustaqīm :

This book consisting of 132 pages only was published in 1897 A.D./1304 B.S. from Maḥmūdīa Press, Karatia. A second edition of the book was published in 1903 A.D./1310 B.S./1326 A.H. from the same press. In publishing this book also the author received help and assistance from Ḥāfiẓ Maḥmūd 'Alī, the Zamindār of Karatia, and Maulvī Ghulām Sarwār.

This book deals with the rules and regulations (Aḥkām) governing waḍū, and offering of prayers properly. These details on the waḍū and prayer written in Bengali language helped the illiterate and less educated Muslims in offering prayers as provided by the Shari'a.

viii) Adilla -i-Ḥanafīa :

This is a book on the importance of Taqlīd and consists of 180 pages. As the title suggests, the book deals with the evidence in support of the Ḥanafī Madhhab. It was first published in 1897 A.D./1304 B.S. from the Maḥmūdīa Press, Karatia.

The second edition was printed in 1904 A.D./1310 B.S. from the same Press. This book was also published with the help and assistance of Ḥāfiẓ Maḥmūd 'Alī and Maulvī Ghulām Sarwār. The book was also called Radd-i-Lā-Madḥhabī, because the book aimed at proving the authenticity of the Ḥanafī Madḥhab, as against the Ahl-i-Ḥadīth or Lā-Madḥhabīs. The author laid stress on taqlīd, i.e. acceptance of the opinion of any of the four schools of law in Islām.

The book is planned in the manner of dialogues among several persons, the characters being Maulānā Ḥusain 'Alī, Bībī Aflātūn, Khondkār Ṣāhib, Mīr Munshī, Fahīm al-dīn pleader, Tin Amīn, Muḥammad Dānish, Naku Mondal, Ibrāhīm Mondal, Fajar 'Alī Mondal. These characters conducted dialogues among themselves about the importance of taqlīd for the Muslims, and the futility of the Ahl-i-Ḥadīth claim that taqlīd is not provided by Islām. In this dialogue, the author Maulvī Naīm al-dīn put his own argument through the mouth of Khondkār Ṣāhib. After much discussion, the importance of taqlīd has been established. Quoting a Ṣāhib Ḥadīth, Khondkār Ṣāhib concluded,<sup>1</sup>

“... চারি মজহাব হযরতের সময় যদিও ছিল না, তথাপি চারি মজহাবের এক মজহাব মত চলা ওয়াজেব। কেননা এই চারি মজহাবের প্রতিই এসলাম ধর্ম নির্ভর করিতেছে, ইহারই প্রতি এজমা হইয়াছে। এই চারি মজহাব ব্যতীত যদি অন্য কোন মজহাব বাহির হয়, তবে তাহা হারাম বেদাত।...”

1. Maulvī Naīm al-dīn : Adilla-i-Hanafia, 2nd edition, Karatia, 1904 A.D., p.50.

ix.) Ithbāt-i-'Ākhir al-Zuḥar<sup>1</sup>:

This is a collection of proofs regarding 'Ākhir al-Zuḥar<sup>2</sup> prayer compiled by Maulvī Nā'im al-dīn and published with the help and assistance of Ḥāfiẓ Maḥmūd 'Alī and Maulvī Ghulām Sarwār from Maḥmūdīa Press, Karatia. It was first published in 1892 A.D./1299 B.S. The second edition was published in 1897 A.D./1304 B.S., from the same Press and place.

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1. This book could not be collected in tact, only portions have been available to me.
  2. According to Ḥanafī Madhhab the Jum'a prayer is permissible only in places fulfilling certain conditions, for example, Miṣr or township, Dār al-Islām are some of the conditions. If there is any doubt whether Jum'a prayer is permissible in these places, there is provision to offer four Rak'ats of 'Ākhir-i-Zuḥar prayer after Ba'd al-Jum'a. But the followers of Ahl-i-Ḥadīth do not agree with the Ḥanafīs on this point.

The book deals with the controversy regarding Ākhir al-Zuhar prayer among the Ḥanafīs and Lā-Madhhabīs (Ahl-i-Ḥadīth). The book is also planned in the manner of a dialogue, between the supporters of Lā-Madhhabīs and the Ḥanafīs. The Lā-Madhhabīs were represented by Ghāsī Maulvī, Sarkārer Po (son of Sarkār), Pāhādī Maulānā, Khān Ṣāhib and Maulānā Kāndārī, whereas the Ḥanafīs were represented by Khondkār Ṣāhib and Mondaler Po (son of Mondol). The author Maulānā Naīm al -dīn advanced his own arguments through the mouth of Khondkār Ṣāhib. As only expected the Ḥanafīs won the debate and in conclusion, the Khondkār Ṣāhib says,<sup>1</sup>

“রন্দল্ মোহতার কেতাবের প্রথম খণ্ডের ৫৪২ পৃষ্ঠার শেষ ভাগে লিখিয়াছেন যে,—‘বেহতর এই যে, জম্মার ফরজের পরে জম্মার সোন্নাতে পড়িয়া তৎপরে চারি রাকাত আখেরল্‌জাহর পড়িতে হইবে। তৎপরে দুই রাকাত ওক্তের সোন্নাতে পড়িবে, এবং ঐ আখেরল্‌জাহর চারি রেকাতেই ফাতেহার সঙ্গে সূরা মিলাইবে। এবং সূরা মিলিত করায় ফরজের কোন দোষ হইবেক না।’”

8. Maulānā Sayyid Mufaḍḍal al-Rahmān :

Maulānā Sayyid Mufaḍḍal al-Rahmān was the son of Marḥūm Muṭī' Allāh Mianjī of village Sukhcharī, Upazila Lohāgārā, Chittagong. His mother's name was Hāfiṣa Khātūn.

1. Maulvī Naīm al-dīn : Ithbāt-i-Ākhir al-Zuhar, 2nd edition, Karatia, 1897 A.D. p.43.

He was born c.1840 A.D.<sup>1</sup> and received his primary education under Maulānā 'Abd al-'Alī Māturīdī of Ṣadāh in the Upazila Sātkānia, Chittagong. Then he received higher education in Hughlī and Calcutta, and obtained a fifty rupee scholarship on the results of his final examination. Then he was appointed 2nd teacher in the Hughlī Madrasa where he passed a good many years. He married twice, first time at Hughlī and second time in his village home. His first wife gave birth to a son at Hughlī but both the mother and the son died when the son was only 3(three) years old. At this family mishap the Maulānā left Hughlī and came back to his village home. Here he built a Madrasa and started teaching. He achieved so much success that people called him Baḍa Maulānā. Among his pupils the following became prominent:<sup>2</sup>

i) Maulānā Abū al-Khair of Amīrābād, Lōḥāgāra Upazila, ii) Maulānā 'Abd al-Rahmān, father of Maulānā Maḥmūd al-Rahmān who was for some time a teacher in the Islāmic

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1. His date of birth is not definitely known. His descendant Ḥakīm 'Imrān informs me that he was born in about 1845 A.D. and died in about 1915 A.D. But the internal evidence of his book Iḥsān al-Mūminīn shows that he was thinking of printing his book at the age of 63. The book was printed in 1321 A.H./1903 A.D. Even if the book was printed at the age of 63 (the book might have been printed even later than 63rd year of his age) he seems to have been born in 1840 A.D. But his date of birth may go back by a few years more.
  2. Information received from Ḥakīm 'Imrān.

intermediate College, Chittagong, and later became an M.L.A. in Pākistānī days, iii) Maulānā 'Ubaid al-Raḥmān of Lohāgāra .

His madrasa has been recorded in the C.S.Revenue Settlement of 1891-92 A.D. as Madrasa Bādī. At present the Madrasa does not exist but a mosque stands on the same place and the Maulānā is also lying buried beside the mosque.

Maulānā Mufaḍḍal al-Raḥmān wrote the following

Books :

- a) Iḥsān al-Mūminīn,
- b) Faḍl al-Muttaqīn,
- c) Faḍl al-Qārī,
- d) Fawā'id-i-Sulaimānī.

Only the first book i.e. Iḥsān al-Mūminīn has come to my hand, others could not be traced out. As the titles suggest, Faḍl al-Muttaqīn is a book on Fiqh, Faḍl al-Qārī and Fawā'id-i-Sulaimānī are books on 'Ilm-i-Tajwīd. The Iḥsān al-Mūminīn, a book on fiqh is his magnum opus. It is a unique book written in Bengali prose but in Arabic script. The book was published from Riḍwānī Press, Calcutta in 1321 A.H./1903 A.D. The circumstances leading to its publication is stated by the author.<sup>1</sup>

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1. Appendix No XI.

The author also gives the reason<sup>1</sup> for writing the book in Bengali but in Arabic script. He wrote the book in Bengali for the welfare of the Bengali speaking people who did not know Arabic or Persian, but he chose Arabic script for the welfare of those who could not read Bengali script, but was only capable of reading the Holy Qur'an. This indicates how the Maulānā was deeply thinking of doing good to the people by teaching them the hukm aḥkām of Islām. That the Maulānā was a vastly learned man is apparent from the books he consulted.

1. Iḥsān al-Mūminīn, pp. 6-7.

اِحْبَابِ بَنگِ دیشِ دینی و میتر مسلا کتاب عربی  
 و فارسی و اردو زبان و بنکلا حرف پراپت هئی  
 کنتوجاها را کبل قرآن شریف پیریت جانن  
 تاها در او پکار ارت ائی کتاب عربی حرف  
 و بنک بهاشاء لکها کل جاهات مؤمن بهائی  
 بهگنی کن ائی کتاب بر مسلا و بگت هو ارجا  
 لابه گرهن کر یا ائی فقیر و شهاج کار می مؤمن  
 گنک دنیا خوشی و خاتمته بالخیر و شرک باشی  
 هیبار دعاء خیر کرن -

The author actually furnishes a long list of original books he consulted in writing this book. The list consists of 66 books are detailed below<sup>1</sup>:

1. Al-Tafsīr al-Aḥmadī, 2. Al-Tafsīr al-Kabīr,
3. Al-Baḥr al-Zakhkḥār, 4. Al-Fuṣūl al-Imādiya,
5. Al-Naḥr al-Fāiq, 6. Al-Baḥr al-Rāiq, 7. Al-Awrād al-Qāsīmiya, 8. Al-Durr al-Mukḥtār, 9. Al-Ṣalāt al-Masūdiya, 10. Al-Laālī al-Fākhira, 11. Al-Tafsīr al-Nisāpūrī, 12. Al-Tātārkhānī, 13. Ibrāhīm Shāhī,
14. Al-Ashbāh wal-Nazāir, 15. Baḥr al-Kalām, 16. Bidāya,
17. Barjandī, 18. Tafsīr -i-Fath al-ʿAzīz, 19. Tuḥfa al-Quḍāt, 20. Taisīr al-Uṣūl, 21. Targhib al-Ṣalāt,
22. Tafsīr-i-Māālim al-Tanzīl, 23. Tabiim, 24. Jāmiʿ al-Rumūz, 25. Chalpī, 26. Ḥammādiya, 27. Khulāṣa al-Fatāwā,
28. Khizāna al-Muftiīn, 29. Khizāna al-Riwāya,
30. Dhakhīra al-Uqbā, 31. Radd al-Muḥtār, 32. Zād al-Arwāḥ, 33. Zailāi, 34. Sirājia, 35. Sharḥ al-Barzakḥ,
36. Sharḥ al-Ṣudūr, 37. Sharḥ al-Viqāya, 38. Sharḥ al-Mishkāt, 39. Sharḥ-i-Sifr al-Sāāda, 40. Sharḥ-i-Fiqh al-Akbar, 41. Sharḥ-i-Majmaʿ al-Baḥrain, 42. Sharḥ-i-Muslim, 43. Taḥṭāwī, 44. ʿIbāda al-Khawwās,
45. ʿĀlamghirī, 46. Fath al-Qadīr, 47. Qāḍi Khān,
48. Al-Qurān, 49. Qinia, 50. Kanz al-ʿUbbād, 51. Kimiyā -

1. Iḥsān al-Muminīn, pp.12-18.

1. -Saādat, 52. Mukhtār al-Fatawā, 53. Minḥ al-Gaffār,  
 54. Maṭālib al-Mūminīn, 55. Masāil-i-Arḥān, 56. Mabsūṭ,  
 57. Muḥīṭ, 58. Madkhal, 59. Mā lā Buddha, 60. Miṣḥāt,  
 61. Mustamlī, 62. Niṣāb al-Iḥtisāb, 63. Nawādir al-Uṣūl,  
 64. Niṣāb al-Fuqahā, 65. Hidāya, 66. Yatīmiyya.

The book contains 45 chapters dealing with the following subjects :-

- (I). Necessary works at the time of death, (II). Benefit of visiting the sick people, (III). How and what duā to be recited by the side of the sick people, (IV) Wadū and Tayammum of the sick people, (V). Namāz of the sick people, (VI). Rozā of the sick people, (VII). Waṣīat of the sick people, (VIII). Aḥkām during the time of death of the people, (IX). Signs of death, and signs of pious and evil people, (X). Description of Sakrāt and discussion of the angels, (XI). Aḥkām at the time of death and after death, (XII). Straightening the hands and feet of the dead, (XIII). Pregnant women, (XIV). Ṣadaqāt, Fiṭra, Tahlīl, compensation for namāz, etc. (XV). Ghusal of dead body, (XVI). Signs of being a Muslim of dead body, (XVII). Under-aged boys of non-Muslims, (XVIII). Ṣifāt-i-Īmān, (XIX). Obtaining a few parts of the dead body, (XX). Ghusal with unclean water or saying prayer without ghusal, (XXI). Description of new-born dead child, (XXII). Persons entitled to bathe the dead body, (XXIII). Muḥarramāt, (XXIV). How wives become

ḥarām for reasons other/<sup>than</sup> ṭalāq, (XXV). Rules governing Ghusal of dead body, (XXVI). Tayammum of dead body, (XXVII). Discussion on impotents, (XXVIII). Namāz-i-Janāza, (XXX). Qabr, tābūt and laḥad and all working dealing with dafn, (XXXI). Bid'ats regarding dead body, (XXXII). Questions of Munkir-Nakīr, (XXXIII). Reciting Qur'ān near the qabr, (XXXIV). Description of how the souls of dead bodies come to their own houses, (XXXV). Di'yāfat for the dead, (XXXVI). Description of hypocrite 'Ulamā', (XXXVII). Maulūd Sharīf, (XXXVIII). Shirk, Bid'at, worshipping of Qabr, (XXXIX). Qabr Ziyārat, (XL). On Pīrs and murīds, (XLI). Shahīd, (XLII). On four madhhabs, (XLIII). Ghāibī Janāza, (XLIV). Some irreligious activities prevailing in Muslim Society, (XLV). Pīrs of Chittagong.

The above index of the book shows that the author puts stress mainly on death and ghusal, kafn and dafn of dead bodies, i.e. the things which common people are not much aware of. Ordinary illiterate people were not much aware of these things. The author's instruction to educate the people has, therefore, achieved success through this book.

#### 9. Maulānā Muḥammad Ifād al-dīn:

Maulānā Muḥammad Ifād al-dīn was born at village Gahīrā, Rāuzān Upazilā. After receiving primary education in his village madrasa he was admitted to the Muḥsinia Madrasa,

Chittagong. After passing out from that madrasa, he went to north India and received higher education in Dār al-'Ulūm, Deoband. During this time Maulānā Ifāḍ al-dīn became a murīd of Maulānā Rashīd Aḥmad of Gungūh. After completing his education at Deoband, he returned home and was appointed a teacher in the Muīn al-Islām Madrasa, Hāthāzārī, where he taught for long twenty five years. While serving in this Madrasa he visited Rangoon on a mission of collecting funds for the madrasa. There he wrote Darūrat al-Mūminīn Ḥayāt al-Muslimīn in Bengali and Ṣiyānat al-Muminīn in Urdū. In the last part of his life he renounced the world and accepted Gūsha Nashīnī and died in 1363 A.H./1943 A.D. Maulānā Ḥāfiẓ Ḥāmid, the present Principal of the Hāthāzārī Madrasa is his son.<sup>1</sup>

Darūrat al-Mūminīn - Ḥayāt al Muslimīn of Maulānā Muḥammad Ifāḍ al-dīn, was printed at the Burma Art Press Ltd. 251, Luis street, Rangoon, in A.H. 1348/A.D. 1929. The book was circulated both in Burma and in Chittagong.

This is a small book on Fiqh containing 58 pages and 4 pages in Urdū, interspersed by Kalimā, and various kinds of duā (prayer to Allāh) written in Arabic. In the introduction, the author discusses the importance of acquiring knowledge on Fiqh and other Islāmic sciences, and

1. Information about his life and works received from his son Maulānā Ḥāfiẓ Ḥāmid, the present Muhtamim of Hāthāzārī Muīn al-Islām Madrasa.

exhorts the Muslims to learn the fundamental principles of Islām. Then in the various chapters the following subjects have been dealt with:

- i) Bāb al-Īmān : In this chapter the Bengali meaning of the Kalima Ṭayyiba, Kalima Shahādat, Īmān-i-Mujmal and Īmān-i-Mufaṣṣal have been given, without giving text of the Kalima.
- ii) Bāb al-Ṭahārat : In his chapter the Fard, Sunnat, Mustahabb and Makrūh of Waḍū (ablution) have been given. The purifying of oneself after responding <sup>the</sup> to/call of nature has been discussed. The causes that nullify Waḍū has also been given in a separate section.

In one section of this Bāb or chapter the nature and the Fard, Sunnat and Makrūh of Ghusal (purificatory bath) have been discussed. The causes that make Ghusal incumbent (wājib) has also been discussed.

In this chapter, one section is added to discuss Tayammum (cleaning oneself with dust where water is not available), various aspects of Tayammum, e.g. how to perform Tayammum, what are the things with which Tayammum can be performed and how Tayammum is nullified.

The Haid, i.e. monthly menstruation of women and the Nifās i.e. puerperal period of women, and how and when they are purified have also been discussed.

- iii) The next chapter deals with Aḥkām or rules of Shariā. The author discusses here the different kinds of Fard, Wājib, Sunnat, Makrūh, etc.
- iv) The next chapter deals with Ṣalāt or five daily prayers and Janāza or funeral prayers. The Fard, wājib, Sunnat, Mustahabb of Ṣalāt have been discussed as also the causes that lead to the nullifying of prayers.
- v-vii) In the next three chapters, Rozā (fasting) Zakāt (poor rate) and Ḥajj (Pilgrimage to Mecca) have been discussed.

In the last chapter the author discusses the Do's and Dont's for the Muslims, giving special stress that some loose talks in which the Muslims generally indulge in unknowingly, may lead to Kufrī (disbelief).

It may be noted that the author's discussion is based purely on rules framed by the Ḥanafī School. His model seems to be Mā lā Buddha Minhū of Qādi Thanā' Allāh Fānīpatī. It seems that the book was written for the benefit of less educated Bengali speaking people.

10. Maulānā Rūḥ al-Amīn :

Maulānā Rūḥ al-Amīn<sup>1</sup> was born in 1289 B.S./1882 A.D. in the village Tākī Nārāyanpūr in Bashīrhāt Sub-division of 24 Parganas district of West Bengal, India. His parents were religious minded persons and gave him Islāmic education at home . He received his higher education in the Calcutta 'Āliya Madrasa. He also received training in 'Ilm al-Tajwīd from a Qārī of Calcutta.

After completing education Maulānā Rūḥ al-Amīn settled at Bashīrhāt and built up a big library at his house. He spent most of his time in reading, writing and preaching. He committed to memory many Hadīth with proper Sanad. He also received spiritual training, first under Maulānā Ghulam Salmānī and later under Ḥadrat Maulānā Shaikh Abū Bakr Siddiqī of Phurphura, and received Khilāfat nāmāh from the latter. Maulānā Rūḥ al-Amīn was an extremely learned man in Hadīth, Tafsīr, Fiqh and other Islāmic Sciences. He was moved at the deplorable condition of the Muslims of Bengal and engaged himself in teaching the Muslims Islāmic principles. He also

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1. The life and works of Maulānā Rūḥ al-Amīn have been derived from Sankshipta Islāmī Bishva Kosh Parishista, published by Islāmic Foundation, Bangladesh, Dhaka, 1985 A.D. pp.102-104; Monthly Madīna, May, 1986, pp.42-43; Muḥammad 'Abd al-Razzāq : Banglā Bhāshāi Islāmī Pustaker Tālīka, Islāmic Foundation Bangladesh, Dhaka, 1977 A.D.

devoted himself in organising the Muslims of Bengal and Assam in a common platform. For this purpose he travelled widely throughout the whole of Bengal and Assam and delivered sermons in public gatherings. His was a convincing tone which attracted those who listened to his sermons. He was the chief organiser and Secretary of the "Anjuman-i-Waizīn-i-Bangālā O Assam". He was also the President of the "All Bengal Jamiat-i-'Ulamā". He also joined politics and held the post of Vice-President of Bengal Muslim League. In his public sermon he chiefly dwelt on the question of falsity of Qādiyānī, false Pirs and other un-Islāmic practices prevailing among the Muslims of Bengal. He wrote one hundred fourteen books on various Islāmic subjects, some of which were divided into several parts. He also published a weekly paper entitled "Hanafī". Besides he published regularly in other contemporary papers and Journals. He also built madrasa and masjid in various places of Bengal and Assam with the help and co-operation of local people.

Maulānā Ruḥ al-Amin was a great theologian; even in his journeys he was accompanied by a large number of books and writing materials. Most of the journeys were made on boat and so he kept himself busy in boats either in reading or writing. He died in Calcutta on 13 Kārtika 1352 B.S./1945 A.D. and is lying buried in the mango-groves of his own residence at Bashīrhāt.

Of the many books written by him, all in Bengali language, I have been able to collect names of the following:

1. Naṣr al-Mujtahidīn<sup>1</sup>, Ist edition, Calcutta, 1919 A.D. 2nd edition, Nārāyanpūr, 1928 A.D.
2. Ākhir-i-Zuḥar, Ist edition, Calcutta, 1919 A.D.
3. Nikāh O' Janāza tattva, Ist edition, Calcutta, 1919 A.D. 3rd edition, 1923 A.D. 4th edition, 1924 A.D. A copy of this book has been preserved in the India Office Library, London.
4. Fatwā, Ist edition, Calcutta, Munshī Badr al-dīn, 1920 A.D.
5. Qāmi' al-Mubtadi'īn fī Radd-i-Ṣiyānat al-Mūminīn, 3 vols., Ist edition, Calcutta, 1920-1923 A.D.
6. Ḍarūrī Masā'il, this book was written in support of Īṣāl-i-Thawāb, Ist edition, Calcutta, 1921 A.D.
7. Masāla, Ist edition, Calcutta, 1922 A.D. A copy of this book is preserved in the India Office Library, London.
8. Bāgmārī Fakīrer Dhūkā Bhanjan, Ist edition, Calcutta, 1922 A.D.

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1. Almost all his books were published by himself.

9. Ṣāiqat al-Muslimīn, 2nd edition, Calcutta, 1922 A.D. This book is against the Ahl-i-Ḥadīth group.
10. Grāme Jumā, 1st edition, Calcutta, 1923 A.D. A copy of this book is preserved in the India Office Library, London.
11. Ḥajjer Masā'il, 1st edition, Calcutta, 1923 A.D.
12. Ḥanafī Fiqhā tattva Bā Mas'ala Bhāndār, 1st edition, Calcutta, 1923 A.D. 2nd edition, 1926 A.D.
13. Ibtāl al-Bāṭil, 1st edition, Calcutta, 1923 A.D. A copy of this book has been preserved in the India Office Library, London.
14. Iḥqāq al-Ḥaqq, 1st edition, Calcutta, 1923 A.D. A copy of this book has been preserved in the India Office Library, London.
15. Karāmāt-i-Aḥmadia, 1st edition, Nārāyanpūr, 1924 A.D. This book is against the Qādiyānī group. A copy of this book has also been preserved in the India Office Library, London.
16. Bihisṭer Sambal, 1st edition, Nārāyanpūr, 1925 A.D.
17. Dāfi' al-Mufsidīn, 2nd edition, Nārāyanpūr, 1925 A.D.
18. Anwār al-Masā'il, 1st edition, Calcutta, 1926 A.D. A copy of this book has been preserved in the India Office Library, London.

19. Bihisht O Dozakher Barnanā O Qiyāmater Sambād, Ist edition, Calcutta, 1926 A.D. A copy of this book has been preserved in the India Office Library, London.
20. Bāra Chānder 'Ibādat, Ist edition, Calcutta, 1926 A. D. A copy of this book has also been preserved in the India Office Library, London.
21. Kālimāt al-Kufr, Ist edition, Calcutta, 1927 A.D. A copy of this book is also preserved in the India Office Library, London.
22. Radd-i-Bidāt, vol. I, Ist edition, Calcutta, 1927 A.D. A copy of this book has been preserved in the India Office Library, London.
23. Bāra Chānd O Namāz Rozār Faḍīlat, 2nd edition, Barisāl, Qurān Manzīl, 1956 A.D.
24. Taşawwuf Tattva Bā Tarīqat Darpan, Ist edition, Calcutta, 1920 A.D. 2nd edition, 1923 A.D. 4th edition, 1927 A.D. A copy of this book has been preserved in the India Office Library, London.
26. Qurān Sharīf Anubād, Ist edition, Calcutta, 1921 A. D.
27. Qurān Sharīf, 'Amm Pārā Anubād, 2nd edition, Calcutta, 'Abd al-Wāhid, 1921 A.D.

28. Qurān Sharīf Ist Fārā Anubād, Ist edition, Calcutta, 1924 A.D.
29. Waḥ Shikshā, 4 vols., Ist edition, Nārāyanpūr, 24 Parganas, 1924-1927 A.D. A copy of this book has been preserved in the India Office Library, London.
30. Dāllin Zāllīner Mimāngsā, 2nd edition, Calcutta, 1924 A. D. A copy of this book has also been preserved in the India Office Library, London.
31. Sūrā Sayaqūl Anubād, Ist edition, Nārāyanpūr, 1926 A.D.
32. Qirāt Shikshā, 3 vols., Ist edition, Nārāyanpūr, 1927 A.D.
33. Tāvīdhāt, 3 vols., Ist edition, Nārāyanpūr, 1927 A.D.
34. Ḥadrat Barā Pīr Ṣāhiber Jībānī, Ist edition, Nārāyanpūr, 1929 A.D.
35. Ḥadrat Pīr Ṣāhib Qīblār Bistārīta Jībānī. Of these books number 1 to 24 are related to Fiqh. Besides he also wrote a good number of Fatwās, also in Bengali; a compilation of these Fatwās have also been published in several volumes.

11. Maulānā Shāh Ṣūfī Nithār al-dīn Aḥmad :

Maulānā Shāh Ṣūfī Nithār al-dīn Aḥmad<sup>1</sup> was a famous revivalist of Bengal, in the field of Islām, who preached religion in several districts of the then Bengal when in the 19th century many un-Islāmic practices crept into the Muslim society, particularly among the illiterate people. He was born of a noble Muslim family in 1279 B. S. at the Village Sarsina under Swarūpkāthī police station (now Nithārābād Upazilā) Pirozpūr Sub-division, now district, formerly in the district of Bākhargonj. His father was Al-ḥājj Shāh Ṣūfī Ṣadr-al-dīn Aḥmad and his grand-father was Munshī Zāhīr al-dīn Akhand. Both his father and grand-father were vastly learned men and were religious minded persons. His father Al-ḥājj Ṣadr al-dīn died at Mecca while performing the ḥajj in 1293 B.S. and has been lying buried there at Janna al-Baqī.

The boy Nithār al-dīn Aḥmad received his early education in his family and then he was admitted into a Village Maktab where he received his elementary education. At the age of 14, when he lost his father, his mother, a religious lady took care of his education and well-being. After completing his studies there he came to Farīdpūr and was admitted into the

1. The life and works of Maulānā Shāh Ṣūfī Nithār al-dīn Aḥmad have been derived from Muḥammad 'Abd al-Bārī Khondkār: Ḥaḍrat Maulānā Shāh Ṣūfī Nethāruddīn Aḥmad, 3rd edition, Dhaka 1987 A.D.; Nūruddīn Aḥmad: Sīrat-e-Nethāriya, in 3 vols., 1st edition, Dhaka, 1952, 1955, 1957 A.D. respectively; Maulānā 'Ubaid al-Ḥuq: Banglādesher Pīr Auliyāgan, Noākhālī, 1969 A.D., pp. 309-324; Maulānā Nūr Muḥammad 'Azamī : Ḥadīthar Tattva O Itihās, 2nd edition Dhaka, 1975 A.D., pp. 384-385.

Islāmīa Madrasa at Madarīpūr. Maulānā Janāb 'Alī was his teacher in that Madrasa. After finishing education in that Madrasa Nithār al-dīn came to Dhaka and got himself admitted into the Hammādiya Madrasa. It is not known how long he stayed at Dhaka but he is found to have been admitted later into the Calcutta Madrasa. From there he went to Hughli Madrasa and there completed his Fāḍil examination with distinction. Thereafter he pursued further studies on Hadīth and Fiqh.

While at Hughli, Nithār al-dīn Ahmad chanced to meet Maulānā Shāh Ṣūfī Abū Bakr Ṣiddīqī, the renowned saint of Furfura. One day the saint came to join an Islāmīc gathering near the Hughli Madrasa. Being impressed by his piety and saintly disposition, Nithār al-dīn Ahmad became a disciple of the saint. Maulānā Nithār al-dīn Ahmad soon rose to a high position in the spiritual life and received the Khilāfat from his Pīr. He became a Khalīfa in the ṭarīqas of Qādiriya, Mujaddidiya, Naqshbandiya and Muhammadiya.

Maulānā Nithār al-dīn Ahmad perceived that the Muslim society in his day was steeped into ignorance and superstition. They did not know even the essentials of the religion. In their poverty and ignorance they indulged in all kinds of base pleasures, superstitions and irreligious activities. Those who were educated were also divided in their opinion in matters of tenets of Islām. Maulānā Nithār al-dīn Ahmad was very much pained to see this helpless condition of the Muslims and he visited house to house and instructed the illiterate people in correctly performing prayers, fasting, observing purdah, and other religious affairs. Besides he felt that only proper education on the Sharī'a could save them from such superstitions. With this end in view he established a Madrasa; the Madrasa, known as Dār al-Sunna 'Alīa Madrasa, later became one of the best institutions of Bengal

in his life-time and is still continuing as such. Students coming out of this Madrasa are spread throughout the whole of the country and continue to play important role in socio-cultural life of the people. Maulānā Nithār al-dīn Aḥmad, through his preachings taught the Muslims and made them alive to the irreligious practices and induced them to shun them. He left great effect upon the Muslims, even during these days his name is remembered by the Muslims of Bengal.

While going to perform the ḥajj, his father got Nithār al-dīn Aḥmad married in a nearby noble Muslim family, the boy Nithār al-dīn Aḥmad was then only 14 years old. Maulānā Nithār al-dīn Aḥmad had two sons—ʿAbdul Mannan and Muḥammad Muẓāhir by this marriage. When he went to perform ḥajj at the age of 30, in 1308 B.S. his wife and first son accompanied him and they died there. The second son Muḥammad Muẓāhir, who was left with his Pīr, Maulānā Abū Bakr Ṣiddīqī, also died there. Then Maulānā Nithār al-dīn Aḥmad married the daughter of Chowdhury ʿAbdul Wāfī of Village Kushālā in the district of Farīdpūr. Through this marriage he had eight sons and six daughters. His sons are: i) Muḥammad ʿAbdur Rabb, ii) Muḥammad ʿAbdul Ḥaqq, iii) Muḥammad Ṣāliḥ, iv) Muḥammad Amīn, v) Muḥammad ʿAbdullāh, vi) Muḥammad Ṣiddīq, vii) Muḥammad Fārūq and viii) Muḥammad Nūr, and his daughters are: i) Kha-dīja Khātūn, ii) Fāṭima Khātūn, iii) Ḥalīma Khātūn, iv) Sayyidunnisā, v) Rābiʿā Khātūn and vi) ʿĀisha Khātūn. His family being large and as he had numerous guests to be entertained, his second wife could not alone perform the responsibilities of the family. So Maulānā Nithār al-dīn Aḥmad married a third wife and he had four daughters through this marriage. The names of the daughters are : i) Khaḥirunnisā, ii) Ṣabūra Khātūn, iii) Jamīla Khātūn and iv) Karīmunnisā.

Maulānā Nithār al-dīn Ahmad devoted his whole life to teaching and preaching Islām. After completing a successful life he breathed his last on 18th Magh, 1358 B.S./1st February, 1952 A.D. and is lying buried in the compound of his Madrasa, the Dār al-Sunnah 'Āliya Madrasa, Sarsina and left a large number of students and disciples.

A good number of books were written and published<sup>by him</sup>. They are discussed below :

Tarīq al-Islām : This is a book written in 14 parts and published in several editions, but there is some confusion about the authorship of this book. I have fortunately been able to collect all the 14 parts ; in the first part published from Barisāl (11<sup>th</sup> edition) in 1373 A.H. /1361 B.S. and 1954 A.D. It is stated that the compiler was Muḥammad Imdād 'Alī. But it is clearly written on the title page that the author wrote his book at the order of Maulānā Abū Bakr and under the care of Maulānā Nithār al-dīn. He also writes in his nibedan (preface) as follows :

Once some of us, the disciples of Maulānā Nithār al-dīn were sitting before our Pīr, when he was reading from Nasāyee Sharīf of Abū 'Abd al-Raḥmān Ahmad bin Shu'āib Nasāyee (830-915 A.D.). He quoted from the book a Ḥadīth of the Prophet (SM) regarding the importance of purification (tahārat) after Urination. The Pīr then advised us to be careful about it. I told him that many of us are not aware of this and so it is advisable to publish about the importance of purification (tahārat) after urination in Bengali for the information of

Bengali-speaking people. The Pir agreed and took much pains to collect Hadith on the subject and other information from authoritative works on Fiqh and advised Muhammad Imdād 'Alī accordingly. Muhammad Imdād 'Alī wrote according to his advice. But in a recent publication of parts 1-7, called revised edition and published in 1399 A.H./1386 B.S. and 1979 A.D., the authorship has been given to the Pir Sāhib, Maulānā Nithār al-dīn himself. Though the publication is called a revised edition, I do not find any trace of revision. However, the name of Muhammad Imdād 'Alī, the original compiler is omitted. This is a voluminous book taken all parts together, and in this book the author has tried to discuss all aspects of Islāmic law, particularly those affect the daily life of the Muslims. The book is planned in question-answer form and in these questions and answers, problems faced by the Muslims in their day to day life have been discussed in details.

- a) Tarīq al-Islām: part I, published from Barisāl, 1st edition, 1917, 2nd 1918, 10th, 1954, 11th, 1979 A.D. containing 104 pages. It deals with ṭahārat, particularly relating to purification after natural calls.

Part II Published from Barisāl, 1st edition, 1917 A.D., second edition, 1919 A.D., 8th edition, 1978 A.D. pp.116.

This part deals with Waḍū and Miswāk,

- Part III Published from Barisāl, Ist edition, 1917 A.D., 8th edition, 1978, pp.56. This part deals with Tayammum only.
- Part IV Published from Barisāl, Ist edition, 1917 A.D., 4th edition, 1947 A.D., 7th edition, 1979 A.D. pp. 72.  
This part deals with time for offering prayers, and various rakāt of namāz.
- Part V published from Barisāl, Ist edition, 1917 A.D., 4th edition, 1947 A.D., 7th edition, 1979 A.D. pp.64.  
It deals with Adhān and Iqāmat.
- Part VI published from Barisāl, Ist edition, 1917 A.D., 7th edition, 1979 A.D. pp.94. It deals with arkān, aḥkām, wājib, sunnat and mustahabb of namāz.
- Part VII published from Barisāl, Ist edition, 1917 A.D., 7th edition, 1978 A.D. pp.72. It deals with those reasons that nullify namāz. This part also deals with makrūh, sahwu-sijda, sutra and Qaṣr-namāz.
- Part VIII published from Barisāl, Ist edition, 1920 A.D., 7th edition, 1947 A.D. and 8th edition, 1979 A.D. pp.80.  
This part deals with namāz in congregation, Qadā-namāz, vitṛ, Tarāvīḥ, Masbūq, lāḥiq and idrāk al-Farīḍa.

- Part IX published from Barisāl, (publication date is not given) pp.64.  
This part deals with offering namāz by the sick, on boat, steamer, train, on four-footed animals. This part also deals with sunnat namāz, nafal namāz, tahajjud, Istikhāra, Ishrāq, Chāsht, Awwābīn, dukhūl al-Masjid namāz, etc.
- Part X published from Barisāl, (publication date is not given), containing 32 pages. It deals with Haid, nifās, Istiḥāḍa, etc.
- Part XI published from Barisāl, (publication date is not given), containing 72 pages. This part deals with Kafn, dafn, Janāza, fidya, Kaffāra, questions of munkir nakīr in the qabr, etc.
- Part XII published from Barisāl, (publication date is not given), containing 80 pages. It deals with sighting the moon, keeping fast, Ītikāf, ṣadaqāt al-fiṭr, and Lailat al-Qadr, etc.
- Part XIII published from Barisāl, (publication date is not given), containing 96 pages. It deals with Zakāt and rules governing Zakāt.

- Part XIV published from Barisāl, (publication date is not given), containing 104 pages. It deals with buying and selling, and Islāmic rules relating to them.
- b) Sūd Samasyā : (problems of interest). This book deals with various problems arising out of giving and taking interest<sup>1</sup>.
- c) Ḍarūrī Masāil O Banglā Milād Sharīf : This book deals with essential principles of Islām and Milād Sharīf in Bengali.
- d) Madhhab O Taqlīd : This book must have deal with taqlīd or following one of the four Madhhabs.
- e) Nārī O Pardā : (Wearing of vail by women).
- f) Radd-i-Badgumān : (holding bad opinion about people).
- g) Nikāḥ O Talāqer Fatwā : (Fatwā regarding marriage and divorce).
- h) Izhār al-Ḥaqq (Jumār Bahath), discourse regarding the permissibility of offering Jumā prayer in village.
- i) Masāil-i-Arbaʿā (discussion on four masʿala or problems of religion).

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1. I have not been able to collect the books.

- j) Dārī, gop O khidāb Samasyā : ( problems of keeping beard, moustache and colouring of beard).
- k) Dārī O Dhumpān : (Beard and smoking ).
- l) Fatawā-i-Ṣiddīqia : in 2 parts : This book deals with legal discussions on various problems facing by the Muslims in those days.

I have not been able to collect books numbering from b-1, but the titles have been derived from advertisements published in the first page of each part of Tarīq al-Islām. The titles of these books give us the idea about the subject matter of these books.

## 12. Sayyid Imdād 'Alī

Sayyid Imdād 'Alī was born in 1876 A.D. at Bhāndāriā village in Barisāl district. He was a God-fearing man and was a disciple of Maulānā Nithār al-dīn Ahmad of Sarsīnā, Barisāl. He died in 1969 A.D.<sup>1</sup> It has been stated above that according to the first edition of Tarīq al-Islām, parts I-IX he compiled the Tarīq al-Islām with the advice and under the care of his murshid, though in later editions his name has been omitted. Be that as it may, Sayyid Imdād 'Alī wrote independently two books viz. Jumār Dvidhā Bhanjan and Namāz Sikshā.

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1. Maulānā 'Abdul Matīn, Labour party leader of Banglādesh is his son.

- a) Jumār Dvidhā Bhanjan, published from Barisāl, 1st edition, 1917 A.D., 2nd edition, 1921 A.D. This book deals with the permissibility of offering Jum'a prayer in village. In those days this was a burning question in north and southern Bengal, particularly because the Farā'idīs were against offering jum'a prayer in villages. There was also the question of Dār al-Islām and Dār al-Harb. The Farā'idīs called Bengal, so to say, India a Dār al-Harb where jum'a prayer was not permissible. But Maulānā Karāmat 'Alī and Maulānā Abū Bakr of Phurphurā and his Khalīfa Maulānā Nithār al-dīn of Sarsīnā were opposed to the Farā'idīs. Therefore in those days they took up their pen to propagate the permissibility of offering jum'a prayer. Sayyid Imdād 'Alī echoed the opinion of his Murshid.
- b) Namāz Sikshā : published from Bhāndāriā, Barisāl, 1923 A.D. Namāz Sikshā means teaching of rules and regulations of offering prayer. The title is explanatory. It seems that the author tried to teach the illiterate people about the fundamental principles of namāz.<sup>1</sup>

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1. These two books are being preserved in the Imperial library, Calcutta. ('Abdur Razzāq : Banglā Bhāshāi Islāmī Pustaker tālikā, Islāmīc foundation, Bangladesh, 1977 A.D.)

13. Maulānā 'Abd al-Ḥakīm

Maulānā 'Abd al-Ḥakīm was a professor of Arabic in Anandā Mohan College, Mymensingh. He wrote a Bengali book on Fiqh entitled Hidāyat. It was published from Emdādia press, Dhaka; the date of 1st edition is not known, but the 6th edition, a copy of which has reached my hand, was printed in 1977 from the same press. The book contains 42 pages. He also states the object of writing the book.<sup>1</sup>

1. 'Abd al-Ḥakīm : Hidāyat, 6th edition, Dhaka, 1977, p. Nibedan (Preface).

“ হাযর অনেক সময় নিজ অজ্ঞতাশত: অথবা উপযুক্ত পরিচালকের অভাবে ওনাহের কাজকে ছওয়াবের কাজ মনে করিয়া তক্রপ আমল করিয়া থাকে। ইহা যাযা তাহাদের মূল্যবান জীবনের পরিভ্রম বিকল হইয়া যায়। এইরূপ লোকদের লব্ধে আল্লাহ্-পাক বলেন:—

وَمَنْ يَفْعَلْ ذَلِكَ يَجْعَلْ لِنَفْسِهِ عَذَابًا أَلِيمًا  
 قُلْ مَلِئْتُكُمْ بِالْأَخْيَرِينَ أَعْمَالًا - الَّذِينَ ضَلَّ سَبِيلَهُمْ  
 فِي الْحَيَاةِ الدُّنْيَا وَهُمْ يَحْسَبُونَ أَنَّهُمْ يُحْسِنُونَ صِنَاعًا ۝

অর্থ : হে মোহাম্মদ (স:)! “আপনি বলয়া দিন, বাহারা নিজ কার্য-বলে ক্ষতিগ্রস্ত হইয়াছে, আমি কি তোমাদিগকে তাহাদের লব্ধি জ্ঞাত করিব? তাহারা এইরূপ লোক, বাহাদের ছুনিয়ার পরিভ্রম ব্যর্থ হইয়াছে, অর্থ মনে করে যে, তাহারা ভাল কাজই করিতেছে।”

“ এই শ্রেণীর লোকের দ্রাব্ধি দূর করিয়া লব্ধি প্রদর্শন মানসে আমি কোরআন, হাদীছ, কেরাফ, কিতাব ও বিখ্যাত মোহাককে আলোচনা করিয়া ফংওয়া হইতে এই ক্ষুদ্র গ্রন্থখানি মকলন করিলাম। একত্র হয়ত আমি অনেকের মনোবেদনার কারণ হইব: কিন্তু তবুও আশা করি, মূল্যবান দ্রাব্ধি আমার লক্ষ্যে বৃদ্ধিতে পারিবেন এবং আমার জ্ঞত দোআও করিবেন। কর্তব্যের অহরোধে আবশ্যকীয় বিষয় লিখিলাম—  
 وَمَا عَلَيْنَا إِلَّا الْبَلَاغُ (অর্থ:—আল্লাহ্, ও রাসুলের কলাম পৌছায় ব্যতীত আমার কর্তব্য আর কিছুই নয়।)

“ সুযোগ প্রকেশার মাওলানা হাজী মোহাম্মদ ফয়দুর রহমান ছাহেব এই কিতাবখানি ভাল করিয়া দেখিয়া দিয়াছেন এবং আমাকে বহু বিখয় লাহায করিয়াছেন। ”

In this book the following subjects have been discussed :

- i) Accepting remuneration in exchange of offering Janāza prayer and doing other religious works. It may be remembered that Maulānā 'Abd al-Laṭīf also discussed this point in his Fatwā entitled Tadqīq al Baṣārat fī Khairāt al-Janāzat wal-Ziyārat<sup>1</sup>. But both of them differed on the issue. While Maulānā 'Abd al-Laṭīf was of the opinion that it was permissible to accept such remuneration, Maulānā 'Abd al-Ḥakīm categorically denied it.<sup>2</sup>

1. See supra, pp. 189-191.

2. 'Abd al-Ḥakīm : Hidayat, 6th edition, Dhaka, 1977 A.D. p. Nibedan (Preface).

জানাযার নামায পড়াইয়া, কবর দিয়ারং করাইয়া এবং মৃত ব্যক্তির কবর প্রতি হওয়ার পৌছাইবার উদ্দেশে যো'আ দরুদ ও সুব্বীহ, তাহলীল এবং কোরআন শরীফ পাঠ করাইয়া আলেমগণ ও মোল্লা মাশায়খদিগকে পয়সা-কড়ি দান করিবার প্রথা আমাদের দেশে প্রচলিত আছে। ইহা যে না-জায়েজ এবং এরূপ পয়সা গ্রহণ করা যে হারাম, দাতা ও গ্রহণকারী উভয়েই যে মোনাহুগার এবং উহা দ্বারা দাতা ও মৃতব্যক্তি উভয়েই যে হওয়ার হইতে সাহুকাহ্ অর্থাৎ বঞ্চিত এ বিষয়ে কোরআন শরীফ, হাদীস শরীফ ও ফেকার কেতাবসমূহে বর্ণনা করিয়াছে। উপরোক্ত উদ্দেশে পয়সা-কড়ি নেওয়া যেমন না-জায়েয, খাওয়া এবং খাওয়ানও ঠিক তেমনি না-জায়েয।

- ii) Under the heading miscellaneous, the Maulānā discussed various issues on offering duā for the departed soul and making Ziyārat in the Qabr and offering Khairāt and ṣadaqāt accoring to the injunctions of Islām.
- iii) Aḥkām governing the dafn of dead bodies.
- iv) Qiyām in the mīlād maḥfil. The Maulānā opined that there is no basis in the authoritative works on Fiqh about Qiyām.
- v) Nadhṛ :First he discussed the meaning of nadhṛ and divides it into Muṭlaq and Mu'allaq. He also discusses the conditions in which payment of Nadhṛ became incumbent.

14. Maulānā Tajammul Ḥusain Khān<sup>1</sup>

His Arabic book on Fiqh has already been discussed in section-1.<sup>2</sup> He also wrote three books on Fiqh in Bengali, viz, a) Islām Nīti, b) Islāme Dārī O Libās, and c) Ḥajj O Ziyārat. The subject-matter of the books is not known<sup>3</sup>, but from the titles it appears that the first book deals with Islāmic principles in general, the second book deals with keeping beard and wearing Islāmic dress and the third deals with various aspects of performing ḥajj and offering Fātiḥā in the rauda of the Prophet Ḥaḍrat Muḥammad (Sm).

1. For his life-sketch see section I, pp. 142-144.

2. See supra, p. 144-145.

3. I have not been able to find out these books.

CONCLUSION

## CHAPTER V

### CONCLUSION

Growth and development of Fiqh in Bengal started from very early period of Muslim rule in Bengal. In fact the 'Ulamā' and the Fuqahā' started coming to Bengal soon after the conquest of Ikhtyār al-dīn Muḥammad Bakhtyār Khaljī. Muslim rule is such that the rulers needed the help of 'Ulamā' and Fuqahā' in running the administration. For example, the state built the judicial department which was run by the Fuqahā', because, according to the Islāmic principles, the cases had (has) to be tried with the help of Fiqh. We find, therefore, that erudite Fuqahā' like Maulānā Ṣamsām al-dīn Farghānī and his brother Nizām al-dīn Farghānī came to Bengal during the time of Muḥammad Bakhtyār Khaljī. After Bakhtyār Khaljī names of many more Fuqahā' are available. Actually the 'Ulamā' and the Fuqahā' received patronage and encouragement from the Muslim rulers.<sup>1</sup>

Names of some early Fuqahā' have been lost in obscurity. Either they did not write books or if they wrote, those books have been lost due to ravages of time and inclement weather. We have included a brief discussion about them, with whatever materials could be gathered. Some early great Fuqahā' are known as being renowned Sūfīs, e.g., Shaikh Jalāl al-dīn Tabrīzī,

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1. For a discussion on the patronage of 'Ulamā' by the Muslim rulers, see Dr. A. Karim : Social History of the Muslims in Bengal. 2nd edition, pp. 79-83.

Shaikh Akhī Sirāj, Shaikh 'Alā' al-Huq and Shaikh Nūr Quṭb 'Ālam. That they were also learned Fuqahā' is forgotten during these days. Unfortunately their writings have not survived.

The Fuqahā', whose writings have come down to us are also many. The contribution of the Fuqahā' of Bengal is amazingly brilliant. The Bengali Fuqahā' wrote not only in Arabic or Persian, but in Urdū and Bengali as well, i.e. in the languages in which some or the other section of the people of Bengal were (are) conversant. Throughout the Muslim period in Bengal, Arabic was the language of religion and Persian that of office and culture.<sup>1</sup> Later the Bengali Muslims also attained proficiency in Urdū, and Bengali was (is) the language universally used by the people of Bengal. So the Fuqahā' of Bengal wrote their books on Fiqh in either of these languages with a definite purpose, i.e. the purpose of educating the people. Initially they wrote either in Arabic or in Persian or in Urdū, because these languages were widely learnt by the educated Muslims. Later, particularly from the late 19th century, the Fuqahā' devoted themselves to writing in Bengali language, because during this period Bengali language was learnt by the people more and more. Moreover, their intention was to educate the less educated people by writing books in a language in which more people and particularly less educated people were conversant. Even in the early period also books on Fiqh were written in Bengali, though in a lesser number, e.g. Alaol wrote Toḥfa in the 17th century and Naṣr Allāh Khundkār wrote Shari'atnāma in the 18th century.

1. Dr.A.Karim: Social History of the Muslims in Bengal, 2nd edition, pp. 239-240.

One scholar, writing in the 20th century in Arabic, states that he wrote in Arabic because people sufficiently learned in Arabic could comprehend the subject of his discussion.<sup>1</sup> The causes given by Maulvī Naīm al-dīn for writing in Bengali has been cited already.<sup>2</sup> They show that he was genuinely interested in reaching the fruits of his labour to the general public. The causes given by Maulvī Mufaḍḍal al-Raḥmān is more interesting; he says that he wrote in Bengali language, but in Arabic alphabet, because many people who cannot read Bengali alphabet can read Bengali in Arabic alphabet<sup>3</sup>. This is a very cogent argument, because there are many people in Bengal who are illiterate and do not know any language, but they can read the Holy Qur'ān. They know the Arabic alphabet, so they can read Bengali in Arabic alphabet. It shows, therefore, that the Maulānā had genuine love for his people; he wanted to educate them in Islāmic principles in any way. Maulānā Karāmat 'Alī also strove hard to educate the people in day to day principles of Islām. He not only wrote many books, but also visited large areas in Bengal to propagate his mission. The contribution of the Sarsīna school needs special mention. Maulānā Abū Bakr Ṣiddīq, Pīr Ṣāhib of Phurphura and his disciple Maulānā Niṭhār al-dīn of Sarsīna made great and lasting contribution to the study of Fiqh literature. They made it a point to educate the people through their writings in Bengali and a large number of books were written under the instruction of Pīr Ṣāhib, Phurphura

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1. Supra, p. 119.

2. Supra, p. 226.

3. Supra, p. 239.

and under the able supervision of Pīr Ṣāhib, Sarsīna. Maulānā Rūh al-Amīn, a disciple of Phurphura Pīr Ṣāhib also devoted his whole life to educate the people through his speeches and writings on Fiqh.

In the process of Growth & Development of Fiqh in Bengal, we have noticed another trend in the writing of Fiqh literature. There were particular problems faced by people of particular areas in Bengal. For example, in North and Central Bengal the question of taqlīd was a burning problem. The Ahl-i-Hadīth or Lā-Madhhabīs were in greater number there, but in Bengal the Muslims generally belong to the Ḥanafī Madhhab. For this reason, we find that Maulvī Nāīm al-dīn particularly, and some others generally, wrote books centring round the question of taqlīd. In South Bengal, though general Islāmic principles were discussed, yet taqlīd found prominence in the writings. Another problem that was prominent in North and South Bengal was the offering of Ākhir-i-Zuhr prayer. The question was mingled with the question of Dār al-Islām and Dār al-Ḥarb. Many books have also been written on this issue. In Chittagong, bidāt or innovation was a controversial problem. There are two schools, Sunnī and bidātī. Both the groups, however, claim themselves to be sunnīs, but to distinguish them, one section calls the other section as Wahhābīs, and the latter call the former as bidātīs. So in the writings of the Fuqahā' of Chittagong, the question of bidāt or innovations found prominence. Two other questions received attention of the Fuqahā' of Bengal in general. These questions are Sijda -i-tahīyya and Simā'. Some prominent Fuqahā' paid particular attention to a discussion of these two problems.

Thus, the phenomenal growth and development of Fiqh in Bengal has a great bearing on the total history of the Muslims of this region and a lasting impact on the life of them. Since the beginning of the Muslim rule in Bengal down to present time innumerable Muslim scholars devoted their time and energy towards disseminating knowledge in the field of Fiqh, giving rise to a corpus of literature in Bengali, Urdu, Persian, and Arabic. It is a maiden attempt to bring to the light hitherto scattered data on the growth and development of Fiqh in Bengal and hence it can hardly claim finality in this respect.

**A P P E N D I C E S**

APPENDIX - I

List of Fuqahā' as mentioned by Rahmān 'Alī : Tadhkira -i-  
'Ulamā'-i-Hind, 1st edition, Newal Kishore, 1894 A.D., 2nd  
edition, 1914 A.D., Urdū edition by Muḥammad Ayūb Qādirī,  
published by Pākistān Historical Society, Karāchī, 1961 A. D.

1. Sayyid Ashraf Simnānī,
2. Maulvī Tafaddal Husain Khān Kashmīrī,
3. Maulānā Husām al-dīn Mānikpūrī,
4. Maulvī Ridā Hasan Khān Kākūravī,
5. Maulvī 'Abd al-'Alī Islāmābādī,
6. Maulvī 'Abd al-Qādir of Sylhet,
7. Shaikh Hasan,
8. Shaikh Naṣr Allāh,
9. Maulānā Karāmat 'Alī of Jaunpūr,
10. Maulvī Najm al-dīn Kākūravī,
11. Muftī Khalīl al-dīn, b. Qādī Najm al-dīn,
12. Maulvī Wazīr 'Alī Sandilvī,
13. Qādī Yaqūb Mānikpūrī,
14. Amīr Abū al-Mā'ālī,
15. Maulvī Ilāh Dād of Calcutta,
16. Maulvī Amīn Allāh,
17. Maulvī Dhu al-Fiqār 'Alī of Calcutta,
18. Qādī Sirāj al-dīn Khān,
19. Maulvī 'Abd al-Bārī of Calcutta,
20. Maulvī 'Abd al-Bārī of Bardwān,

21. Mullā 'Abd al-Bāqī Bāngālī,
22. Maulvī 'Abd al-Qādir of Hughlī,
23. Mullā 'Uthmān Bāngālī,
24. Maulvī 'Ināyat Allāh of Bardwān,
25. Maulvī Gulām Husain Bāngālī,
26. Maulvī Gulām Rasūl,
27. Maulvī Fath 'Alī of Bardwān,
28. Farid Bāngālī,
29. Maulvī Muḥammad Idrīs of Sylhet,
30. Maulvī Muḥammad Isrā'īl of Sylhet,
31. Mirzā Muḥammad Ṣādiq,
32. Shaikh Budh of Lakhnautī,
33. Qāḍī Piyārah of Lakhnautī,
34. Maulvī 'Abd al-Raḥīm of Calcutta,
35. Maulvī Laṭīf Allāh Bāngālī,
36. Maulvī Mu'īn al-dīn Bāngālī.

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The names have not been written in alphabetical order but have been written as found in the book.

APPENDIX - II

List of Fuqahā' as mentioned by Ḥakīm 'Abd al-Ḥayy of Lucknow : Nuzha al-Khawāṭir, in 8 volumes, 2nd edition, Hyderābād, 1962-79 A.D. 8th volume, 1st edition, Karāchī, 1976 A.D.

1. Qādī Jalāl al-dīn Kāshānī,
2. Maulānā Sharaf al-dīn Delhi (Abū Tawwāmah),
3. Maulānā Ṣamsām al-dīn Farghānī,
4. Qādī 'Uṭhmān, b. Muḥammad Jurjānī,
5. Nizām al-dīn Farghānī,
6. Shaikh Jalāl al-dīn Tabrīzī,
7. Shaikh Sirāj al-dīn 'Uṭhmān Awadhī,
8. Shaikh 'Umar, b. Asād Pandavī,
9. Shaikh Aḥmad, b. 'Umar Pandavī,
10. Shaikh Ashraf Jahāngīr Simnānī,
11. Yūsuf Shāh Bangālī,
12. Shaikh Abū al-Mā'ālī al-Marāshī,
13. Shaikh Ḥamid al-dīn of Mangalkot,
14. Maulānā Fakhr al-dīn of Bardwān,
15. Ḥakīm Māshā' Allāh of Murshidābād,
16. Mullā Muḥammad Ashraf of Chittagong,
17. Shaikh Muḥammad Ṣāliḥ Bangālī,
18. Sayyid Muḥammad 'Alī of Murshidābād,
19. Shaikh Ibrāhīm Bangālī,
20. Nawāb Aḥmad 'Alī Khān of Dhaka,

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The names have not been written in alphabetical order but have been written as found in the book.

21. Maulānā Asad Allāh of Jahāngīr nagar,
22. Maulānā Imām al-dīn of Sudārām,
23. Maulānā Anwār Allāh of Chittagong,
24. Maulānā Hamīd al-dīn (Allāh) of Chittagong,
25. Ḥakīm Dhū al-Fiqār 'Alī of Dhaka,
26. Qāḍī Ṣādiq b. Muḥammad of Hughlī,
27. Qāḍī 'Abbās 'Alī of Calcutta,
28. Ḥakīm 'Abd al-Shafī of Dhaka,
29. Muftī Ghulām Muṣṭafā of Bardwān,
30. Qāḍī Fadl al-Rahmān of Bardwān,
31. Maulānā Karāmat 'Alī of Jaunpūr,
32. Sayyid Muḥammad of Hughlī,
33. Muftī Muḥammad b. Diyā' al-dīn of Bardwān,
34. Maulānā Muḥammad Wajih of Calcutta,
35. Sayyid Mahdī b. 'Abd Allāh of Tustar,
36. Maulānā Nūr al-zamān of Dhaka,
37. Shams al-'Ulamā' Muḥammad Ishāq of Bardwān,
38. Maulānā 'Abd al-Awwal of Jaunpūr,
39. Shaikh 'Abd al-Hayy of Mirzākhlī,
40. Maulvī 'Abd al-Rahmān of Sylhet,
41. Maulvī 'Abd al-'Alī of Chittagong,
42. Shaikh 'Abd al-Qādir of Sylhet,
43. Maulānā 'Abd al-Munīm of Chittagong,
44. Maulānā Nāzir Hasan,
45. Shaikh Muṣliḥ al-dīn al-Jaunpūrī,
46. Maulānā Vilāyat Ḥusain of Bardwān.

APPENDIX - III

List of Fuqahā' as mentioned by Muḥammad Ishāq Bhattī :  
Fuqahā'-i-Hind, in 5 volumes, published by Idāra -i-Thaqāfāt-i-Islāmīa , Lāhore, 1st edition, Lāhore, 1974-81 A.D.; and  
Fuqahā'-i-Pāk O'Hind, in 2 parts, published by Idāra -i-Thaqāfāt-i-Islāmīa , Lāhore, 1st edition, Lāhore, 1982-84 A.D.

1. Qāḍī Jalāl al-dīn Kāshānī,
2. Maulānā Ṣamsām al-dīn Farghānī,
3. Qāḍī 'Uthmān b. Muḥammad Jurjānī,
4. Shaikh Niẓām al-dīn Farghānī,
5. Shaikh 'Uthmān Awdhī,
6. Shaikh 'Umar b. As'ad Lāhori Pandavī, 'urf 'Alā' al-Ḥuq Pandavī,
7. Shaikh Aḥmad b. 'Umar Pandavī, 'urf Quṭb-i-'Ālam,
8. Sayyid Ashraf Jahāngīr Simnānī,
9. Yūsuf Shāh Bangālī,
10. Maulānā Taqī al-dīn Pandavī,
11. Qāḍī Yāqūb Mānikpūrī,
12. Shaikh Muḥammad Ṣāliḥ Bangālī,
13. Maulānā Asad Allāh Bangālī,
14. Maulānā Ḥamīd al-dīn (Allāh) Chātgamī,
15. Qāḍī 'Abbās 'Alī of Calcutta,
16. Muftī 'Abd al-Wadūd Madrāsī.

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The names have not been written in alphabetical order but have been written as found in the book.

APPENDIX - IV

Specimen of Mufti Tayyib Allah Khan's Kuwwara al-Sannut, ff. 1-7.

ولقد فيقول العبد الجاني قليل الصفات عديم الجبين بل لا شئ  
في الحقيقة ضيف الخليفة والبيان ، الراجي الى رحمة رب العرش المنان محمد طيبه خان بن  
قطب الزمان مولوي منصور مفتي غريب الاسلام ابادي عفا عنه ما وسر عيوبها اني لما  
كنت في صرخة السن اعني ابن خمس وعشرين سنة في الدار الامارة الحكمة التي في زنا  
هند ابرج الكل النية ، في حفرة بجزراج المنقول والمنقول ، فقدم لتمام الفروع والاصول  
سباح الحج القرب والاول ، ادب الادب ، سنة العلماء وصلاح اولاد المنصطف زينة  
المرضى ، سريس سريس ، سيرة المعلمين للخدمة السليمة ، اساتذة المدرس الاول المولود

Continued

سيد نجف علي اسكنه الله في اعلى اجنات وجهه فيه جليل الشان و وضع الكتاب  
 مستفيدا من كتاب مسلم النبرس الذي هو مستوفى عن التوضيح والتوضيح ولكن  
 من كتب الاصول فوايضا واجمها عوايدا للبحر المدقق والبحر المحقق خيرهما خرين بل  
 استوفى مقتضى صاحب التصانيف الفالقة والتحققات الرائقة مولانا محمد السيار  
 جلد المدخل في كجارتبه ورضائه ووقع الفراغ منه وبقية الكتب المدينة المطلوبة  
 المروجة كان يتلج في قلبي ان ما لفظت امواج بحر صدره شرح من قدر غر فوايده  
 في حل التفرير الظلمة بنسبة في سلك التجرير لكن لما رجعت منها الى الوطن الالوف  
 اجم المشغولون وها هم همردون فشتت منذ ست سنين في تدرسيم واسما من المهم  
 مع فوي رفاضي ما كان مستغفرا في الطبيعة الجريئة والعريضة الجديدة اذا وقت الحارة  
 بين سلطان الزمان حيد السرير والتهيج مبداء الفيض منبع الامان مهمة قواعد الدول  
 والافق ما حي برهم البغي قاصع مبانى الاغشاق كاسر افاق الحفا والعدوان  
 اعنى بركت انكستام دامت شمس على بارغمة واقمار احسانه طالوة وبين سلطان  
 الاول التي اهلها قوم برها فتسمعت اعيانهم انهم من ولد ولده الذي كان وزيراً  
 لا فر سباب الملك المعروف الذي كان معاصراً للرسم الشجاع بن زال بن سام بن زيمان و  
 منهم ما مراراً في المحاربة منه ومن ثم ستموا القسم بواكسه في سنانهم منسبون الى و  
 وهم فصحاء وكلامهم كان العسل ترشح منهم فوزني بعد ما طبعه سابق الغامات في منقارة  
 مقدرته الجيش في نصيب الرأية مجللي الفارسين في ميدان المسابقة والبراعة مراراً

انفسه في ارض صدره بالبحر  
 مراراً سيد نجف علي

بالشجاعة والجلادة مسترطاس كميل رابر لسن ايجنه نواب كوزر جزل كهار  
 دام نواله في المنصب كميل القدر لذلك لم تيسر لي ذلك لرهابي ثم آيا بي مع الغزاة  
 في محارك صور وخلق عن فخورهم راكب على السفينة البحرية اللابنة وما شيا حافيا  
 حافيا عن شطوط الاجر الاجابية ومخاطرات ايجلية الحجرية التي كانت بحيث مضفة  
 يمكن ان يقال لا يبلغ شتم اخطاط فيها لكن فتحها الله فتمت مينا حتى هارت مفجعة  
 كالميداء و تم لوجه حصول النفرة على الاعداء والتسلط على حصن حصين ايجلية المسماة  
 بمرية ذلك لا شغلي في امضاء الامور العزلة ايجلية الى اثنا عشر سنين ثم تعلق بالمنصب  
 اليربوني الكلكري وهو كل نحو مطرا باليونانية وهي ضاعة المسماة التي يتعلق بها اصطلاح  
 الموضوع حتى عشرين سنين متواليه في ديوان السلطان المموج وطني و ذلك صار معاني الامتداد الا  
 والاهم الى اثنا عشر سنين نسبيا منسب بل كان لم يكن شيا نكودا الآلات  
 لما حصل الفراغ من تلك العوائق و وضعت القدم على راس خمسين سنين من درج  
 افضى سنة ثلثة وستين بعد ايامين والالف من العجزة القديسة غلبت علي بموجب ما فات  
 و دعت ار كان البنية وتلا شئيا باستيلا وخرافة التي هي لشهوة من الآلات حتى استعمل  
 البراس شيا و وقع اخل في البصارات ومن كل وجه طارت النقات حتى احوالات  
 و هرت مترويا في سبب الاحزان والحمرات والنامات فتم ذلك طال كل يوم جعل التكليفات  
 و هرت ابري الاقراعات من سبني وقره عيني محمد ولي الله خاق جلاله كاسمه وليا  
 و سلمه من الآفات والعمات و افانه الى سمارات الدارين صديقا على المرات و  
 لكالات ان الشرح شرفا لذلك الكتاب خاليا عن ثوب الاكابر والاطناب موقويا على



وكتب مفصلة العلوم جامعاً وشاملاً في الحدود والرسوم لجميع العلوم حتى الموسيقى قد درر موفىة <sup>٣</sup> وكلمة الأريز في تفسيره القرآن في <sup>٤</sup>  
رسالة الترميزي لفاضل العلامة جمال الدين محمد بن بدر الدين المنشي ورسالة المسماة بالأراد <sup>٥</sup>  
وكتاب المسنى بقسام الدرر للامام فخر الدين الرازي من آواخر مصنفاته وشرح العقاييد للشيخ الامام <sup>٦</sup>  
العالم جمال الدين سيوطي رحمه الله تعالى وكانت هذه الكتب مطبوع نظري ووراهها من الكتب الكثر <sup>٧</sup>  
في الاصول كرسائلناظر في منهية المصارع والتوضيح والتلويح والحسابي والشاشي ووزن الاوزان <sup>٨</sup>  
شرح همنار ومن الكلام في شرح المواقيت وحاشية ميرزا ابو القاسم ملا محمد والفقاهيد <sup>٩</sup>  
واجتاط من الحكمة في هداية الحكمة وهدايا وشبه البارغة ولاحه العبادة في حديقة الصلوة <sup>١٠</sup>  
والمنشاة بالكلير ومن هيران في شرح التنزيب وشرح رسالة الشمسية وحاشية سيد السند <sup>١١</sup>  
وحاشية جلالية على التنزيب وعلية حاشية ميرزا ابو حاشية تافى المبارك وشرح السلم تافى <sup>١٢</sup>  
وشرح تافى المبارك وشرح مولوي جلاله ورسالة ميرزا ابو علي رس القطبية وكثير من هاشية <sup>١٣</sup>  
في المنطق هاشية في حاشية تلو زاده واهطول وحاشية اطول وكذلك عدة حاشية من متلفات <sup>١٤</sup>  
والحكمة لمولانا عبد الله بن مولانا كشميري ومولوي تاج الدين بن مولانا عبد الله بن السبي ومولانا <sup>١٥</sup>  
ماي سوي هاشية ومولانا كمال السبائي ومولوي حسن ومولوي شرف الدين ومنه تافى ورسالة المستوف <sup>١٦</sup>  
لخواجہ حزرده ومختصر تحقيق عالم المنشا ورسالة تحقيق الفنا وحاشية مولوي غلام محي العباسي <sup>١٧</sup>

مسرح  
النويزب للامام العلامة ابن القيم  
بن جنان محمد بن يوسف بن  
بن جنان المنقري الامام

الكونية  
وحاشية مولوي عظيم ونحو من شرح الاشارات وتبديل من منهية ميرزا جبرئيل على افق الكسبي <sup>١٨</sup>  
وقواعد البحث من المناظرة ومن اللغات الصراح والكشف والمنجب حتى كرسائلناظر على كتب الفروع <sup>١٩</sup>  
والفيا على التفسير كالبهاوي والمواليد العلمية تسبيلا وتطبيقا وسميته كجواز السنت في <sup>٢٠</sup>  
شرح السلم الثبوت ٤ سنة ١٢٦٢ هجري

## APPENDIX - V

Specimen of Maulānā 'Abd al-Latīf's Fatwā on reading the Khuṭba of Jumā prayer in languages other than Arabic. (Muḥammad Nūr al-Ḥuq Latīfī : Ishāa al-Maṭālib al-Latīfia, 1st edition, Maṭba'at-i-Ḥamīdī, Rāmpūr, India, 1937 A.D. pp. 3-4.)

ما قولكم ايها العلماء الكرام - والفضلاء العظام - رحمكم الله  
تعالى في تعليم احكام الدين في ما بين الخطبة الجمعة والعيد بن  
المقررة بالعربية لاسامعين الا عجميين بغير العربية هل هو جائز  
على الشرعية المحمل به والملة الحنفية - ١٠١٠ لا - بنوا بالكتاب  
توجروا بالتواب الى يوم الحساب -

### الجواب الملم للصواب

اقول والله التوفيق من تعليم الاحكام دينه - لاسامعين الا ما جرت احوالهم  
الغير العربية في ما بين خطبة الجمعة المقررة بالعربية جائز مستحب  
في كل الاوقات لاسيما في هذا الزمان - قللة العلم وكثرة الجهل في  
افراد الانسان - ولان الخطبة شرعت للتعليم والتعليم لا يحصل  
الا بما يفهمه به من لسانهم المستقيم كما لا يخفى على من له ذهن فهميم  
وطبع سليم فينبغي للخطيب ان يعلمهم بلسانهم في خطبة الجمعة احكام  
الدين من الاوامر والنواهي والرخبات الى الصالحات والرهبات  
عن النواهي - لما جاء في الدر المختار من باب العيدين (١٠١) ان يعلم  
الناس فيها ( احكام صلواته ) ( الفطر ) ليودعها من لسانها وينبغي  
لعلهم في الجمعة التي قبلها الخرجها في محلها ولم اسرطه لئلا  
حكم احتيج اليه لان الخطبة شرعت للتعليم - انتهى وفي رد المحتار

قوله هكذا) وهو من تنمة كلامه البحر حيث قال ويستفاد ان الخطيب  
 اذا رى حاجة الى معرفة بعض الاحكام فانه يعلمها اياها في الخطبة الجمعية  
 خصوصاً في زماننا لكثرة الجهل قلت العلم فينبغي ان يعلمه فيها احكام الصلوة  
 كما لا يخفى (هـ) - وفي مرتبة الفلاح للشيخ زبلا الى من يابى لعيلين (تمم بخطيب الامام  
 بعد الصلوة خطبتين) اقتداء بفعل النبي صلى الله عليه وسلم يعلم في حال احكام قلته  
 القطر - لان الخطبة شرعت لاجله فيذكر من يجب عليه ومن يجب الخوف في منع  
 اخر منها يعلم الاضحية فيبين من يجب عليه ومن يجب الخوف في قوله (و) يعلم تكبير  
 (التشريع) من اضافة الخاص الى العام (في الخطبة لان الخطبة شرعت للينبغي  
 للخطيب التنبيه عليهما في الخطبة الجمعية التي يليها العيد انتهى على ان تكلم الخطيب  
 في الخطبة لا من عرفها بما لا يعتاد - لما استفاد من باب الجمعية من الدار  
 المتخار وكره تكلم فيها الا لا من عرفها لانه منها انتهى - هكذا احكام الكتاب  
 والله اعلم بالصواب هذا ما استخلى في الحال بتوفيق الملك المتعال - و  
 اخر دعوانا ان الحمد لله رب العالمين والصلوة على النبي الامي الامين تمها  
 الفقير الراجي - عبد اللطيف - المرسل في الاسلام ابادي تم النجالي -

المرفوع هكذا ٦٠١٢ - ١١ ع

(١) يقرأ الخطبة الخطيب بالعربية ثم يبين معنية في بيان آخر اثناء  
 الخطبة فهو لا شك في صحته وجوازها بن هو امر مستحسن غاية الاستحسان  
 فلا ريب في صحته الجلب والله اعلم بالصواب الفقير الراجي حسين  
 الخنفي القاسمي عفا الله عنهما رشمس العلم ومبايق مدرس اقول  
 من درسا العالميا كلكم ١ - ٩ - ١١ - ٢ - الجواب جوابا واخيراً محمد عبد الوهاب  
 على عن مدرس مدرسه جاليل كلكم - (شمس العلم)

## APPENDIX - VI

Specimen of Mufti Faiz Allāh's Fatwā-i-Naukarān-i-Kishtī  
wa Jahāz Musāfir hast yā Nist, 'Alīmī Press, Delhi, 1351 A.H./  
 1932 A.D.

اقول بتوفیق اللہ تلقا و تائیداً۔ کہ کشتی و دریا محل صالح اقامت  
 نیست در آن اگر کسی مدت عمر بماند وزن و فرزند آدم در آن باشد و آب سائش  
 تمام زندگی بسر کند تا ہم او شرفاً مسافرست فی العالم کبیر و نیت  
 الاقامة انما تؤثر خمس شرائط الی ان قال و صلاحیة الموضع  
 حتی لو نوى الإقامة فی برادجی و جزیرة لم تصم **وفی البحر و**  
**المحبتی** و النیت انما تؤثر خمس شرائط الی ان قال ثانیها صلاحیة الموضع  
 حتی لو اقام فی بحر او جزیرة لم تصم **وفی بلد الصنائع و اما**  
**المفازة و الجزیرة و السفینة فلیست** موضع الاقامة حتی لو نوى الإقامة  
 فی حدی المراضع خمسة عشر يوماً لا یصیر مقیماً عند ابی حنیفة **و فی**  
**الدر المختار** فیقصر ان نوى الإقامة فی اقل منه ای من نصف شهر  
 او نوى فیہ ای فی نصف شهر یکن فی غیر صالح کبھی او جزیرة **و فی**  
**رد المختار** (قرئ کبھی) قال فی المحبتی و الملاحم مسافر الا عند المحسن  
 و السفینة ایضاً لیست بوطن او بحر و ظاهراً و لو کان اهله و ماله  
 معه فیها ثم رأیت صریحاً فی المصباح انتم۔ ازین عبارات واضح و تصریحاً  
 مرئی مانسباً آفتاب التناوب اوضح و لایح کر دید کہ کشتی و دریا موضع اقامت نیست  
 ساکنان آن اگر چه بہرگز آسائش و عافیت باشند وزن و فرزند ہم بان خود در آن

تا هم او شان مسافر اند قصر کردن در نماز او شان از فرود رین نیت اقامت او شان  
 شرعاً لغو و غیر معتبرست پس اگر او شان نماز را تمام کند و قصر کنند مسی و بزرگکار باشند  
 قصر کردن نماز را یعنی چهار گانه را دو گانه خواندن صدقه و هدیه خداوندی او شان این  
 هدیه فرضیه خداوندی را قبول ننمودند و از حد صبح صبح معلوم می شود که نماز فرض در حق فر  
 همین رکعت مفروض و مشروعست زانما زمان مشروع نیست پس زاید از آن خواندن بمنزله آن  
 که نماز فجر که دو رکعت است آنرا چهار رکعت خوانند

APPENDIX - VII

Specimen of Maulānā 'Abd al-Latīf's Safīna al-Ma'ādin fī Intifā' al-Murtahin bi idhn al-Rāhin. (It was written in 1339 A.H./ 1921 A.D., and published in book form in 1344 A.H. / 1925 A.D. from the Kamālī Press, Ismā'īl Madan Lane, Calcutta.) pp.15-16.

یہاں سے عبارتوں کے ساتھ

ظاہر ہوا کہ مال مرہونہ سے انتفاع لینے میں اگرچہ اذن بھی دیوے سے کراہت و عدم کراہت میں اختلاف فقہاء موجود ہے لیکن فتویٰ جواز انتفاع مرہون پر ہو جبکہ رہنا اسکو بخوشی اذن دیوے اذنیع کرنا اختیار رکھے اور مرہون کو شرط کرنا کی ضرورت بھی نہ پڑے خواہ وہ اذن عند العقد ہو یا بعد اسکے ہو کچھ فرق نہیں ہے چنانچہ واسطے ہمسایہ کے حیلہ جواز کو کتاب عالمگیری میں تصحیح کر دی ہے تاکہ لوگ معاملہ رہا اجتناب کر لیں اور کادوائی میں خلل نہ پڑے اور ظاہر ہے کہ فتویٰ واسطے سہولت کے ہوئی ہے واسطے وقت کے پہلے سے سو بخوبی معلوم ہوا کہ جس نے مرہون سے انتفاع لینے کو مطلقاً منع کیا اور حرام دیکر وہ کہا اور بیع الوفا کو زمین میں داخل کر کے ناجائز و حرام بولا اور وہی حساب کے اجازت و وجہ کو ناجائز کہا وہ زمانہ کے حال سے بخیر ہو کر کتابت وقتہ کو بخوبی تفحص کر کے شریعتی نقطہ سے حکم کر دیا ہے حالانکہ قواعد اصول فقہ المشقۃ بتجدیل لیسید اور البصر فی ذالی جو مشہور مسلم ہیں اس پر پشت ڈال دیا ہے۔ ہاں بغیر اذن کے انتفاع مرہون کا ہرگز جائز نہیں چنانچہ پیشتر بسط و تفصیل سے بیان کیا ہوں۔ حکمان بیع بالذمہ کے جس کو زبان بنگالہ میں کٹت کہا جاتا ہے اور بعضوں نے بیع الامانت اور بیع الجائزہ اور بعضوں نے مرہون بھی نام رکھا ہے کہ وہ زمین شری کے لئے انتفاع لینا مطلقاً یعنی اذن دیوے یا ذلیوے شرط انتفاع کرے یا نہ کرے جائز ہے اگرچہ وہ بھی صورت میں ہے کہ ہونے سے ہمساکہ در اختیار میں نہ کرے وہی ذقی الدہا جمع بیع الوفاء فی العقلا مستحساناً و اختلافاً فی الما قول انہی ذلیوۃ ایضاً و قبل بیع یقید الا انتفاع بہ ذقی اقالہ المجمع عن النہایہ و علیہ القصری ذقی الشاخی و ذقی تسمیۃ بیع الوفاء ان ذلیوۃ عہد ابالوفا من مشتری بان ینذ البیع علی البائع حین راد الثمن و بعض الفقہاء یسمیہ البیع الجائز و لعلہ منبئی علی انہ بیع مہمیح لحاجۃ التعلص من الی باحتی یسوغ للمشتری اکل ساریعہ انتہی ویسا ہی جواز بیع الوفا کے لئے اور بھی دلائل کثیرہ موجود ہیں جنکو فوائد لطیفیہ کے حصہ قرار دئیے ہیں

بیع کرنا ہے

APPENDIX - VIII

Specimen of Maulānā 'Abd al-Latīf's Ishāa al-Tālim bi Ghair al-'Arabia fī Tardīd Karāha al-Khutba al-Ghair al-'Arabia. (Ishāa al-Tālim, 1st edition, Rāmpūr, 1937 A.D., pp. 3-4.)

پس ان عبارتوں

سے کتب نقد و فتاویٰ و تراجم و تفسیر کے بخوبی معلوم ہو گیا کہ غرض یہ ہے کہ غرض و مقصد و اصل غلطی پر  
 وغیرہ سے تعلیم احکام دینیہ ہے نہ نفس ذکر آتی ہے، ہو کہ یہ فقیر بعد فراغت تحصیل علوم ضروریہ  
 کے اٹھائیں آئیں، پس تک قبل مطالعہ کرنے دلائل مزبور سے اصرار کے گمان کہ تھا تھا اور  
 جیسا کہ مولانا عبدالحی صاحب لکھنوی نے مجموعہ القادسی میں کراہت خطبہ غیر عربیہ کے  
 اعتراض سوم کے جواب میں بطور اجتناب کے لکھا ہے کہ قرآن پاک میں فاسحوا لی لکن لا  
 ارشاد فرمایا ہے اور تمام کتب فقہ کے بحث خطبہ میں ذکر تہلیلہ اور تہلیلہ موجود  
 ہے کہ اگر تہلیلہ ہوتا ہے کہ امام اعظم کے نزدیک اگر خطبہ صرف بحان اللہ یا اللہ یا اللہ یا اللہ  
 وغیرہ کے ساتھ کہانی ہوگا مگر کراہت لازم ہوگی پس اگر تعلیم احکام دین مقصود ہو تو صرف  
 بحان اللہ وغیرہ سے کسی طرح فرضیت خطبہ اور ہوتی لہذا میں کہتا ہوں کہ مولانا کے اجتناب غلطی  
 فاحش و کتب ہو گیا ہے کہ خطبہ میں حمد و نسبت و پند و نصیحت ہوتے ہیں جیسا کہ ہم نے سابقہ  
 جواب اول میں بحوالہ کتاب بیان کیا ہے اور اس میں ہے منہ اللام تہلیلہ بحان اللہ وغیرہ کہنت  
 خطبہ کا فرض اور ہو گیا لیکن واجب و نسبت کو کہہ باقی رہتے کی سبب سے کراہت لازم ہوگی  
 چنانچہ مولانا نے اس بات کو قرار کیا ہے علاوہ اس کے اشعار وغیرہ میں طرح ذکر ہے پند و نصیحت  
 بھی ذکر ہے اور مراد ذکر اللہ سے بقول ابوہریرہ رضی اللہ عنہ کے خطبہ ہے جو کہ حمد و نسبت و پند و نصیحت  
 پر مشتمل ہوتا ہے ہاں اگر خطبہ کے معنی تنبیح یا تہلیل وغیرہ نزدیکہ امام صاحب کے ہونا کسی  
 کتاب فقہ میں لکھا ہوتا تو اصل مقصد و غرض خطبہ نفس ذکر ہونا سمجھا جا سکتا ہے جب کہ مقصود اصلی  
 خطبہ کا تعلیم احکام دین ہے اور زبان سامعین سے سمجھنا بھی ضرور ہوگا کہ انبیاء کے تعلیم کرنا اگر  
 ممکن نہیں چنانچہ مولانا نے جو صوف نے جواب سوم کے اخیر میں خود بخود قرار کیا ہے کہ علامہ  
 یہ ہے کہ فقہ و اصلی جہاں تعلیم احکام ہو وہ ان معامہ کو زبان تحلیل میں تعلیم کرنا درست ہوگا آئی  
 ہائے اللہ مولانا کے لفظ ضرور ہوگا کہ لکھ کر صرف نقد درست ہوگا یا اور کتنا کیا ہے ہو کہ بقول اللہ  
 انما ہائے ضرور مستثنائی کراہت کے نہیں یعنی جہاں پر مقصود اصلی تعلیم ہو وہ ان پر کراہت کی مشا  
 زبان تحلیل میں تعلیم کرنا درست ہوگا حالانکہ یہ قول مولانا کا مخالف فقہ نقل کے ہے غور کر لے  
 معلوم ہو جائے گا کہ جس جواب اعتراض سوم کا مراد بقص و باطل بڑا سا ملادہ اس کے کسی  
 فتویٰ میں مولانا نے جو صوف نے خطبہ میں تعلیم احکام دینیہ کو فقہ کا مندوب لکھ کر قرار کیا ہے  
 اور اس مندوب کا انشاء زبان سامعین کے بغیر دشوار ہونے کو خیال نہ فرمایا۔

صحابہ میں سے قول کی رعایت کر کے خطبہ زبان عربی میں پڑھ کر سامعین کے زبان سے مہنا میں خطبہ یاد پگراوا مروا ہی کو سمجھانا بیشک جائز ہے بدعت و خلاف سنت ہرگز نہیں جیسا کہ فقیر حقیقی سورہ جمعہ میں ہے پھر جب امام منبر پر چڑھے اور اذان ثانی ہو تو بات چیت بند کر دے اور نوافل و سنن ہی نہ پڑھے متوجہ ہو کر خطبہ سننا امام خطیب منبر پر کھڑا ہو کر پڑھے اور بیچ میں متواتر دیر پڑھ جائے پھر شروع کرے خطبہ میں خدا کی حمد و ثنا اور پیغمبر علیہ السلام پر درود کے بعد و عذاد پند اور احکام الہی کی تعلیم و ترغیب پورا گئی میں

نہ ہو مہنا اور سادی سنہ پر ہو اور خطیب لباس مسنون پہنے ہاتھ میں عصا لئے اس پر سہارا ہے کہ خطبہ عربی زبان میں پڑھا اور جو قوم بالکل نہ سمجھتا انکو ترجمہ کر کے سمجھا دیتے ہیں کوئی مہنا بقصد نہیں خطبہ کے بعد امام منبر سے اتر آئے اور قاضی کے بعد دو رکعت نماز پڑھ کر آئے الخ اور ہشتی زیور گیارہواں حصہ ہشتی زیور بعد کے خطبہ کا مسائل کے اخیر میں بت ہاں خطبہ کو جائز ہے کہ خطبہ پڑھنے کی اندر کسی کو شرعی مسئلہ تھا اسے (خزانة المفتی) اور فیض الباری ترجمہ صحیح البخاری کا پارہ چہارم صفحہ ۲۰۱ میں ہے امام کو خطبہ میں امر معروف کرنا اور نہی بات سے روکنا جائز ہے الخ اور درالمنہار میں ہے و یکدیگر نہ نکالنا ای تکلمہ خطیب فیہما الا لامر و نہی الخ پس ان عہدہ توں سے صحابہ ظاہر ہوا کہ بعد پڑھنے خطبہ عربی کے سننا بن اوس کا مصلیٰ کو سمجھانا یا خطبہ کے اندر دیکھنا اور مروا ہی کی تعلیم کرنا جائز و درست ہونے میں کراہت کی کچھ خدشہ نہیں ہے اس میں کسی امام کا خلاف نہیں بدعت و خلاف سنت ہرگز نہیں بنا یہ دلیل ہے کہ خطبہ میں تعلیم احکام دین نہ کرنا یا تعلیم و فقہیم خطبہ کے لئے قبل شروع خطبہ کے یا بعد فراغت نماز جمعہ کے وقت مقرر کرنا بیشک بدعت و خلاف سنت ہے کیونکہ تعلیم ہی کے لئے خطبہ شروع ہوا ہے

APPENDIX - IX

Specimen of Maulānā Nāim al-dīn's Jubdatul Masā'il, Part-1, in whose Introduction he gives the reasons and circumstances of his composition in Bengali language.

(Jubdatul Masā'il, 18th edition, Calcutta, 1926 A.D./1333 B.S.)

The following extracts are quoted from his introduction:

".....কোরান আল্লাহ্-তাল'র মদখজাত, যাহাতে আহা-র-বিহার আরাধনা-ভজনা, অননুমতি নিষেধ সমদম্ব নিয়মই পরিপূর্ণরূপে লিখিত আছে। যে মতের দ্বারা ধর্ম'ধর্ম' বিভিন্ন করা যায়, তাহার নাম 'শর'। ঐ 'শর' মূল চারি অংশে বিভক্ত; যথা—কোরান, হাদিস, এজমা ও কেয়াস।

"শর'র নিয়মগদলি ও তাহার শাখা-প্রশাখা সকলই আরবী ভাষাতে বিস্তারিতরূপে লিখিত আছে। পশ্চিমের বহু পরিশ্রম স্বীকারে তাহার কোন কোন অংশ পাসী ভাষায় ভাষান্তর করেন। প্রায় ৭০/৮০ বৎসর অতীত হইল, হিন্দী ভাষাতেও ভাষান্তর হইয়াছে। অধুনা বঙ্গভাষাতেও কোন কোন মহাত্মা অনন্বাদ করিতেছেন। এতদ্দেশীয় গদ্যগণ বঙ্গভাষায় গ্রন্থসকল—ভাষার অশ্রাব্য দোষে ও রচনার অসংমিলন গতিকে—কখনই পাঠ করিতে রত হন না এবং সস্তানগণকে পাঠ করিতে দেখিতেও ভালবাসেন না, বরং অনেকে নিষেধ করিয়া থাকেন।

"শর'র সমদম্ব বিবরণ আরবী ভাষায় যে রূপে জানা যায়, অর্থাৎ পর্যন্ত অন্য কোন ভাষাতে সে রূপে জানা সম্ভব নহে; কিন্তু মাতৃভাষায় উহার মূল নিয়মগদলি জানিতে পারিলে অনেক উপকারে আসে। বহুদিন যাবৎ আমার অন্তঃকরণে এই আশা ছিল যে, অতি সরল বঙ্গভাষায় শর'র মূল নিয়মগদলি সংগ্রহ করিয়া একখানি ক্ষুদ্র পুস্তক রচনা করি, যাহাতে বালক, বৃদ্ধ, যুবক সকলেরই উপকার হয়; কিন্তু সাংসারিক আবল্যাজালে আবদ্ধ থাকায় প্রযুক্ত অবকাশভাবে কৃতকার্য হইতে পারি নাই। প্রায় সংবৎসর কাল অতীত হইল, এক দিবস মহামান্য গদ্যগণ-গদ্যগ্রন্থগণ্য দেশহিতৈষী মাননীয় ভূম্যাধিপতি জনাব হাফেজ মাহমুদ আলী ষাঁ জমিদার সাহেবের সভায় কোন কর্মে পলক্ষে যাওয়া হইয়াছিল। তিনি অনেক কথোপকথনের পর অধীনকে বলিতে লাগিলেন যে,

‘আমাদের মদসলমানী ধর্মের একটি গ্রন্থ অতি সরল বঙ্গভাষাতে রচনা করুন, তাহা হইলে সর্বসাধারণের উপকারে আসিবে।’ প্রশংসিত মহানুভবের আদেশানুসারে এই জোস্ফাতুল মসায়ের নামক গ্রন্থ লিখিতে প্রবৃত্ত হইলাম। এই গ্রন্থ প্রশ্নোত্তরে লিখিত হইল। প্রশ্নের স্থানে ‘বালক’ উত্তরের স্থানে ‘শিক্ষক’ লিখা গেল। আরবী ভাষায় যে সকল শব্দ বঙ্গভাষায় ভাষান্তর করা অসাধ্য বোধিতাম, এবং করিলেও আশ্রাব্য হয়, তাহা পূর্বমত রাখা গেল। যেমন—ঈমান, কলেমা, নামাজ, রোজা, হজর, জাকাত ইত্যাদি।

“এই জোস্ফাতুল মসায়ের, অর্থাৎ মদসলমানী ব্যবস্থা-শাস্ত্রের সারসংগ্রহে কোন পদস্তকের অবিকল অনুবাদ করি নাই, বরং শরেহ-বেকায়্যা, হেদায়্যা, কাজী খান, জামায়ের বজদম, কান্জ, আলমগরী, দোররুল মদখতার প্রভৃতি বিখ্যাত বিখ্যাত গ্রন্থ হইতে সংগ্রহ করতঃ লিখিত হইল। যে যে নিয়মগুলি এ দেশের পক্ষে অনাবশ্যক বোধিতাম, তাহা পরিত্যাগ করা গেল।”

APPENDIX - X

Specimen of Maulānā Na'im al-dīn's Jubdatul Masā'il, Part-II, in which he writes on Qiyāmat (resurrection) and ba'ath (regaining life). (Jubdatul Masā'il, Part-II, 5th edition, Calcutta, 1925 A.D./1332 B.S., pp. 6-7.)

“কেয়ামতের আলামত (লক্ষণ) সকল, যাহা প্রধান প্রধান কেতাবে লিখিত আছে, সকলি সত্য। হযরত ইসা আসমান হইতে অবতীর্ণ হইবেন। দৃশ্য এবং ইয়া'জাজ মাজাজ প্রভৃতি বাহির হইবে। পশ্চিমদিকে সূর্যোদয় হইবে। কেয়ামতের দিবস আল্লাহ্-তালাকে সকলেই দেখিতে পাইবে। কাফের ও গদগাহ্-গার (পারিপষ্ঠ) ব্যক্তিগণের শাস্তি প্রথমেই কবরে হইবে; ইহাকেই গোর-আজ্নাব বলে। নেক (পদগ্যবান) ব্যক্তিগণেই নিমিত্ত কবর একটি সদ্ব্যের স্থান হইবে। দাফন করার পর মনুকের নিকর ফেরেশতা কবরে আসিবেন। এবং মৃত পুনঃ প্রাণ পাইয়া জিজ্ঞাসিত হইবে—তোমার সৃষ্টিকর্তা কে? তোমার ধর্ম কি? তোমার নবী কে? যদি ঐ মৃত মসলমান হয়, তবে উচিত উত্তর করিতে সক্ষম হইবে। অর্থাৎ বলিবে, আল্লাহ তায়াল্লা আমার সৃজন-কর্তা; আমি মসলমান ধর্মাবলম্বী; মহাম্মদ (ছল) আমার নবী। তখন তাহার প্রতি কোনই কষ্ট হইবে না, বরং আল্লাহ্-তায়ালার রহমত (অনুগ্রহ) অবতীর্ণ হইবে। কাফেরগণ উত্তর দিতে সক্ষম হইবে না, কাজেই তাহারা বিষম কষ্টে পড়িবে।

“কেয়ামতের দিবস মৃত-সকল জীবিত হইবে। জীবদ্দশার কৃত-কার্যের খাতা (আমলনামা) সকলেরই হস্তে দেওয়া হইবে। নেক (ধার্মিক) নোকের আপন কৃতকার্যের খাতা দক্ষিণ হস্তে সম্মুখ দিক হইতে পাইবে। বদ (পারিপষ্ঠ) লোকেরা আপন কৃতকার্যের খাতা পশ্চাৎ দিক হইতে বাম হাতে পাইবে। কেয়ামতের দিবস সংকাজ ও অসং কাজের বিষয় প্রশ্ন হইবে। পাপ-পদগ্য ওজন করিবার জন্য মিজান খাড়া হইবে। দোজখের উপর পদ খাড়া করা যাইবে। সেই পদ অতি সংকীর্ণ পথ, তরবারির ধার হইতেও ধারাল, সেই পদের উপর দিয়া সকলকেই বেহেশতে যাওয়ার আদেশ হইবে। ধার্মিকগণ কেহ বিদ্যতের ন্যায়, কেহ বা তেজস্বী ঘোড়কের ন্যায় চলিয়া যাইবেন। যাহারা পাপী হইবে, তাহারাও বহু কষ্টে সেই পদ পার হইবে। কিন্তু দন্দর্গত কাফেরগণের পাপ ফসিকতা তাহারা অর্মানি দোজখে পড়িয়া যাইবে। (নউজ বেলা মেন্-হা) বেহেশতে হাউজ কওছর নামক দর্ইটি নিখার আছে।

তাহার জল দৃশ্য হইতে সফেদ, মধু হইতে মিষ্ট। কেয়ামতের দিবস পয়গম্বর সাহেব তাহারই পানি বেহেশতগণকে পান করিতে দিবেন। যে ব্যক্তি একবার পান করিবে, তাহার আর পিপাসা হইবেক না। মদসলমাগণ চিরকাল পরম সখে বেহেশতে বাস করিবেন। কাফেরগণ অনন্তকালের জন্য দোজখে নির্বাসিত হইবে। আল্লাহ্‌তালার ইচ্ছা হইলে কবিরা ও সগিরা গোনা মাফ করিবেন ও ইচ্ছা হইলে ধরিয়া লইবেন। কিন্তু কাফেরগণকে কখনই ক্ষমা করিবেন না। মদসলমানগণ পাপ পরিমাণ দোজখে মেয়াদ খাটিয়া পরে নিস্তার পাইবেন। কেয়ামতের দিবস পয়গম্বর ও ধার্মিকগণ পাপগণের পাপ মার্জনার্থে সদপারিশ করিবেন। আল্লাহ্‌তালার অনগ্রহ করিয়া তাহা কবল করিবেন।—এই ভাবের কেয়ামত ও পদনজীবনের কথা বিশ্বাস করিতে হইবে।

APPENDIX - XI

Specimen of Maulānā Mufaddal al-Raḥmān's Iḥsān al-Muminīn in which he stated the circumstances leading to its publication. (Iḥsān al-Muminīn, 1st edition, Calcutta, 1321 A.H./ 1903 A.D., pp. 3-6.)

اَبِي فَعِيْرٍ سَيِّدِ مُفَضَّلِ الرَّحْمَنِ بْنِ سَيِّدِ  
مَطِيْعِ اللهِ ضَلَعِ چَانْگَامِرْتَهَانَا شَانْگَنِيَارُو دِهِي  
سَلْجَهَرِي مَوْضِعِ نِيَا شِي كَلْتَه وَهَكْلِي مَدْرِسَاءِ  
اَدَه سِرْنِيْتِ پَاسِ كَرِيَا نِيچَاشِ نَاكَ اِسْكَالرْشِبِ  
پَآبِآو نِيكَ كَالِ جَابْتِ هَكْلِي مَدْرِسَاءِ مَدْرِسِ  
تَهَا كِيَا شِي كِهَانِ شَرِيْفِ خَانْدَانِ نِيكَ كَرِيَا چِيْمِيْلِ  
شِي كِهَانِ نَرِيَا لِكِ نَاهَا رَمَاتَا شَه لَكَانْدَرَهَوَاتِ شِي  
بَارَشْتِ اُنْجَلِيْشِ مَكْنِيْتِ اِنَارْدِيْشِ اَشِيَا عَرَبِي  
وَفَارْسِي وَهِنْدِي وَبَنگِ بَهَا شَارِكِ مَدْرِسَه  
پِرِسْتُوْتِ كَرِيَا شَدِ شِي وَبِهِنِ دِشِي چَهَا تَرَكْنَابِ

شِکھَا دیتِ اَر ائی دِشِی وَنَوَا کھالی وَ بَر مَٹا پُو  
 نِبَاشِی وَ غِیرَہ لَکَنکُ وَ عَظُ وَ هِدَا یَتِ کَرِ بَیتِ اَر مَبَہ  
 کَرِ یَلِ نَرِشِی بَی شَرِ عُمَرُ تَا کُ نِی شَن تَانِ رَہِیلِ  
 اِی شَنِ اَمَا رَ مَہَا پُورِی مَو لُو یِ عَبدُ العِلمِ وَ مَو لُو یِ  
 عَبدُ الودُودِ وَ دُشَان کُنِیا نِبَاشِی وَ مَو لُو یِ عَبدُ العِلی  
 عِسی پُورِی اِن تِقَالَ کَرَاتِ اَمَا رَ مَنِ بَر هَتِ دَکَہ  
 جَر مِیلِ اِہَاتِ بَر مَٹا پُو اِپ سِتِی تِ ہِیَا بَہ دَرا  
 شَبہَاءِ اِپنَا رَ مَٹَبَ پُر کَاشِ کَرِ یَلِ (صَا حِیبِ گَن)  
 اِی فَقِیرِ شَن تَانِ ہِیَن - کِن تُو اَمَا رَ کِکُ یِ مِرتِ  
 شَن تَانِ (بَر نِیتِ کِتَابِ) اِچَہ - جَدِی مَہودِ عَ کِرِ  
 کَرِ پَا عَ تَا مَا رَ حِیبِ دَانِ (مَدِ رِیتِ) ہِی - تَبِ اِی

دُكْهُي وَدِيالُو كِنِزِ پَرِ شَنْكَشَا پَرِ كَالِ جَابِتِ شَنْكَشَا  
 اَجْمَلِ رَهِيلِ اَرَشِي كِتَابِ دَوَارِ اِءِ لِكْرِ لَابَه  
 كَرِهِنِ اِخْرَتِ نَبِ اَمَادِ رِعْمَلِ نَامَاتِ تَوَابِ لِكْهَا  
 جَابِيَتِ نَهَا كِيَبِ اِهَاتِ شِي وَنَجِي دِهْرَمِ شِي  
 كِنِ اِجْهَاشِ رُوبِ تَوَابِ دِهْيَانِ اَيْنِ اَيْنِ  
 كَهْمَتَا نُو شَا اِمَا رِهَسْتِ كِي چِهْوِ كِي چِهْوِدَانِ كِي  
 وَنَتَرِيْدَ اَشَا كَرْمَهَا پَرِي اَشَقْرَا يَادِ نِيْبَا شِي  
 مَوْلُوِي اِحْسَانِ عَلِي صَا حِبِ اِنِي كِتَابِ  
 پَرِ شَنْكَشَا كِرَاتِ دِيْنِ دَارِ دِهْنِ مَانِ مَهَادِ اِنِي  
 اَشَقْرَا يَادِ نِيْبَا شِي مِسْتَرِي اِحْسَانِ عَلِي شُوْدَا  
 بَجَاهَا رِ نَامِ بَنَگِ دِي شِ وَ بَرِ مَانَا پُوْتِ دِي پَرِهَرِ  
 بَهَا شَكْرِ نِيَا چَمْتَكَا رِ اِجَهْ) پَرِ پَهْلِ بَدَنِ شَتِ رِهِيْدِ  
 اَمَا كِ اِنِي كِتَابِ چِهَا پِيَا رِ شَهَا جِ وَ اِدِ شَرِكِيْنِ

جَاهَاتِ اِنِّى كِتَابِ مُؤْمِنٍ كُنْ اَرْشِيْ مَهَا پُرْشِرِحًا  
مُدْرِئِ هَيْبِ اِنِّى كِتَابِ بِرِنَامِ اِحْسَانِ الْمُؤْمِنِ  
رَاكْهَا اِكْلَ

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