CONTRIBUTION OF INDIA TO FIQH LITERATURE IN ARABIC UPTO 1857

ABSTRACT

THESIS

SUBMITTED FOR THE DEGREE OF

Doctor of Philosophy

IN

ISLAMIC STUDIES

BY

ZIAUDDIN

Under the Supervision of

Dr. ZAFARUL ISLAM

READER

DEPARTMENT OF ISLAMIC STUDIES
ALIGARH MUSLIM UNIVERSITY
ALIGARH (INDIA)

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2000
Fiqh was one of the most important subjects of Islamic learning during Muslim rule in India which is generally known as Medieval India. The ʾUlamā of the period took special interest in this subject as most of them who came from different parts of Central Asia were jurists. Secondly, learning of Fiqh was considered important for seeking nearness of sultan or getting some administrative posts. So it formed a popular branch of learning for teaching as well as writing books. On the other hand, the rulers of that period especially the early Sultans showed interest in the promotion of this science either under the influence of the ʾUlamā of their court or due to administration requirement. They patronized and encouraged particularly those ʾUlamā who contributed to Islamic jurisprudence through teaching and writing. The Madāris or institution of Islamic learning came to be established under the state's patronage from the very early period of the Muslim rule in India and their number continued to increase with expansion of the Muslim rule. Islamic jurisprudence formed essential part of the curriculum of Madāris of those days India.

The present thesis is a humble attempt to assess the contribution of the Indian ʾUlamā and Scholars in the field of Arabic Fiqh literature.

The production of a large number of Fiqh works included the general works of Fiqh, Fatāwā-collections, work on issues relating
to socio-religious and economic life, penal matters, school of *Fiqh, Taqlîd, ijtihād, iftā* and judicial administration.

A considerable part of the *Fiqh* literature produced by the Indian Ulama consisted of *Shurūḥ* and  Hạwāshī (commentaries and marginal notes) of those works which formed part of the curriculum or widely studied by the students and teachers of the period. Similarly a number of *Rasail* (treatises) were written in those days which explained the important issues of socio-religious life or reflected different controversial issues among the Ulama. Some of the contemporary problems discussed in the *Fiqh* works of those days may be mentioned as recitation of the *Persian* version of the *Qurān* in prayer, use of *Persian* sentences for *Nikah* and Ţalāq, legal position of Hindus, spiritual recital with music, action against corrupt officials, use of *Hundi*, different intoxicating items including opium, employment under non-Muslims, financial dealing with Englishmen, marriage between Sunni and Shia, learning of English and Science etc.

The present thesis is divided into four major chapters along with resume, glossary, bibliography and Index. The main contents are as follows:

**Chapter-I** : Development of *Fiqh* literature in India - A Historical Survey

**Chapter-II** : Classification of the Indian Arabic works on *Fiqh*
Providing a brief information about the development of *Fiqh* in early period, the first Chapter basically highlighted the development of *Fiqh* literature in India. It gives the main causes for popularity of Islamic jurisprudence and for the great interest in compilation of Arabic *Fiqh* works. In this respect the contribution of *Ulama*, the encouragement and patronage of rulers of the Delhi Sultanate and Mughal Empire and later Mughal period were mainly highlighted. Though the main emphasis was given to Arabic *Fiqh* literature, some important *Persian Fiqh* works were also taken into account. The nature of the work of the Indian *Ulama* was also explained. In this way the first chapter gives a general idea about the development of *Fiqh* literature in medieval India.

The second chapter is basically a bibliographical study of the Arabic *Fiqh* works produced in India. After classification of the work into different parts in accordance with the subject, it gives the name of the work/ compiler, date of his death and that of compilation, details about publication, date of scribing (in case of manuscripts), number of folios and pages. Libraries, Institutions and private collections (where the work is available in
any form) and its reference in contemporary and modern sources have been also traced out.

In the third chapter works were selected for critical analysis on the basis of its importance as well as the nature of their contents. Before examining the contents, the biographical sketch of its author/ commentator is given and details are provided about the family background, education and academic achievement especially in the field of Fiqh. The chapter evaluates the main contents of the important works and shows their importance from juridical point of view. It also examined their discussion about the contemporary problems.

The fourth chapter is a comprehensive study of four available volumes of published edition of Al-Fatāwā Al-Tātārkāniyāh. This chapter gives a brief introduction to the compiler and provides details about its compilation, manuscript and publication. Similarly the sources of the Fatawa were also introduced briefly. The chapter critically examines the different selected chapters of this Fatawa in the light of their contents and shows how the compiler discussed the problems in a detailed way and took into account the subsidiary issues in a comprehensive manner.

For the present thesis I tried my best to collect informations from contemporary as well as modern sources. I mainly collected
Lastly it may be stated that very useful informations about Fiqh works are provided by Maulana Abdul Hai in his work *al-Saqafat al-Islamiyah fi'l-Hind* and *Nuzhat al-Khawātir*, Ishaq Batti in *Fuqaha-i-Hind* and Dr. Zubaid Ahmad in his well-known work "Contribution of India to Arabic literature". Some other works of the same nature also appeared in the last part of 20th century such as *Arabī Zabān wa Adab Ahd-i-Mughliyah mein* (Dr. Shabbir Ahmad Qadirabadi), *Arabi Adab mein Hidustan ka Hissah* (Shams Tabrez Khan), *Arabi Adab mein Awadh ka Hissa* (Dr. Masud Anwar Alwi). But all these works could not provide a clear picture of the development of Arabic Fiqh literature in India. In view of this situation my thesis - a themitical study and critical analysis of the Indian Fiqh works may be considered of great importance and it would, of course, give impetus to further study on contribution of India to the Fiqh literature.
CONTRIBUTION OF INDIA TO FIQH LITERATURE IN ARABIC UPTO 1857

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ALIGARH (INDIA)
2000
CONTRIBUTION OF INDIA TO PERSIAN LITERATURE IN ARABIC UPTO 1800
CERTIFICATE

This is to certify that the thesis entitled "Contribution of India to Fiqh Literature in Arabic upto 1857" is an original research work done under my supervision. The thesis is suitable for submission for the award of the Ph.D. degree in Islamic studies.

Date: 26.07.2000

Zafarul Islam
(Supervisor)
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**Abbreviations**

A.H.L. : Fihrist kutub Makhzūnah kutubkhānah Sarkar-i-'Ali, Hyderabad. *(Asiatiyay Library)*

Abjad : Abjad al-ʿUlūm.

Adab mein Hindustan : Ārabi Adab mein Hudustān ka Hissah.

Adab mein Awadh : Ārabi Adab mein Awadh kā Hissah.

Akhbar : Akhbar al-Akhyār.

Arabi Adabiyyat : Ārabi Adabiyyāt mein Pak-o-Hind kā Hissah.

Arabi Zaban : Ārabi Zabān-o-Adab Ahd-i-Mughliyah mein.

A.S.B. : Catalogue of the Arabic Books and Manuscripts in the library of the Asiatic Society of Bengal.


Fuqaha : Fuqahā-ī-Hind.


Islami-Ulum : Islāmī Ulūm-o-Funūn Hidustān mein.

I.O.L. : A catalogue of the Arabic Manuscripts in the library of the India office.


M.A.L. : Maulana Azad Library (Manuscript Section) Aligarh Muslim University, Aligarh.

MS : Manuscript.

MSS : Manuscripts.
Maasir : Maasir al-Kiram.
Mufid : Mufid al-Mufti.
Nuzhat : Nuzhat al-Khayatir wa Bahjat AL-Nawazir wa’l-Masami.
Prtd : Printed work.
Tazkirah : Tażkirah Ulamā’-i-Hind.
PREFACE

By the grace of ALLAH TA’ALĀ I was able to complete my Ph.D. thesis.

It is my pleasant duty to offer thanks to all those who helped me in any way in completion of my present work.

First of all, I express my deep sense of gratitude to my esteemed supervisor Dr. Zafarul Islam without whose cooperation and assistance this work would not have been completed.

I am also grateful to Prof. Yasin Mazhar Siddiqui, Chairman, Department of Islamic Studies and Director, Institute of Islamic Studies, AMU, Aligarh whose keen interest in my work and great affection has been source of inspiration and encouragement for me since my student life. His valuable guidance proved to be of great help in my academic pursuit.

My thanks are also due to Prof. Muhammad Salim Kidwai who proposed topic for my research work and showed interest in its progress. I am also beholden to Prof. Azduddin Khan, former Chairman, Department of Islamic Studies, who was kind enough to give me full cooperation during his chairmanship. I am also thankful to Prof. Abdul Ali, Dr. Muhammad Azam Qasmi, Dr. Sayed Ahsan, Dr. Ahsanul Haq and Dr. Obaidullah Fahad Falahi who encouraged and helped me at different stages.

I cannot fail to express my thankfulness to the staff of the library of Institute of Islamic Studies, especially Mr. Kabir Ahmad Khan (Professional Assistant) and Maulana Muhammad Khalid Hameed whose generous cooperation proved to be quite helpful in my research work. I am also thankful to the staff of Maulana Azad Library, AMU, especially Dr.
Ziauddin Ansari (Deputy Librarian) and Mr. Anwar Shah (Asstt. Librarian) who gave me full cooperation in availing the facilities of Manuscript section.

A lot of thanks are due to my well-wishers and friends especially Syed Arshad Ajmal (Patna), Mufti Sabahuddin Qasimi (Aligarh), Syed Safdar Raza (Vapi), Syed Tahsin Ahmad (Delhi), Engineer Faran Shikoh (Aligarh), Dr. Adam Malik, Mr. Abdul Majid Khan, Mr. Aijaz Ahmad, Mr. Ghazanfar Ali Khan, Dr. Shabbir Ahmad, Dr. Parvez Nazir, Mr. Muhammad Abid Siddiqui and Mr. Muhamamd Umar Farooq Falahi. They shared with me the movements of joy and grief and helped me in different ways.

My sister Mrs. Rukhsana Kausar Salehati and brother-in-law Mr. Muhammad Shuaib Farooqi have been a source of great encouragement in my personnel and academic life. I am also indebted to my wife Mrs. Parwin Ajmal without whose selfless help I could not have been able to carry on and complete my research work with content and satisfaction.

For beautiful and excellent production of my thesis M/s PRINT POINT and its Computer Professional Mr. Haseeb Ullah Khan deserve my special thanks.

The last but not the least I would place on record my gratitudes to my esteemed parents Mr. Khalilur Rahman and Mrs. Sajidah Khatoon and my brothers and sisters who have always been the greatest source of inspiration for me throughout my life and career. May Allah bless them with a longer lease of life and special favours that HE bestows on His chosen servants.

(Zia-Uddin)
Introduction

Islamic jurisprudence (fiqh) is an important branch of Islamic learning. The word fiqh literally means "intelligence or understanding". The fiqh in the legal terminology signifies a study of the details of Islamic law as derived from its sources. It is also sometimes defined as knowledge of one's rights and obligations in the light of the sources of the Shari'at. It deals with the issues relating to all aspects of human life. Ilm-i-fiqh helps us to understand the Shari'at's rules with regard to the problems relating to the different aspects of human life. The origin of Ilm-i-fiqh may be traced back to the very early period of Islamic history. With the passage of time it continued to develop till it reached its zenith after the formation of the four well-known schools of fiqh in the second century of Hijra era.

Broadly speaking, the development of fiqh may be divided into four stages. The first stage, which related to the period of the Prophet (S.A.W) is known as that of legislation. It was in this period when Shari'at's rules were being formulated on the basis of the Holy Qurān and Hadīs of the Prophet (S.A.W). These two (Qurān and Hadīs) were the basic sources of guidance for the

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Muslims in their day to day life. They formed the body of the Islamic law as well as the main sources for deduction of the legal points.  

The second stage extending from the times of the pious Caliphs up to the Umayyads, is known as the period of collection and interpretation of basic sources. In this period as it is well-known, the verses of the Qurān written on different materials, were collected together and compiled in the form of Mushaf. On the other hand transmission of the traditions of the Prophet (S.A.W) was taken up by the Sahābah (R.A.) with great interest and enthusiasm. This was done mainly in oral way, though the practice of writing the Ahādīs has started. By the time of the Tabiīn (successors of the companions of the Prophet) the work of the transmission of Ahādīs in oral and written form got further development. The Holy Qurān and Hadīṣ, being the basic sources of the Shari‘at, were interpreted by the jurists to deal with the new problems or to extend the application of original rulings to the subsidiary issues under the guidelines given in the Qurān and Hadīṣ. This further stepped up the

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process of analogical deduction (Qiyās) and use of Ijma for solving the new problems.

The third period (2nd and 3rd century of the Hijra) is more important from the point of view of the development of fiqh. It was in this period that different schools of fiqh (including the four well-known ones) emerged and got development. The same period is also known for compilation of important works on main branches of Islamic learning (i.e. Tafsīr, Hadīs, and Fiqh). With regard to fiqh, first of all, legal problems relating to different aspects of human life were thoroughly discussed by the founder of each school in the assembly of their main disciples and then codified by the jurists of the respective schools. Though the jurists and scholars of different schools of fiqh had contributed to the fiqh literature according to their own schools, but in the codification of the legal problems and production of fiqh works, the Hanafi jurists especially Imam Abū Hanīfah and his close disciples had made significant contribution. First of all, thousands of the problems were discussed by Imam Abū Hanīfah in the company of his disciples and then codified and compiled in the book form. Imam

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5 Muhammad al-Khazri Bek, Tarīkh al-Tashrī' al-Islāmi, Cairo 1939, pp. 229, 239, 251, 260.
Muhammad's work are mainly based on the proceedings of the academic assemblies of Imam ‘Āzam and his lectures on juridical problems.

The main works of the Hanafī school of fiqh were divided into three broad categories namely Ẓāhir al-Riwayāt or Usūl, Nawādir and Fatāwā or Wāqīāt. Under the first category come six important books of Imam Muhammad Shaibani (one of the two chief disciples of Imam Abū Hanīfah) which contained views of Imam ‘Āzam, Abū Yusuf and Imām Muhammad and these are al-Mabsūt, al-Jām‘ī al-Kabīr, Al-Jām‘ī al-Saghīr, al-Siyar al-Kabīr, Al-Siyar al-Saghīr, and Kitāb al-Ziyādāt.

The Nawādir are works of Imam Muhammad (other than Ẓāhir al-Riwayāt) and that of Imam Zufar which also give the opinion of Abū Hanīfah and his chief disciples. These works mainly included Haruniyat, Jurjāniyat and Kaisāniyat of Imam Muhammad and Mujarrad of Imam Zufar. The third category means those books compiled in the later period and these contained the views of Hanafī jurists on those

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7 Muhammad Abu Zuhra, Abu Hanifa Hayātuḥū wa Asruḥū Arāḥuhū wa fiqhuhū, Darul-Fikr al-Arabi, Cairo, 1945, pp. 187, 193, 206.
9 Mufid al-Mufti pp. 69-73.
problems about which no opinion of Imam Azam and his chief
disciples was available, such works included *Kitāb al-Waqiat* of
Natifi and *Kitāb al-Waqiat* of Umar b. 'Abdul Azīz. Actually it
was this category of the *fiqh* work, which became very much
popular among the Hanafī scholars and a large number of works
came to be compiled under the title of the *Fatawa*, such as
*Fatāwā Abūl laiš*, compiled by Nasr b. Muhammad b. Ahmad
Samarqandi (d. 373 AH/ 983 AD), *Fatāwā Abū Bakr Imām Fazli*
Muhammad b. Fazal b. Ābbās Balkhi (d. 381 AH/ 991 AD),
*Fatāwā Abūl Fazal* by Ruknuddīn Kirmānī (d. 543 AH/ 1148 AD),
*Fatāwā Sirājīyah* by Sirajuddīn Aushi (d. 569 AH/ 1173 AD),
*Fatawa-i-Qazi Khan* by Hasan b. Mansur Uzjandi (d. 592 AD/
1195 AD), *Fatāwā Bazzāziyah* by Hafizuddīn Muhammad b.
Muhammad b. Shahab Kardari (d. 827 AH/ 1423 AD), *Fatawa*
*Tamarīshī* by Muhammad b. 'Abdullāh (d. 1004 AH/1595 AD)10.

It is a well-established fact that the works produced by
the Hanafī scholars in classical and medieval periods were of
different nature. These included general works, *Fatawa*,
commentaries, treatises on separate issues. Apart from Imam
Muhammad's works of classical nature, the other important and
referred works of the later period may be mentioned as *al-
Mabsūṭ, Al-Qudūrī, al-Hidāyah, al-Waqāyah and al-Durr al-

Mukhtār. What is more important to mention here is that writing on separate issues had started from the period of formation of schools itself as we find *Kitāb al-Kharāj* and *Kitāb al-Kasb* by Imam Abū Yūsuf (d. 183 AH/ 799 AD) and *Kitāb al-Muẓārabah* by Muhammad b. Shuja Salji (d. 266 AH/ 879 AD). *Kitāb al-Farāiz* of Burhanuddīn Mārghīnānī and *Kitāb al-Ḥaiz* of Abūl Faḍl Kirmani are also the work of same nature compiled in later period.

The tradition of compositing versified treatises about the problems of *fiqh* was also an old one adopted by the Ḥanafī Ulamā of the medieval period. Some of these works may be mentioned as *Manzūmat al-Nasaff* of Najmuddīn al-Nasaff, *Manzūmah Ibn-i-Wahban* of Wahab b. Ahmad Demashqi (d. 768 AH/ 1366 AD), *Manzūmah-i-Ṭurtūshī* of Najmuddīn Ibrāhīm b. ʿAlī (d. 708 AH/ 1308 AD) and *Manzūmat al-Ṭabrezi* of Husamuddīn Ṭabrezi (d. 770 AH/ 1368 AD).

The establishment of Muslim rule in India was of great significance from political, social and cultural points of view. One of the important aspects of the period of Muslim rule was cultural and academic development under the patronage of contemporary Sultans. The academic activities in those days

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was not confined to any particular branch of learning. But the Islamic learning got more attention of the 'Ulamā in general. Some of rulers had also shown special interest in the promotion of Islamic learning\(^{13}\). As regards Islamic jurisprudence it remained a popular subject throughout the period of the Muslim rule in India. The 'Ulamā and scholars, the sultans and nobles all had their role in the progress of this science and production of the fiqh literature. In the early Sultanate period those 'Ulamā were more well-known for their contribution in the field of fiqh who had migrated from different parts of central Asia and Transoxiana which have stronghold of the Hanafi school of fiqh such as Balkh, Badakhshan, Samarqand Bukhārā, Farghāna, Kashan, Uzjand, Marāghinān. The Court-'Ulamā had also impressed upon the Sultans for patronizing jurists and the compilers of the fiqh works. Even the period of those rulers was not devoid of the contribution in the field of fiqh who were known for their great interest in rational sciences such as Sultan Muhammad Tughlaq and Emperor Akbar. Sultan Ilutmish, Ghiyāsuddīn Balban, Ghiyāsuddīn Tughlaq, Firoz shah Tughlaq Sikandar lodi, Babūr and Auranzeb are reported to have shown great interest in the field of fiqh and have

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patronized 'Ulamā in general and jurists in particular as it would appear from our discussion in the following chapters.

The compilation of fiqh works in India has started from the very early period of the Sultanate period. It may be even traced to the Arab rule in Sind. On the pattern of the earlier authors and compilers of the Hanafī School, the Indian 'Ulamā also contributed to the fiqh literature in different ways. These included simplifying popular texts of the Hanafī fiqh, abridgement of general comprehensive works, compilation of Fatawa and writing treatises on separate issues of legal interest. The Indian 'Ulamā were mostly Hanafī, so they naturally took special interest in compiling fiqh works from the point of view of the Hanafī School. For this reason only few books of other schools of fiqh could find place in our bibliographical study in the coming pages. However, it is important to note here that inspite of the popularity and rising influence of Persian language as an official and academic language in the Sultanate and Mughal period the contemporary 'Ulamā had deep attachment with 'Arabic language and they continued to produce works on different aspects of Islamic learning including fiqh as it would be quite evident from the present study. Moreover, the contribution of India to 'Arabic fiqh
literature has great importance from the point of view that it consisted a number of monumental works in the form of the *Fatawa* and it is notable that some of them were compiled under the patronage or supervision of the emperors or nobles themselves such as *Fatāwā Tātārkhanī*, and *Fatāwā ‘Ālamgīrī*\(^4\). In the post-Aurangzeb period the interest of the ‘Ulāmā in *fiqh* remained intact and they continued to produce *fiqh*-works. In this reference the contributions of Shah Walīullāh, his descendants and the ‘Ulāmā of Farangī Mahal are considered of great significance.

The present work is an analytical study of the *Arabic fiqh* literature produced in India. It is a humble attempt to provide necessary information about the *Arabic fiqh* works written by the Indian ‘Ulāmā. It gives an insight into the development of *fiqh* literature through different periods of Muslim rule in India (Sultanate, Mughal and later Mughals). Moreover, critical analysis of the contents of the selected works helps to understand the nature of their discussion and judge their value from juridical point of view.

I have tried my best to collect all necessary information about the *fiqh*-works of varied nature. These works have been

classified according to the subject matter and then the contents
of the important ones have been analysed.

The present work is divided into four chapters which are
as follows:

Chapter-I : Development of fiqh literature in India - A
historical survey

Chapter-II : Classification of the Indian 'Arabic works on
fiqh

Chapter-III : Critical analysis of the important works

Chapter-IV : A case study of al-Fatāwā al-Tātārkāniyah

In addition to these chapters, the thesis also contains
introduction, resume, glossary, bibliography and Index. Giving a
brief account of the development of fiqh in the classical period,
the first chapter is mainly focused on the development of fiqh
literature in India. It has examined the causes for the popularity
of fiqh as a subject of Islamic learning and explained the
factors for creating interest in compiling fiqh works especially in
'Arabic. In this connection the contribution of 'Ulamā and rulers
of Sultanate, Mughal and later Mughal period were highlighted.
Though focus is given on the 'Arabic works, the relevant
Persian books were also taken into consideration. The chapter
also explains the nature of fiqh works of Indian 'Ulamā and
defines their different categories (general works, *Fatāwā* collections commentaries and treatises). The chapter actually gives a general assessment of the development of the *fiqh* literature produced during the different periods of Muslim rule in India.

The second chapter contains a bibliographical study of the ‘*Arabic fiqh* works. All the works have been classified according to the subject matter and then divided into different parts. Each part arranged alphabetically, gives the title and the nature of the work (manuscript or printed), name of the authors / compilers, date of his death and that of its compilation, details of publication, date of scribing (in case of manuscript) number of folios or pages, libraries, institutions, and private collection where the work is available (in any form) have been mentioned and its reference in the original and modern sources is also traced and given in most of the cases.

The third chapter is a critical analysis of the selected works listed in the second chapter. The works were selected keeping in view of importance of their contents as well as nature of their discussion. This chapter is arranged chronologically. While examining the contents of the works, first of all biographical sketch of their authors is given and
informations are provided about their family background, education, academic contribution especially in the field of Islamic jurisprudence. The chapter mainly aims to highlight the main features of the works, analyse their contents and show their importance from the fiqh point of view. The subject matter of the works were also examined to see whether they took into consideration the contemporary problems or not. The sources of the works were also discussed pointing out their nature and importance with observation whether these included works of Indian authors or not.

The fourth chapter is a special study of the Fatāwā-i-Tātārkhanī-a monumental fiqh work compiled during Firuzshah's period. Giving a brief introduction to the compiler and Tātārkhan (to whom it is dedicated), this chapter provides details about its compilation, manuscripts and publication. The sources of the Fatawa were also discussed in brief. The present chapter aims at the study and analysis of the selected parts of the text. For this purpose the contents of the Fatāwā-i-Tātārkhanī were selected from its different chapters keeping in view the importance of the problems taken for discussion and their relevance to the contemporary situations. The chapter gives an insight into the nature of its discussion and shows how
the compilers have thoroughly discussed the relevant legal problems under each chapter and have given the point of view of the different schools about them.

For the present work I have tried my best to collect relevant material through different sources. I gave main importance to the consultation of different libraries for finding out the relevant *fiqh* works. For this purpose I have gone through the stocks of Khuda Bakhsh Oriental Public Library Patna, Maulana Azad library, A.M.U., Aligarh, (especially its 'Arabic, Urdu and manuscript sections), Library of the Institute of Islamic studies, AMU, Research library Department of History, A.M.U. Library of the Department of the Theology, AMU and that of Idarah Taḥqīq-wa-Tasnif Islāmi, Aligarh. Idarah 'Ulūm al-Qurān, Aligarh, Al-Majma al-Ilmi, Aligarh. Of all the above mentioned libraries, Khuda Bakhsh O.P. Library and Maulana Azad library provided rich material for my present study.

The *Catalogues* of different libraries and collections also proved to be important source for my work. The *Catalogues* which I have studied included *Catalogue of 'Arabic and Persian Manuscripts of K.B.O.P. library* Patna, *Makhzunah Fihrist-i-Kutub Asifiyah library*, Hyderabad, Fihrist-i-Kutub Riyasat
Rampur, Taaruf-i-Makhtutat Darul 'Ulūm Deoband, Qasr-i-al-līm, Tonk ke Kutubkhane Aur unke Nawadir, Tonk 'Arabic and Farsi Research Institute, Rajasthan, Catalogue of the 'Arabic manuscript of the Asiatic society of Bengal Calcutta, Catalogue of 'Arabic Manuscripts, India office library London and Fihrist Makhtutat, Markaz-i-Tahqiq Dyal Singh trust library, Lahore. Moreover I have also gone through some of the bibliographical works produced in 'Arabic, Urdu and English such as Kashf al-Zunun, Al-Saqafat al-Islāmiyah fil-Hind, Mufid al-Muftī, 'Arabī Adabiyyat mein Pak-o-Hind ka Hissah and Mughals in India - A Bibliographical Survey by D.N. Marshall.

The bibliographical account of 'Ulamā, jurists and Sufis were quite helpful for the present study as these provided information about the works of different subjects (including fiqh) written by them. But it cannot be overlooked here that many of the books mentioned in the biographical works could not be traced in the libraries or their printed Catalogues. The biographical accounts which I have thoroughly studied may be mentioned as Akhbār al-Akhyār, Siyar al-Auliya, Subhat al-Marjān, Māāsir al-Kirām, Tażkirah 'Ulamā-i-Hind, Hadā'iq al-Hanafiyyah, Al-Fawā'id al-Bahiyah fi Tarajim al-Hanafiyyah, Nuzhat al-Khawātīr, Abjad al-‘Ulūm, Rijal al-Sind wa’l Hind and
Fuqaha-i-Hind. Moreover, I have also consulted a number of Persian sources of medieval India and these have been cited at different places in the present work. For the transliteration rules, I followed the methodology adopted by F. Steingass, compiler of *Persian - English Dictionary*.
CHAPTER-ONE

Development of Fiqh Literature in India –

A Historical Survey

1. Delhi Sultanate
2. Mughal Empire
3. Later Mughal Period
DELHI SULTANATE

Fiqh (Islamic jurisprudence) has an important place among the subjects of Islamic learning from the very early period of Islamic history. Its development was not confined to only heart land of Islām but it got spread to different parts of the Muslim world. The second and the third century of Hijra era are considered more important from the point of view of the development of Islamic Fiqh. It was the same period when four well-known schools of Islamic jurisprudence (Hanafī, Malikī, Shafi‘ī and Hanbalī) came into being and a number of significant works on Fiqh were produced in accordance with these schools.\(^1\)

Though the later period marked rising of the trend of Taqlīd, the 'Ulamā particularly jurists continued their contribution in the field of Fiqh in different ways. The decline and disintegration of the Abbasid Caliphate resulted in the emergence of a number of independent Muslim States in different parts of Asia and Africa and under all these states Fiqh formed an important branch of Islamic learning. Particularly in Central Asian Countries it became a very popular

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subject in the academic circle and there flourished a large number of jurists in this region who made significant contribution in this field. They marked their influence even in India during the sultanate period.

The introduction of 'Ilm-i-Fiqh in India may be actually traced back to the period of Arab rule in Sind after its conquest by Muhammad b. Qasim in 712 A.D. During the Arab rule many 'Ulamā came from the Arab world and settled in different parts of Sind. Some of them were particularly known for their interest in Fiqh. They included Abū Mashar al-Sindi (d. 170 AH/786 AD), Ahmad b. Said al-Mālikī al-Hamzāni b. Al-Hindī al-Faqīh (d. 399 AH/1008 AD), Al-Hasan 'Alī b. al-Ḥasan al-Faqīh al-Dawrī al-Sindī (d. 445 AH/1053 AD), Muhammad b. Ahmad b. Muhammad al-Sindi (d. 548 AH/1153 AD).

The development of Islamic jurisprudence in India actually started after the establishment of the Delhi Sultanate in 1206 AD. The arrival of a large number of jurists from different parts of Central Asia, the patronage of Delhi Sultans and administrative requirements for jurists proved to be quite

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3 Qazi Athar Mubarakpuri, Rijāl al-Sind wa'l-Hind ilā al-Qarn al-Sābi, Katleri Bazar, Bombay, 1958, p. 56.
4 Ibid., p. 104.
5 Ibid., p. 206.
helpful for the development of this science. In the Madaris and individual centres of learning Fiqh not only formed part of curriculum, gradually it became a popular subject of study for the students and scholars and issues of Fiqh came to be widely discussed in the assemblies of 'Ulamā, circle of Sufis and even at the court. The 'Ulamā of the period, foreigner as well as Indian-born, showed deep interest in the field of Islamic jurisprudence while working as teacher or compiling work. According to some Arab writer there were about a thousand Madāris in Delhi itself under the Tughlaq Sultans and in all of these there was provision of teaching Fiqh particularly from the Hanafite point of view. While referring to the religious institutions and teachers, the contemporary sources have given main focus on this subject. In the Sultanate period the Fiqh works prescribed in the curriculum of Madāris and the individual centres of learning included Al-Qudūrī of Abul Husain Ahmad b. Muhammad Al-Qudūrī al-Baghdadi (d. 428 AH/1036 AD), Hidāyah of Burḥanuddīn 'Alī b. Abū Bakr al-Marghinānī (d. 593 AH/1196 AD), Majmā al-Bahrain of Imam Muẓaffaruddīn Ibn-i-Sāāti (d. 694 AH/1294 AD), Al-Ḥusāmī of Ḥusamuddīn

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Muhammad (d. 644 AH/1246 AD), Al-Manār of Abul Barakat al-Nasafi (d. 710 AH/1310 AD) and Usūl-i-Bazdawī of Bazdawī 'Alī b. Ahmad (Fakhr al-Islām) (d. 482 AH/1089 AD). 7

It is also important to note here that some of the Sufis of the period also showed their interest in Fiqh and sometimes discussed the problems of legal nature in their mystic gatherings. For example Shaikh Naṣīruddīn Ahmad Chiragh-i-Delhi (d. 757 AH/1356 AD) the chief disciple of Shaikh Niẓāmuddīn Auliyā’ (d. 725 AH/1324 AD) was called Abū Hanīfah Sani due to his deep interest and great scholarship in the field of Fiqh 8. Similarly some other disciples of Shaikh Niẓāmuddīn Auliyā’ namely Fakhruddīn Zarrādī (a contemporary of Sultan Muhammad Tughlaq), Qāżī Muḥiuddīn Kashani, Shaikh Husamuddīn are reported to have been well versed in the science of Islamic jurisprudence 9. On the other hand Shaikh Yūsuf Gadai and Shaikh Ruknuddīn, the well-known Saints of the same period, demonstrated their interest in the subject through compiling versified treatises on general issues of Fiqh which were called Tuhfat al-Naṣaiḥ and Turfat al-Fuqahā’ respectively. Shaikh Fazlullah Māju, a saint of the

7 Abdul Hai, Al-Saqafat al-Islāmīa fil-Hind, Demascus, 1958, p.11.
9 Amir Khurd, Siyar al-Auliya, Delhi, 1302 AH, p. 256.
Suharwardi order compiled *Fatāwā-i-Sūfiya*, which created some controversy among the 'Ulamā of the period\(^{10}\).

The Delhi Sultans had their own role in the development of *Fiqh*. They patronised a large number of 'Ulamā who were mostly jurists. The teaching of *Fiqh* was given special importance in the *Madaris* run by the state administration. The Sultans also liked company of the jurists and their association with the court and even during their journey out side Delhi their entourage included a number of jurists with whom they used to discuss different issues of legal interest\(^{11}\). Enough evidence are available to suggest that the Sultans did not feel shy of even seeking the opinion of the jurists about administrative matters. Sometimes they had long conversation with the Qāzīs or jurists of their period on certain important issues facing state and society such as 'Alauddīn Khaljī (1296-1316 AD) discussed with Qāzi Mughīṣ about the rights of Sultan and that of his family members in the *Bait al-Māl*, nature of punishment to corrupt officials and legal position of Hindus\(^{12}\).


Of the Tughlaq Sultans, Muhammad b. Tughlaq (1325-1351 AD) is more known for his deep attachment with the rational science, but his interest in Islamic jurisprudence is also established by the contemporary sources. It is reported that about a hundred jurists were associated with his court and with them he used to exchange his ideas especially at the time of taking meal with them\(^{13}\). He had a lengthy discussion with Ziauddin Barni about political crimes and their punishment\(^{14}\). This Sultan had invited some eminent jurists from other countries to come to India and carry on their academic activities in the field of their special interest such as Burhanuddin Samarqandi and Qazi Majuddin Shirazī. For this purpose he sent his special envoy along with presents and sufficient amount for their journey expenses\(^{15}\). Moreover, this sultan had also made arrangement for purchase of rare books of Fiqh from other countries\(^{16}\). The period of Firuzshah Tughlaq (1351-1388 AD) marked a great development in the field of Islamic jurisprudence. He accorded generous patronage to the 'Ulamā specially jurists. They were given more opportunity to have

\(^{13}\) Al-Qalqashandi, Sub al-Aāshā, Cairo, 1915, V / 95.

\(^{14}\) Ziauddin Barni, pp. 290-296, 510-511.

\(^{15}\) Ibn-i-Batuta, Al-Rehlah, Cairo, 1928, p. 44, Masālik Al-Absār, pp. 95-97.

their say in political and administrative affairs as it is evident from the Sultan's frequent consultation with them. Some of the noted jurists of his period were Maulana Ahmad Thanesri, Sadruddin Yaqub, Maulana Khawajgri, 'Alim b. 'Ala al-Hanafi, 'Abdul Muqtadir Shuraihi and Jalaluddin Rumi. It is also important to note here that the Delhi Sultans had developed the tradition of organising the special meeting of the distinguished Ulama of Delhi to find out their collective opinion on certain important and controversial issues. Such meeting called Mahzar were held in the reign of Sultan Iltutmish, Sultan Jalaluddin Khalji and Sultan Ghiyasuddin Tughlaq. Sultan Firuzshah, on his own part, showed special interest in holding meeting of the 'Ulama of the capital to know their opinion about different administrative problems to be decided in the light of Islamic law such as legality of charging additional taxes by the state and imposing jizyah on certain classes of Hindus who were previously exempted from this tax (i.e. Brahmans).

The beginning of the compilation of Fiqh work in 'Arabic is traced back to the period of Arab rule in Sind. Ali b. Ahmad b. Muhammad b. Muhammad Debal (d. 354 AH/965 AD) wrote a

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17 Ziauddin Barni, p. 559, Afif, p. 179.
19 Afif, pp. 383-384.
book on administration of justice under the title of *Kitâb-o-Adab al-Qazâ*. Sultan Muḥammad of Ghazna (d. 573 AH/1177 AD) who led his military expedition in India in the first half of the 12th century AD is reported to have showed interest in the compilation of Fiqh works. The compilation of *Kitâb al-Tafrîd fi l Furu* is ascribed to him. Another Fiqh work known as *Majmū‘ah-i-Sultānī* was also written in the same period and was dedicated to him. Hasan b. Muḥammad al-Saghani al-Lahori al-Bughdadi (d. 637 AH/1239 AD) a well-known scholar of the early sultanate period had compiled *Zubdat al-Nāsīk* and *Kitâb al-Farā’îz* about Hajj and inheritance respectively.

*Fatawa* compilation was a popular way of contribution to the Fiqh literature in those days and the ‘Ulamā of the period made significant contribution from this point of view also. One of the earliest ‘Arabic work of this nature was *Al-Fatâwâ al-Ghiyâsiyâh*, which was compiled by Shaikh Dâud b. Yusuf al-Khatib and dedicated to Sultān Ghiyâsuddîn Balban (1266-1287)

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23 *Fuqahâ-i-Hind*, 1/135.
24 *Origin and Development of Fatawa Compilation in Medieval India*, XX/1 p. 8, in the *Fihrist Kutubkhâna Rampur*, this Fatawa was incorrectly ascribed to Ghiyasuddin Muhammad Sultan b. Malikshâh Saljuqî, who established his rule in Syria and Azarbaijan around 1095 AD see RL 11/382 No. 686/ 2969. It was published by Al-Matba al-Amiriya, Bulaq (Egypt) in 1322 AH / 1902 AD.
AD). The tradition of Fatawa compilation continued in the later period and the reign of Firuz Shah Tughlaq (1351-1388 AD) was more productive from this point of view. Fatawa Firuz Shahi and Fatāwā Tālārkhānī are two important Fatawa of the same period. They are considered of great value especially due to their consideration of a number of contemporary issues of socio-economic life. Other notable works of the same nature produced in the Sultanate period are Fatawa Qari al-Hidāyah compiled by Shaikh Sirajuddīn Umar b. Ishaq al-Ghaznawi al-Hanafi (d. 773 AH/1371 AD) and Fatāwā-i-ibrāhīm Shāhi by Qazi Shihābuddīn Daulatabadi (d. 874 AH/1469 AD), Khazanat al-Riwayat of Qāzī Jakkan Gujarati (d. 920 AH/1514 AD) has special importance among the general works of Fiqh compiled in the Sultanate period. It deals with the problems of varied nature and extensively quotes from the well-known works of the Hanafi Schools including Al-Taḥāwi, Al-Hidāyah, Fatāwā-i-Zahiriyah and Fatāwā-i-Khāniyah.

A considerable part of the Fiqh literature of the Sultanate period consisted of Shurūḥ and Hawāshī (commentaries and marginal notes). For producing this kind of literature mainly those works were selected which were popular as the text books of the Hanafi Fiqh or widely consulted by the Ulamā for
solving the legal problems. The main objective behind such writings was to simplify the texts of popular and important *Fiqh* works and to develop their understanding. For the same reason special importance was given to write commentaries on *Hidāyah*, *Waqāyah*, *Uṣūl-i-Bazdawī* and *Al-Manār*. On the first two works more than fifteen commentaries were compiled by the Indian ‘Ulamā’.25

*Fiqh* literature of the Sultanate period also included books and treatises written about certain important and controversial issues. The issue of Samā (spiritual recital with musical instruments) had been controversial among the ‘Ulamā and mystics of this period. In some of the works this issue was discussed from juridical point of view as we find in *Kashf al-Qina an Wujuh al-Samā* written by Fakhruddīn Zarrādī and *Risālah Ibāhat al-Samā* by Sulaiman b. Zakariyah Multānī.26 Similarly some works were written specially for explaining the problems of division of inheritance which concern a large number of people in the society such as *Kitāb al-Faraiz* written by Hasan b. Muḥammad al-Saghānī (d. 650 AD/1250 AD).

*Usūl-i-Fiqh* (principles of Islamic jurisprudence), *Ifta* (issuing *Fatwa* or giving legal opinion), *Qaẓā* (delivering

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judgement) and *Hisbah* (looking after moral life of the people and behaviour of merchants and traders) were some other important matters taken up by the *Ulama* of the Sultanate period in their works. In this reference *al-Faiq fi Usūl al-Din* of Muhammad b. ‘Abdul Rahim, *Sinwān al-Qazā wa Unwān al-Iftā* of Abū Mahamid Muhammad b. Muhammad al-Khatib (d. 646 AH/1248 AD)\(^{27}\) and *Nisab al-Ahtisab* of Qazi Ziauddīn Umar al-Hanafi\(^{28}\) are noteworthy.

The characteristics of the well-known Schools of *Fiqh* particularly their juridical differences had always been an interesting subject of study and discussion. There was also a tendency on the part of jurists of different schools to highlight their respective schools or show their importance. *Kitāb Zubdat al-Aḥkām fi Ikhtilāf al-Aimmah al-Ālām* of Sirajuddīn al-Hanafi (d. 774 AH/1372 AD) and *Al-Ghurrat al-Munīfah fi Tarjih Mażhab-i-Abi Hanīfā* of Abū Hafs Sirajuddīn (d. 846 AH/1442 AD) are works of the same nature, which were written in the Sultanate period.

A deep study of the *Fiqh* works of this period under discussion shows that these were mainly written in accordance

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with the Hanafī schools and that their main sources were the popular works of the Hanafī jurists of earlier period.

The prevalence of Hanafī Fiqh in this sub-continent may be explained by the fact that majority of the Ulamā as well as Muslim masses belonged to the Hanafī School. The Ulamā of the early Sultanate period who had influenced the religious life of the Indian Muslims and academic atmosphere of that time had migrated mainly from Central Asia and Transoxiana, which had been stronghold of the Hanafī School\textsuperscript{29}. The Turkish Sultans were themselves follower of this school and had given patronage and official recognition to it. But it is also important to note here that many of the Fiqh works of that period also took note of the point of view of other schools of Fiqh, though obviously the preference was shown to the views of the Hanafī jurists\textsuperscript{30}. It also appears that the Delhi Sultans were not rigid in their attitude. They were liberal and open-minded and gave due regards to the jurists of other schools. It is recorded by the authentic sources that Maulana Fariduddīn a saint scholar was appointed Shaikh al-Islām of Awadh during the reign of

\textsuperscript{29} Ziauddin Barni, p. 290, Subh al-Āshā, p. 69, Masālik al-Abār, p. 27 see also Socio-Economic Dimension of Fiqh Literature in Medieval India, pp. 1-5.

Alauddīn Khalji (1296-1316 AD). Similarly Ibn-i-Batuta a follower of Malikī School was given the post of Qazi of Delhi in the reign of Muhammad b. Tughlaq (1325-1351 AD). Lastly it is also required to be explained that most of the Fiqh works compiled in early period of Muslim rule are in 'Arabic. It was apparently due to the fact that the Ulamā of the period were more familiar with 'Arabic and they preferred to write on subjects of Islamic learning in the same language. But with the rising of popularity of Persian as academic and official language there had been change in the attitude of the authors and compilers of Fiqh works.

MUGHAL EMPIRE

The Mughals ruled over India for about three hundred years (1526-1857). This period has great importance from different point of view including political, administrative and cultural. The rulers of this period also took keen interest in the development of traditional and rational sciences. Islamic jurisprudence continued to be given importance by the Ulamā and the rulers as a popular subject of Islamic learning. Like

32 Ibn-i-Batuta, Al-Rehla, Cairo, 1928, pp. 81-82.
their predecessors the Mughals also associated jurists with their court used to seek their opinion on legal matters. The 'Ulamā who got patronage of the state included a considerable number of Fuqaha. They were given cash allowances as well as land assignment (Madad-i-Māāsh) to carry on their academic activities with satisfaction. To promote the learning of Fiqh the students were given stipends and daily allowances as Emperor Aurangzab had made the provision of payment of one ana, two ana and eight anas to those who studied Mizan, Munshaib and Sharh al-Wagayah respectively.

The 'Ulamā of the Mughal period who contributed in the field of Fiqh mainly through teaching and writing included 'Abdul Awwal Jaunpuri (d. 968 AH/1560 AD), Mahammad Tahir Patani (d. 986 AH/1578 AD), Mirkalan Akbarabadi (d. 1014/1605 AD), 'Abdul Salam Lahori (d. 1037 AH/1628 AD), 'Abdul Salam Dewī (d. 1042 AH/1632 AD), 'Abdul Haq Muhaddis Dehlawī (d. 1052 AH/1642 AD), Muḥibullāh Ilāhābādī (d. 1058 AH/1648 AD), 'Abdul Hakim Siyālkotī (d. 1067 AH/1656 AD), Qazi Nurul Haq Akbarabadi (d. 1073 AH/1662 AD), Qutubuddīn


34 Ibid. see also, Abdul Majid Salik, Muslim Saqafat Hindustan mein, Idarah Saqafat-i-Islāmiyah, Lahore 1957, pp. 225, 681.
Sihalwi (d. 1103 AH/ 1691 AD), Wajihuddin Gujarati (d. 1119 AH/ 1707 AD) and Amanullah Banarsi (d. 1133 AH/1720 AD).

In Mughal Indian Fiqh continued to occupy an important position in the curriculum of Madaris as well as individual centres of learning. This has further aroused the interest of the Ulamah in this subject and they contributed to its development in different ways. The books which formed part of the curriculum of Fiqh included Sharh Waqayah, Hidayah, Husammi, Tauzi-ar-Talwih. It is important that some of the commentaries of these books compiled by the Indian Ulamah were also included in courses of studies for Fiqh in Madaris as helping works such as Hashiyah ala Sharh Waqayah, Hashiyah ala’l-Hidayah of Wajihuddin Gujarati (d. 978 AH/1570 AD) and Hashiyah ala al-Talwih. In addition to the above works two other books of the Ulamah of medieval India found place in the courses of studies of the famous Dars-i-Nizami system and these were Musallam al-Subut of Muhibullah Bihari (d. 1119 AH/ 1707 AD) and Nurul-Anwar of Mulla Jiwan (d. 1130 AH/1717 AD).

35 G.M.D. Sufi, Al-Minhaj (Being the Evolution of Curriculum in the Muslim Educational Institution of India), Idarah-i-Adabiyyat-i-Dilli, Delhi, 1941, p. 49.
36 Shabbir Ahmad Qadiri, Arabi Zaban wa Adab Ahd-i-Mughliya mein, Nizami Press, Lucknow, 1982, p. 120.
37 Arabi Zaban wa Adab, p. 74, Shibli Numani, Dars-i-Nigami, Maqalat-i-Shibli, Matba Maarif, Azamgarh, 1955, 111/100, 103, also see, Al-Saqafat al-Islamiya fil’-Hind, p. 16.
The Mughal period was known for production of a large number of Fiqh works of different nature including Shurūh wa Hawāshī (commentaries and annotations), Fatawa-collection, general works and treatises as separate issues. The compilation of Fiqh works as stated above started from the early period of Sultanate rule. It got further development during the Mughal rule. Babur, the founder of the Mughal Empire had himself composed a treatise in Turkish language called Masnawi Mubin which explained the fundamentals of Islām and general rules of the Sharī'at. In the same period Fiqh-i-Babruri (also known as Fatawā Baburi) was compiled in Persian language by Nūruddīn b. Ḑuṭubuddīn al-Khāwāfi in 1670 AD.

The Fiqh works of Humāyūn's period (1530-1556 AD) included Fatawa-i-Amīniya compiled by Amin b. Obaidullah Muminabadi al-Bukhārī in Persian language sometime after 948 AH/1541 AD). Fatawā Barāhindah compiled by Nasiruddīn

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38 M.A. Ghani, A History of Persian language and literature at the Mughal Court, The Indian Press, Allahabad, 1929, 1/105, see also Al-Minhaj, p. 49. It was also called Dar fiqh-i-Mubin. Zainuddin khawafi (d. 940 AH/1533 AD) had written a Persian commentary on Masnawi Mubin. It was called Mubayyan. See also Sabahuddin Abdul Rahman, Bazm-i-Taimuriya, Matba Maarif, Azamgarh, 1973, 1/16, 26.


40 Origin and Development of Fatawa Compilation in Medieval India, XX/1, p. 10.

Lahori - a contemporary of Akbar in 997 AH/1588 AD. Of all the Mughal Emperors Aurangzeb Alamgir's period is more well known for the development of Fiqh and compilation of Fiqh works. The Emperor was a great patron of Islamic learning and had shown keen interest in Islamic jurisprudence. He is also well known for implementation of Shari'at rule in state administration. *Fatāwā-i-'Alamgīrī* the most important and popular Fatawa collection of the medieval India was compiled in 'Arabic at the instance of the Emperor by a board of the distinguished 'Ulamā headed by Shaikh Nizām Burhānpūrī (d. 1679 AD)⁴². Arranged under the usual chapter of Fiqh works, the *Fatāwā-i-'Alamgīrī* (also called al-Fatāwā al-Hindīyah) has thoroughly discussed main as well as subsidiary issues relating to religious, civil, economic, penal and international matters. It came to be widely studied and quoted by the 'Ulamā, jurists, Qāzīs and Muftīs of different period. The same work is also being referred to by judges of modern courts in reference to the cases of Muslim personal law. Moreover, this Fatawa is considered next to *Hidāyah* among the authentic and quotable works of the Hanafī School. Its Urdu and English translation

during the British period may be also mentioned as an additional proof of its popularity. It was translated into Urdu by Saiyyid Amir 'Ali ⁴³ and its selected chapters were rendered into English by N.B.A. Belly under the title of "A Digest of Muhammetan Haneefea and Islâmia Law in India" ⁴⁴. Other notable Fatawa collection of the same period were Mukhtasar al-Fatawa ⁴⁵ and Fatawa-i-Sirajiyh ⁴⁶ compiled by ‘Abdul Hamid b. ‘Abdullâh Thattawî (belonged to the second half of 17th century AD) and Tabi Muhammad b. Muhammad Sai’d Lakhnawî in 1120 AH/ 1708 AD respectively.

Among the Fiqh works of general nature Majmâ’ al-Barakât is worthy to mentioned here. It was compiled by Abul Barakât b. Ruknuddîn Dehlawî and was dedicated to ‘Alamgîr. The work deals with general issues of Islamic jurisprudence in a comprehensive way and extensively quotes from the earlier Fiqh works including those, which were compiled in medieval India such as Fatâwâ Tātârkhâniya, Khazânat al-Riwâyât, Fatâwâ Ḥammâdiya.

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⁴³ It was translated into Urdu under the title of Fatâwâ-i-Hindi and was published into ten values, from Nawal-Kishore, Lucknow in 1899 AD.
⁴⁴ Urdu Daira Maarif-i-Islâmiyah, Lahore, 1975, 15/147.
⁴⁵ It is also known as Fatwa Shâfi’, it was compiled in 1668 AD at Shajahanbad (Delhi).
In the Mughal period many issues had been controversial among the 'Ulamā of the different schools such as Rafa' al-Yadain, (raising hand), Qira'āt al-Fātiha Khalf al-Imām (recitation of Fātiha behind Imām), Ziyārat-i-Qubūr, (visiting grave yard). Apart from the above controversial issues, some other problems relating to religious and social life were also taken up by the contemporary 'Ulamā to write separate works. We find that in those days several books were written on wine drinking, use of other intoxicants, gambling, interest, music, songs and seeking assistance from the dead person at their tombs such as Risālah Ḥurmat al-Ghinā wa'l-Mazāmīr by ʿĪṣmatullāh Sahāranpūrī (d. 1039 AH/1629 AD), Ḥadd al-Ghinā fi Ḥurmat al-Ghinā by ʿĪṣmatullāh Sahāranpūrī, Hidayat al-Aʿamā fi Mabhaṣ al-Sama by Ḥusain Khabbāz Kāshmīrī, Risālah fi Najāsat al-Khamr by Nurullah Shustari (d. 1019 AH/1610 AD).

Among the economic issues, inheritance was given much importance by the 'Ulamā of the Mughal period due to the involvement of the general public with this issue and its complicated nature. A number of 'Ulamā made it a point to explain the problems of inheritance in their works such as Nazm al-Farā'īz al-Sirājiyah by 'Abdul Awwal Zaidpuri (d. 968 AH/1560 AD), Risālah fi'l-Farā'īz by 'Abdullāh b. 'Abdul Baqi
Usūl-i-Fiqh or the principles of Islamic jurisprudence has great importance as an essential part of 'Ilm-i-Fiqh. It not only helps to understand the importance of different sources of Fiqh, and their respective position but also enables the jurists to know the legal device for solving the legal problems in the light of these sources. The 'Ulamā of the Mughal period did not lag behind in contributing to this subject. Some of the important works on principles of Islamic jurisprudence may be mentioned as Kitāb al-Mufassir fi’l-Usūl and Muḥkam al-Uṣūl by Amanullāh b. Nūrullāh (d. 1134 AH/1721 AD), Al-Mukhtasar fi’l-Furu by Habībullah Qannaujī (d. 1140 AH/1727 AD), Tanvir al-Haq by Qutubuddin Dehlawī (d. 1023 AH/1614 AD).

In those days it was a much debated issue that whether a follower of a particular school of Fiqh could follow the jurists of other school in some selective matters. Some of the 'Ulamā of the period chose to write on this interesting issue keeping in view of the principles of Taqlīd. Al-Qaul al-Ḥasan fi Jawāz-i-Iqtīdā bi’l-Imām al-Shafi’ī fi’l Nawāfīl wa’l-Sunan by Hamīd b. ‘Abdullāh Ibrāhīm al-Sindhī (d. 1009 AH/1600 AD), Risālah fi
Iqtida bi'l-Shafi'iya wa'l-Khilaf bi Zālika by Raḥmatullah Sindhī (d. 990 AH/1582 AD) are two important works on this issue. It was also a tendency on the part of the 'Ulamā of that period to highlight the characteristic of their respective schools of Fiqh and to present evidence and arguments in their support. This is evident from the following works written by the 'Ulamā of the Mughal period. Fath al-Mannan fi Tā'id al-Numān by ‘Abdul Haq Muhaddis Dehlawī (d. 1052 AH/1642 AD), Al-Asmar al-Jinniya fi'l-Asma al-Hanafiyyah by Mir kalān Akbarābādi (d. 1014 AH/1605 AD).

Apart from the Fatawa collections, works of general nature and treatises on separate issues, a large number of Shurūḥ (commentaries) were prepared during the Mughal period. For this purpose mainly those works were selected which were part of curriculum of Fiqh as we have found the same case with regard to the Sultanate period. Some of the well known commentaries compiled in that period were Nur al-Anwār fi Sharḥ al-Manār by Aḥmad Jiwan (d. 1130 AH/1717 AD), Sharḥ ala Uṣūl al-Bazdawī by Wajhuddīn Gujarati, Sharḥ al-Husāmī by Abū Yusuf Bannāni Lāhori (d. 1098 AH/1686 AD), Fath al-Qadir Sharḥ al-Hidīyah by Qazi Muḥammad Ṭīsā Junagarhi (d. 1132 AH/1719 AD), Sharḥ Farā'īz al-Sirājiya by
Abdul Awwal Zaidpuri (d. 968 AH/1560 AD), *Sharh al-Basit fi'l-Faraiz* by Wajihuddin Gujarati.

To make these commentaries more useful some scholars of the period further explained them in the form of marginal notes. This resulted in the production of another category of Fiqh literature called *Hawashi* such as *Fuṣūl al-Hawashi li Uṣūl al-Shāshi* by Ilahdad Jaunpuri (d. 923 AH/1517 AD), *Hāshiyah al-Husāmī* and *Hāshiyah ala'l-Faraiz al-Sirājīyah* by Qaẓī ʻAbdul Nabi Ahmadnagri (d. 1144 AH/1731 AD), *Hāshiyah ala-Uṣūl al-Bazdawi* by Wajihuddin Gujarati (d. 998 AH/1589 AD), *Hāshiyah ala'l-Hidiyyah* by ʻAbdul Hakim Siyalbūtī (d. 1067 AH/1656 AD), *Hāshiyah ala-Sharh al-Waqāyah* by Īṣmatullāh Saharanpur (d. 1039 AH/1629 AD).

Qaḍā or administration of justice had been an important part of Muslim administration from the very early period of Islamic history. The Mughals had also established a full network of judicial administration. This had also helped in the development of Islamic jurisprudence. The requirement of this department of state administration aroused interest of the

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rulers in the promotion of Islamic jurisprudence as those scholars specialised in this subject were needed to work as Qazīs and Muftīs, and to run the administration of the religious and judicial departments. The subject also attracted many scholars for advancement of their knowledge in this field to enable them to work as judicial officers. Secondly the same requirement also led to the compilation of a number of Fiqh works with a view to help Qazīs and Muftīs in discharging their duties. On one hand works explaining the principles of issuing legal verdicts (Fatawā) and rules for delivering judgements were written. On the other, many juridical works especially Fatawā compilations were prepared on legal problems of varied nature. In such works not only main issues were explained but subsidiary issues were also taken up for discussion. Some of the rulers have shown special interest in the compilation of Fatawa under their supervision and one of the main objectives of these Fatawā as stated in their introduction was to help Qāzīs and Muftīs in particular in solving legal problems and explaining Shariʿat's attitude about the cases put before them. From this point of view, the Fatawā-i-ʿĀlamgīrī as discussed above has much importance.

LATER MUGHAL PERIOD

The end of Aurangzeb rule marked the decline of the Mughal Empire. The inefficiency of the later Mughals and weakness of the central government resulted in political instability and anarchy. But this situation had very little impact on the academic atmosphere of that time. In post Aurangzeb period a number of distinguished ‘Ulamā left great impact in the field of Islamic learning including Islamic jurisprudence. In this connection Shah Waliullah Dehlawī, his sons and the ‘Ulamā of Farangī Mahal had made significant contribution. Apart from Shah Waliullah, ‘Abdul ‘Alī Baḥrūl ‘Ulūm (d. 1235 AH/1819 AD), Shah ‘Abdul Azīz Dehlawī (d. 1239 AH/1823 AD), Khadim Aḥmad Farangī Mahlī (d. 1271 AH/1855 AD) and ‘Abdul Halim Farangī Mahlī (d. 1285 AH/1868 AD) were well known for imparting Fatwa and compiling Fiqh works. Moreover, the curriculum of those days Madāris was mainly governed by Darsi-i-Nizāmi which was introduced by Niẓāmuddīn Sihālwi (d. 1161 AH/1748 AD). Under this system several books of Fiqh were included in the syllabus such as Sharḥ-i-Waqāyah,

49 A.D. Muztar, Shah Wali Allah – A Saint Scholar of Muslim India, Islāmabād, 1979, pp. 86-125. See also Muhammad Ikram, Rudi Kausar, Taj Company, Delhi, 1987 pp. 555, 560, 568, 603, 616.

50 It was during Aurangzeb’s rule that Farangi Mahal complex in Lucknow was handed over to Qutubuddin Sihalwi (d. 1103 AH/1691 AD) the father of Nizamuddin in recognition of his scholarship and academic contribution.
Hidayah, Nūr al-Anwār. Tauzih Talwīh and Musallam al-Subūt.

The latter was the most popular work of principles of Islamic jurisprudence which was written by Muhibullah Bihāri (d. 1190 AH/1776 AD). It was widely studied and consulted by the Ulamā of latter Mughal period. Inclusion of this work in the curriculum and writing of large number of commentaries on it gives clear proof of its importance and popularity.⁵¹

The settlement of the Britishers in India and rising of their influence in socio-political life had brought about new problems which were required to be discussed from juridical point of view. These included learning of English and Science, employment under the Britishers, taking interest from them, adopting their manners especially in dining and clothing, legal position of India, social relationship and financial dealing with non-Muslims⁵². We find many references to these contemporary problems in the Fatawa Azīzī compiled by Shah 'Abdul Azīz in Persian language. Such problems were generally explained by the Muftīs in response to the queries of common Muslims and

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⁵² Shah Abdul Aziz, Fatawa Azīzī (ed. by Abdul Ahad) Matba Mujtubai, Delhi, 1311 AH, pp. 8, 12, 17, 32, 91, 114, 116.
later these came to be arranged in the *Fatwa* collections in the form of *Istifta* and *Fatwa* (query and legal verdict).

In the same period several *Fatwa* collections were prepared in 'Arabic such as *Ifta-i-Hind* by Muhammad Ishaq Dehlawī (d. 1262 AH/ 1845 AD), *Al-Fatāwā al-Sharī'īyah fi 'l-Furū' al-Hanafiyah* by Muftī Sharfuddīn Rāmpūrī (d. 1268 AH/ 1851 AD). It is important to note here that some of the contemporary 'Ulamā showed special interest in writing books about *Ifta* and *Muftī*. This shows the rising numbers of the new problems and requirement of their explanation from juridical point of view. *Zād al-Taqwā fi Ādāb al-Fatwā* written by Khadim Ahmad Farangī Mahlī (d. 1271 AH/ 1855 AD) was an important work on the principles of *Ifta* (giving legal verdict) and the related issues.

It appears that the jurists of this period were quite responsive to those problems which were emerging in the new situations and demanding to be discussed in the light of the *Sharī'at*. In addition to the *Fatwa* literature, which contained abundant material about such problems, a number of works

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54 R.L. 1/223 No. 370. It is worthy to mention here that some of the Persian *Fatawa* were also compiled in this period such as *Muntakhab al-Fatawa* by Yaqin Muhammad Afzalullah in 1715 AD (see K.B.L. 11/184, No. 2286), *Fatāwā Muhammadi* compiled at the instance of Sultan Tipu (d. 1213 AH/ 1798 AD) see Indian Office No. 2618 and Asiatic Society of Bengal 957/32.
were separately written on Jumu‘ah prayer in village, temporary marriage (Mutāḥ), etiquettes and rules for visiting tombs of saints, the kind of dress and food to be used by a Muslim, lottery, commercial interest. Some of the works on these issues may be mentioned as Nashwat al-Irtiyāḥ fi Bayān-i-
Haqiqat al-Maisir wa’l-Qidah by Murtaza Zabidi (d. 1791 AD),
Riṣālah Hurmat-i-Mutah, Riṣālah fi Taḥrīm al-Ghina, Riṣālah Hurmat-o-Ibāhat-i-Surūd by Sanaulah Paniputi (d. 1810 AD),
Riṣālah fi isbat al-Jumua wa’l-Jamaah by Dildār ‘Alī (d. 1819 AD), Riṣālah fi Jawāz al-Istighasah wa’l Milad by Muhammad Abid Sindhī (d. 1257 AH/ 1841 AD), Ghayat al-Bayān fima yataallaqqo bi’l-Haiwan by Muhammad Mubin Lakknawi (d. 1842 AD), Riṣālah Ziyarat al-Qubur by Jalaluddīn Burhanpuri (d. 1857 AD), Nur al-Imān bi Ziyārat Ā.ṣār Ḥabīb al-Raḥmān and ʿUmdat al-Taḥrīr fī Bayān-i-Masā’il al-Laun wa’l libās wa’l-Harīr by ʿAbdul Halim Farangī Mahlī (d. 1868 AD).

In spite of the fact that majority of the Indian Muslims were Hanafī, the followers of other schools were also found in different parts of the country especially in coastal towns in South India and Sind region. Some ‘Ulamā of these places showed special interest in compiling Fiqh works in accordance with the Shafi’ī school pointing out its differences with other
schools, among such works noteworthy are *al-Bayaz al-Jām'i fi Aqwāl al-Fuqaha*, *kifayat al-Mubtadi fi fiqh al-Shāfi‘ī*, *al-Fawā'id al-Sabghīya fi'l Fiqh al-Shāfi‘īyah* written by Muhammad Hashim Sindi (1148 AH/1760 AD), Muhammad Ghaus Madrāsī (1288 AH/1871 AD) and ‘Abdullāh b. Sibghatullāh Madrāsī (1288 AH/1871 AD) respectively.

Some separate Books on penal laws and family laws were also written in that period keeping in view the requirements of the judicials administration, such as *Jāmī al-Tāzirāt min Kutub al-Šiqāt* by Sirajuddīn ‘Alī Khan (belonged to 19th AD).

The same period had also seen the emergence of *Ahl-i-Hadīs* as a separate school of thought. Though generally it is not considered a school of *Fiqh* but it cannot be denied that the *Ahl-i-Hadīs* Ulamā have evolved their own principles for solving the legal problems. They have clear differences with the jurists of other schools on many issues including the sources of *Fiqh*. Maulānā Fākhir Zair Ilāhābādī (d. 1164 AH/1750 AD) – a contemporary and classmate of Ghulām ‘Alī Āzād Bilgrāmī (d. 1200 AH/1785 AD) was one of the earliest Indian scholar of this school but historically *Ahl-i-Hadīs* as distinct school of thought

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55 Sirajuddin Ali Khan worked as Qazi in Calcutta in 1805 AD. This work was published from Ainul Aayan, Calcutta in 1820 AD.
emerged after 1831 AD\(^57\). He wrote a versified treatise in Persian language on the issue of \textit{Rafa’ Yadain} under the title of \textit{Manzūmah Qurrat-i-Āinain dar Ḥṣbat Sunnat-i-Rafā’ Yadain}\(^58\). The principles of this school were explained by the learned 'Ālim Shah Islmail Shahid (d. 1247 AH/1831 AD) in his well-known treatise, \textit{Tanwīr al-Āinain fi Ḥṣbat-i-Raf’a al-Yadain}\(^59\). He was dead against the \textit{Taqlid} and was of the opinion that in case of availability of authentic \textit{Hadīṣ}, the following of a particular Imām was unlawful\(^60\). There were some issues which had become more controversial among the Hanafī and \textit{Ahl-i-Hadīṣ} ‘Ulamā such as recitation of \textit{Al-Fātiha} behind the Imām, saying of Āmīn after reciting \textit{al-Fātiha}, position of keeping hand while standing during prayer and \textit{masah ala’l Khuffain} (wiping over socks). The ‘Ulamā of both the schools had not only heated debate about them but also wrote books to forcefully present their points of views. A few of them may be mentioned as \textit{Qurrat al-Āinain fi Ḥṣbat Raf’a al-Yadain} compiled by Fakhir Ilahabadi bin Yahya Abbasi (d. 1165 AH/1751 AD), \textit{Tanqih al-Kalām an Qira‘āt Khalf al-Imām}, \textit{Risālah Waẓā al-Yadain Taht

\(^{57}\) Masud Alam Nadwi, \textit{Hindustan ki Pahli Islāmi Tahrik}, Hyderabad Deccan, 1371 AH, p. 212.

\(^{58}\) Abu Yahyah Imam Khan Naushahrawi, \textit{Tarajim-i-Ulama-i-Ahl-i-Hadīṣ}, Barqi Press, Delhi, 1931, 1 / 337.

\(^{59}\) It was printed from Matba Mujtubai, Delhi, in 1279 AH, in 48 pages.

\(^{60}\) \textit{Tanwir al-Āinain}, p. 38.
al-Surrah and Kashf al-Rain an Masail Rafa' al-Yadain written by Muhammad Hashim Sindi (d. 1760 AD), Ghayat al-Kalām fi Qiraat-i-Khalf al-Imam by Muhammad Mu'in Lakhnawī (d. 1842 AD). Risālah fi Jawāz-i- Masah'ala al-Khuffain by Muhammadan Quli Husain (d. 1844 AD), Risālah mana Qiraat al-Fatiha Khalf al-Imam by Khurram 'Alī Bilhauri (d. 1856 AD).

It is also important to note here that some of the 'Ulamā of the period particularly discussed the causes of juridical differences in a detailed way. On the juridical differences Shah Waliullah's book Insaf fi Bayan-i-Asbab al-Ikhtilāfāt has great importance. The learned author has thoroughly discussed the nature and causes of juridical differences from the early period of Islamic history to the formation of four Schools of Fiqh. He has also given earnest call to the 'Ulamā of the period to pay due consideration to the founders and followers of different Schools of Fiqh and not to be rigid in following any particular School. Some other important works of the same nature are Iqāf 'alā Sabab al-Ikhtilāf of Muhammad Hayāt Sindi (d. 1163 AH/1749 AD) and Izalah al-Ghummah fi Ikhtilaf al-Ummah of Muhammad Ghaus Madrasī (d. 1288 AH/1871 AD). In view of juridical differences, it also became an interesting subject of

discussion among the 'Ulamā of the period that whether it was permissible for the follower of a particular School to pray behind the Imam of another school. The Iqtida bi'l-Mukhālifīn Muhammad Hayat is related to the same issue.

The Fiqh literature of the period under discussion was of much value from the point of view that its subject matter included the issue of Ijtihād and Taqlīd. The discussion about the Ijtihād may be considered quite important keeping in view the prevalence of atmosphere of Taqlīd during 18th and 19th century\(^6^2\). The trend for this discussion was set by the noted thinker Shah Waliullah Dehlawī (d. 1176 AH/1762 AD). In his famous work 'Iqd al-jīd fi Aḥkām al-Ijtihād wa'l-Taqlīd, he not only highlighted the importance of Ijtihād and urged the contemporary 'Ulamā to seek direct guidance from the Qurān and Hadīs and solve the new problems through the process of Ijtihād, but also discussed thoroughly the conditions and categories of Ijtihād as well as the essential qualifications of a mujtahid and methodology for exercising it\(^6^3\). The 'Iqd al-jīd of course, deserves to be considered a pioneering work on Ijtihād which gave a new thinking to the jurists of the 18th century and

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\(^6^2\) A.D. Muztar, p. 104, Rūd-i-Kausar, pp. 560-575.
\(^6^3\) Iqd al-jīd fi Aḥkām al-Ijtihād wa'l-Taqlīd (Arabic text with Urdu translation) (by Muhammad Abdul Ahad) Matba Mujtubai, Delhi, 1344 AH, pp. 41-51, 69, see also al-Inṣaf, pp. 77, 79, 80, 81.
that of later period on the issue of *Taqlīd* and *Ijtihād* and exhorted them to take recourse to the *Ijtihād* for solving the new problems. Apparently inspired by the writings of Shah Waliullah several scholars of the 19th century took up this issue for discussion. They vehemently opposed the tradition of *Taqlīd* and stressed the need for adopting the path of *Ijtihād* to show the dynamic nature of the Islamic *Fiqh* as may be seen in *Al-Risālah fi Ibtāl al-Taqlīd* of ‘Abdul Haq Neotanawi (d. 1860 AD) and *Al-Saif al Hadid fi Qatā’ al-Mażahib wa’l-Taqlīd* of ‘Abdullāh Siddiqui Ilāhābādī.

Some of the Shiite scholars of the period also showed interest in *Ijtihād* and discussed different aspects of this issue from their own point of view. Saiyyid Dildār ‘Alī (d. 1235 AH/1820 AD) and his son Muhammad b. Dildār ‘Alī (d. 1284 AH/1868 AD) made earnest plea for giving up the path of *Taqlīd* and reviving the process of *Ijtihād*. They explained the same points in detail in their respective works known as *Asās al-Uṣūl* and *Iḥya al-Ijtihād li Irshād al-Ibad*.

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64 *Nuzhat al-Khawātīr*, VII/ 312-314.
66 *Nuzhat*, VII/425-426, see also *Rud-i-Kausar*, pp. 616-640.
CHAPTER-TWO

Classification of Indian Arabic Works on Fiqh

A) Original works

B) Commentaries & Annotations

A) 1. General Works
2. Four Pillars of Islam and Related Issues
3. Issues of Family Life
4. Economic issues
5. Penal Matters
6. Religious & Social Customs & Traditions
7. Science of Islamic jurisprudence and its principles
8. Ijtihād & Taqlīd
9. Schools of fiqh and their differences
10. Judicial Administration
11. Miscellaneous Issues

B) 1. Commentaries (Shurūḥ)
   (a) General works
   (b) Usūl-i-fiqh
2. Annotations (Hawāshi)
   (a) General works
   (b) Usūl-i-fiqh
(A) 1. General Works

1. Al-Bayāz al-Jām'i fi Aqwāl al-Fuqahā (also known as al-Bayāz fi'l-fiqh) (البياض الجامع في أقوال الفقهاء)
   Muḥammad Hashim b. ‘Abdul Ghafūr (1174 AH/1760 AD)

2. Fākihat al-Bustān (فكته البستان)
   Muḥammad Hāshim b. ‘Abdul Ghafūr al-Sindhī (d. 1174 AH/1760 AD)
   MS: K.B.L. XXXIII/69, No. 1802, (257 folios)

3. Al-Fatāwā al-Ālamgīrīyah (الفتاوى العالمية)
   Shaikh Niẓām Burhānpurī (d. 1090 AH/1679 AD)
   MS: M.A. L. Zamima University No. 6, (109 folios)

4. Fatāwā Akbarshāhī (فتاوى أكبرشاهی)

48
Atiquallah b. Ismail b. Shaikh Qasim (belonged to 17th Century AD)

MS: A.H.L. 11/132 (267 folios)


5. Al-Fatāwā al-Ashrafiyah (الفتاوى الاستشرافية)
Saiyyid Ashraf Jahangir Samnāni Kachhausāvī b. Ibrāhīm
(d. 880 AH/1475 AD)

(Untraceable)


6. Al-Fatāwā al-Ghiyasiyah (الفتاوى الغياسية)
Daud b. Yūsuf al-Khatib al-Baghdādī (belonged to Second half of 13th century AD)


7. Al-Fatāwā al-Hammādiyah (الفتاوى الحمادية)
Abul Fath Ruknuddin Husamuddin al-Hanafi al-Nagauri (d. 920 AH/ 1514 AD)


Printed: Asiatic Lithographic Company, Calcutta, 1241 A.H.

8. Fatwa Qari al-Hidayah


9. Fatwa Ibrahim Shahi (also known as Ibrahim Shahi fi'l-Fatawa al-Hanifiyah)
Qazi Shahabuddin Daulatabadi Jaunpuri (d. 875 AH/1470 AD)

10. Al-Fatāwā al-Naqshbandiyah (الفتاوى الفقشبندية)
Mu‘īnuddin Muḥammad b. Khāwāja Maḥmūd al-Naqshbandi
(d. 1088 AH/1674 AD)

11. Fatāwā Naqshbandiyah (فتاوی فقشپندیه)
Faiz al-Ḥasan Surti Gujarātī b. Nūr al-Ḥasan (d. 1151 AH/
1738 AD)
(Untraceable)

12. Fatāwā Sharafīya fi’l- Furū’ al-Hanafīya (فتاوی شرفیه فی الفروع الفنافیه)
Muftī Sharfuddīn Rāmpūrī (d. 1268 AH/1851 AD)
MS: R.L. 1/223, No. 370, (344 folios)
Reference: Tazkirah, p. 84, Mufīd, p. 114, Nuzhat, VII/211.

13. Al-Fatāwā al-Sirājīyah (الفتاوی السراجیه)
Abū Hafṣ Sirājuddīn Ḫūr b. Isḥāq al-Hindī (d. 829 AH/
1425 AD)
(Untraceable)
mein Hindūstān, p. 192.

14. Fatāwā Sirāj al-Munīr (فتاوی سراج المنیر)
Tābī Muḥammad b. Muḥammad Saʿīd Lakhnawī (n.d.)


Reference: Nuzhat, VI/51.

15. Al-Fatawā al-Tātārkāniyā (الفتاوى التاركانيه)
‘Alīm b. al-‘Alā al-Hanafi al-Indrapati al-Dehlawī (d. 786 AH/1384 AD)


16. Al-Fatawā al-Ziaih (الفتاوى الضيائية)
‘Umar b. Muḥammad Sunnāmī (d. 763 AH/1361 AD)

(Untraceable)


17. Iftāʾ Hindi (إفتا हندي)
Muḥammad Ishāq Dehlawī (d. 1263 AH/1846 AD)

(Untraceable)
2. Four Pillars of Islam and Related Issues

20. Ahkām al-Imān

‘Abdul Wahid Rāmpūrī (belonged to 19th AD)
Printed: Matba Nizami, Kanpur, 1273 AH/ 1856 AD.


(انوار الهدى في تحقیق الصلاة الوسطی)
Muḥammad Shaukat 'Alī b. Mūsā 'Alī Sandelwī (b. 1234 AH/1818 AD)


22. Al-Durr al-Farīd fī-Masā’il al-Siyām wa’l-Qiyām wa’l-ʿĪd

(الدّرّ الفريدّ في معاشيم السّيام والقيام والعيد)

Īnāyat Aḥmad Kākorwi b. Muḥammad Bakhsh (d. 1279 AH/1862 AD)

Printed in 1272 AH


23. Farāʾīz al-Īslām

(فروض الإسلام)

Muḥammad Ḥāshim b. 'Abdul Ghafūr al-Sindhī (d. 1174 AH/1760 AD)

MS: M.A.L. Habīb Ganj No. 17/201, (90 folios) (scribed in 1174 AH at Makkah).


24. Ghāyat al-Idrāk fī masā’il al-Siwāk

(غاية الإدراد في مسائل السواءك)

Muḥammad Shaukat 'Alī Sandelwī (b. 1234 AH/1818 AD)

(Untraceable)


25. Ghāyat al-Kalām fī Qira’āt Khalf al-Imām

(غاية الكلام في قراءة خلف الإسلام)
Muḥammad Muin Lakhnawī (d. 1258 AH/1842 AD)
(Untraceable)
Reference: Nuzhat, VII/476.

26. Ghayyat al-Taḥqīq wa Nihayat al-Tadqīq (about issues relating to Salāt)
Ahmadullah b. Qazi ‘Abdullāh al-Sindhī (belonged to 17th century AD)
MS: R.L. 1/218, No. 340, (56 pages) (scribed in 1104 AH/1692 AD)

27. Hidayat al-Anām fi Adab al-Ihram (hadith of the Books of Hadith)
Turāb ‘Alī Lakhnawī (d. 1281 AH/1865 AD)
(Untraceable)

‘Abdul Haq Muhaddis Dehlawī (d. 1052 AH/1642 AD)
(Untraceable)
Reference: Subhat, p. 52, Hadāi’q, pp. 409-412, Nuzhat, VI/206-214, Fuqahā, IV/258

‘Imullah b. ‘Abdul Razzāq Amethwī (d. 1104 AH/1692 AD)
30. *Ihtifāl bi-Saum al-Sitt min al-Shawāl* (اعتقاليّات استمتاع شموع)
Abū Faiz Muḥammad b. Muḥammad ‘Abdul Razzaq al-Hindi (d. 1206 AH/ 1791 AD)

(Untraceable)


31. *Iqād al-Masābih fi Ṣalāt al-Tarāwīh* (الإيمان بالصيام في صلاة الرأويّة)
‘Abdul Hamid Farangī Mahlī (d. 1285 AH/ 1886 AD)

(Untraceable)


32. *Iṣālat al-Tahārat* (صلاة الطهارة)
Husain b. Dildār ‘Alī Nasirabādī (d. 1273 AH/ 1856 AD)

MS: A.S.B. No. 661

Reference: Islāmi-‘Ulūm, p. 177, Nuzhat, VII/175.

33. *Al-İstisqā fi‘l- İstiftā* (الاستسقا في الاستفتاء)
Shaukat ‘Alī Sandelwī (d. 1234 AH/ 1818 AD)

(Untraceable)


34. *Ja‘āmi‘ al-Manāsik wa Nafā‘ al-Nāsik* (جامع المُناسَك ونفع النَاسِك)
Rahmatullah b. ‘Abdullāh al-Sindhī (d. 994 AH/ 1585 AD)
35. **Kanz al-Hasanāt fi Itā-i-al-Zakāt**
Muḥammad Mubin Lakhnawī (d. 1225 AH/1880 AD)
(Untraceable)

36. **Kashf al-Ghita an al-Ṣalāt al-Wusta**
Abū al-Faḥīd b. Muḥammad Abd al-Razzāq (d. 1206 AH/1791 AD)
(Untraceable)

37. **Kashf al Rain an Masalah Rafa' al-Yadain**
Muḥammad Hāshim b. 'Abdul Ghafūr al-Sindhī (d. 1174 AH/1760 AD)

**MS:** M.A.L. *Zahkirah* Sulaiman No. 61/33, (21 folios) (scribed in 1293 AH/1876 AD)

38. **Kash al-Mastūr 'an Wajh al-Suhūr**
Muḥammad Shaukat 'Alī Sandelwī (b. 1234 AH/1818 AD)
(Untraceable)
Reference: *Tazkirah*, pp. 87-88.

39. *Khair al-Kalām fi Masa'īl al-Siyām* (خير الكلام في مسائل الصيام)
   'Abdul Halim Frangi Mahli (d. 1285 AH/ 1868 AD)
   (Untraceable)

40. *Khulāṣat al-Aḥkām bi Sharā'īt al-Imān wa'l-İslām* (خلاصة الأحكام بين شرائط الإيمان والإسلام)
   Abū Bakr Ishaq b. Tajuddīn Abu Hasan (d. 736 AH/ 1335 AD)
   (Untraceable)

41. *Kitāb Auqāt al-Ṣalāt* (كتاب أوقات الصلاة)
   Mahbub 'Alī Dehlawi b. Musahib 'Alī (d. 1280 AH/ 1863 AD)
   MS: M.A.L. University Collection No. 117, (19 folios)
   (scribed in 1262 AH/ 1845 AD).

42. *Kitāb al-Manāsik wa ʻUbāb al-Masālik* (كتاب المناسك وعبائب المساليك)
   Rahmatullah Sindhī (d. 994 AH/ 1585 AD)
   (Untraceable)

43. *Al-Lamāḥ fi Ṣalāt al-Jumu'ah* (اللمعه في صلاة الجمعة)
Nurullah Shustari (d. 1019 AH/ 1610 AD)
(Untraceable)

44. *Lubāb al-Manāsik wa Ûbab al-Masalik* (لباب المناسك وباب المساليك)
Rahmatullah b. 'Abdullāh Sindhī (d. 994 AH/ 1585 AD)

Rahmatullah b. 'Abdullāh Sindhī (d. 993 AH/ 1585 AD)
(Untraceable)

46. *Majmū‘ah Ṣalāsah Rasā’il (Fath al-Ghafur fi waza al-Aidi ala’l-Sudur, Iqaf ‘ala Sabab al-Ikhtilaf, al-Iqtida bi’l-Mukhalifin* (مجموعة سلسلة رسائ":  "أعمال السفيق"
Muhammad Hayat b. Ibrahīm al-Sindhī al-Madni (d. 1163 AH/ 1750 AD)
MSS: K.B.L. XXXIV/178, No. 3257.
47. Al-Manāsik al-Ausat
   Rahmatullah Sindhī (d. 994 AH/ 1585 AD)
   (Untraceable)

48. Manāsik al-Hajj
   Hashim b. 'Abdul Ghafur al-Sindhī (d. 1174 AH/ 1760 AD)
   (Untraceable)

49. Al-Manāsik al-Kabīr
   Rahmatullah b. 'Abdul Ghafur al-Sindhī (d. 994 AH/ 1585 AD)
   (Untraceable)

50. Al-Manāsik al-Ṣaghīr
   Rahmatullah b. 'Abdul Ghafur (d. 994 AH/ 1585 AD)
   (Untraceable)

51. Masā'il Muqām Ṭuhr al-Mutakhallil Wa fī bāb al-Maṣḥ ʿala'-Khuffain min Sharḥ Waqāyah
   Burhanuddīn Dewī (belonged to the first half of 19th century AD)
52. *Muntaha al-Kalam fi Ghusl al-Aqdam* (مَنْتَهَى الْكَلَامِ فِي غُسْلِ الْإِقْدَامِ)
Muhammad Hadi (belonged to first quarter of 18th century AD)
MS: M.A.L. Habīb Ganj, No. 18/19, (38 folios) (compiled in 1114 AH/1702 AD).

53. *Al-Qaul al-Hasan fi ma Yata'allqa bi'l-Nawāfīl wa'l-Sunan* (الْقَوْلُ الْحَانِصِرُ فِي مَا يَتَالَّقُ بِالنَّوافِلِ وَالسُّناَمَ)
‘Abdul Halim b. Aminullah Lakhnawi (d. 1285 AH/1868 AD)
(Untraceable)

54. *Al-Qaul al-Ṣahih fi Salat al-Tasbih* (الْقَوْلُ الْصَّحِيحُ فِي صَلَةِ التَّسْبِيحِ)
Shah Khubullah Ilāhābādī (d. 1144 AH/1731 AD)
(Untraceable)

55. *Qurrat al-A‘īnain fi Iṣbat Rafa‘ al-Yadain* (تْرَةِ العِيْنِينِ فِي إِسْبَةِ رَفَا‘ الْيَدَيْنِ)
Fakhir Ilāhābādī b. Yahya Abbasi (d. 1165 AH/1751 AD)
(Untraceable)
56. *Al-Qaul al-Masmūʿ fi'l-Farq bain al-karā wa'l-Makrū* 

(Sayyid Murtaza Zabi b. Bilgramī (d. 1205 AH/1791 AD) 

(Untraceable) 


57. *Rasāʾīl al-Arkan* (also known as al-Arkan al-Arbāʿ) 

('Abdul 'Alī Bahrul 'Ulūm b. Nizamuddīn (d. 1235 AH/1819 AD) 


58. *Risālah Ahkām al-Mautā* 

(Sayyid Husain b. Dildār Nasiruddīn (d. 1273 AH/1856 AD) 

(Untraceable) 

Reference: Islami-Ulum, p. 177.

59. *Al-Risālah fi Bayān Anwāʿ al-Mashrūʿāt wa Ghair al-Mashrūʿāt* 

(Najibuddīn b. 'Alimuddīn (belonged to 2nd half of 19th AD) 

MS: M.A.L. Jawahar Musium No. 332, (13 folios).
60. Al-Risālah fi'l-Arba'ah al-lḥtiyātiya bād al-Jumu'ah
(الرسالة في الأربعة الاحتشائية بعد الجمعة)
Muhammad Abid Lahorī (d. 1160 AH/ 1747 AD)
(Untraceable)
Reference: Tazkirah, p. 201, Hadāʾiq, p. 444.

61. Risālah fi Ghusl al-Jumu’ah
(رسالة في غسل الجمعة)
Nurullah Shustri (d. 1019 AH/ 1610 AD)
(Untraceable)

62. Risālah fi lbaḥat-i-labs al-Nālain fi'l-Masjid
(رسالة فيнуدين في المسجد)
Husain b. Muhammad Dehlawī (d. 812 AH/ 1409 AD)
(Untraceable)

63. Risālah fi lghāt al-Jumu’ah wa'l-Jama‘ah
(رسالة في الغثاء الجمعة والجمعة)
Dildār ‘Alī b. Muhammad Muin (d. 1235 AH/ 1819 AD)
(Untraceable)

64. Risālah fi’l-Isharah bi’l-Sabbābah fi’l-Tashahhud
(رسالة في الإشارة بالسبابحة في التسليح)
Inayatullah Lahorī al-Hanafī (d. 1141 AH/ 1728 AD)
65. Risālah fi Jawāz-i-Masah āla'ī-Khuffain Taqiyyatan wa'l-Masah āla'ī-Jabirah fīl-Marz wa baqiyyat al-wuẓū bā'd Zawāl al-ʿUḏr

Muhammad Quli Husaini Kanturi b. Muhammad (d. 1260 AH/1844 AD)

Reference: Nuzhat, VII/472.

66. Risālah fi Jawāz-i-Imāmat al-Fāsiq

Muhammad Taqi b. Husain b. Dildār 'Alī (belonged to 19th century AD)

MS: R.L. 1/198, No. 215 (Compiled in 1258 AH)
Printed: Alwi Press, Lucknow, 1261 AH/1845 AD.

67. Risālah fi Taqdiḥ al-Mai al-Kastīr

Nurullah Shustari (d. 1019 AH/1610 AD)


68. Risālah fi'l-Kaffārah

Nurullah Shustrai (d. 1019 AH/1610 AD)

69. *Risālah fi‘l-Shakk fi‘l-Rakātān al-Awwālain min al-Ṣalāt*

Saiyyid Husain b. Dildār ‘Alī (d. 1273 AH/1856 AD)

(Untraceable)


70. *Risālah fi‘l-Tahqīq Raf‘ al-Sabbābah fi‘l-Tashahhud*

Burhanuddīn b. Sarfaraz ‘Alī (belonged to first half of 19th century AD)

(Untraceable)


71. *Risālah fi Tahqīq al-Auzan*

Raifuddīn b. Waliullah Dehlawī (d. 1233 AH/1817 AD)

(Untraceable)


72. *Risālah fi Wujūb-i-Ṣalāt al-Jumu‘ah*

Mirza Hasan Bakhsh Azimabadi (d. 1260 AH/1844 AD)

(Untraceable)


73. *Risālah Isbat al-Jahr bi‘l-Fātiha fi Ṣalāt al-Janāzah*

Fiqirullah b. Fathullah Lakhnawi (belonged to 1st half 16th century AD)

(Untraceable)

Reference: Islāmi-‘Ulūm, p. 175.

74. Risālah Manāsik al-Hajj wa’l-‘Umrah (رسالة مناسك الحج والعمرة)
Saiyyid Jalaluddīn Burhanpuri (d. 1273 AH/ 1856 AD)
MS: M.A.L. Zahkirah Sulaiman No. 64/36

75. Risālah manā Qirāt Fātiha Khalf al-Imām (رسالة من قراءة خلف الإمام)
Khurram ‘Alī Bilhauri (d. 1273 AH/ 1856 AD)
(Untraceable)

76. Risālah Sajdah Sahw (رسالة سجدة سهق)
Burhanuddīn Muhamad Dewī (d. 1042 AH/ 1632 AD)

77. Risālah Tahqīq Qazā al-Fawātīt (رسالة تحقيق قضا الفواتح)
Burhanuddīn b. Sarfraz Dewī

78. Risālah waṣa al-Yadain Taht al-Surrah (رسالة وضع اليدين تحت السرة)
Muhammad Hāshim b. ʿAbdul Ghafur Sindhī (d. 1174 AH/1760 AD)
(Untraceable)

79. Risālah Ziyārat al-Qubūr (رسالة زيارة القبور)
Jalaluddīn Burhanpuri (d. 1273 AH/1856 AD)
(Untraceable)

80. Sawāʾil al-Anwār fi Marifat Auqāt al-Ṣalāt waʾl-ʿAshār
(سواقي الأزFFFFفي معينة أوقات الصلاة والاسحار)
Muhammad Ghaus Madrasī (d. 1238 AH/1822 AD)
(Untraceable)
Reference: Fuqahāʾ, III/234.

81. Tanqih al-Kalām an Qirāṭ Khalf al-Imām (نتقीح الكلام عن قراءة خلف الإمام)
Muhammad Hashim b. ʿAbdul Ghafur Sindhī (d. 1174 AH/1760 AD)
MS: A.H. No. 434/4.

82. Tanwir al-Āinain fi Rafaʿ al-Yadain (تفعيل المعاليم في رفع يديين)
Muhammad Ismail Shahid Dehlawī (d. 1247 AH/1831 AD)
Printed: Matba Ahmadi, Delhi, 1256 AH/1840 AD (available in M.A. Library, Aligarh).


83. *Taswīr al-Tanwīr fī Sunnāt al-Bashīr al-Nāzīr* (تثبيت التنوير في سنة البشیر النازیر)
Mahbub 'Alī Dehlawī (d. 1280 AH/1863 AD)
MS: University Collection, 'Arabīa Mazhab, No. 118.

84. *Tazkirah al-Mautā wa'l-Qubūr* (تنذير الموت و القبور)
Qazi Şanaullah Panipati (d. 1225 AH/1810 AD)
(Untraceable)

85. *Tuḥfat al-Ṣā'im* (تحفة الصائم)
Mahdi b. Hadi b. Mahdi Lakhnawi (d. 1177 AH/1763 AD)
(Untraceable)

86. *Uddat al-Nāṣik fī'l-Manāsik* (عدة الناسك في المناسك)
Abū Hafs Sirajuddīn Umar b. Ishaq al-Hindi (d. 773 AH/1371 AD)
(Untraceable)
87. *Wasīlat al-Najāt fī Aḥkām al-Amwat* (وسائل انتقال في آلام الموت)
Qazi Sayyid 'Abdul Karim Rai Bareiwi (d.1248 AH/1832 AD)
(Untraceable)

88. *Zād al-Labīb fī Safar al-Habīb* (زاداللبيب في سفر الحبيب)
'Abdul Labib 'Abdullāh b. 'Abdul Hakim Siyālkotī (belonged to 17th century AD)
(Untraceable)

89. *Zīkr al-Salāt* (ذكر الصلاة)
Wahid al-Haq Bihari (d. 1200 AH/1785 AD)
(Untraceable)

90. *Zubdat Al-Fawā'īd* (about Sehr of Ramazān) (زبدة الفوائد)
Muhammad Mubin Lakhnawī (d. 1225 AH/1810 AD)
(Untraceable)
Reference: *Tazkirah*, p. 211.

91. *Al-Zukhr al-Rā'īq* (about purification) (الزخر الراقي)
Husain b. Dildār 'Alī (d. 1273 AH/1856 AD) (Untraceable)
Reference: *Nuzhat*, VII/142-143.
3. Issues of Family Life

92. 

Kitāb fi Mabhaṣ al-Razā (about fosterage)

Inayat Rasul b. ‘Alī Akbar (1244 AH/ 1828 AD)

(Untraceable)


93. 

Risālah Hurmat-i-Mutāh

Qazi Muhammad Sanaullah Panipati (d. 1225 AH/ 1810 AD)

(Untraceable)

Reference: Tazkirah, p. 38.

94. 

Risālah Nikāh Bint al-Zāniyah

Saiyyid Baqar b. Mahmmad Dildār ‘Alī Lakhnawī (d. 1276 AH/ 1860 AD)

(Untraceable)


95. 

Risālah Takhfīf-i-Mahr

Saiyyid Jalaluddin Burhanpuri (d. 1274 AH/ 1857 AD)

(Untraceable)

Reference: Tazkirah, p. 42.

96. 

Tāliq al-Afāẓīl fi Masālah al-Tuhr al-Mutakhallil

‘Abdul Halim b. Aminullah Lakhnawī (d. 1285 AH/ 1868 AD)

MS: I.O.L. No. 1597.
Printed: Alwi Press, Lucknow, 1853 AD.

97. *Tuḥfat al-Mushtaq fi Aḥkām al-Nikāh wa'l Infāq* ( tướngفة المشتاق في أحكام النكاح والإنفاق)

'Abdul Qadir b. 'Abdul Ahad (d. 1255 AH/ 1839 AD)  
(Untraceable)  
Reference: Nuzhat, VIII/277.

98. *Tuḥfat al-Mushtaq fi'l- Nikāh wa'l-Sadāq* (تجرة المشتاق في النكاح والسندات)

Mirza Hasan 'Ali Saghir Lakhnawi (d. 1226 AH/ 1811 AD)  
(Untraceable)  

4. Economic Issues  
a) Inheritance

99. *Al-Farā'īz al-Burhaniyah* (انفرائ صناعة البرصاءة)  
Burhanuddīn Dewī (belonged to first half of 19th century AD)  
(Untraceable)  

100. 'Ilm al-Farā'īz (علم الفرايضة)
101. Khulāṣat al-Fara'īz

Naimullah b. Habībullāh Lakhnawī (d. 1281 AH/ 1864 AD)
(Untraceable)

102. Kitāb al-Fara'īz

Ḥasan b. Muḥammad Ṣaghāni Lahorī (d. 650 AH/ 1252 AD)
(Untraceable)

103. Kashīf (about inheritance)

Abū ʿAbdul Karīm Ilāḥābādī b. Mīth al-Ḥussainī Samānī al-Amalwī (belonged to 19th century AD)
MS: K.B.L. XXXIV/163, No. 3245, (70 folios) (scribed by Gauhar Alī Siddiqi in 1231 / 1815 AD).

104. Nazm al-Fara'īz

Jaʿfar Alī Kasmandwī b. Baqar Alī (d. 1232 AH/ 1817 AD)
(Untraceable)
Reference: Tazkirah, p. 40, Nuzhat, VII/120.

105. Nazm al-Farā'īz al-Sirājīyah (نظم الفرائض السراجية)
Saiyyid ‘Abdul Awwaf Zaidpuri (d. 968 AH/1560 AD)
(Untraceable)

106. Risālah al-Farā'īz (رسالة الفرائض)
‘Abdullāh b. ‘Abdul Baqi Naqshbandi Dehlawi (d. 1012 AH/1603 AD)
(Untraceable)

107. Risālah fi‘l- Mawārīs (رسالة في المواريث)
Qazi Ruknuddin b. Muhammad Ahmad Kairanwi (d. 1228 AH/1637 AD)
(Untraceable)
Reference: Nuzhat, VII/189-190.

108. Risālah fi‘l- Mawārīs (رسالة في المواريث)
Qazi Nur al-Haq Kairanwi b. Muhammad Ashiq (d. 1180 AH/1766 AD)
(Untraceable)
109. Al-Risālah fi'l- Farāʾiz (versified, also known as Manhaj al-Farāʾiz) (رسالة في الفرائض (منقوطة))
‘Abdul Qadir Khairuddīn Jaunpuri (d. 1202 AH/ 1785 AD)
(Untraceable)

110. Risālah fi’l-Faraiz al-Hanafiyyah (رسالة في الفرائض الحنفية)
Qazi Ahmad ‘Ali b. Fath al-Sandelwī (d. 1200 AH/ 1785 AD)
(Untraceable)
Reference: Tazkīrah, p. 20, Nuzhat, VI/31.

111. Risālah fi’l-Mīrāṣ (رسالة في الميراث)
(Anonymous author)
MS: M.A.L. Qutubuddīn collection, (‘Arabīa fīqh Farāʾiz), No. 23/ 16-B (scribed by Maula Mohsin in 1118 AH/ 1706 AD).
(16 folios).

112. Risālah fi’l-Munasakhah (رسالة في المناسخة)
Ahmad b. Muhammad Wahid al-Haq Phulwārwī (d. 1251 AH/1837 AD)
MS: K.B.L. XXXIV/165, No. 3247.

113. Risālah Manẓūm (about inheritance) (رسالة منظمة من حيث يركة)
‘Abdul Qadir Jaunpuri b. Khairuddīn (d. 1202 AH/ 1785 AD)
(Untraceable)
114. *Risālah Manẓūm* (about inheritance) (رسالة منقومو متعلقة ببيان ميراث)

Saiyyid Ishaq Raibreilwi b. Irfan (d. 1234 AH/ 1818 AD)
(Untraceable)


115. *Al-Risālah al-Mīrāsiyyah* (رسالة المراشيه)

Saiyyid Dildār ʿAlī (d. 1235 AH/ 1819 AD)
(Untraceable)

MS: K.B.L. XXXIII/164, No. 1957, (82 folios)

116. *ʿUmdat al-Farāʾiz fiʾl- Farāʾiz* (عمردة الفرائض في الفرائض)

Sibghatullah b. ʿInayatullah Madrāsī (d. 1280 AH/ 1863 AD)
(Untraceable)


117. *Zubdat al-Farāʾiz* (زبدة الفرائض)

ʿImaduddīn Muhammad ʿUṣmani Lubkani (belonged to 19th century AD)


118. *Zubdat al-Farāʾiz* (زبدة الفرائض)

ʿAbdul Basit b. Rustam ʿAlī (d. 1223 AH/ 1808 AD)
(Untraceable)
(b) Land Rights

119. Risālah Ahḵam al-Ārāżī (رسالة حكّام الأراضي)
Muhammad A’la b. Qazi Muhammad Hamid Thanwi (d. 1191 AH/ 1777 AD)
(Untraceable)

120. Risālah dar Bai al-Ārāżī al-Kharājiyyah (رسالة داري الأراضي الخراجية)
Jalāluddīn Thānesrīd Kabuli (d. 990 AH/ 1582 AD)
MS: M.A.L. Zahkirah Shefta No. 26/24, (59 folios)
Printed: (Under the title of Tahqiq Arazi Hind), Matba Ahmadi, Muradabad, 1886 AD.

121. Risālah Tauris-i-Ārāżī (رسالة توریس اراضی)
5. Penal Matters

123. Fatāwā Ikhtiyār fi’l-Hudūd wa’l-Qisās
Hazaqat ‘Alī Khan Hakim Salamat ‘Alī Banārsī (belonged to 19th Century AD)
MS: M.A.L. Zamima Subhanullah No. 297.31/7, (210 folios)
(scribed by Shamsuddīn in 1271 AH/1802 AD)

124. Jām‘ī al-Tazīrāt min Kutub al-Ṣiqāt
Sirajuddīn ‘Alī Khan (belonged to 19th century AD)
MS: I.O.L No. 1718, R.L. 1/181, No. 118, (116 pages),
K.B.L. H.L. No. 13643.
6. Religious and Social Customs & Traditions

125. Alam al-Hudā fi Taḥrīm al-Mazāmīr wa'l-Ghinā

Khādīm Ahmad Lakhnawī (d. 1277 AH/ 1855 AD)
(Untraceable)
Reference: Tazkirah, p. 177, Nuzhat, VII/158.

126. Hadd al-Ghinā fi Ḥurmat al-Ghinā

Ismatullah b. Muhammad Azam Sahāranpūrī (d. 1039 AH/ 1629 AD)
(Untraceable)

127. Hidayat al Aʿmā fi Mabhaṣ al-Samā

Hūsain Khābbāz Khāshmīrī (d. 1050 AH/ 1640 AD)
(Untraceable)

128. Al-ʿĪṭīnā fiʿl-Ghinā

Muhammad Afzal Abbāsi Ilāhābādī (d. 1124 AH/ 1712 AD)
129. *Kashf al-Qinā `an wujūh al-Sama* (كشف القناء عن وجوه السماء)  
Fakhruddīn Zarrādī (d. 748 AH/ 1347 AD)


130. *Nūr al-Imān bi Ziyārat Āsār Habīb al-Rahmān*  
`Abdul Halim b. Aminullah Frangi Mahī (d. 1285 AH/ 1868 AD)

Printed: Matba `Alwi, 1283 AH/1866 AD, (36 pages)  


131. *Al-Qaul al-Sawāb fi Mas`āl al-Khizāb* (القول السواب في مسأل الخضاب)  
Turab `Alī Lakhnawi b. Shuja`at `Alī (d. 1281 AH/1865 AD)

*Islāmi-`Ulūm*, p. 172.

132. *Risālah fi Jawāz al-Istighāsa wa`l-Milād* (رسالة في جواز الاستغناء والميلاذ)  
Muhammad Abid b. Ahmad al-Sindhī (d. 1157 AH/ 1744 AD)
MS: M.A.L. 'Abdul Hai No. 602/26, (56 pages) (written in 1248 AH and scribed by 'Abdul Hai in 1277 AH)

133. Risālah fi Jawāz Istima' al-Ghinā
Muhammad Salim Dehlawī b. Salah (belonged to first half of the 19th Century AD)
(Untraceable)

134. Risālah fi Najāsat al-Khamr
Nurullah Shustari (d. 1019 AH/1610 AD)
(Untraceable)

135. Risālah fi Taḥrīm al-Ghinā
Qazi Sanaullah Panipati (d. 1225 AH/1810 AD)
(Untraceable)

136. Risālah fi Usūl al-Sama
Fakhruddīn Zarrādī (d. 748 AH/1347 AD)
Printed: Muslim Press, Jhajjar, 1311 AH/1893 AD.
137. **Risālah Ḥurmat wa Ibāhat-i-Surūd**

Qazi Muhammad Sanaullah Panipati (d. 1225 AH/ 1810 AD)
*(Untraceable)*


138. **Risālah Ibahat al-Samā'**

Fakhruddin Zarradī (d. 748 AH/ 1347 AD)
*(Untraceable)*


139. **Risālah Ibāhat al-Samā'**

Sulaiman b. Zakariya Quraishi Multani (belonged to 8th century AH)
*(Untraceable)*


140. **Risālah Tahqiq al-Hijab**

Rafiuddin Dehlawī (d. 1233 AH/ 1817 AD)
*(Untraceable)*

141. *Risālah Zahabiyah* (about use of utensils of gold and silver)

Saiyyid Dildār 'Alī Naqwi b. Muhammad Muin (d. 1236 AH/ 1820 AD)

(Untraceable)


142. *Risālah Ziyarat al-Qubūr* (رسالة زيارة القبور)

Jalaluddin Burhanpuri (d. 1273 AH/ 1856 AD)

(Untraceable)


143. *Salāl al-Samsām ālā man qāla anna al-Mazāmīr Laisat bi Ḥarām*

Ikramuddin Dehalwi b. Nizamuddin (b. 1191 AH/ 1777 AD)

(Untraceable)


144. *Umdat al-Taḥrīr fi masā'īl al-laun wa'l libās wa'l Harīr* (عمدة التحرير في مسائل اللباس وبالحريم)

'Abdul 'Alī Bahrul 'Ulūm (d. 1235 AH/ 1819 AD)

(Untraceable)

7. Science of Islamic Jurisprudence and its Principles

(İlm-i-Fiqh and Uşul-i-fiqh)

145. Asās al-Uşul

'Abdul Daim b. 'Abdul Hai al-Abbasi al-Guwayryari (belonged to 15th century AD)

(Untraceable)


146. Asās al-Uşül

Saiyyid Dildâr 'Alî (d. 1235 AH/ 1820 AD)


Printed: Matba Muhammadi, Lucknow, 1262 AH/ 1845 AD (228 pages) (available in M.L.A. Habib Ganj, Matbuat fiqh No. 19/36).

147. Al-Fâîq fi Uşül al-Dîn

Muhammad b. 'Abdul Rahîm Armawi al-Hindi (d. 715 AH/ 1315 AD)

(Untraceable)


148. Ifüdat al-Anwâr fî Iżâât-i-Uşül al-Manâr

Saduddîn Mahmud Dehlawî (d. 791 AH/ 1388 AD)
149. *I nād al-Islām al-Shahir bi Marāt al-ūqūl fi Ḥlm al-Uṣūl*  
Sāiyyid Dīlār ʿĀlī (d. 1235 AH/ 1820 AD)


150. *Kitāb fi'l- Fūrūʿ*  
Qāzī Ṣānāʿullāh Panipatī (d. 1225 AH/ 1810 AD)


151. *Kitāb al-Mufassir fi'l- Uṣūl*  
Amanaullah b. Nūrullāh (d. 1134 AH/ 1721 AD)


152. *Manāhij al-Tadqīq wa Māri j al-Taḥqīq (about principle of Islamic jurisprudence)*  
Abū ʿAbdullāh Ḥusain b. Dīlār ʿĀlī (d. 1271 AH/ 1845 AD)

153. Al-Mukhtasar fi'l-Furū' (المختصر في الفروع)

Habībullah Qannaujī (d. 1140 AH/ 1727 AD)

(Untraceable)

Reference: Tazkirah, p. 46, Hadaiq, p. 437-38, Nuzhat, VI/64.

154. Muḥkam al-Uṣūl (محكم الاصول)

Amanullah b. Nurullah Banarsi (d. 1133 AH/ 1720 AD)

MS: A.S.B. No. 605


155. Maniyyāt-o-Musallam al-Ṣubūt (منيايت مسلم الثبت)

Muhibbullah Bihari (d. 1119 AH/ 1707 AD)

MSS: R.L. 1/279 No. 112, (108 folios), (scribed in 1878 AD)


156. Muntaha al-Afkār (منتح الافکار)

Saiyyid Dildar 'Alī (d. 1235 AH/ 1820 AD)

Printed: Taswir Alam Press, Lucknow, 1330 AH/ 1911 AD, (400 pages).

157. Musallam al-Ṣubūt (مسلم الثبت)

Muhibbullah Bihari (d. 1119 AH/ 1707 AD)

158. Al-Nihāyah (about principle of Islamic jurisprudence) (النهایة)
Safiuddin Muhammad b. Rahîm Armawi Hindî (d. 715 AH/ 1315 AD)
(Untraceable)

159. Al-Qaul al-Māmūl fi fann al-Uṣūl (القول المعمول في فنFi al-Uṣūl)
Muhammad ‘Alî b. Saiyyind ‘Alî (belonged to 19th century AD)
Printed: Matba Faruqi, 1297 AH/1862 AD, (146 pages), (available in R.L. 1/277 No. 94).

160. Al-Risālah fi Uṣūl al-Fiqh (الرسالة في اصول الفقه)
Muhammad Ismail Shahid (d. 1247 AH/ 1831 AD)
161. Al-Risālah al-Sabiyah (about principle of Islamic jurisprudence)  
Safiuddīn Muhammad b. ‘Abdul Rahīm Armawi Hindī (d. 715 AH/1315 AD)  
(Untraceable)  
Reference: Fuqahā, 1/282.

162. Tanwīr al-Haq (about principle of Islamic jurisprudence)  
Qutubuddīn Dehlawī b. Muhibbuddīn (d. 1023 AH/1614 AD)  
(Untraceable)  

163. Al-wusūl ilā Ḳim al-Uṣūl  
Safiuddīn Muhammad b. ‘Abdul Rahīm (d. 715 AH/1315 AD)  
(Untraceable)  
8. *Ijtihad and Taqlīd*

164. *Dirāsat al-labīb fī UswaH-Hasnah bi’l-Ḥabīb*  
(دراسة اللبيب في أسرة الحسنة بالحبيب)  
Muhammad Muin Sindhī b. Muhammad Amin (d. 1161 AH/1748 AD)  
(Untraceable)  

165. *Al-Durral-Farid fī’l-manā’ ān al-Taqlīd*  
(الدراصلفرید في المنع عن التقليد)  
‘Abdul Haq Neotanawi b. Fazlullah Banārsī (d. 1286 AH/1870 AD)  
(Untraceable)  

166. *Hidāyaht al-Anām fī Isbāt-i-Taqlīd al-Aimmah al-Kiram*  
(هدایة الأنام في إثبت تقليد الأئمّة الكلّم)  
Khadim Ahmad Lakhnawī b. Haider (d. 1271AH/1855 AD)  
(Untraceable)  

167. *Ihya al-Ijtihad li Irshād al-Ibād*  
(إحياء الإجتهاد لرشاد العباد)  
Muhammad b. Saiyyid Dildār ‘Alī (d. 1248 AH/1868 AD)  
MS: K.B.L. XIX/88, No. 1589, (58 folios)  
168. *Al-Ibtida fi'l-Iqtida*  
Mir Kalan Akbarabadi (d. 1014AH/1605 AD)  
(Untraceable)  
Reference: *Tazkirah*, p. 504.

169. *Iqd al-jid fi Ahkam al-Ijtihad wa'l-Taqlid*  
Shah Waliullah Muhaddis Dehlawi (d. 1176 AH/1762 AD)  
Printed: Mujtubai Press, Delhi, 1310 AH.  

170. *Al-Qaul al-Sadid fi Masail al-Ijtihad wa'l-Taqlid*  
Shah Waliullah Muhaddis Dehlawi (d. 1176 AH/1762 AD)  
MS: K.B.L. XXXIV/22, No. 3116.  

171. *Al-Saif al-Hadid fi Qata al-Mazahib wa'l-Taqlid*  
‘Abdullāh Siddiqi Ilahābādī (belonged to second half of 19th century AD)  
(Untraceable)  
Reference: *Nuzhat*, VII/313.
9. Schools of *fiqh* & their differences

173. *Al-Asmār al-Jinniyah fi Asma al-Hanafiyyah*  
(الاسمارية في اسماء الحنفيّة)  
Mir Kalan Muhaddis Akbarabadi (d. 983 AH/1575 AD)  
(Untraceable)  

174. *Fatḥ al-Mannān fi Tāʾid al-Nūmān*  
(فتح المنان في تأييد النمنان)  
'Abdul Haq Muhaddis Dehlawi (d. 1052 AH/1642 AD)  
(Untraceable)  
Reference: *Fuqahā*, IV/258.

175. *Fatḥ al-Mażāhib al-ʿArbaʿah*  
(فتح المذاهب الأربعة)  
Fatḥ Muhammad Muhaddis b. Isa Burhanpuri (belonged to first half of 17th century AD)  
(Untraceable)  

176. *Al-Fawāʾid al-Ṣabghiyyah fiʾl-ʾfiqh al-Shafiʾīyyah*
177. Al-Ghurrat al-Munifah fi Tarjh Mazhab Abi Hanifah

Abu Hafs Sirajuddin Umar b. Ishaq (d. 773 AH/ 1371 AD)

MS: A.H.L. 1/14, No. 113 and 11/1096.

Printed: Karachi (n.d.)


178. Al-Hadd al-Wasit fi'l-Ifrat wa'l-Tafrit

Muhammad Baqar Madrasi (d. 1220 AH/ 1805 AD)

(Untraceable)

Reference: Tazkirah, p. 188, Abjad, p. 924-25.

179. Al-Inshaf fi Bayan Asbab al-Ikhtilaf

Shah Waliullah Muhaddis Dehlawi (d. 1176 AH/ 1762 AD)


Printed: Dar al-Nafais, Beirut, 1977 AD.

Reference: Tazkirah, p. 251, Nuzhat, VI/409.

180. Izalat al-Ghummah fi Ikhtilafat al-Ummah

(Anala' al-nama in Ikhtilafat al-Imama)
181. Kifayat al-Mubtadi fi Fiqh al-Shafi’i

Mohd. Ghaus b. Nasiruddin Madrasî (d. 1238 AH/ 1822 AD)
(Untraceable)


Hamid b. Ibrahîm al-Sindhî (d. 1011 AH/ 1602 AD)

MS: R.L. 1/238.

183. Al-Jawâhir al-Munifa fi Usûl-i-Adillat Mazhab al-Imâm Abî Hanî’fah

Saiyyid Murtaza Zabidi Bilgrâmî (d. 1205 AH/ 1791 AD)
(Untraceable)

184. Risâlah fi Iqtida bi’l-Shafi’îya wa’l-Khilaf bi Zalika
10. Judicial Administration  
(Qazā, Ifta, Hisbah)

186. Ādāb al-Hisbah  
Ismatullah Sahāranpūrī (d. 1039 AH/1629 AD)  
(Untraceable)  

187. Niṣāb al-Iḥtisāb  
Qāżī Žiauddīn ʿUmar b. Iwāz al-Hanafī (belonged to 14th century AD)


Reference: Nuzhat, II/63, Adab mein Hindustān, p. 185-86.

188. Sinwān al-Qażā wa Unwān al-iftā'  صنوان القضا و عسوان  إلافتاء
Abul Mahamid Muhammad b. Muhammad b. Ismail Usqrqani (d. 646 AH/1248 AD)


189. Zād al-Taqwā fi Adāb al-Fatwā  زاد التقوى في أدب الفتاوى
Khadim Ahmad Lakhnawi (d. 1271 AH/1855 AD)
(Untraceable)

Reference: Tazkirah, p. 56, Hadā'i'q, p. 476.

11. Miscellaneous Issues

190. Al-Biḥār al-Zahkirah (also known as al-Bahr al-Zakhir. It is an abridgement of al-Sirāj al-Wahhāj al-Muwajjih likulli Talibin Muḥtajin of Ahmad b. Muhammad b. Iqbal)
191. **Dark al-Maˁrib fi Adab al-Luhā waʾl-Shawārib**

Turab ʿAlī Lakhnawī (d. 1281 AH/ 1864 AD)


192. **Dastūr al-Haqāʾiq**

Fakhruddīn Hanswī (belonged to 14th Century AD)


193. **Al-Durar al-Kaminah (about general Issues of fiqh)**

Shaikh Safiuddīn Muḥammad b. ʿAbdul Rahīm al-Hindī (d. 715 AH/ 1315 AD)


194. **Al-Fawaiḍ al-Ghausiyah**

ʿAbdullāh b. Sibghatullāh b. Muḥammad Ghaus Madrasī (d. 1288 AH/ 1872 AD)
195. Al-Fāzil fi'l- Fiqh
Habībullah Qannaujī (d. 1140 AH/ 1227 AD)


196. Fiqh-i-Makhdūmī
Alauddīn 'Alī b. Ahmad al-Mahaimī (d. 835 AH/ 1431 AD)

Reference: Tazkirah, p. 147, Nuzhat, 111/79-80, 'Arabī Adabiyyāt, p. 98, Makhdum 'Alī Mahaimī, p. 120.

197. Ghāyat al-Bayān fima yata'allaqo bi'l-Ḥayawan
Muhammad Muin Lakhnawī (d. 1258 AH/ 1842 AD)

Reference: Tazkirah, p. 228, Nuzhat, VII/476.

198. 'Ilm al-Yaqīn fi Masā'il-i-Arbā'in
Shaukat 'Alī Sandelwī (d. 1234 AH/ 1818 AD)


199. Al-Jawāhir al-Nafīsah

(Untraceable)
Muhammad Nāsir b. Mohd. Yahyā Ilāhābādī (d. 1163 AH/1750 AD)
(Untraceable)
Reference: Nuzhat, VI/357-358, Abab mein Awadh, p. 89.

200. Jauhar al-Nizām (about different issues of fiqh in versified form)

Shuja’uddīn Hyderabadi b. Karim (d. 1265 AH/1848 AD)
(Untraceable)

201. Kanz al-Sā’ā dah

Muinuddīn b. Khawaja Naqshbandi Kashmirī (d. 1085 AH/1674 AD)
(Untraceable)

202. Kashf al-Ghummah

Ilahdad Sultanpuri (d. 1006 AH/1597 AD)
(Untraceable)

203. Kashf al-Khulāsah

Shuja’uddīn Hyderabadi (d. 1265 AH/1848 AD)
(Untraceable)
204. Khazānat al-Riwayāt

Qazi Jakkan Gujrati (d. 920 AH/1514 AD)

205. Khulāsāt al-Fiqh

‘Abdul Latif b. ‘Abdul Azīz Lahorī (d. 830 AH/1426 AD)
(Untraceable)

206. Kifayat al-Mubtadrī

Muhammad Ghaus Shafī‘i Madrasī b. Naṣiruddīn (belonged to last decade of 18th century AD)
(Untraceable)

207. Kitāb al-Fiqh

Abul Wafa Kāshmīrī (d. 1179 AH/1575 AD)
(Untraceable)
Reference: Nuzhat, VII/19.

208. Kitāb al-Taqwā wa Risālah Ahl al-Husnā

(Untraceable)
209. Al-Ma‘dat al-Muhammadiyah

Nūr Muḥammad Lāhorī (belonged to 18th century AD)

MS: K.B.L. XIX/26, No. 1525, (75 folios)

Reference: Nuzhat, VI/396.

210. Masā’il al-Arbā‘īn

Muhammad Ishaq Dehlawī (d. 1261 AH/ 1845 AD)

(Untraceable)


211. Masal al-Sā‘īr

Muhammad A‘lam Sandelwī (d. 1199 AH/ 1784 AD)

(Untraceable)


212. Matalib al-Muminin

Badar b. Taj b. ‘Abdul Rahīm Lahorī (belonged to 14th century AD)


213. Miat al-Masā'il al-Shariyyah
(مئا المسائل الشرعية)
Muhammad Ishaq b. Muhammad Afzal Dehlawi (d. 1262 AH/ 1845 AD)
(Untraceable)

214. Mufid fīmā Yūkalo wa mālā Yūkalo
(مفيد فيما يكمل وما لا يكمل)
Muhammad Shamsuddīn (belonged to 19th Century AD)

215. Mulhim al-Ghaib
(ملهم الغيب)
Muhammad Sharif Kamboh (belonged to first half of 17th century AD)
MS: K.B.L. XXXIII/54, No. 1779, (64 folios)

216. Risâlah fi Iba'at Ribh al-Qarz min al-Muqraz
(رسالة في إبائة ريب القرض من المقرز)
Sharfuddīn Rāmpūrī (d. 1268 AH/ 1851 AD)
(Untraceable)

217. Shāmil fī'īl- Fiqh
(شامل في الفقه)
Sirajuddin Umar b. Ishaq (d. 773 AH/1371 AD)
(Untraceable)

218. Sharai al-Islam

Najmuddin Abul Qasim Ja'far b. Said (belonged to 19th century AD)

219. Tabi'd al-'Ulama an Taqrib al-Umara

Mir Kalan Muhaddis Akbarbadi (d. 983 AH/1575 AD)
(Untraceable)

220. Al-Wajiz

Saiyyid Ahmad Hargamwi b. Masud (d. 1170 AH/1756 AD)
(Untraceable)
Reference: Nuzhat, VI/25.

221. Zubdat al-Riwayat

Saiyyid Ali Jalendhri b. Atiqullah (d. 1202 AH/1787 AD)
(Untraceable)

(B) 1. (a) General Works

222. Fatih al-Muin (Commentary of Qurrat al-Ain of the same author)
Ziauddin b. 'Abdul Aziz (belonged to last decade of 16th century AD)
(Untraceable)
Reference: 'Arabi Adabiyyat, p. 98.

223. *Fath al-Qadir Sharh al-Hidayah* (فتح الفضيل شرح المدآية)
Qazi Muhammad Isa Junagarhi (d. 1132 AH/ 1719 AD)
(Untraceable)
Reference: 'Arabi Adabiyyat, p. 305.

224. *Al-Fawai'd al-Sabghiyah fi Sharh al-Sirajiyah*

Muhammad Ghaus b. Nasiruddin (d. 1238 AH/ 1822 AD)
(Untraceable)

225. *Khazanat al-Shuruh*

Muhammad Mubin b. Muhibullah Lakhnawi (d. 1225 AH/ 1810 AD)


226. *Manahij al-Faraiz Sharh Iqd al-Faraiz* (about inheritance)

'Abdul Qadir Jaunpuri b. Khairuddin (d. 1202 AH/ 1785 AD)
227. Multaqit al-Haqaiq fi Sharh Kanz al-Daqaiq


Inayatullah Qadir Lahorî (d. 1141 AH/ 1728 AD)


228. Sharh bab al-Šaum min Hadâi’q al-Muttaqin

Saiyyid Dildâr ‘Alî (d. 1235 AH/ 1819 AD)


229. Sharh Bāb al-Zakat min Hadâi’q, al-Muttaqin

Saiyyid Dildâr ‘Alî (d. 1235 AH/ 1819 AD)


230. Sharh al-Faraiz al-Sirâjîyah (versified)

‘Abdul Awwal Zaidpûri (d. 968 AH/ 1560 AD)

Reference: (Untraceable)
231. **Al-Sharḥ al-Basīṭ fi’l- Faraiz** (شرح البسيط في الفرايز)
Wajihuddin Gujarati (d. 998 AH/ 1589 AD)

232. **Al-Sāādat al-Abadiyahfi Taḥqiq al-Dairat al-Hindīyah**
(السعادة الإمكاني في تحقيق الدائرة الهندية)
(A commentary of a part of Sharḥ-i-Waqayyah relating to the sunset in the Indian context)
Khadim Ahmad Lakhnawi b. Farangi Mahī (d. 1272 AH/ 1852 AD)
MS: K.B.L. XXXIV/97, No. 3196, (12 folios).

233. **Sharḥ al-Hidāyah (also known as Hidāyah fīl-Fiqh)**
Qazi Hamidullah Mukhlis b. ‘Abdullāh Dehlawi (d. 764 AH/ 1362 AD)
(Untraceable)
234. Sharḥ al-Hidāyah

Ilahadad Jaunpuri (d. 933 AH/ 1520 AD)
(Untraceable)

235. Sharḥ Hidāyah al-Kabīr (also known as Taushīḥ)

Abū Hafs Sirajuddīn Umar al-Hindī (d. 773 AH/ 1371 AD)
(Untraceable)

236. Sharḥ Jāmī' al-Saghīr

Abū Hafṣ Sirajuddīn Umar al-Hindī (d. 773 AH/ 1371 AD)
(Untraceable)

237. Sharḥ kanz al-Daqāiq

Mahmud b. Muhammad Dehlawī (d. 791 AH/ 1388 AD)
(Untraceable)
Reference: Nuzhat, 11/154, Fuqahā, 1/299.

238. Shah Kanz al-Daqāiq

Abul Fuzail Saduddīn 'Abdullāh b. 'Abdul Karim Dehlawī (d. 791 AH/ 1486 AD)
239. Sharḥ lubab al-Manāsik
Rahmatullah Sindhī (d. 994 AH/ 1585 AD)
MS: A.H.L.11/165, No. 735, (321 folios) (scribed in 1270 AH)

240. Sharḥ al-Mughni
Umar b. Ishaq al-Hindi (d. 773 AH/ 1371 AD)

241. Sharḥ Mukhtasar al-Fara‘īz
Habībullah Qannaujī (d. 1140 AH/ 1727 AD)
MS: K.B.L. XXXIII/168, No. 1960, (24 folios)
Reference: Tazkirah, p. 46, Hadā‘īq, 437-38, Nuzhat, VI/64.

242. Sharḥ Mukhtasar al-Fara‘īz
‘Abdul Basit b. Rustam ‘Alī Qannaujī (d. 1223 AH/ 1808 AD)
MS: K.B.L. XXXIII/168, No. 1960, (24 folios) (compiled in 1804 AD, scribed by Hamiduddīn Qannaujī)

243. Sharḥ al-Mukhtasar
Abū Hafs Sirajuddīn Umar al-Hindī (d. 773 AH/ 1371 AD)
(Untraceable)
Reference: Al-Fawā'īd p. 122, ‘Arabi Adabiyyāt, p. 294,
Adab mein Hindustān, p. 193.

244. Sharḥ Wajīz fi' l- Farāiz
Saiyyid Ahamd b. Masud Hargamwi (d. 1175 AH/ 1761 AD)
(Untraceable)
Reference: Adab mein Awadh, p. 89.

245. Sharḥ al-Ziyadat
Abū Hafs Sirajuddīn Umar al-Hindī (d. 773 AH/ 1371 AD)
(Untraceable)

246. Al-Siqāyat li Ṭshān al-Hidāyah
‘Abdul Halim b. Aminullah (d. 1285 AH/ 1868 AD)
MS: M.A.L. ‘Abdul Hai Collection, No. 376/84
Reference: Tazkīrah, p. 112, Hadā‘īq, p. 484, Nuzhat,
VII/253.

247. Takmilah Sharh al-Tahrir (of Ibn-Humam)
‘Abdul ‘Alī Bahrul ‘Ulūm (d. 1225 AH/ 1810 AD)
(Untraceable)
Reference: Hadā‘īq, p. 467, Abjad, p. 927, Nuzhat, VII/289-
90, Tazkīrah Musannīfīn, p. 152.
248. Zubdat al-Albab (Summary of Fātihat al-Sawāb fi Qira'at Fātihat al-Kitāb) 
Zubdat al-Albab (Summary of Fātihat al-Sawāb fi Qira'at Fātihat al-Kitāb) 
Jalaluddīn Ahmad Banārsī (d. 1277 AH/ 1860 AD) 
Printed: Said al-Matabe, Dara Nagar (n.d.) 
Reference: Tazkirah, p. 41.

(B) 1: (b) Usūl-i-fiqh

249. Kashf al-Mubham min mā fi'l- Musallam (كشف المبهم من ما في المسلمين) 
Qazi Muhammad Bashiruddīn b. Muhammad Karim Qannaujī (d. 1273 AH/ 1879 AD) 
Printed: Kanpur 1247 AH/ 1831 AD (available in R.L. 1/278, No. 98 and D.U.L./163 No. 251/18 (10) 

250. Nūr al-Anwār fi Sharḥ al-Manār (نور الأناور في شرح المنار) 
Ahmad Jiwan Amethwī (d. 1130 AH/ 1717 AD) 
Printed: Afzalul-Matabe, 1888 AD, (256 pages) 
Reference: Maāsir, 1/216, Subhat, p. 79, Hadāī'q, p. 436.
251. Sharḥ al-Bazdawī

Shahabūddīn Daulatabadi Jaunpuri (d. 1261 AH/ 1845 AD)
(Untraceable)

252. Al-Sharḥ ʿalā l-Manār (also known as Al-Sharahat al-Maaliyya)

'Abdul Salam Dewī (d. 1042 AH/ 1632 AD)
MS: K.B.L. XIX/16, (240 folios)
Reference: 'Arabī Adabiyyāt, p. 302

253. Al-Sharḥ ʿalā-Uṣūl al-Bazdawī

Saduddīn b. Qazi Buddan (d. 882 AH/ 1477 AD)
(Untraceable)

254. Sharḥ ala-Uṣūl al-Bazdawī

Wajihuddīn Gujrati b. Nurullah (d. 998 AH/ 1589 AD)
(Untraceable)
Reference: Nuzhat, IV/344.

255. Sharḥ ʿalā-Uṣūl al-Bazdawī

Saduddīn Khairabadi (d. 874 AH/ 1469 AD)
(Untraceable)
256. \textit{Sharḥ ālā-Uṣūl al-Bazdawi} (شرح علي اصول البزودي)
Ilahdad Jaunpuri (d. 932 AH/1525 AD)
(Untraceable)

MS: K.B.L. XIX/5, No. 1494, (544 folios)

257. \textit{Sharḥ ala-Uṣūl al-Bazdawī} (شرح علي اصول البزودي)
Shaikh Ahmad Thanesrī (d. 849 AH/1445 AD)
(Untraceable)
Reference: \textit{Abjad}, p. 892.

258. \textit{Sharḥ ālā Badi al-Uṣūl} (شرح علي بديع الاصول)
Sirajuddin Umar b Ishaq (d. 773 AH/1371 AD)
(Untraceable)
Reference: \textit{Al-Fawai’d} p. 122, \textit{Adab mein Hindustān}, p. 193.

259. \textit{Sharḥ Dāir al-Uṣūl} (شرح دائر الاصول)
Muhammad Alam b. Muhammad Shakir (d. 1189 AH/1775 AD)
(Untraceable)

260. \textit{Sharḥ al-Husāmī} (شرح الحسامي)
Muinuddin Imrani Dehlawi (d. 752 AH/1351 AD)
(Untraceable)

261. Sharḥ al-Husāmī (شرح الحسامي)
Saduddīn Khairabādī (d. 882 AH/ 1477 AD)
(Untraceable)

262. Sharḥ al-Husāmī (شرح الحسامي)
Abū Yūsuf Bannānī Lahorī (d. 1098 AH/ 1686 AD)
MS: M.A.L. Subhanullah No. 297.32/2, (233 folios)
Reference: Nuzhat, VI/454.

263. Sharḥ al-Manār (شرح المناصر)
Abū Hafs Sirajuddīn al-Hindī (d. 773 AH/ 1371 AD)
(Untraceable)

264. Sharḥ al-Manār (also known as Taujīh al-Kalām) (شرح المناصر)
Yūsuf b. Jamaluddīn Multānī (d. 790 AH/ 1388 AD)
(Untraceable)

265. Sharḥ al-Manār (also known as Izāfat al-Anwār) (شرح المناصر)
Saduddīn Mahmūd b. Mohd. Dehlawī (d. 891 AH/ 1486 AD)
(Untraceable)
266. *Al-Sharh ala'l-Manār*

'Abdul Salam Dewī (d. 1042 AH/ 1632 AD)

MS: K.B.L. XIX/16, No. 1508, (240 folios)

Reference: *Tazkirah*, p. 269.

267. *Sharḥ al-Manār*

Rustam ‘Alī b. ‘Alī Asghar Qannaujī (d. 1178 AH/ 1764 AD)

(Untraceable)


268. *Sharḥ Musallam al-Šubūt*

Niẓamuddīn Farangī Mahlī Sihalwi (d. 1161 AH/ 1748 AD)

(Untraceable)


Printed: Kanpur, 1316 AH/ 1898 AD.


269. *Sharḥ Musallam al-Šubūt*

Ahmad ‘Abdul Haq b. Muhammad Said (d.1187 AH/1772 AD)

(Untraceable)

270. *Sharḥ Musallam al-Ṣubūt* (شرح مسلم النبرت)
Muhammad Hasan b. Ghulam Mustafa Lakhnawi (d. 1199 AH/ 1784 AD)
(Untraceable)
MSS: K.B.L. XXXIV/14, No. 3105, (128 folios), I.O.L. No. 1496, R.L. 1/275, No. 72, (205 folios)

271. *Sharḥ Musallam al-Ṣubūt* (شرح مسلم النبرت)
Muhammad Mubin b. Muhibbullah Farangi Mahi (d. 1225 AH/1810 AD)
Reference: *'Arabī Adabiyyāt*, p. 311.

272. *Sharḥ Musallam al-Ṣubūt* (known as *Fawatih al-Rahmut*)
*'Abdul ‘Alī Bahrul ‘Ulûm* (d. 1235 AH/ 1819 AD)
273. **Sharḥ Musallam al-Ṣubūt** (known as Nafāʾis al-Malakūt)

Waliu'llah b. Ḥablūlāh Lakhnawī (d. 1270 AH/1853 AD)

(Untraceable)


274. **Sharḥ Tahrīr al-'Uṣūl al-Dīn**

Nizamuddīn Farangī Mahlī (d. 1161 AH/1748 AD)

MS: A.S.B. No. 1/536.


275. **Sharḥ Zubdat al-Usūl**

Hamdūlāh b. Shukrūlīh Sandelwī (d. 1160 AH/1747 AD)


Reference: *Adab mein Awadh*, p. 89.

276. **Sharḥ Zubdat al-Usūl**
Saiyyid Abūl Ḥasan Kasmīrī Lakhnawī b. Naqishah (d. 1282 AH/ 1866 AD)
(Untraceable)

277. **Sharḥ Zubdat al-Uṣūl** (شرح زيادة الأصول)
Jawad Kazimi (n.d.)
MS: M.A.L. Zamima University No. 6/3, (366 folios) (scribed before 1857 AD).

278. **Al-Ṣubḥ al-Sādiq le-Sharḥ al-Manār** (الصح انصادق لشرح السنن)
Nizamuddīn Farangī Mahlī (d. 1161 AH/ 1748 AD)
MS: Kutubkhana Anwāriya, Kakori (Fiqh) No. 7/1

279. **Takmilah Sharḥ Tahrīr al-Uṣūl** (تكمل شرح تحرير الأصول)
‘Abdul ‘Alī Farangī Mahlī b. Nizamuddīn (d. 1225 AH/ 1810 AD)
(Untraceable)

**B-2: (a) General Works**

280. **Al-Fawai‘d al-Ārifiya** (A detailed Hāshiyah on al-Waqāyah)
الفوائد الأرجメンتية
Saiyyid Mahdi (belonged to 18th century AD)
281. Ghayat al-Hawashi ala'l-Sharh Al-Fawai'd

Abul Ma'arif Inayatullah Qadir Lahori (d. 1141 AH/1728 AD)
(Untraceable)


282. Hashiyah ala'l-Faraiz al-Sirajiyah

'Abdul Nabi b. Qazi 'Abdul Rasul Usmani Ahmadnagri (d. 1144 AH/1731 AD)
(Untraceable)


283. Hashiyah ala'l-Hidayah

Husain b. Umar Ghiyaspuri (d. 797 AH/1394 AD)
(Untraceable)


284. Hashiyah ala'l-Hidayah

Nurullah Shustari (d. 1019 AH/1610 AD)
(Untraceable)


285. Hashiyah ala'l-Hidayah

286. **Hashiyah 'ala'l-Hidayah** (حاشیه على‌الهدایه)

Waliu'llah b. Habibullah Lakhnawi (d. 1270 AH/ 1853 AD)

(Untraceable)


287. **Hashiyah 'ala'l-Hidayah** (حاشیه على‌الهدایه)

Ilahadad b. 'Abdullāh Jaunpuri (d. 923 AH/ 1517 AD)

MS: M.A.L. 'Abdul Hai No. 408/116, (367 folios)


288. **Hashiyah Hidayat al-Fiqh** (حاشیه هدایة الفقه)

Wajihuddin Gujarati (d. 978 AH/ 1570 AD)

(Untraceable)


289. **Hashiyah 'alā Kanz al-Daqāiq** (حاشیه على کنز الدقائی)

Mu'inuddin Imrani Dehlawi (d. 752 AH/ 1351 AD)

(Untraceable)
290. Hashiyah ala Sharh al-Waqayah (حاشیه على سیرن الإرواحیة)
Saduddin Khairabadi (d. 874 AH/1469 AD)
(Untraceable)

291. Hashiyah ala Sharh al-Waqayah (حاشیه على سیرن الإرواحیة)
Wajihuddin Gujarati (1184 AH/1570 AD)
MS: M.A.L. Zahkirah Sulaiman No. 60/32, (276 folios) (scribed before 1190 AH).

292. Hashiyah ala Sharh al-Waqayah (حاشیه على شرح الرقایة)
Nurullah Shustari (d. 1019 AH/1610 AD)
(Untraceable)
Reference: Tazkirah, p. 245.

293. Hashiyah ala Sharh al-Waqayah (حاشیه على شرح الرقایة)
Qazi Ismatullah Saharanpurī (d. 1039 AH/1629 AD)
294. Hashiyah ála Sharh al-Waqayah

Nuruddín Ahmadábádi b. Shaikh Muhammad (d. 1155 AH/1742 AD)

(Untraceable)


295. Hashiyah ála Sharh al-Waqayah

Aminullah Farangî Mahlí b. Muhammad Akbar (d. 1253 AH/1837 AD)

(Untraceable)


296. Hashiyah Sharh al-Waqayah

Shah Amanullah Phulwârî (d. 1055 AH/1645 AD)

MS: Library of Khanqah Mujibiya, Phulwari Sharif, Patna, (300 pages)

297. Hashiyah Sharh al-Waqayah

Muhammad Waris Banrasi (d. 1167 AH/ 1753 AD)
(Untraceable)
Reference: Tazkirah, p. 218, Nuzhat, VI/361, Adab mein Awadh, p. 89.

298. Hashiyah Sharh al-Waqayah

Khadim Ahmad Lakhnawi b. Haider (d. 1271 AH/ 1854 AD)
(Untraceable)

299. Hashiyah Sharh Waqayah

Muhammad Khazin (belonged to 19th century AD)

300. Hawashi 'ala'l-Hawashi al-Hindiyyah

Ilahdad Jaunpuri (d. 932 AH/ 1525 AD)
(Untraceable)

301. Hidayaht al-Fiqh (detailed Annotation of al-Waqayah)

Saiyyid Mahdi (belonged to 18th century AD)
MS: K.B.L. XIX/152, No. 1664, 200 folios.

302. Mukhtasar al-Hidayah

(Mukhtasar al-Hidayah)
Ahlullah Dehlawi b. ‘Abdul Rahim Phulati (belonged to 17th century AD)

MS: M.A.L. Habib Ganj, No. 17/118, (82 folios)


303. Qurrat al-Ainain

Ziyauddin b. ‘Abdul Aziz (d. 991 AH/ 1583 AD)

(Untraceable)


304. Talliqat ala-Sharh al-Waqayah

Khadim Ahmad Lakhnawi b. Haider (d. 1271 AH/ 1854 AD)

(Untraceable)


305. Talliqat ‘ala’l Sharifiyah

Qazi ‘Abdul Nabi Ahmadnagri b ‘Abdul Rasul (d. 1144 A.H/ 1731 AD)

(Untraceable)


306. Talliqat ‘ala’l-Sharifiyah

Shahi Beg b. Zinnun al-Qandhi d. 928 AH/ 1521 AD)

(Untraceable)

Reference: Nuzhat, IV/120.
307. Tālīqat ala'l-Sharṭfīyah
Muinudin Imrani (d. 752 AH/1351 AD)
(Untraceable)
Reference: Fuqahā, 1/299-305.

308. Tālīqat Mukhtaṣar Abū Shuja’
Mohd. Ghaus Madrasī b. Naṣiruddīn (d. 1238 AH/1822 AD)
(Untraceable)

309. Tawāli’ al-Anwār ala'l-Durr al-Mukhtar
Muhammad Abid Sindhī (d. 1257 AH/1841 AD)
(Untraceable)
Reference: Tazkirah, p. 202, Hadā’iq, p. 473, Abjad, p. 850,

B-2: (b) Usūl-i-fiqh

310. Fuṣūl al-Hawashi li Uṣūl al-Shāshi
Ilahdad Jaunpuri (d. 923 AH/1517 AD)

311. Hāshiyah al-Dā’ir Sharḥ al-Manār
(This Hāshiyah may be seen on the margin of another
Hāshiyah of the same book known as Qamr al-Aqmār)
Qazi Kālīl al-Rahmān b. Irfan Rāmpūrī (n.d.)
312. Ḥāshiyyah ʿalaʾl-Manār
Muinudin Imrani Dehlawī (d. 752 AH/1351 AD)

313. Ḥāshiyyah ʿalaʾl-Qawāʾid al-Aḥkām al-Fiqhiyāh
Nūrullāh Shustari (d. 1019 AH/1610 AD)

314. Ḥāshiyyah ʿalā Sharḥ Musallām al-Subūt
Aminullah b. Muhammad Akbar (d. 1253 AH/1837 AD)

315. Ḥāshiyyaḥa ʿalā Sharḥ al-Manār
ʿAbdul ʿAlī Qannaujī b. ʿAlī Asghar (belonged to 19th cent. AD)

316. Ḥāshiyyah ʿalā Sharḥ Musallām al-Subūt
Aminullah b. Muhammad Akbar (d. 1253 AH/ 1837 AD)
(Untraceable)

317. Ḥāšiyah ʿalaʾ-Ṭalwīḥ
Muinuddīn Imrānī Dehlawī (d. 752 AH/ 1351 AD)
(Untraceable)
Reference: Ḥārīṭ Adabiyyāt, p. 293.

318. Ḥāšiyah ʿalaʾ-Ṭalwīḥ
Saduddīn Khairābad (d. 874 AH/ 1469 AD)
(Untraceable)

319. Ḥāšiyah ʿalaʾ-Ṭalwīḥ
Wajihuddīn Gujrātī (d. 998 AH/ 1589 AD)
(Untraceable)
Reference: Nuzhat, IV/344.

320. Ḥāšiyah ʿalaʾ-Ṭalwīḥ
Shaikh Yaqūb b. Al-Ḥasan Kāshmirī (d. 1003 AH/ 1594 AD)
(Untraceable)
Reference: Nuzhat, VI/452.

321. Ḥāšiyah ʿalaʾ-Ṭalwīḥ
Jamaluddīn Gujrātī (d. 1124 AH/ 1712 AD)
(Untraceable)
322. Hashiyah 'ala'l-Talwīh

Amanullah Banārsī (d. 1133 AH/ 1720 AD)

(Untraceable)

Reference: Nuzhat, VI/41.

323. Hashiyah 'ala'l-Talwīh

Nuruddin b. Muhammad Ahmadabadi (d. 1155 AH/ 1742 AD) (Untraceable)


324. Hashiyah 'ala'l-Tauzīh wa'l-Talwīh

'Abdul Hakim Siyālkotī (d. 1067 AH/ 1656 AD)


325. Hashiyah 'ala'l-Tauzīh wa'l-Talwīh

Aminullah b. Muftī Muhammad Akbar (d. 1253 AH/ 1837 AD) (Untraceable)

Reference: Awadh, ka Hissah p. 91.

326. Hashiyah 'ala Uṣūl al-Bazdawi

Wajihuddin Gujarati (d. 998 AH/ 1589 AD) (Untraceable)

Reference: Nuzhat, IV/344, 'Arabī Adabiyyāt, p. 301.

327. Hashiyah Husāmī

Muinuddin Imrani (d. 752 AH/ 1351 AD)

328. Ḥāshiyah Sharḥ al-Ḥusāmī (حاشیه سرخ الحسائی)
Maulwi Jaun Malik al-Wahhab (belonged to 19th century AD)
MS: M.A.L. Zahirah Sulaiman, (Usul-i-fiqh 'Arabi'a), No. 73/3 (ascribed in 1277 AH), (60 folios)

329. Ḥāshiyah Ḥusāmī (حاشیه حسایم)
Qazi Abd al-Nabi b. Abd al-Rasul Ahmadnagri (d. 1144 AH/ 1731 AD)


330. Mukhtasar Nūr al-Anwār (مختصر نورالانوار)
Rustam 'Ali Qannaujī b. 'Ali Asghar (d. 1178 AH/ 1764 AD)


331. Qamr al-Aqmār Ḥāshiyah Nūr al-Anwār (قارالاثمار حاشیه نورالانوار)
'Abdul Halim b. Aminullah Frangi Mahlī (d. 1285 AH/ 1868 AD)

MSS: M.A.L. Farangi Mahal No. 459/4, (215 folios)
(compiled in 1276 AH/ 1859 AD), R.L. II/528, No. 630.
332. *Qurrat al-Anzār Ḥāshiyyah ʿalā Tanwir al-Manār*

(قرۃ الاظناس حاسیه تنور المیانار)

Abū al-Tayyib Sīndhī (belonged to 17th century AD)

(Untraceable)


333. *Taṣriḥ li Ghawāmiz al-Talwīh* (تصریح لخامض التدویح)

‘Abdullāh b. ʿAbdul Hakīm (belonged to 17th AD)

Printed: Matba Punjabi, 1862 AD (available in R.L. 1/268 No. 17).

CHAPTER – THREE

Critical Study of The Important Works

1. General Works
   (a) *Fatawa* Collections
   (b) Other Works including *Shurūḥ* and *Hawāshi*

2. Four Pillars of Islam

3. Social and Religious issues

4. Economic Issues
   (a) Inheritance
   (b) Landed Property
   (c) Sale and Purchase

5. Penal matters

6. Administration of Justice

7. Principles of Islamic Jurisprudence

8. Schools of *Fiqh* and their differences

9. *Ijtihād* and *Taqlīd*
1. General Works

A. Fatāwā Collections

1/6° Al-Fatāwā al-Ghiyāsiyah (Prtd.)¹

In the preface of the Fatāwā Shaikh Dāud b. Yūsuf al-Khatib is clearly mentioned as its compiler. But no biographical account of Dāud b. Yusuf is available in the contemporary or modern sources. It is also evident from the preface of the Fatāwā that it was compiled in the period of Ghiyāsuddin Balban (1266-1287 AD) and was dedicated to him². But in the introduction of the published edition of Fatāwā-i-Tātārkhāni it is wrongly stated that it was compiled in the reign of Ghiyāsuddin Tughlaq (1320-1325 AD)³.

The Fatāwā Ghiyasiya, one of the earliest Fatāwa collection of medieval India was arranged into chapters, sub-chapter and sections (Abwāb, Fusūl, Anwā).

¹ The second number against each entry in this chapter indicates the serial number under which the work was mentioned in the second chapter giving information about its manuscript or publication as the case may be.
² Al-Matba al-Amiriya, Bulaq, Egypt, 1322 AH, M.A.L. Habib Ganj, (‘Arabia fiqh Matbua), No. 17/34.
⁴ Fatawa Tatar Khaniya, (ed. by Qazi Sajjad Husain), Dairah Maarif al-Usmaniya Hyderabad, 1984, 1/40.
The *Fatawa Ghiyāṣiya* discusses the legal problems in a comprehensive way. Its contents cover the issues relating to *ibadat* (prayer) family affairs, religious and social customs and traditions, economic matters, especially ownership of landed property endowment and pre-emption. Some of the contemporary problems which have been discussed in this *Fatawa* included use of Persian words for marriage, divorce and *qiraat* in Persian in prayers, prostration before the rulers (*Mulūk*) as a way of greeting, acceptance of the invitation of the Sultan and their gifts, spending the resources of the *Bai-al-Mal* for the teacher of the subjects of Islamic learning (*Qurān*, *Hadīs* and *fiqh*), the hospitality of the Christians and Jews, the issue of advance payment to the employees, acceptance of *Zakāt* by Hāshmi Saiyyids\(^4\). Another important feature of the *Fatawa* is that at the end of discussion of each problem it usually gives preferred or most accepted view of the *Ulamā* by stating that this is *al-Mukhtar* or *wa-ālaih al-Fatwā*.

It is also notable that at different places the author has explained the Arabic text through using Persian words, which shows the rising influence of the Persian language in those days.

The value of this *Fatawa* may be realized from the fact that the *Fatawa* collections of later period had extensively quoted this

work in their texts. The important among them may be mentioned as *Fatāwā-i-Tātārkhāni, Fatāwā-i-Firūzshahi, Fatāwā-i-Hammādi, Fatāwā-i-'Ālamgīrī*.

The important works referred to in this *Fatawa* are the earlier works of Hanafi School of fiqh. Such as *Muntaqa, Jamī' al Fatāwā, Fātawā-i-Nasiri, Mukhtaṣar al-Tahawi, Al-Nawāzil, Fatāwā-i-Zakhirah, Fatāwa-i-Smarqand, Zahiriyah Hidāyah, Adab al-Qāzi, Husāmī, Zakhirah*.

It is interesting that the compiler has given abbreviations for the works quoted in the texts; such as he uses Mim (م) for *Muntaqa* Ha (ح) for *Husāmī*, Nun (ن) for *Nawazil*, Zal (ز) for *Zakhirah*.

2/15. *Al-Fātāwa al-Tātārkhāniya (Prtd.)*

‘Ālim bin‘Alā al-Hanafi al-Indrapati al-Dehlawi (d. 786 AH/ 1384 AD)

The compiler of this *Fatāwā* was a great Hanafi ‘Ālim of fiqh and its principle. He was a contemporary of Sultan Firuz Shah (1351-1388 AD). It was compiled with the help of a board of Ulamā at the instance of Tātārkhān (d. 800 AH/ 1397 AD) and it was dedicated to him who was a prominent courtier and eminent

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noble of Firūz-Shah's time who was also well known for his interest in learning and patronage of scholars⁶.

The work consisting of 30 volumes is considered as an encyclopaedia on Islamic jurisprudence, which has given impetus to the development of *Fatawa* compilation in Sultanate period. The contents of the *Fatawa* are divided into chapters and sub-chapters and the problems are discussed in a very comprehensive way. The compiler explains each issue in detail mentioning the differences of the jurists and their respective arguments given in support of their view. A detailed discussion is found in the introduction of the work about the etiquettes and principles of imparting *Fatwā* and asking *Fatwā* (*Istiftā*). One of the striking feature of this work is that various new issues of the society have been taken into account such as *qiraat* (recitation) of the *Quran* in Persian in the prayer, use of Persian language for pronouncing technical words at the time of *Nikāh* (marriage) and *talaq* (divorce), marriage with *ahl-i-zimma* (the non-muslim protected by the Islamic state after taking *jizyah* from them), different legal aspect about the *nafaqah* (maintenance) in case of difference in religion of parents and their sons⁷.


The important fiqh works which have been quoted as reference in al-Fatāwā al-Tāṭārkhanīyah are al-Muḥit, al-Hidayah, Zakhirat al-Fatāwā, Fatāwā Qāżī Khān, Fatawa Zahiriya, Fatāwā Sirājiya, Khulāsāt al-fiqh, Fatāwā-i-Ghiyāṣiah.

3/9. Fatāwā Ibrāhīm Shāhiyāh (MS)\(^8\)

Shihabuddin Ahmad b. Muhammad known as Nizam al-Gilani al-Jaunpuri Daulatabadi (d. 875 AH/1468 AD)

The compiler of this Fatāwā collection was born in Gujarat and settled in Jaunpur. He was a contemporary of Sultan Ibrahim Shah Sharqi (1401-40 AD)\(^9\) who had appointed him as Qāżī of Jaunpur\(^10\). Shaikh Shahabuddin got opportunity to show his ability in the field of fiqh, through imparting Fatwā and deciding the disputed cases. He visited Mandu (capital city of Malwa) in the period of Mahmud Shah Mandawi and wrote Mahmūd Shāhi a history of Malwa for him. Shaikh Shihabuddin was also the author of Uṣūl-i-Ibrāhīm Shahi on Uṣūl-i-fiqh, which is referred to in

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\(^8\) Muhammad Zafruddin, Taāruf Makhtūtāt, Kutub Khāna Darul 'Ulūm Deoband, Deoband1970, 1/191, No. 304/68 (84).

\(^9\) There is a controversy about the date of the compilation of this work. According to the popular view the compiler lived during the reign of Sultan Ibrahim Sharqi (1401-40) and was very close to the Sultan who was appointed as the Qāżī of Jaunpur by him. However, the cataloguer of Patna library has stated that the compiler was a contemporary of Ibrahim Shah of Bijapur (1535-57) and that the work was ascribed to him. See K.B.L. XXXIII/40-41 (No. 1749), India Office, London, 1973, vol. II, pt. 3 (No. 1704).

Sharh Uṣūl al-Bazdawi. He also wrote in Persian language a Tafsir on Quran, which is known as Bahr-i-Mawwaj.

Fatawa Ibrahim Shahiya is a very comprehensive Fatāwā collection and deals with all important issues of fiqh including Ibādāt, muamalat and uqubat. In the compilation of this Fatāwā a large number of fiqh works have been utilised.

4/7. Al-Fatāwā al-Hammādiyah (MS)

Abul Fath Ruknuddin al-Hanafi Nāgauri (d. 920 AH/ 1514 AD)

The compiler of the Fatawa was a prominent jurist and Mufti of Nagaur (presently in Rajasthan). He compiled this Fatāwā in Naharwala (Gujarat) at the instance of the Chief Justice (Qazi al-Quzāt) of Gujarat; Qāżī Hammaduddin b. Muhammad Akram with the help of his son Daud and dedicated it to him. Shaikh Ruknuddin came from Multan to Delhi in the days of Sultan Qutubuddin b. Ālāuddin and Sultan himself welcomed him at the Hauz-i-Khas 'Alai. Shaikh Ruknuddin came to Delhi to develop his knowledge and seek blessing from Shaikh Nizamuddin.

The work has been arranged in a systematic way dividing the content under main chapters and sub-headings. The work

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13 Nuzhat, III/53.
takes into account all the main issues of *fiqh* including Ibadat, Muamalat, economic dealing, family matters, social issues, penal laws, inheritance and administration of justice. All these issues have been discussed in a detailed way. One of the important aspects of the discussion is to explain the differences of the jurists of different School on several issues and to make reference to the works of their respective schools. Secondly, at some places the author has used *Arabic* and *Persian* both languages to make the point more clear. In reference to different cases he has applied the principles of *Qiyās* and exercised *ijtihad* to solve them. Sometimes he showed preference to the Shafiite or jurists of other schools. Thirdly, while discussing the issues under any particular head the compiler also refers to a tradition. More than two hundred works were consulted by him for preparation of this *Fatawa*. The noteworthy of them are: *al-Hidāyah, al-Sirājiyah, al-Fatāwā al-Husāmī, Fatāwā-Tātārkhāni, Munyat al-Musalli, Majmā al-Bahrain*.

5/3. *Al-Fatāwā al-‘Ālamgīriyyah (Prtd.)*\(^{15}\)

Shaikh Niẓām Burhānpūrī (d. 1090 AH/ 1679 AD)

This great monumental work on *fiqh* was compiled by a

\(^{15}\) Beirut, 1980.
board of ʿUlamā at the instance of Emperor Aurangzeb (1656-1707 AD). The contributors to this *Fatāwā* included the distinguished scholars of this period such as Shah Abdul Rahim (1131 AH/ 1718 AD) Qāzī Muhammad Husain Jaunpuri (d. 1081 AH/ 1670 AD) Muhammad Akram Lahori (d. 1094 AH/ 1682 AD) Shaikh Wajihuddin Gopamawi (d. 1082 AH/ 1671 AD) Shaikh Raziuddin Bhagalpuri (d. 1081 AH/ 1670 AD) Muhammad Jamil Siddiqi (d. 1123 AH/ 1711 AD) Saiyid Jalaluddin Muhammad Machhli Shahri etc. This board of compilers was headed by Nizām Burhanpuri who was himself a great jurist of Aurangzeb's time and was associated with his court.

*Fatāwā-i-ʿĀlamgīrī*, the most well known Indian work of the Hanafi School of *fiqh* was systematically arranged and divided into chapters and sub-chapters. The work consisting of six volumes, deals with the four pillars of Islam, family laws, penal law, sale transaction, slaughter of animal, taxation, International laws and administration of justice. One of the important features of this *Fatāwā* is that before discussing the issues concerned it defines the subject and gives details about its requisites, conditions and other related matters. This pattern is found in almost all the chapters. The work, compiled mainly from the Hanafite point of view, gives the opinion of the well-known jurists
of this school with reference to their sources. Thirdly, this compilation being a huge one is free from the repetition. A peculiar feature of this *Fatāwā* is consideration of miscellaneous issues at the end of each chapter under the sub-heading of *mutafarriqat*. Moreover, it came to be widely studied and quoted by the ʿUlamā, jurists Qāzi and muftis of different period. The same work is also being referred to by judges of modern courts in reference to the cases of Muslim Personal Law.


It is important to note that some of the Indian *Fatawa* compilations have also been quoted in the present work such as *Fatāwā Ghiyāṣiya*, *Fatāwā Tātārkhāniya* and *Fatāwā Hammādiya*.¹⁶

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¹⁶ It was rendered into Urdu by Saiyyid Amir Ali and was published from Nawal Kishore Press, Lucknow, in ten volumes in 1899, which is popularly known as *al-Fatāwā al-Hindiya*. In 1850, N.B.A. Belly has translated one part of this *Fatāwā* into English, and published it under the title of 'A Digest of Muhammetan Haneefea and Islāmia law in India, from Lahore. This *Fatāwā* was also translated into Persian by Abdullah Cheipl but no copy of the Persian version is available in any library.
6/19. *Mukhtasar al-Fatāwā al-Shāfī (MS)*

Qāzī Abdul Hamid b. Abdullah al-Thattawi (belonged to 1st quarter of 18th century AD)

The author was a well-known jurist of his times. On account of his eminence in the field of Islamic jurisprudence he was appointed as Qāzī in the days of Muhammad ‘Āzam Shah b. Ālamgir (1707 AD). He also worked as incharge of the revenue department in Gujarat. In the days of Shah Alam b. Ālamgir (1707-17 AD) he was appointed as Chief justice of India. The date of death of the compiler is unknown and it appears from a note at the end of the manuscript that it was compiled in 1079 AH/1668 AD.

The work compiled from the Hanafi point of view is divided into a number of chapters (*Abwāb*) and each chapter has been further divided into subchapters (*fusūl*). The work is quite comprehensive dealing with the legal problems of varied nature. The main chapters of *Mukhtasar* are purification, four pillars of Islam, Jizya, sacrifice, family life, economic transaction, punishment and administration of justice. The minor issues have also been taken into account such as etiquettes of sleeping and *Muṣāfaha* (shaking hand) and *Mū‘ānaqah* (embracing), cutting nail

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17 *M.A.L. Subhanulah Collection*, No. 297.31/1.
16 *Nuzhat* VI/144.
and hair. An important aspect of the work is that at several places problems have been explained in the form of the *Istiftā* (query) and *fatwā* (verdict) but the name of the *mustaftī* (questioner) is not mentioned anywhere in the text. Another notable feature of the work is giving answers in *Arabic* and *Persian* both the languages. The marginal notes of the compiler have added to the value of the work. In course of his discussion, the author frequently quotes traditions of the Prophet (S.A.W.), sayings of the *Tabiīn* like Abul Lais and the opinion of the well-known jurists with reference to their works. Special consideration is given to the legal verdicts of *qazīs* (judges) of the period including Qazi Abdul Jabbar. The main sources of the author included *Jami’al Saghir, Sirāj al-Hidayah, Qudūrī, Tahzib, Zakhīra, Fatawā Qazi Khān, Fatawā-i-Tātārkhānyah, Niṣāb al-Iḥtisāb*.

7/14. *Fatawā Sirāj al-Munīr (MS)*

Tabī Muḥammad b. Muḥammad Saīd Lakhnawi (belonged to 18th century AD)

The compiler, a native of Lucknow, got his education under the well-known *Ūlamā* of that time including his father and Shaikh

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20 Ibid, f. 256 b.
21 Ibid, f. 253.
22 *M.A.L. Abdul Hai*, No. 326/34.
Ahmad b. Abi Sa‘d al-Šālelhi al-Amethwi. Later on he occupied himself with the work of teaching and imparting Fatwa. He also worked as the Mufti of Lucknow after the death of his father\(^\text{23}\). The date of his death could not be found in any source. However, it is clear from the preface of the work that it was compiled in 1120 AH/ 1708 AD. Two manuscripts of the work are available in Kutubkhana Darul Ulum, Deoband. The first was scribed in 1128 AH/ 1715 AD by İsmatullah b. Raḥmatullah Qāẓī Faizullah Amethwi\(^\text{24}\) while the second gives 1282 AH/ 1865 AD as the date of scribing.

The work is divided into Kitāb, fasl and bāb. It contains a comprehensive list of content and it deals with the major issues of the human life from Juridical point of view. In the beginning of the book he quotes Qurān and Hadīṣ to highlight the importance of sincerity of intention (niyyat) and deep attachment with the Holy Qurān for leading a man to the right direction. The issues which are discussed in this work are purification, four pillars of Islam, marriage, divorce, penal matters, inheritance, economic issues and international relations. The compiler has discussed these problems in a detailed way taking into consideration even the minor issues. One of the important aspects of the Fatāwā is

\(^\text{23}\) Nuzhat VII/51.
that both Arabic and Persian languages have been used for explanation of the issues under discussion. Secondly all the problems have been discussed according to the Hanafi School. Another copy of the same work has additional material with regard to the legal nature of the landed property given by Sultan of the period to ‘Ulamā, Sūfis, and scholars which was known as Madad-i-Māāsh in those days connotation. The important books referred to in this work are Sirājiya, Nihāya, Kanz al-İbād, Jāmi’ al-Rumūz, Fatāwā Ibrāhim Shahī, Fatāwā Ghausiya, Khazānat al-Muftiyin.

B. Other works including Shurūḥ and Ḥawāshiṣ

8/289. Ḥāshiyah ‘Alā Kanz al-Daqīq

Muṣinuddin ‘Imrāni al-Dehlawi (belonged to second half of 13th century AD)

The compiler, was a distinguished scholar of Muhammad Shah Tughlaq’s period. He was noted for his excellence in different branches of learning including traditional and rational ones. In the beginning of his career he did not like Hazrat Nasiruddin Chirāgh-i-Dehli and was opposed to his view. But

25 The compiler says in the chapter of Masarif that he has discussed these issues in al-Fatāwā al-Kabīr which shows that he was also compiler of Fatāwā al-Kabīr, see Tārīṣf Makhfiṭtāt p. 183.
26 Nuzhat lI/161.
under pressure of Maulānā Khawājījī he went to Haẓrat Chirāgh-i-Dehli, lived with him for sometime and at last returned as his disciple. Muhammad Tughlaq (1325-1351 AD) was so much impressed by the scholarship of Mu‘inuddin that he sent him to Shiraz to bring Qażī Azduddin Aijī (d. 756 AH/1355 AD) a great Ḥālim of Shirāz, to Delhi. But the ruler of Shiraz who had great respect for the Qażī did not agree with his departure for India and sent back the emissary of the Delhi Sultan with great honour. It is important to note that Mu‘inuddin ‘Imrānī was designated as Dānish-i-Āzim and Ustād-i-shahr by Shaikh Abdul Haq Muhaddis Dehlawi, the eminent scholar and distinguished author of Medieval India. Maulana Azad Bilgrami called him Madār-i-Afāżīl. Some of the biographers have referred to his annotation of Kanz al-Daqāiq and some other works but these are not available.

9/237. Sharḥ Kanz al-Daqāiq

Shaikh Maḥmud b. Muḥammad al-Dehlawi (d. 710 AH/1310 AD)

The compiler of the work and a contemporary of Sultan
'Alauddin Khalji and Ghiyaṣuddin Tughlaq was a well-known jurist of that period. He came to India with his father Qutubuddin Muhammad and settled in Delhi. He was famous for his piety, bravery and hospitality. He took up the work of teaching and trained many students and scholars who further contributed to the development of Islamic learning. His disciples included Qazi Ruknuddin b. Nizamuddin al-Karwi and Shaikh Alauddin al-Hasni al-Jeuri. He wrote commentaries on some important fiqh works such as al-Manār fi'l Usūl and Kanz al-Daqīq of Hafizuddin Abul Barkāt al-Nasafi (d. 710 AH/1310 AD).

The first commentary was known as Ifazat al-Anwār fi Izaat Usul al-Anwār. None of these works are available now.

10/233. Sharḥ al-Hidāyah

Hamiduddin Mukhliṣ Dehlawi (d. 764 AH/1362 AD)

The author was a learned scholar of the Tughlaq period. He was mainly known for writing commentary on popular works of Hanafi fiqh. The present work is commentary of al-Hidayah one of the most referred books of the Hanafi School. Maulana Āzād Bilgrāmi, the author of Subḥat al-Marjān has designated him as

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32 ibid.
33 Fuqahā-iy-Hind 1/299.
34 Hadīth q. p. 291, Nuzhat 11/34.
35 Fuqahā-iy-Hind 1/210-211.
Umdayt al-'Ulama and Qudwat al-Fuzala\textsuperscript{36} which shows his eminence as a scholar. His commentary referred to by some of the modern biographer is not available at present.

11/287. Hashiyah al-Hidayah (MS)\textsuperscript{37}

Ilahdad Jaunpuri b. Abdullah (d. 923 AH/1517 AD)

The writer of the Hashiyah was a reputed theologian and jurist of 16\textsuperscript{th} century India. He was well known for his interest in fiqh and writing Shuruh wa Hawashi (commentaries and marginal notes). He completed his studies under Abdullah Tulambi (d. 922 AH/1516 AD) and undertook the mystical training under the guidance of Shaikh Raji Hamiid Shah Manakpuri – a saint of Chishti order. His teachers included the famous commentator and jurist Qazi Shahabuddin Daulatabadi (d. 849 AH/1445 AD). He spent his whole life in teaching and writing. He died in Jaunpur and was buried in the same place. He was author of many books and compiler of commentaries (Shuruh) on popular texts of fiqh and Usul-i-fiqh such as Kifaya, Ushul-i-Bazdawi, al-Hidayah\textsuperscript{38}.

The present work is a detailed annotation of al-Hidayah, the famous compendium of the Hanafi School. It explains the text in a very comprehensive way from lexical, etymological and

\textsuperscript{36} Subhat 1/73-74.
\textsuperscript{37} M.A.L. Abdul Hai Collection No. 408/116.
grammatical point of view. To substantiate his discussion the commentator has quoted verses of the Holy Qurān, traditions of the Prophet (S.A.W.) and Ṣahābah (R.A.) and views of the jurists of earlier period. While quoting many traditions, the author mentions the chain of narrators. One of the striking feature of the book is that the author has explained important aspects of Uṣūl-i-fiqh (principles) at different places in course of his discussion.

12/291. Hāshiyah ʻala Sharḥ al-Waqāyah (MS)

Wajihuddin Ālwi al-Gujrāti (d. 978 AH/1570 AD)

The annotator of this Hāshiyah was born in Japaner (a place in Gujrāt) in 911 AH/1505 AD and was buried in Ahmdabad. He got the higher learning under Imamuddin Muhammad b. Mahmud al-Tarmi. He was well known as a scholar as well as a mystic and people in large number thronged him to seek his blessing. The important personalities of his period also invited him for consultation on different issues. He showed keen interest in the promotion of learning through different ways including teaching and writing. Sultan Mahmud-III of Gujarāt (961 AH / 1553 AD) had full respect for him and gave due consideration to his

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40 M.A.L. Zakhirah Sulaiman Collection, No. 60/32.
verdicts. He has written commentaries and original books on different issues of fiqh.

The *Hāshiyah* of *Sharḥ al-Waqāyah* was explained in fifty chapters, one hundred ten subchapters and eighteen sections (*fusul*). At the end of the book the problems of varied nature have been summed up under the heading of *Masā'il-i-Shatta minho*. The main contents of this *Hashiyah* are: purification, four pillars of Islam, family laws, economic dealing and transaction, pre-emption, horticulture, cultivation of wasteland, crimes vows, and inheritance.

The present work is an explanation of the text of *Waqāyah* in the form of marginal notes (*Hawāshi*) in which the author has explained the difficult words and elaborated these points given in the text. He makes reference only to the important part of this text so it is required for reader to keep the full text of *Waqāyah* before him to utilise the commentary. The weak point of this *Hāshiyah* is that after dealing with the problems and mentioning the viewpoints of the Ulamā, the commentator does not mention the source books.

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13/222. *Fath al-Mu'in*  
Ziauddin b Abdul Aziz (d. 991 AH/ 1583 AD)  

The commentator of this work was a Shafi'i jurist of 16th century India. He wrote several books on *fiqh* and *Hadis*. The important among them is *Fath al-Mu'in*, which deals with the general issues of *fiqh* according to the Shafi'i School of jurisprudence. This Fath al-Muin is a commentary of his another book on jurisprudence namely: *Qurrat al-A'in*. Fath al-Muin was further abridged by Ali b. Ahmad Sairid al-Mabadi. This work is not available in any library.

14/18. *Jami al-Barakat (MS)*  
Abul Barakat b. Husamudin Dehlawi (d. 1119 AH/ 1707 AD)  

The author of this work was a contemporary of Emperor Aurangzeb and an eminent Hanafi jurist. He worked as *mufti* and *qazi* of Delhi during his rule. He compiled this work in 1116 AH/ 1704 AD.

The whole book has been divided in 85 chapters and each chapter is divided into sub-chapters. Consisting of 327 folios, the

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42 Dr. Zubaid Ahmad, *'Arabi Adabiyyat mein Pak-o-Hind ka Hissah* (Urdu Tr. by Shahid Husain Razzaqi), Lahore 1973, p. 98.
43 K.B.L. XXXIII/67, No. 1800, *The Asiatic Society* (MS No. 537) gives its title as *Ajaib al-Barakat*, Dr. Zubaid Ahmad mentions it under the title of *Fatawa Jami al-Barakat*, but *Majma al-Barak* appears to be more correct as the same name has been given in the preface of the manuscript of K.B.O.P. Library (Patna) which I have seen. See *'Arabi Adabiyyat*, p. 91.
44 *Nuzhat* VII/4.
work is of comprehensive nature, which covers all the important issues of *fiqh*. Under each chapter the author, first of all, explains the special terms related to that chapter, then he takes into account the subject matter in a very detailed way referring to the Holy *Quran* and traditions of the Prophet (S.A.W.). This work was compiled mainly from the Hanafi point of view, and it contained in detail, the views of the well-known Hanafi jurists with reference to several works of that school such as *al-Hidāyah*, *al-Kifāyah*, *al-Nihāya*, *Fatāwā ʿĀlamgīrī*, *Fatāwā Sirājīyah*, *Fatāwā Zahirīya*, *Khazānah al-Riwayāt*, *Bahr al-Rāʾiq*, *Al-Ḥāwi*, *Fatāwā Qāżī Khān*, *Fatāwā Tātār Khāniya*, *Muhit al-Burhāni*.

15/296. Ḥashiyah Sharḥ Waqāyah (MS)\(^{45}\)

Shah Amānullah Phulwari (d. 1139 AH/ 1726 AD)\(^{46}\)

The writer of this Ḥashiyah, belonged to Phulwari Sharīf a well-known town in the suburb of Patna. His father Muhammad Amin himself was a great ʿAlim who trained him in the field of Islamic learning. He has special interest in Islāmic jurisprudence, which is evident from the present work. In the form of marginal notes it explains the text of Sharḥ-i-Waqāyah, a popular book of the Hanafi School of *fiqh*. His Ḥashiyah quotes many earlier

\(^{45}\) *Library of Khanqah-i-Mujibiyah*, Phulwari Sharīf, Patna.
works of fiqh including Fatawā-i-Zahirīya, Fatawā Chelpī and Fathul Qadir.

16/2. Fākihat al-Bustān (MS)47

Muhammad Hashim b Abdul Ghafur al-Thattawi al-Sindhi48. This work was compiled in 1719 AD and written on hunting and slaughtering of animals (Said wa‘l-Zabaih). Listing the animal alphabetically the author has discussed issues connected with their slaughter from legal point of view.

17/302. Mukhtasar al-Hidayah (MS)49

Abdullah b Abdul Rahim Phulati (d. 1187 AH/ 1773 AD)50

The compiler of this work and a reputed scholar and mystic of later Mughal period, got his education under his brother and noted thinker and scholar, Shāh Waliullah. He has to his credit many works on Tafsīr, Ḥadīş, fiqh, and Tibb in Arabic and Persian languages.

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48 K.B.L XXXIII/69, No. 1802.
49 For biographical details seen my discussion on Faraiz al-Islām in this chapters on p.
50 The manuscript of Persian Translation of Kanz al-Daqiq (Kutubkhana Darul Ulum Deoband (MS No. 363) by the same author gives date of his death as 1193 AH, while the author of Nuzhat al-Khawāṭir mentions it as 1187 AH with reference to the authority of Shah Abdul Aziz. See also Nuzhat, VI/45.
The Mukhtasar, an abridgement of *Hidayah* of Allama Burhanuddin Marghinani (d. 593 AH/ 1196 AD) has the same arrangement of the chapters as the original work. It covers all the major issues of *fiqh* from *ʿibādāt* (prayers) to muamalat (mutual transactions). It is important to note that the two volumes of the *Hidayah* has been summarised by the compiler in just one volume containing 104 pages. Moreover, he has prepared this summary in such a way that the author's references to the *Quran* and *Hadis* remained intact. In this process of summarisation the views of disciples of Imam Abu Hanifa have been left out at many places. The marginal notes in the work are quite helpful for understanding its content.

18/214. *Al-Mufid fima Yukalu wa Mālā Yukalu (MS)*

Muḥammad Shamsuddin al-Ḥanafi b. Amiruddin (belonged to 1st half 19th century AD)

No biographical information is available about the author of the work. It is only apparent from the date of its scribing that it would have been written some time before 1256 AH/ 1840 AD. The work deals with birds and animals from the point of view whether use of their meat is lawful or unlawful. Arranged

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alphabetically the book first of all, gives a detailed account of a large number of birds and animals along with correct pronunciation of their names into Arabic, Persian and Hindustani. The author's discussion is brief taking into account of only important aspects of the issue. The author has given the views of different learned jurists of earlier period including Abu Hanifa, Imam Malik, Iman Shafi'i, Imam Hanbal, Imam Auzaij' and Imam Abul laiš . The work dealing with the legal aspects of meat of more than hundred birds and animals is very informative.

19/246. Siqāyat Le Ātshan al-Hidayah (MS)\textsuperscript{53}

Abdul Ḥalim b Aminullah Farangi Mahali (d. 1285 AH/ 1868 AD)

The compiler of the work was born in Lucknow in 1239 AH/ 1823 AD and was very closely related to Qutubuddin Sihalwi (d. 1103 AH/ 1717AD). He completed his education under his father and Mufti Muḥammad Aṣghar Nimatullah, Mufti Yūsuf, Maulawi Abdul Wali Qadir Farangi Mahli. After working for sometime as teacher in Banda and Jaunpur, he went to Hyderabad where he was appointed as teacher by Turab Ali (popularly known as Khan Salarjang) in Madrasah Nizamiyah. In 1862 AD he was elevated to the post of Qażi and the appointment of justice was placed under

\textsuperscript{53} M.A.L. Abdul Hai Collection, No. 376/84.
his charge. He compiled several works about logic, philosophy and Islamic jurisprudence and has also written commentary on popular texts of different subject. His books on Islamic jurisprudence included Ghāyat al-Bayān fi Bayān al-Ḥalāl waʾl-Harām, Khair al-Kalām fi masāʾil al-Siyām, ʿUmdat al-Taḥrīr fi masāʾil al-Laun waʾl-Libās waʾl-Ḥarīr, Qamrul Aqmār.54

The present work is a commentary of Hidayah. The contents show that it is a commentary of some selected chapters of Hidayah relating to sale transaction (Buyu) pre-emption (Shufʾah), slaughter and sacrifice of animals (Zabiha and Uzhia). Each chapter is further divided into fusul (sections) and furu (sub-section). The work is basically in Arabic but at different places the points are also given in Persian. Secondly, the marginal notes of the compiler are of much importance for understanding the contents of the work. Similarly the author tries to explain the co-relation between preceding and the following chapter55. The compiler has also explained difficult terms used in the text of Hidāyah and has discussed many works from etymological points of view. The book has frequent references to the opinions of the well-known jurists of earlier period such as Imām Shafiʿī, Imām Muhammad, Imām Yūsuf, Ibn-i-Hajr, Imām Zailaī. The main works

cited by the author are *Mukhtasār al-Qudūrī, Khazānat al-Muftiyin, Ghāyat al-Bayān, Khulasat al-Fatāwā, Al-Kifayah, al-Binayah*.

2. Four Pillars of Islam

20/76. *Risalah Sajdah Sahw (MS)*

Burhanuddin Dewi b. Sarfraz Ali (belonged to 1st half of 19th century AD)

The author, a great jurist and muhaddis, was born in Dewa (near Awadh) in the family of Mufti Abdul Salām Dewi (1042 AH/1632 AD), got his early education from his uncle Zulfiqār Ali Dewi, Saiyyid Muḥammad Ādī Naqshbandi was his spiritual guide⁵⁷. He was fully devoted to eradication of social evils and reform of Muslim society. Thousands of people were enlightened and sought the right path by his efforts. He wrote several treatises about different social and religious issues in the light of shariat's rules such as: *Risālah Sadqa wa Mahr, Risālah Nikāh, Risālah Aḥkām ʿId al-Fitr wa ʿId al-Azhā, Risālah Taḥqiq Riba wa Ribh* etc.

Consisting of five sections, the present treatise deals with the issue of the Sajdah sahw (prostration done due to certain mistakes committed by a Muṣallī). The works quoted by the

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⁵⁶ M.A.L. Subhanullah Collection, No. 297.3/12.
⁵⁷ Tazkirah, p. 31, Nuzhat, VII/99.
author in support of his discussion included Rasâ'il al-Arkân, Bahr al-Râiq. It is important to note that while dealing the issues of book the author defines various important terminologies related to principles of Islamic jurisprudence such as al-Ḥukm al-Qatî, al-Ḥukm al-Zanni, Muţlaq, Ijmâ', Qiyâs. It is a part of collection of other three treatises of the same author in Arabic language.

21/70. Risâlah fi Taḥqiq Rafâ' al-Sabbâbah fi'l-Tashahhud (MS)

This is another work of Burhanuddin which is related to the issue of raising finger in the Qâda (sitting for recitation of Tashahhud after two raka't). The issue has been discussed mainly in the light of the relevant Ahâdis. Furthermore, the author has made reference to the views of different jurists such as Imam Shafi'i, Abu Yusuf, Abdul Ḥaq Muḥaddis Dehlawi.

22/51 Masâ'il fi Muqâm Ğuhr al-Mutakhailil wa fi Bâb-al-Masaĥ 'ala'l-Khuffain min Sharh al-Waqâyah

The treatise written by Burhanuddin is related to the issues connected with haiz (menstruation) and Tuhr (purity). It also

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55 M A L, Subhanullah Collection, No. 297.3/12.
60 Ibid, ff. 56 b, 66 b.
61 M A L, Subhanullah Collection, No. 297.3/12.
contains discussion about masah ala'l-khuffain (to pass wet hand over socks). The treatise is very brief but covers most of the essential points about the above matters. The contents of the work are mainly based on sharh al-Waqāyah, a popular compendium of the Hanafi School.

23/77. Risālah Tahqiq Qaza al-Fawāit (MS)⁶²

A very small treatise of Burhanuddin b. Sarfaraz Ali Dewi consisting of only eight pages, deals with the performance of missed prayer (qazā). The author is of the opinion that such kind of salat should be performed according to the sequence of their times. The author makes reference to some important works of jurisprudence such as Fatāwā ‘Alamgīrī⁶³ and has taken note of the opinion of the well-known jurists of the Hanafi school including Abū Hanifa, Abu Yusuf, and Imām Muḥammad⁶⁴.

24/196. Fiqh-i-Makhdūmi⁶⁵

Shaikh Alauddin Ali b. Aḥmad al-Mahaimi al-Gujarati (d. 835 AH/1431 AD)

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⁶² M. A. L. Subhanullah Collection, No. 297.3/12.
⁶⁴ Ibid, f. 52.
⁶⁵ Arabi Adabiyyat, p. 98.
The compiler of the work belonged to a business class family of Kokan. His forefathers were of Arabian origin of Nawait who migrated from Madinah to the coastal area of Arabian Sea during the governorship of Hajjaj b. Yusuf al-Šaqafi (d. 713 AD). His father shaikh Ahmad a great 'Alim himself, took special care in educational upbringing of his son. After completing education he occupied himself with teaching in a Madrasah of Mahaim. He was appointed as Qazi of Mahaim by Sultan Ahmad Shah (1441 AH/ 1439 AD). He has to his credit a number of works on different subjects including Tafsir, fiqh and Falsafah. His main work on fiqh is known as Fiqh-i-Makhdūmi, which deals with the issues related to prayers. His another contribution, which shows his interest in fiqh-i-Islāmi, is known as Fatawa Makhdumi. It is important to mention that in spite of certain mistakes the importance of Fiqh-i-Makhdūmi could not be overlooked. It is still of use for the followers of Imam Shafii.

25/42. Kitāb al-Manāsik wa Ḫub al-Masālik

Rahmatullah b Ābdullah al-Sindhi (d. 994 AH/ 1585 AD)
The author of the work belonged to Darbila a town of Sindh. After completing traditional education, he went to Madinah for higher education in the field of Hadis. Rahmatullah and his friend Abdullah were known as Shaikhain, both were the eminent disciples of Ali Muttaqi Burhanpuri, the author of Kanz al-‘Ummāl. During his stay in Madinah he joined the lectures of different Muhaddisin including that of Ali Muhammad Khatib al-Madani. On returning to Gujrat, he engaged himself in teaching and compiling books. In the last part of his life he settled in Madinah and died there in 990 AH/1582 AD.

This work contains a detailed discussion about an important pillar of Islam, i.e. Hajj pilgrimage. The author has taken all major issues related to the Hajj including its conditions, etiquettes and the works to be performed by a pilgrim. A commentary of this work was prepared by Nuruddin Ali b. Sultan al-Harwi under the title of Maslak al-Muqtasit fi’l Mansak al-Mutawassit. Another work on the same subject known as al-Manāsik al-Ṣaghir is also ascribed to him.

72 Taẓkirah, p. 62. This manuscript is an abridgement of his another book, Al-Manāsik al-Kabir which is about the Hajj pilgrimage.
73 Ibid, p. 62. The author of Nuzhat al-Khawatir gives the date of his death as 995 AH/1586 AD.
26/29. Al-Ḥujjat al-Sawābah fi ʾIsbāt Rafaʾ al-Sabbābah (MS)\textsuperscript{74}

ʿIlmullah b. Abdul Razzaq al-Makki al-Amethwi (d. 1104 AH/1694 AD)

The writer of the book, one of the eminent scholars in the field of \textit{Tafsir}, \textit{Hadis}, \textit{fiqh} and literature was born in 954 AH/1547 AD in Amethi and died in the same place. He got his early education under his father and for higher learning of \textit{Hadis} and \textit{fiqh} he went to Hijaz and stayed there for about twelve years. His teachers included Hāshim b. Burhan al-ʿAlwi, Shahabuddin Ahmad b. Hajr al-Makki\textsuperscript{75}. On returning from Hijaz he settled in Bijapur where Ibrāhim Ādil Shah (1535-1557 AD) appreciated his contribution to Islamic learning and social reforms and gave him full patronage and encouragement.

This work relating to a trivial issue of prayer (rafa al-Sabbabah) is divided into two parts, each part called \textit{maqsad}. It also contains an introduction and resume (\textit{Khātimah}). First of all, the compiler recorded all those traditions which are related to raising finger during the recitation of \textit{Tashahhud}. In the second part he strengthens his point of view by quotations from the works of the learned jurists. In course of his discussion the author has quoted opinion of the jurists of different schools including Hanafi

\textsuperscript{74} M.A.L. Habib Ganj Collection, No. 17/209, Shamil No. 24/5.

\textsuperscript{75} Nuzhat VI/285-286.
and Shafi‘i. In the conclusion he had analysed these relevant traditions and opinion of ‘Ulamā and has explained that how the finger is required to be raised at the end of the Tashahhud. While establishing his point of view the author has criticised those ‘Ulamā who opposed the raising of finger in the Tashahhud.

The following books have been utilized by the compiler as source material, Kifayah, Fatāwā Qāżī Khan, Khazānat al-Muftiin, Fatāwā-i-Tātār Khāniya.

27/46. Fath al-Ghafūr fi wazā al-Aydi ʿala'l-Sudūr (MS)\(^{76}\)
Muḥammad Ḥayāt al-Sindhi al-Madani (d. 1193 AH / 1779 AD)

The compiler, who belonged to the tribe of chachar, was native of Thatta. He got his education in the same town under Shaikh Muhammad Mian b. Muḥammad Amin al-Thattawi. After performing Hajj he settled in Madina with Abu Hasan b. Abdul Hadi al-Sindhi and after the death of his teacher he occupied himself with the work of teaching at the same place for about twenty-four years. Many well-known scholars of Sind including Abul Hasan b. Muhammad Sadiq al-Sindi, Ahmad b. Abdul

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\(^{76}\) M.A.L. Abdul Hai Collection, ‘Arabīa fiqh, No. 386/94.
Rahman al-Sindi had been his disciples. He was author of several books on Hadis and fiqh.

This treatise is a collection of traditions relating to the setting of hand on the chest (sadr) or below navel (surrah) during the Qiyām (standing position in the prayer). Both kinds of traditions are given in the work with showing preference to those which allowed the setting of hand on the chest. Such traditions have been recorded on the authority of Imām Ahmad, Imām Baihaqi, Imām Bukhari, Ibn-i-Abdul Bar, Darqutni, al-Tabrani. The author has also taken into account the opinion of those 'Ulamā' who accepted those traditions which allow the setting of hand below the navel and they are Imām Suyuti and Ibn-i-Hajr.

28/23. Farā'īz al-Islām (MS)

Muḥammad Hāshim b. Abdul Ghafūr Sindhi al-Thattawi, (d. 1174 AH/ 1760 AD)

The author, a native of Thatta was well known for his excellence in the field of Hadīṣ and fiqh. His teachers included Makhdum Ţiauddin al-Sindhi and Abdul Qadir b. Abu Bakr al-Hanafi-a jurist of Makkah. After completing education he devoted himself to the course of Islamic learning especially Hadīṣ and fiqh.

77 Tażkīrah p. 186, Maāsir al-Kiram 1/164, Nuzhat VI/302, Subḥat, p. 244.
78 M.A.L. Habib Ganj Collection, No. 17/201.
and came to be known for his great contribution in this field. By the efforts of Maulana Sindhi thousands of Indian non-Muslims embraced Islām. Nadir Shah (d. 1160 AH/1747 AD) and Ahmad Shah Durrani (d. 1182 AH/1768 AD) accorded generous patronage to him. His views on legal issues were generally recognised by the contemporary 'Ulamā. In addition to introduction and resume the work has two big sections. The author has thoroughly studied the obligations (Farā'īz) of four pillars of Islam (al-Arkān al-Arba'ah) and according to him the total number of obligations is one thousand, two hundred and sixty two of which three hundred thirty two are related to aqidah (faith), while the remaining concerned Āmāl (action). He has taken up each rukn (pillar of Islām) separately, and then discussed these farā'īz connected with that rukn. For example in connection to Taharat (purification) and different times-prayers he states that there are forty two faraiz in tahārat and three hundred twenty six obligations in different prayers. Moreover, the number of rakat of every salat are given separately in the beginning of the book. In the same way discussing the farā'īz connected with the beliefs (Aqā'id) he has divided them under categories of Imanbi Allah (Belief in Allah), Iman bi'l-Kutub (Belief in divine Books), Iman bi'l-Rusul (Belief in messengers of Allāh), Iman bi'l-Ākhirah (Belief

\[\text{Tazkirah p. 253-54, Nuzhat VII/363, 'Arabi Adabbiyyat, p. 96.} \]
in the Day of judgement), *Imān bi‘l-Qadr* (Belief in destiny). The author has discussed all these issues thoroughly and has provided very useful information about the matter under discussion. For example in relation to discussion on belief in Holy Quran he has given details about other Divine Books (*Suḥuf-i-Samāwī*) including their period of revelation and their languages. While discussing the issues, the author has quoted the relevant verses of the Holy Qurān and different views of the ‘Ulamā’. At different places the author has mentioned the sources of his information about a particular issue. His sources included *al-Fatawā al-Sirājiya, al-Zahiriyah, al-Tātārkāniyyah*, *al-durr al-Mukhtār, al-Ghiyāşiyya, Munyat al-Musalli, al-Sirāj al-Wahhāj*, *Fathul Mubin*.


Muḥammad Hāshim b. Abdul Ghafūr al-Sindhi, wrote this small treatise relating to the controversial issue of *Rafā‘ al-Yadain* (raising hand) during the performance of prayer. The issue discussed mainly in the light of *Ḥadīṣ*. According to him this is obligatory in the beginning of prayer as well as before *ruku* and

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81 *M.A.L. Zakhirah Sulaiman, fiqh ‘Arabia* No. 61/33.
82 The biography of the author may be seen in connection with his another work, *Fara’īţ al-Islām* discussed above.
after *rukūʿ* but it is surprising that the author has not mentioned any Ḥadīṣ which goes against his view. It is also established by some other traditions that *Rafāʿ al-Yadain* is required only at the starting time of the prayer. This second category of traditions are transmitted on the authority of Abdullah b. Masud, Abdullah b. Zubair and Abdullah b. ʿUmar. In view of this difference the author concludes that when both kinds of traditions are transmitted through reliable sources, one is allowed to follow any one of two standpoints. It is important that in course of discussion the author has also examined the nature and quality of the traditions quoted by him. At some places the author has given his discussion in Persian especially in course of examining the views of Indian ʿUlāmāʾ such as ʿAbdul Ḥaq Muhaddis Dehlawi. The main sources of the author are *Takhrij al-Hidāyah al-Ainiʿ*, *Tahrir al-uṣūl*, *Taẓkira al-Qārī*, *Tahzib al-Tahzib*.

30/57. *Rasāʾil al-Arkān* (Prtd.)

Bahārul Ḱūm Abdul Ali b. Nizamuddin Sehalwi (d. 1235 AH/ 1819 AD)

The compiler of the work was born about 1125 AH/ 1713 AD in Lucknow. He was an eminent scholar of his time. He got his

54. Yusufi Press, Lucknow, 1910 AD.
early education from his father Nizamuddin. After the death of his father in 1747 AD he worked hard for the development of his knowledge in different fields. He came into contact with the reputed ‘Ulama’ of that period including Kamaluddin Sihalwi (d. 1771 AD). Later on, he was appointed by Hafiz Rahmat Khan, Nawab of Shahjahanpur as teacher in Shahjahanpur. After the death of Hafiz Rahmat Khan, Nawab Fažlullah Khan of Rampur invited him. He also worked for sometime as teacher in Bihar. After some years he was invited to Madras by Nawāb Muhammad Āli Khān, a noble of Karnataka and was given the title of Malik al- Ulama Bahrul Ulūm. He died in Madras and was buried there. He got excellence in the field of fiqh, logic, Scholastic and theology and wrote several books about the subjects including Sharh Musallam al-Šubūt known as Fawātiḥ al-Raḥmūt, Risālah Tauhid, Sharḥ al-Dā‘ir, Takmilah Sharḥ al-Tahrīr.

This treatise, systematically arranged is divided into four chapters. The work discusses pillars of Islām and explains the related issues according to the Hanafi School in a comprehensive way. For example in chapter on the prayer, the author has first of
all discussed in details about purification by ablution, bath and tayammum.

31/152. *Manāhij al-Tadqīq wa Mārīj al-Taḥqiq (MS)*

Ḥusain b. Dildār (d. 1273 AH/ 1856 AD)

The compiler of this book was a notable *Shi'ah* mujtahid of Lucknow, and authority of *Shi'ah* School in India. He was born in 1211 AH/ 1796 AD and got education under his father Saiyyid Dildar Ali and brother Muhamad b. Dildar Āli. He left many students who further contributed to the development of Islamic learning. Some of them are Ābbas al-Tastari, Ghani Naqi al-Zaidpuri, Saiyyid Ḥusain al-Marāshi, Mirzā Hasan al Aẓimabadi, Āli Aẓhar and Habib Mahd. He wrote many books on *fiqh* in Arabic including *Risālah fi'l Rakātān al-Awwalāin min al-Ṣalāt, iṣālat al-Ṭahārat*. The present book deals with the important issues related to Namāz (Prayer) such as its timing in the light of rising, setting and declining of the sun, the niyyat in the beginning of the prayer, the recitation of *Sūrah al-Fātiha* and reciting two *sūras* in the same rakāt while all the above mentioned works show the view point of *Shi'ah* school.

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32/41. Kitāb-o-Auqāt al-Ṣalāt (MS)88

Maḥbūb Ālī Dehlawi (d. 1280 AH/ 1863 AD)

The compiler of this treatise, one of the distinguished scholars of India was born in Delhi and got education under Shaikh ʿAbdul Qādir b. Shah Waliullah. Syed Ismail Shahid was classmate of Maḥbub Ali. While they were studying under ʿAbdul Qādir, he took baiʿat for Jihād at the hand of Saiyyid al-Mujahid Ahmad b. Irfan al-BareIwi but could not participate in jihād. His disciples included Qāzi Muḥammad b. Abdūl Aziz al-Machhlī Shahri89.

Kitāb-o-Auqāt al-Ṣalāt is a short treatise dealing with the starting and finishing time of each of five daily prayers. Their timing has been discussed keeping in view the different seasons. The compiler has tried to mention all the obligatory and non-obligatory part of the prayers of different times. The author discussed in this book the Sunnat Mutawātirah (continuous practice of the prophet S.A.W.) and concensus of the companion regarding the rakʿat, obligatory and non-obligatory part of the prayers. This treatise also takes up the issue of pre-poning and postponing of the Salat due to wars. The author has also taken into consideration Jamāʿ-bain al-Ṣalātayn (performing two times

87 Nuzhat VII/142.
88 M.A.L. Abdul Hai Collection, ʿArabīa Mazhab (2), Nos. 117, 118.
prayers together) and issues of Qaṣr prayer (shortening the prayers). The author has discussed the timing of the prayers with reference to the verses of Holy Qurān, tradition of the Prophet (S.A.W.) and viewpoints of Fuqahā of different schools. The work also contains a detailed discussion about the end of time of the Zuḥr prayers and beginning of time of the Aṣr prayer in the light of Miṣl and Miṣlān (single and double shadow of a thing), which is a much debated and controversial issue among the jurists. The Hanafite jurists themselves have different opinions on this issues, though Imām Abū Ḥanifa has finally accepted the opinion of his two close disciples who considered Mislān, the end of the Zuḥr prayer.

It is important to note that while quoting the tradition, the author has also defined its categories such as Jayyid, Hasan, Sahih. The marginal notes especially explanation of different terms are quite helpful in understanding the contents of the work. The important fiqh works cited by the author are Majma' al-Barakat, al-Durr al-Mukhtar, al-Ṭahāwī, Khazānat al-Riwayāt, al-Sharḥ al-Waqāyah and al-Siraj al-Munīr.

89 Nuzhat VII/416.
33/83. Taṣwīr al-Tanwīr fī Sunnat al-Bashīr al-Nazīr (MS)\textsuperscript{91}

Maḥbūb Ali Dehlawi (d. 1280 AH/ 1863 AD)\textsuperscript{92}

The work deals with the issue of raising hands on different occasions during the performance of Salat. The author has tried to prove it to be Sunnat-i-Ghair Muākkadah (Non-stressed tradition of the Prophet S.A.W.). According to him it does not matter if one raises his hands or not because the Prophet (S.A.W.) and his companion did it occasionally. The compiler quoted traditions, which support both points of view. For example a tradition of the Prophet recorded on the authority of Abdullah b. Abbas stated “do not raise year hands except in seven places i.e. Iftitah-i-Ṣalāt, Salat of wiṭr, Salat of I’d and four times during the Ḥajj pilgrimage\textsuperscript{93}. Referring to the controversy among ‘Ulamā‘ about raising hand between two Sajdah he pointed out that it was not allowed in view of the concensus of the ‘Ulamā‘\textsuperscript{94}. The author tried his best to discuss this issue in the light of Holy Quran, Hadis and fiqh works. According to the compiler the ‘Ulamā‘ who were in favour of raising hand included Imām Mālik, Imām Shafī‘ī, Imām Ahmad b. Hanbal\textsuperscript{95}. At different places the author has given his own opinion about this issue. At one place he says that it is

\textsuperscript{91} M.A.L. University Collection, ‘Arabia Mazhab (2), No. 118.
\textsuperscript{92} For brief account of the author, see the above discussion on Kitāb Auqāt al-Salāt.
\textsuperscript{93} Taṣwīr al-Tanwīr Op. Cit. 23 a.
\textsuperscript{94} Ibid.
\textsuperscript{95} Ibid.
better to follow the standpoint of the 'Ulama favouring raising hands because they had a deep knowledge of Quran and Sunnah. Highlighting the importance of following of a Hadis in relation to the above matter he stated we are the Ummah of the Prophet Muhammad (S.A.W.) not that of Abū Hanifa or Shafii\textsuperscript{96}. One of the important aspect of the author’s discussion is that after quoting several traditions in support of the two stand points, he scrutinises them and explain their categories in terms of Sahih, Hasan and Muttasili\textsuperscript{97}. It is also interesting to note that after discussing the issue of Rafa al-Yadain (raising hand) the author gives a detailed account of the deep knowledge and legal expertise of the founders of four schools of Islamic jurisprudence, their mutual respect and due consideration to the opinions of each other. Some of the books of Indian authors referred to in the present works are Fatāwā Tātārkānī, Fatāwā Hammādi, ʿIqdul jid fiʾl-Ijtihād waʾl-Taqlid. The other important sources of the work are al-Hidāyah, al-Tauhzib, Fatāwā al-Gharāʾib, Majmā al-Riwayāt, al-Hāwī, Khazānat al-Muftiyyin.

\textsuperscript{95} Ibid, f. 27 b.  
\textsuperscript{96} Ibid, f. 31 b.  
\textsuperscript{97} Ibid, 26 a. 59.
The work is actually meant for those women who face some natural problem (menstruation) every month. The treatise defines the minimum and maximum duration between two courses of Ḥaʾiz (menstruation) and shows distinction between Ḥaʾiz and Iṣṭihāza. Various reasons in terms of day, night and prolonging situation has been elaborated to distinguish between them.

The author tried to support his discussion with reference to the views of learned jurists including Imām Abu Hanifa, Imām Yūsuf, Imām Muḥammad, and Ibn-i-Mubārak.

3. Social and Religious Issues

Fakhruddin Zarrādī (748 AH/ 1347 AD)

The writer of this treatise was a contemporary of Muhammad b. Tughlaq. He originanally belonged to Samana (presently in Haryana), later he settled in Delhi. He was one of the eminent

98 M.A.L. Abdul Hai Collection, 'Arabia fiqh, No. 420/128.
99 His account has been given in the discussion of Siqayat Atshan al-Hidayah in this chapter on p.
100 Ta'zikah pp. 160-161.
disciples of Shaikh Niẓamuddin Auliya and was well known as a jurist. He has also very deep knowledge of Hadis. He is reported to have very minutely scrutinised those Aḥādis, which have been quoted in Hidayah from Sahih Bukhari and Sahih Muslim. Before joining the mystic circle he was very much critical of Sama and some other practices of Sūfis. But later he defended their principles and practices. The present treatise was written by him to explain legality of Samā. In this work he has also discussed important aspects of Taqlīd and ijtihād. Sultan Muhammad Tughlaq was impressed by his scholarship. When he shifted a part of the population of the Delhi to Deogir (Daulatabad) Fakhruddin Zarrādī also went there and from there he left for Hijaz to perform Ḥajj. While returning from Hijaz, he died in the way.

36/132. Risalah fi Jawaz al-Istighasah wa’l-Milad (MS)

Muḥammad Ābid b. Āḥmad Āli al-Sindhi (d. 1157 AH/ 1744 AD)

The author of the work was a well-known traditionist and jurist. He was born in Siwan and got his education under his uncle Muhammad Husain and ʿUlamā of Yemen and Hijaz including Abdul Rahman b. Sulaiman, Yusuf b. Maulana Muhammad,


Muhammad Tahir Sumbul, Abdul Malik al-Qilaii, Saleh b. Muhammad. The author visited various parts of the Muslim world as the emissary of Sultan of Sana (Yemen). He showed full devotion to the cause of religion and for the same objective he took up the work of teaching and writing. Most of his works are on fiqh such as *Tawālī al-Anwār ala’l-Durr al-Mukhtar*, *Kitāb al-Hudūd* and *Mawāhibāt latīfā ālā Musnad al-Imām Abī Hanīf*.

The present book deals mainly with two issues seeking help from dead person through such utterances, "*Ya Sayyidi Ābdul Qādir* or *Ya Maulai Khawāja Naqshbandi*", and celebrating birth and death anniversary of the Prophet (S.A.W.) just like a festival. The author makes plea for the lawfulness of these actions and quotes two traditions, which show the possibility of hearing by dead persons. He has also cited some Quranic verses to prove that some dead bodies are in the living state as Qurān says:

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\text{think not of those who are slain in God's way as dead. Nay they are alive; finding their substance in the presence of their Lord.}
\]

The author has also quoted some traditions on the authority of Ūsmān b. Hanif which permits seeking *wasilah* (medium) of wali or pious man for his requirements. 'Allāma Baihaqi has placed this

\[103\] *Nuzhat* VII/457-59.  
tradition under the category of Sahih\textsuperscript{106}. He further asserted that it is permissible to visit graveyard and pray to the dead bodies for seeking their blessing. But he did not consider it lawful to kiss them, to bow before them or to offer salat on these places\textsuperscript{107}. In support of his view about celebration of the Prophet’s birth day the author says that it is evident from the early history of Islam that some pious people considered the birthday of the Prophet (S.A.W.) as sacred event and they offered some sacrifices and prepared special dishes such as Hazrat Abû Bakr slaughtered an animal and Hazrat Abû Hurairah distributed the meal at the birthday of Muhammad (S.A.W.). So the objection of Ulama about these works as given by Abdul Haq Muhaddis Dehlawi and Abdul Wahhab are not justified\textsuperscript{108}. At the end of the book the author divided the innovation into two categories Bidât-i-Hasnah and Bidât-i-mazmūmah and justified his standpoint saying that rigid stand is not good.

\textit{37/130. Nur al-Imān bi Ziyārat-i-Āsār-i-Ḥabib al-Ḥaṇmān (Prtd.)}\textsuperscript{109}

Ābdul Ḥalim b. Aminullah Farangi Mahli (1285 AH/ 1868 AD)\textsuperscript{110}

\textsuperscript{108} Ibid, p. 45.
\textsuperscript{109} Matbua Alwi Press, 1866, R.L. (Matbua fiqh), No. 11/317, 8888/630.
\textsuperscript{110} For a brief account of the author see my discussion about Siqayat le Atshan al-Hidayah in this chapter on p.
This treatise was written by the author during his *Hajj* pilgrimage in 1862 AD. It explains etiquettes and manners to be observed for visiting *Rauza-i-Mutabarrakah* and other holy places of Makkah and Madinah. According to him he felt the need for such work as he found many people unaware of these things and so they indulged in unlawful acts while visiting these holy places. He especially pointed out illegality of seeking help from the grave of the Propet (S.A.W.). Thus the treatise helps to understand what to do and what not to do at the time of visiting the graves and other holy places. In addition, the work also informs about various places of religious and historical importance such as *Masjid-i-Baqi*, *Masjid-i-Qubā*, *Uḥad mountain*.

4. Economic Issues

1. Inheritance

38/102. *Ki tāb al-Fara'iz*\(^{111}\)

Rażiuddin Hasan al-Saghani b. Muḥammad (d. 650 AH/ 1252 AD)

The author of the book was an eminent traditionist and lexicographer of medieval India. He contributed a lot to the development of Islamic learning especially *İlm-i-Ḥadīş* in the early period of Muslim rule in India. His forefathers originally belonged

\(^{111}\) *Hadā'iq* p. 254.
to Saghaniyan (a district in Transoxiana) and they migrated to India and settled at Lahore where 'Allamah Saghani was born in 1181 AD and grew up at the same place. He got early education from his father and went to Ghazna, Iraq and Makkah for higher learnings. His teachers included Abu Hafs Umar Marghinani and Burhanuddin Abul-Futūh. Allama Saghani has a close contact with Sultan Qutubuddin Aibak (1205-1210 AD) who offered him the post of Qāżi of Lahore but he did not accept it. During his stay in Egypt he came into contact with the Abbasid Caliph Abul Abbas Ahmad b. Mustazi known as al-Nāṣir li Din Allah (1179-1225 AD) who sent him as envoy to the court of Iltutmish in 1210 AD. His successor, Caliph al-Mustansir (1226-1242 AD) also deputed him as his envoy to the court of Razia Sultana.

The present work as the title shows is related to the law of inheritance, but I could not find it in any library or private collection.

39/112. Risālah fi'l Mirās (MS)

This small treatise of an anonymous author relates to division of inheritance an important issue of Islāmi fiqh. It was written, as mentioned in the introduction for the children of the

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113 M.A.L. Qutubuddin Collection, No. 23/16-B.
author but his name is not given. The treatise was scribed in 1118 AH/ 1706 AD by Maula Muḥsin. It shows that the book was written some times before 1706 AD. Explaining the major problems of division of inheritance, the *Risalah* defines different categories of shareholders, and takes into account the situations leading to the denial of share in inheritance such as Paganism, slavery, murder of legator (muriṣ). This work also contains a table listing different shareholders and their respective shares.

**40/242 Sharh Mukhtasar al-Faraiz (MS)**

Abdul Basit Qannauji (d. 1223 AH/ 1808 AD)

The commentator was a learned scholar of 19th century India. He memorised *Qurān* and got his early education under his father. Later on he associated with Maulawi Abdul Wali Farangi Mahli (d. 1177 AH/ 1763 AD) for further development of his knowledge. This book discusses the issues related to inheritance. The work is actually a commentary of *Mukhtasar al-Faraiz*, written by Habibullah Qannauji (d. 1727 AD) about inheritance and rules of its division. The present manuscript is a part of collection (Majmūʿah) of five treatises scribed by Hamiduddin Qannauji and bound together.

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115 Tažkirah p. 107.
41/115 Al-Risālah al-Mirāṣiyah (MS)\textsuperscript{116}

Sayyid Dildār Ali\textsuperscript{117} (d. 1235 AH/ 1819 AD)

This work as it is evident from the title is related to inheritance (faraiz). The work written in accordance with the Shīʿī fiqh, quotes many books of the same school. The actual date of compilation of the treatise is not known but it appears from the date of the death of compiler that it would have been written sometime before 1235 AH/ 1819 AD. The work was dedicated to Sultan Safdar ʿAlī Khān Bahadur.

42/224. Al-Fawāid al-Sabghiya fi Sharh Farāız al-Sirājiya\textsuperscript{118}

Ghaus Madrasi (d. 1238 AH/ 1822 AD)

The compiler of this work belonged to a reputed family of Muhammadpur in the district of Arakat (presently in Cochin). He was a well-known jurist of South India and follower of Imam Shafii. Among his teachers the noteworthy were Nizāmuddin, Aminuddin Siddiqui and Abdul Ali. He was very close to the Nawāb of Madras who appointed him as tutor for his son. The Nawāb conferred on him different titles such as Sharf al-Daulah,

\footnotesize{\textsuperscript{116} K.B.L. XXXIII/164, No. 1957.}
\footnotesize{\textsuperscript{117} The account of the author is briefly given in reference to discussion on Asas Al-Usul in this chapter on p.}
\footnotesize{\textsuperscript{118} Fuqahā-i-Hind, III/234.}
Sharf al-Malik and Ghālib Jang. He was also a good author and compiled many works about fiqh such as

(a) Al-Fawā'id al-Sabghiyah fi Sharh al-Faraiz al-Sirājīyah
(b) Sawātī al Anwār fi marifat-i-Auqat al-Salat wal- Ashar
(c) Kifāyat al-Mubtadi fi'l fiqh al-Shāfīī
(d) Tāliqat ālā Mukhtaṣar Abū Shuja
(e) Masā'il fi'l fiqh al-Shafiīī

These works referred to by the author of Fuqahā-i-Hindi are not available at present.

43/117. Zubdat al-Faraiz (MS)

İmâduddin Muḥammad Üşmanî al-Lubkani (belonged to 19th century AD)

The author of the work was a native of Lubkan a place in Bareilly district. He was a well-known scholar of Islamic jurisprudence, logic and philosophy who completed his studies under two distinguished scholars namely Muḥammad Ḥasan (d. 1783 AD) and Ābdul Ali Bahrul Ulūm (d. 1819 AD). He has also to his credit three other books: 'Uqdat al-Wāṣiqa, Sharḥ Kamilah

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119 Ibid.
Risālah Māqul al-Ashar\textsuperscript{121}. The date of death of author or that of compilation of the work could not be traced but it may be said in the light of the period of the teachers of the author that he belonged to 19\textsuperscript{th} century. The work discusses the issues related to inheritance in a detailed way. The present manuscript is a part of collection (majmūʻah) of five treatises scribed by Hamiduddin Qannauji and bound together.

B–Landed Property

44/120. Risālah dar bai al-ʻĀrāzī al-Kharājiyyah (MS)\textsuperscript{122}
Shaikh Jalāluddin Maḥmūd Thanesari (d. 989 AH/1581 AD)

The author of the work was born in 894 AH/1488 AD. His forefathers were native of Balkh. He was one of the distinguished 'Alim and Sufi of the period of Akbar to whom the Emperor had paid two personal visits. He belonged to the Sabiri branch of the Chishtī order and was a close disciple and Khalīfah of Shaikh Quddūs Gangohi Chishti (d. 945 AH/1538 AD). In the Maktubat-i-Quddūsiya (a collection of Abdul Quddus's letters) many of the letters of Shaikh ʻAbdul Quddūs are addressed to Shaikh

Jalaluddin. He was also known for deep knowledge of Islamic jurisprudence and contribution to this subject through compilation including the present one\textsuperscript{123}. The book was basically written to highlight the issue of ownership of lands. He thought that on account of elapse of a long time since the conquest of India no accurate information was available about the ownership of the properties because due to natural calamities and fear of the conqueror the original owner of land shifted their settlement from one place to another\textsuperscript{124}. In this situation such kind of land comes under the category of wasteland or ownerless property belonging to the property of \textit{Bait al-Māl} (the treasury of the Muslim State)\textsuperscript{125}. Jalaluddin's view about such kind of land being the property of \textit{Bait al-mal} is based on the theory that there is no evidence that the land was ever distributed among the victors (\textit{Ghamāmin}) or was restored by the Muslim conquerors to original owner after the initial conquest\textsuperscript{126}. So such kind of vacant land if occupied by a new group of people may not be legally lawful and lands must be deemed to have been abandoned and ownerless, so as to become the property of the \textit{Bait al-māl}\textsuperscript{127}. To prove his standpoint the

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\textsuperscript{124} \textit{Risalah dar Bai Arazi} Op. Cit, f. 2 a.

\textsuperscript{125} Ibid, f. 2 b.

\textsuperscript{126} Ibid, ff. 2 b, 3a, 7a.

\textsuperscript{127} Ibid, ff. 2b, 10a.
author gives the example of Ranjârs (Ranghârs) living in the region of Thanesar (a place in Haryana region) where the dominant group of the Ranjârs, Chauhâns and Tomârs (Tower) expelled the weaker section of the Ranjâr – the Pandiar (Bundiar) and the Brahman (Ahl-i-Zunnâr) from their villages and occupied their lands. The descendants of the later occupants, in his opinion, could not be recognised proprietor of the land occupied through expulsion of original occupants\textsuperscript{128}.

The important juridical works referred by Qazi Jalaluddin in his book are Mukhtâsar al-Qudûri by Ahmad b. Muhammad al-Quduri (d. 1036 AD), Fatâwâ Qâzi Khân by Fakhruddin Hasan b. Mansur Qazi Khan (d. 1196 AD), al-Hidayah by Burhanuddin Ali b. Abu Bakr Marghinani (d. 1197 AD), Kanz al-Daqaiq by Hafizuddin Abdul Barakat Abdullah b. Ahmad Nasafi (d. 1310 AD), Fatawa Qara Khâni by Qara Khan (14\textsuperscript{th} century), Fatawa-i-Tatar Khâni by Alim b. Ala Hanafi (d. 1397 AD). Besides these compilations he referred some important Ulama\textsuperscript{\prime} and Muftis in his treatise they included Ilahdad Jaunpuri (d. 1517 AD), Tayyab Budh and Muhammad Mufti.

The author after supporting the view of the above scholars of his own times, he came to the conclusion that if any former

\textsuperscript{128} Ibid, ff 10a, 14 a, see also, Socio-Economic Dimension of Fiqh Literature in Medieval India, p. 91.
ruler had earlier restored land to the original owner (the ancestors of the present occupants) the ruler, acting upon the opinion of Imam Shafii could issue his judgement against the occupant’s right to own the land. In such case the land, in his opinion, would remain Kharaji and the occupants would be treated merely as cultivators working for the Muslims. Besides, the ruler would have full control over such lands to bestow the revenue or the land itself upon deserving person according to his own will. Such beneficiaries (grantees) would be entitled to full proprietary rights free from any fear of assumption or alienation. In this way according to Jalaluddin most of the land in Mughal India came under the category of ownerless property that belonged to Bait al-mal. In such situation according to the author, any portion of the land granted by the Sultan to a deserving person and cultivated by the latter with the former’s permission would ultimately become property of the grantee and be designated as 'Ushri.

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129 Ibid, ff. 7b, 8b.
130 Ibid, ff. 6b, 8 a,b, see also Socio-Economic Dimension p. 92.
C. Sale & Purchase

45/01. Al-Bayāẓ al-Jāmî fi aqwāl al-fuqah (MS)\textsuperscript{131}

Muḥammad Hāshim b. Abdul Ghafūr al-Thattawi (d. 1174 AH/1760 AD)\textsuperscript{132}

The work was arranged on the pattern of general books of fiqh. It was divided into two volumes; the first volume discusses the different aspects of learning while the second relates to sale and purchase (Ba‘ī wa Shirā). This work is mainly based on quotations from several books of fiqh about the matter under discussion. The first volume of manuscript in K.B.O.P. Library Patna consists of 451 folios while the second has 291 folios.

5. Penal Matters

46/123 Fatāwā Ikhtiyār fi’l Ḥudūd wa’l-Qiṣāṣ (MS)\textsuperscript{133}

Hazaqat Ali Khan Ḥakim Salāmat Ali Banārsi (belonged to 2\textsuperscript{nd} half of 19\textsuperscript{th} century AD)

This work dealing the penal issues is an important collection of legal opinions and verdicts of jurists. It is divided into two

\textsuperscript{131} K.B.L. XXXIII/ 70-71, Nos. 1803, 1804, 1805.
\textsuperscript{132} The biographical information about the author may be seen in reference to his another work: Fākiḥat al-Bustān in this chapter on p. 182.
\textsuperscript{133} M.A.L. Zamimah Subhanallah Collection, No. 297.31/7.
main parts and subdivided into several chapters and these sub-chapters are further divided into fusul (sections). This Fatawa collection contains a very useful introduction which discusses the Islamic principles and rules for dealing with crimes of different nature. He has first of all, defined Hadd, Qisas and Tazir and has explained the nature of punishment to be given for different kinds of crimes. In this connection he also discusses the conditions and etiquettes of giving witness in various cases. The author has taken into account a very large number of subsidiary issues connected with the Hudūd, Qisās and Tāzīr. It is also important that the author has elaborated his points in the light of original sources such as al-Hidayah, Fath al-Qadir, al-Quduri, Fatawa Qāzī Khān, al Ashbāh wal-Nazāîr, al-Jāmi’ al-Ṣaghir, Bahr al-Rā‘iq, al-Fatāwā al-Hammadiya, al-Fatāwā al-Tātār Khaniyah, Majmā al-Baḥra‘īn.

In this way this Fatawa has very rich material on penal issues covering every aspects of crimes and punishment. This work was translated by Maulawi Abdul Salām Nadwi in Urdu and published from Matba Maarif, Āzamgarh in 1992 AD in the title Islamic Qanun-i-Faujdari.
Sirajuddin Ali Khan (belonged to 19th century AD)

Very scanty information is available about the author of the work. It is only confirmed about him that he worked as Qazi in Calcutta in 1805 AD. At the same time Henary Clark and Herbert Horington were also working as judges in Calcutta. The latter has stressed upon Sirajuddin to compile a separate work on penal law of Islam.

The present work consisting of seven chapters and one supplement covers all major and minor issues related to Hudud, Qisas and Tazir. The work compiled basically from the point of view of Hanafi School is quite comprehensive and the author had adopted modern approach while discussing and explaining the legal problems.

In the introduction the author has explained the basic differences between Ḥadd and Tazir. According to him nature and kind of punishment under the Ḥadd is fixed by the text of Qurān and Hadis, while under Tazir it is depended on the verdict of Qāzi. Secondly, in case of even little doubt (Shubhat) about the offence, Ḥadd would not be implemented but the Tazir may be enforced. Thirdly, the minor (Ṣabīl) would be exempted from Ḥadd but such

135 'Arabi Adabiyyāt, p. 96.
exemption is not allowed in case of Tāzir. Still another difference is that, the punishment under Tāzir would be given to both Muslim and non-Muslim while the Hadd is to be applied only to Muslims. In the first chapter the author discusses the objectionable and vulgar sentences liable to Tāzir. The second chapter takes into account the cases in which only Tāzir is applicable. The author has pointed out some particular situation in which the implementation of Ḥudūd could be suspended. The third chapter defines al-Shubhat al-Qawiyah (strong doubts) on the basis of which rules of Tāzir may be applied. The fourth chapter deals with the cases involving Qisas and explains conditions for its implementation. In this connection he quotes the opinion of some eminent Ulama including Qāzi Ābul Āṭa al-Nāsiki, Abū Bakr al Aʿmash and Abū Shuja. The fourth and fifth chapters deal with the false witness and its rejection in different matters. In the same context he has also given his opinion about fabricated cases of crimes. In the last chapter he discusses the procedure for giving punishment under Tāzir. Such as minimum and maximum number of whips allowed under Tāzir. In last part of the work the compiler has given details about the Siyāsat (punishment for political offences), its implementation by Imām and Qāzi for the interest of the state and its subjects. The author has taken into

account not only the issues of his own time but has also dealt with some subsidiary problems which may arise in future. Many examples of the implementation of Hudūd and other punishment given from the Islamic history especially from the period Caliph Umar (R.A.). The author has also pointed out the differences of opinion among the jurist of the Hanafite School. The main sources referred in the work are: al-Hidāyah, al-Nihāyah, al-Fatāwā al-Sirājiyyah, al-Fatāwā al-Zahiriya, al-Ashbāh al-Nazā'ir, al-Bahr al-Rāīq, Fath-al Qadir, al-Kafi, Muḥit al-Sarkhasi, Fatāwā Qāzi Khān, Niṣāb al-Iḥtisāb.

6. Administration of Justice

48/188. Sinwān al-Qaṣā wa ʿUnwān al-Iftā (MS)

Abul Maḥamid Muḥammad b. Muḥammad Ismāʿil al-Usqrqāni (d. 646 AH/ 1248 AD)

No information is available about the author, except that he originally belonged to Khurasan and migrated to India in 616 AH/ 1219 AD during the Mongol’s onslaught in that region.

The book relating to an important subject of Qaṣā (judiciary) and Iftā (issuing legal verdict) is divided into five chapters each

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138 K.B.L. XIX / 165-166, No. 1682.
chapter is subdivided into several *fuṣūl* (sections) and then each *faṣl* again divided into a number of *naū* (category). The first chapter discusses the importance of administration of justice, conditions and qualifications required for a person to be appointed as *qāẓī*. The second chapter deals with the responsibilities of *Qāzi al-Quzāt* (chief justice), etiquettes of *Qaza* and principles of imparting justice. In the third chapter the claimant's rights, issues of *Shahādat* (witness) and the principles delivering judgement have been taken into account. The fourth chapter deals with the behaviour and conduct of life which is desirable for a *Qāẓī*. It also explains the matters which are required to be considered for giving judgement. The work has frequently quoted various reliable works including *al-Mabsūṭ*, *al-Jāmī al-Saghir*, *al-Jāmī al-Kabir*, *al-Siyar al-Kabir*, *Zakhirat al-Fatawā* and *Sharḥ Adab al-Qāẓī*.

49/187. *Niṣāb al-Iḥtisāb* (MS)\(^{139}\)

Qāẓī Ziauddin ʿUmar b. ʿĪwaz al-Hanafi al-Sunnāmi (belonged to second half of the 14\(^{th}\) century AD).

The author of the work was a great jurist and reputed Scholar of the sultanate period. Throughout his life he worked

\(^{139}\) M.A.L. Subhanullah Collection, No. 297.3/54.
hard for propagation of Islamic values and eradication of social evils. He did not compromise for the Shari'at's rules even on minor issues. He never hesitated in pointing out unlawful practices irrespective of the fact that such cases were related to any theologian or political personality. He was contemporary of Muhammad b. Tughlaq (1325-1351 AD) who appointed him as qazi of Warangal where he died. In the beginning of the book a detailed account is given about Ihtisāb and its importance as a department of the state administration for looking after moral life of the people. The author has also explained nature of punishment of different crimes under Hudūd and Tāzir. At different places, the problems have been discussed in the form of question and answer supported by references to the Qurān, Hadīṣ and fiqh works. While dealing with the practices of the Sūfis he touches the issue of Sama' (spiritual recital with the use of musical instrument), raqs (dance), wearing of garment embroidered with gold and silver. He says that these are not allowed by the Islamic Shariat. The problems taken up in the work are of varied nature such as use of gold and silver, rights of minors, etiquettes of sitting in mosque and that of visiting grave yards, employment of the children as servant, bowing head as a

140 Tāzkirah p. 97.
141 Akhbār al-Akhyār p. 109, Nuzhat II/63.
way of greeting. At some places he has supported his discussion by citing historical events especially from the period of the second Caliph Haṣrat 'Umar (RA). The sources referred by the author are al-Hidāyah, Jāmī al-Ṣaghīr, Qudūrī, Fatāwā-i-Khaniya, Fatāwā Zahiriyyah, Fatāwā Nasafi, al-Zakhira. According to the catalogue of K.B.O.P. Library Patna, the work was printed in lithograph form.

7. Principles of Islamic Jurisprudence

50/163. Al-wasūl ila-ʿIlm al-Uṣūl

Šafiuddin Muḥammad b. ʿAbdul al-Raḥim al-Hindi (d. 715 AH/1315 AD)

The author of the work was born in Delhi in 644 AH/1246 AD. He completed his education under his grandfather and Qazi Sirajuddin. He was a well-known jurist and follower of Imam Shafii. He left Delhi in 667 AH/1270 AD for Yeman, where he met Sulṭān Muẓaffar (713 AH/1314 AD). After performing Hajj, he visited Cairo, Rome, Quniya, Siwas, Demascus and finally settled there. He worked as teacher in different Madāris including
Zāhiriyyah, Jawāniyyah, Rawāhiyyah. Besides teaching, the learned Scholar showed interest in writing books on aqaid, (fundamental beliefs) Islamic jurisprudence and to its principles. In addition to the present one his other contribution included Al-Nihāyah, Al-Risālah al-Sabīyyah. He was well acquainted with Īlm-i-Kalām specially with the scholastic thought of Imām Abul Hasan Ashari\(^{146}\).

51/264. Taujih al-Kalām fi Sharḥ al-Manār\(^{147}\)

Yūsuf b. Saiyyid Jamal Husaini al-Multani (d. 790 AH/ 1388 AD)

The author was a distinguished jurist of Multan who was born and brought up there. Later on, he shifted to Delhi and completed his education under the well-known Ulamā’ of that time including Jalaluddin Rumi and Qutubuddin al-Razi. Sultan Firuzshah (1351-1388 AD) was very much impressed by his scholarship and he appointed him as a teacher in Madrasah Firuzshahiya situated near Hauz-i-Qāzi in Delhi. Shaikh Yusuf was author of several works on Philosophy, logic and Islamic jurisprudence\(^{148}\). The present work is a commentary on Manār al-Anwār of Abul Barakat al-Nasafi (d. 710 AH/ 1310 AD) the well-known book of Usūl-i-fiqh.

\(^{146}\) Nuzhat II/135, Fuqahā-i-Hind 1/282-83.  
\(^{147}\) Nuzhat II/174-175.
The author of the work was a well-known jurist and writer of pre-mughal period. The present work is a detailed commentary on Usul al-Bazdawi of Abul Hasan Ali b. Muhammad al-Bazdawi (482 AH/1089 AD) which is considered an important work about the Usul-i-Fiqh of the Hanafi School and it was also popular as a part of the Fiqh curriculum in those days. The commentary is quite comprehensive and gives detailed explanation of text of the Usul-i-Bazdawi. Its importance may be realised by the fact that it has reference to more than three hundred works on the subject.

The author, contemporary of Shahjahan (1628-1658 AD) was a great scholar of traditional and rational (manqūlāt and māqūlāt) sciences. He belonged to Dewa (presently in Barabanki Distt). After getting early education under the Ulama of Dewa, he went to Lahori and further studied under Abdul Salām Lahori (1037 AH/
1627 AD). At the same place he worked as a teacher for a long time. He was also appointed by Shahjahan as Mufti but resigned after sometime and occupied himself with the work of teaching and writing books. He was very strict in following the Shariah and expressed his opinion fearlessly though it went against the opinion of other Ulamā of his times.\(^{153}\)

The present work is a commentary of Manār al-Anwār of Abul Barakat al-Nasafi (d. 710 AH/1310 AD) which was very popular as a book of the principle of Islamic jurisprudence in those days.

54/262. Sharḥ al-Husāmī (MS)\(^{154}\)

Abū Yūsuf Yāqūb al-Bannani al-Lahori (d. 1098 AH/1686 AD)

The commentator of this book was one of the noted jurists and scholars of 17th century India. Born at Lahore, he completed his education under different teachers of that period. He was a contemporary of Shāh Jahan (1628-1658 AD) and Aurangzeb (1659-1707 AD). Shahjahan has appointed him as teacher in Madrasah Shahjahaniya at Delhi. During Aurangzeb’s period he worked as Nāzīr (supervisor in the Mughal court of Justice). His

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\(^{153}\) Ibid, pp. 228-229

\(^{154}\) M.A.L. Subhanullah Collection, No. 297.32/2.
grave is located at Delhi. This is a commentary of a well-known Arabic book of *Usul-i-fiqh* which is commonly known as *al-Husāmī*. This commentary has very minutely discussed different source of *Uṣūl-i-Fiqh* including *Qurān, Hadīs, Ijmā‘* and *Qiyās*. While discussing the main principles, the commentator defines various technical terms related to this subject such as *Muhkam, Makhṣūs, Mutashābah, Majāz-i-mursal*. The explanation of the text given in the commentary is quite detailed one and at different places it also deals with the etymological aspects which further helps to understand the text of the original work. In course of his discussion the compiler quotes the opinion of *ʿUlamā‘* of Tansoxiana such as Shaikh Abu Manṣūr and that of Iraq such as Imam Abu Hanifa.

55/157. *Musallam al-Subut (MS)*

Muhibullah Bihari b. Abdul Shakur (d. 1119 AH/1709 AD)

The author was a noted jurist of his times and was also well known for his deep interest in the field of rational sciences. He belonged to Kara (a place in the district of Allahabad). His teacher included Quṭubuddin Shamsabadi (1122 AH/1710 AD). After

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155 Nuzhat, V/453.
157 Ibid, ff. 10b, 72a, 75 b.
158 M.A.L. Habib Ganj Collection, No. 19/43.
completing his education he showed main interest in the field of *Fiqh* and became famous as a jurist. He also impressed Emperor Aurangzeb by his scholarship. So he was first appointed as *Qazi* of Awadh and then that of Hyderabad. He was given the title of *Sadārat-i-Mamālik-i-Hind* and *Fāzil Khān* by Shah Alam b. Aurangzeb in 1118 AH/ 1708 AD). He died in Kara. He has to his credit several works on principles of Islamic jurisprudence and logic including *Sullam al-Ūlūm*, *Jawāhir al-Fard*, and *Musallam al-Ṣubūt*. These books show his command over both the subjects.  

Apart from two main parts (known as *Mabādi* and *Maqāsid*), *Musallam al-Ṣubūt* contained an introduction and a supplement (*zamimah*). In the introduction the author has explained the historical development of Islamic jurisprudence and basic difference between *Fiqh* and *Uṣūl-i-Fiqh*. According to the compiler the derived commandments are called *Fiqh* while the rules and principles on the basis of which these commandments are framed, are termed as *Uṣūl-i-Fiqh*. The first part of the book 'Mabādi' deals with the nature and objectives of the commandments (*ahkām*), and their different categories such as *farz, wājib, mustahabb, makrūh* and *ḥarām*. The second part of

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the book, *maqāsid*, discusses the sources of Islamic jurisprudence. In course of his discussion, the compiler has also given viewpoints of well-known jurists of four Schools of *Fiqh* and that of the Ulama of some theological schools of thought such as Jahamiyya, Mutazilah, Ashāirah. A good aspect of the work is explanation of special terms of *Fiqh* and *Usūl-i-Fiqh* and their correct usage.

The Musallam is considered a popular textbook of the principles of Islamic jurisprudence and is widely read by the students and teachers specially in the institutions of Islamic learning. It has been part of curricula from the days of its compilation. Its popularity is evident from the fact that a number of commentaries were written about this work by the distinguished scholars including Niẓāmuddin Farangi Mahli (d. 1199 AH/ 1784 AD), Ahmad Abdul Haq b. Muhammad Sāid (d. 1187 AH/ 1773 AD), Muhammad Hasan b. Ghulam Muṣṭafa Lakhnawi (d. 1209 AH/1794 AD), Muhammad Mubin Farangi Mahli (d. 1225 AH/ 1810 AD) Abdul Ali Baḥrul Ülum (d. 1278 AH/ 1861 AD) Mubin b. Muhibullah and Ābdul Haq b. and Faṣal Ḥaq Khairabadi (1316 AH/ 1898 AD). The weak aspect of the work is that it is mixed with three different commentaries which has made it more complicated.
This work is a commentary on Musallam al-Subūt written by the author himself to simplify the complicated texts of the book. It was mainly done under the earnest desire of some of the contemporary Ulamā as stated by the commentator himself in the introduction. The compiler of this commentary does not provide any list of the content nor he gives any other indication which may be helpful in studying this commentary. The whole book of Musallam al-Subūt was explained without any reference to its chapter or contents in a clear way. The only thing which the commentator did in this work is that he used Qauluhū (his word) for the author which distinguishes the text from the commentary. In most part of the work the compiler quotes some incomplete sentences of Musallam al-Subūt and then explains it. The reader of the commentary feels difficulty to understand if he is not well familiar with the text of Musallam al-Subūt. Muhibbullah had made reference to a number of Fiqh works of reputed jurists. These books included al-Bazdawi, Kashf al-Manār, al-Tauzih al-

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\(^{160}\) M.A.L. Habib Ganj Collection, No. 19/25.
\(^{161}\) For brief account of the biography of the author see my discussion under Musallam al-Subūt in this chapter, on p.
Talwih, al-Maḥṣūl, al-Aḥkām lil Āmādi, al-Mukhtasar lil Qāzi, Sharh Taftāzani.

57/250. Nūr al-Anwār fi Sharḥ al-Manār (MS)\textsuperscript{162}

Ahmad Jiwan Amethwi b. Abu Sa'id (d. 1130 AH/1718 AD)

The author, who belonged to Amethi (district of Lucknow) was a notable commentator, traditionist and jurist of 18\textsuperscript{th} century India. At higher level of his education his main teacher was Lutfullah Jahanadabdi. He had the privilege of being teacher of Emperor Aurangzeb who paid high respect to him. His successor Shah 'Ālam (1707-1712 AD) also held him in high esteem. He engaged himself mainly in teaching and writing books on different aspects of Islamic learning with special emphasis on Fiqh. Even his commentary of the Qurān known as al-Tafsīrāt al-Ahmadiyyah gives main focus on juridical points derived from the verses of the Quran. He died in Delhi in 1718 AD and was buried in Amethi\textsuperscript{163}

The present commentary provides useful explanation to the text of Manār al-Anwār. This is one of the important commentaries of the work which has detailed discussion about the sources of Fiqh and explains the terms used in relation to Usūl-i-Fiqh such as Khās, 'Ām, Mushtarak, Zāhir, Muḥkam, Khafi, Mushkil, Mujmal.

\textsuperscript{162} M.A.L. Subhanullah Collection, 297.32 / 15.
\textsuperscript{163} Taṣkīrah p. 45, Subhat p. 79, Nuzhat VI/19-20.
Mutashābih, Haqiqat, Majāz, Ištīra, Dalālat al-naṣṣ, Iqtiza al-naṣṣ, Ijtihad. The compiler has strengthened his discussion by referring to the Qurān and the Ahādis of the Prophet (S.A.W.). At different places he makes reference to his famous Tafsīr for explanation of the verses quoted by him\(^{164}\). As the Manār was written mainly according to the Hanafi School, this commentary also highlighted the points of view of this school with occasional reference to the opinions of jurists of other schools\(^{165}\). The commentary is quite popular among the scholars and it is also included in the courses of the Indian Madāris.

58/275. Sharḥ Zubdat al-Uṣūl (MS)\(^{166}\)

Ḥamdullāh b. Shukrullāh Sandelwi (d. 1160 AH/ 1747 AD).

The Commentator was one of notable disciples of Nizamuddin b. Quṭubuddin Sihālwi (d. 1161 AH/ 1748 AD) and was well known as an experienced physicain (Tabib-i-Hāzi) and distinguished scholar, he had established a great Madrasah in Sandila near Lucknow which was given financial assistance by Abū Maṣūr Nawāb of Awadh. Recognising his scholarship the Nawāb gave him the title of Fażlullāh\(^{167}\). The comentator

\(^{164}\) Nur al-Anwār fi Sharḥ al-Manār ft. 9b, 12 b.

\(^{165}\) Ibid. f. 8 b.

\(^{166}\) K.B.L. XIX/80, No. 1583.

\(^{167}\) Tazkirah p. 52, Nuzhat VII/76-77.
engaged himself throughout his life in writing and teaching. His
disciples included some of the eminent scholars of 18th century
India such as Qazi Ahmad Ali Sandelwi (d. 1200 AH/ 1785 AD),
Maulawi Ahmad Husain Lakhnawi, Qutubuddin Jaunpuri, Maulawi
Muhammad ʿĀzam Qāẓīzādah Sandelwi and Maulawi Abdullah b.
Zainul Abidin. He wrote several books on Tafsir, manṭiq (logic)
and Fiqh. He died at Delhi in 1747 AD.

The present work is a detailed commentary on an important
work of Uṣūl-i-Fiqh: Zubdat al-Uṣūl of Bahauddin Muhammad b
Hasan al-Āmili (d. 1031 AH/ 1621 AD). The work has attracted a
number of scholars to write commentaries, glosses and
annotations. This commentary was dedicated to Nawāb Abul
Mansūr Khān Bahādur Safdarjung of Lucknow (d. 1169 AH/
1753 AD).

59/268. Sharh Musallam al-Ṣubut

Nizāmuddin Sihālwi Farangi Mahli (d. 1161 AH/ 1748 AD)

The Commentator of the work, an eminent scholar of 18th
century was the third son of Quṭubuddin Sihalwi (d. 1103 AH/
1191 AD). His teachers included Quṭubuddin Shamsabadi (d.
1122 AH/ 1710 AD) and Hafīẓ Amānullah Banārsī (d. 1133 AH/

168 Ibid, see also K.B.L. XIX/80, No. 1583.
169 Nuzhat, VI/385.
1720 AD). Later on he himself became famous as a teacher and students from distant places joined his lectures (da’rs). He was Khalifah of Shaikh Abdul Razzaq al-Qadiri (d. 1136 AH/ 1723 AD) and popularly known as founder of Dars-i-Nizāmiyah. He was given land grant by Emperor Alamgir170 for establishing his educational institution. He has to his credit several works on Aqāid, Fiqh and Manṭiq171.

The present commentary is related to Musallam al-Subut, a popular text of the Usul-i-Fiqh which was widely studied by the students and scholars of medieval period as stated earlier. The commentary was prepared according to the contents of the original work. The commentary also has marginal notes which further elaborates the points discussed in the work.

60/146. Asās al-Uṣūl (MS)172
Saiyyid Dildār Ālī (d. 1235 AH/ 1819 AD).

The author of the work considered to be first Shīah Mujtahid of India was born in Nasirabad (Jais) in 1167 AH/ 1753 AD. In the field of Hadīs and Fiqh his teachers included Baqar Bahbahani, Saiyyid Ali Tabatabai, Saiyyid Mahdi b. Hidayatullah of Mashhad.

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172 M.A.L. Qutubuddin Collection, No. 18/10.
For learning of rational sciences he joined the lectures of Ghulam Husain Dakni Ilahabadi and Haider Ali b. Hamidullah Sihalwi. He occupied himself with teaching and writing books and showed keen interest in propagating the shi'ite thought. Nawab Asif al-Daula of Awadh (1775-1797 AD) appointed him as the Imam of congregational prayers in Lucknow. In addition to Asas al-Usul, other works of the author are ʻlmād al-Islām, Husam al-Islām, Ḩiyyā al-Sunnah, Risālah, al-Jumuʿah, Risālah Zahabiyyah.

The present book consists of an introduction and four chapters which are named as maqasid. The work was prepared to meet the requirements of followers of the Shiah School of jurisprudence. It became popular as an authentic book of Shiah jurisprudence. The author has given main emphasis on the Shiite point of view in explaining ʻlmā, Qiyās and Ijtihād. About the issue of ʻlmā he is of the opinion that it comes under the jurisdiction of Prophet (nabi) or innocent leader (Imām-i-Māṣūm) or a wasi. He thought that the consensus of the Muslim community cannot be considered ʻlmā. The author is very much critical about the Sunni point of view on the scope of the ʻlmā. Surprisingly the author has discussed the issues of Qiyās in a very detailed way (in about hundred pages) though this is not

172 M.A.L. Qutubuddin Collection, No. 18/10.
recognized as a source of *Fiqh* in the Shiite jurisprudence and is given very title importance by the jurist of the *Shiah* school. Explaining his point of view about *Qiyās*, the author considered it helpful in determining the *Shariat*'s attitude towards different emerging issues. In relation to the *Ijtihād* he has discussed importance as well as qualification for a jurist who is entitled to exercise *Ijtihād*. In support of his opinion, the author frequently quotes traditions and pinpoints their categories on the basis of their strict scrutiny. The traditions (*riwāyāt*) are generally quoted from those collections of *Ḥadīṣ* which are popular among the Shii *Ulama* such as *al-Kifāyah*, *Majmā al-Bayān*, *Basāir al-Darjāt*, *Kitāb al-Nawādir*, *Tafsir al-Sāfi*.

61/272. *Fawātiḥ al-Rahmūt Sharḥ Musallam al-Ṣubūṭ* (MS)\textsuperscript{175}

Baḥrul Ḭūm Ḩādī Muhammad b. Niẓāmuddīn (d. 1235 AH/1819 AD).\textsuperscript{176}

This work as the title shows is a commentary on a well-known book of *Uṣūl-i-Fiqh* known as *Musallam al-Ṣubūṭ*. Systematically arranged into chapters and subchapters the work also contains marginal notes at different places. The commentary

\textsuperscript{175} M.A.L. Abdul Hai Collection, No. 457/2.
\textsuperscript{176} A brief account of Baḥrul ᬀūm may be seen in reference to his another work: *Raṣāil al-Arkān* in this chapter, on p.
is quite detailed. First of all, the etymological and lexical aspects of the text have been fully explained. The commentator takes full care in defining all the technical terms which are of prime importance for understanding the main issues of *Uṣūl-i-Fiqh.* Such as *mutlaq, muqayyad, takhsis, dalā'il-lafziyyah*¹⁷⁷.

In reference to his discussion about the *Hadis* as a source of *Fiqh,* the commentator has shown special interest in explaining his point of view about *Khabar-i-Āḥād* and its use for deduction of legal points. The work gives reference to the views of jurists of the well-known schools of *Fiqh* with regard to different aspects of *Uṣūl-i-Fiqh* but the Shafiite point of view is much highlighted. It shows that the commentator was follower of *Imām* Shāfī‘ī.

62/325. *Ḥāshiyah āla'l-Tauzih wa'l-Talwiḥ*¹⁷⁸

Aminullah b. Muḥammad Akbar Lakhnawi (d. 1253 AH/1837 AD)

The author of the work, was a native of Lucknow who belonged to a learned family as his grandfather Mufti Zahurullah (b. 1760 AD), his father Muḥammad Akbar and his uncle Muhamamd Aṣghar (d. 1839 AD) all were known for their deep interest in the field of Islamic learning especially *Fiqh* and *Fatāwā.* On their own part, they helped in educational upbringing

¹⁷⁷ *Fawātih al-Rahmūt,* Op. Cit. ff 5a, 6b, 20b, 66b, 103 b.
of Aminullah. After completing education he engaged himself in teaching and writing commentaries and marginal notes (Shuruh wa Ḥawāshi). Some of them are Hashiyah ala'l Tawzih wa'l-Talwih, Sharḥ Waqāyah, Ḥāshiyah ʿalā-Sharḥ Musallam al-Ṣubut. It was a matter of privilege for him that his grand father Maulawi Zahurullah (also his teacher) used to seek his help in imparting Fatawa.  

63/160. Al-Risālah fi Uṣūl al-Fiqh (Prtd.)  

Shah Muhammad Ismail Shahid (1247 AH/ 1831 AD)  

The writer of the treatise was born at Phulat (Muzaffar Nagar) in 1196 AH/ 1781 AD. After the death of his father he was brought up under the guardianship of his uncle Shah Abdul Qadir (1243 AH/ 1827 AD). He was an eminent scholar and theologian, who fully devoted himself to the propagation of Islām and promotion of Islamic learning. He used to deliver speeches in Jamʿa Masjid of Delhi, which was attended by thousand of people. He did great work for the reform of Indian Muslims particularly for eradication of innovation and other evils from the Muslim society. On account of these contributions he came to be known as Hujjat al-Islām. He had command over different subjects including

179 Nuzhat VII/87.  
Tafsir, Hādiṣ, Fiqh, Falsafah, Manṭiq and Mathematics. He had to his credit many books on different subjects especially aqaid (beliefs) and Fiqh\textsuperscript{181}.

The present work is related to \textit{Usūl-i-Fiqh}. The work, though, in form of a short treatise has great importance for its useful discussion on the subject. In course of his discussion the learned scholar first of all, has explained fiqh and \textit{Usūl-i-fiqh}, then he discusses the primary and secondary sources of Islamic Shariāt Qurān, Hādiṣ, Ijmā', and Qiyās. The author has explained the nature of the rules of the Shariāt. He says that some Ahkām (commandments) are ʿĀm (of common nature) while the other come under the category of Khas (of particular nature). Similarly the effect of \textit{Mutlaq} rule is different from the \textit{Muqayyad} one.

64/277. \textit{Sharḥ Zubdat al-Uṣūl (MS)}\textsuperscript{182}

Jawwād Kāzīmi, (d. 1258 AH/ 1842 AD).

The compiler of this work was a well-known Shiah scholar of 18\textsuperscript{th} century India. Born at Lucknow in 1174 AH/ 1760 AD he completed his education under a notable Shīāh scholar Saiyyid Dildār Āli b. Muhammad al-Naṣīrābādī. The commentator contributed in the field of traditional (\textit{manqūlāt}) as well as rational

(maqūlāt) sciences. His works included commentaries and marginal notes (Shurūh and Hawāshi) on several important books included in the syllabus of those days Madrasah\textsuperscript{183}. The present commentary was written on Zubdat al-Uṣūl, an important book of Uṣūl-i-Fiqh written by Bahauddin al-Amuli (d. 1031 AH/1621 AD). The work explains in detail each and every aspects of Usul-i-Fiqh given in the text. The major part of discussion relates to the sources of Fiqh, i.e. Qurān, Hadīs, Ijmā and Qiyās. In relation to Hadīs, the issue of Khabar-i-Āḥād has been taken up with much details. The commentator first of all, quotes important parts of the original text and then explains them in a detailed way. He discusses the related matters not only giving simple answer to it but deals with it very minutely taking different aspects of the problem into consideration. Thus the commentator tries to satisfy the reader through his thorough discussion. The main objective of the writing of this commentary was to highlight views of jurists of the Shiāh school about different aspects of Uṣūl-i-Fiqh. The work frequently quotes the sayings of Hazrat Āli, Ḥasan, Ḥusain, Fatimah and Umm-i-Salmah (R.A.) in support of the points given therein. In addition to the Shiite Scources, the commentator has also quoted traditions from the well-known collections of Hadīs

\textsuperscript{182} M.A.L. Zamima University Collection, No. 3.  
\textsuperscript{183} Nuzhat, VII / 127.
such as *Bukhari, Muslim, Musnad Ahmad Ibn-i-Hanbal*. He has shown his disagreement with the Sunni jurists on different issues.

65/328. *Hashiyah Sharḥ al-Ḥusāmī (MS)*\(^{184}\)

Maulawi Jaun Malik al-Wahhab, the author of this *Hashiyah* belonged to 19\(^{th}\) century AD. No information is available about him and that of the date of the compilation of the present work. But in the light of the date of its scribing (1277 AH/ 1855 AD) it may be said that it would have been written before that year.

This work is in the form of marginal note on the commentary of Husāmī, one of the popular texts of *Usul-i-fiqh* written by Muhammad Husamuddin (d. 644 AH/ 1246 AD). The work was included in the curriculum of those days, and a number of scholars prepared commentary of the text but it is unconfirmed that on whose commentary the present *Hāshiyah* was written. The discussion of the present work is concentrated on the four well known sources of Islamic jurisprudence (*Usul-i-fiqh*) various technical terms have been explained such as ‘Ām, Khāṣ, Naskh, Mujmal, Ishārat al-Nass, Muţlaq. The commentator has used some works to differentiate between the views of others and that of his own explanation such as *qauluhu* (his opinion) and *qulna* (we said). The writer has supported his discussion by referring to

\(^{184}\) M.A.L Sulaiman Collection, *Fiqh ‘Arabia*, No. 73/3.
the verses of the Holy Qurān and the well-known works of Usul-i-fiqh such as Talwih, Tauzihi. The present manuscript is attached with the manuscript of other work of the same author under the little of Hāshiyah Mulla Jaun.

9. School of Fiqh and their differences


The author of the work was born at Delhi in 704 AH/1304 AD. He completed his education under the well-known scholars of his period such as Wajihuddin Dehlawi, Shamsuddin Dwali, Sirajuddin Saqafi and Ruknuddin Badauni. He wrote several books about Islamic jurisprudence from the Hanafi point of view. He was more well-known for writing commentaries on a number of works of Hanafi school such as Al-Manar, Al-Mughni fi Usul al-Fiqh and wrote some original works which included Fatawa al--Hidayah al-Fatāwā al-Sirājiya and al-Ghurrat al-Munifah fi Tarjih Maghab-i-Abi Hanifa.

\[^{184}\] M.A.L. Sulaiman Collection, Fiqh 'Arabia, No. 73/3.
The present book *Zubdat al-Aḥkām* gives details about a large number of problems discussed by the jurists of different schools in their own way. Thus it is an important work on juridical differences and helps to understand the point of view of the well-known jurists of four schools of *Fiqh*. While discussing different problems the work explains point of agreement as well as that of disagreement among the jurists. For example in relation to purification (*Tahārat*) it was explained that according to the four schools the ablution (*wažū*) has four obligations (*farz*) i.e. washing hand upto elbow, and that of face, *masaḥ al’al-Rās* and washing the legs. But in the case of *niyyat* (intention) and *tartib* (sequence) these four School have different opinions. The jurists of Hanafi School do not consider *niyyat* and *tartib* an obligatory while in view of the shafites both are obligator. In view of the Maliki jurists *niyyat* is obligatory but not the *tartib*\(^\text{188}\).

67/174. *Fatḥ al-Mannān fi Tā’īd al-Nūmān*\(^\text{189}\)  
Abdul Ḥaq Muhaddīṣ Dehlawi b. Saifuddin (d. 1052 AH/1642 AD)  
The author of the book was a distinguished scholar of 17\(^\text{th}\) century AD. His father Saifuddin (d. 990 AH/1582 AD) himself was a great Alim who took special care in the educational

\(^{188}\) *Arabi Adabiyyāt* p. 93.  
^{189} *Fuqahā-i-Hind* IV/217.
upbringing of his son. He memorized the Holy Quran within one year. At the age of 18 years he was able to complete the traditional education. With his deep interest in Hadis and other branches of Islamic learning he was also inclined toward mysticism from the early part of his life. In 996 AH/ 1587 AD he left for Hijaz. In the way he came into contact with Shaikh Wajihuddin Gujrati and in Makkah he met Shaikh Abdul Wahhab Muttaqi (b. 996-1587 AD) the two well-known scholars of Akbar's period and took advantage of their company especially in the field of Hadis.

After getting educational training under Shaikh Abdul Wahhab Muttaqi he returned to India in 1000 AH/ 1591 AD, he settled in Delhi and occupied himself with teaching and compiling works. The Shaikh was the contemporary of four Mughal Emperors including Humanyun (1530-1556 AD), Akbar (1556-1606 AD), Jahangir (1605-1627AD) and Shahjahan (1628-1658 AD).

Though he mainly worked for the development of science of Hadis, he also contributed to other branches of Islamic learnings including Tafsir, Fiqh, Tasawwuf, logic and history. His main works on Fiqh were Fath al-Mannān fi Taid al-Nūman, Hidayah al-Nāsik ilā Tariq al-Manāsik and al-Fawā'id.
The present work aims at highlighting salient features of Hanafi School and explains in detail the point of view of Imām Abu Hanifa and his followers about the sources of Fiqh. The opinion of the jurists of other schools have been also referred to.

68/179. Al-Insāf fi Bayān-i-Asbāb al-Ikhtilāf (Prtd.)

Shah Waliullah the author of the work was born in Phulat (a village in Muzaffar Nagar distt.) on 21st February 1703 AD. At the age of fifteen he was able to complete education from Madrasah Rahimiya founded by his father Abdul Rahim. He occupied himself with the work of teaching in the same Madrasah. Later on it became famous as a great seat of learning and students from far and wide were turning to it in large number. In 1731 AD he left for Hijāz for the performance of Hajj. In Hijaz he joined the lectures of two eminent traditionalist and jurists Wafadullah Maliki and Shaikh Abu Tahir Madani. His contributions are considered remarkable in different fields including Quranic studies, Hadis and Fiqh. He is also known as a great reformer especially for his

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191 Ed. By Abul Fattah Abu Ghuddah, Dar al-Nafais, Beirut, 1977 AD.
earnest call to the Muslims of his time to turn to the Quran and Sunnah for seeking guidance in all walks of life.

The present work of Shah Waliullah Dehlawi (d. 1176 AH/1762 AD) is a scholarly and systematic study on the causes of juridical differences from the time of the Sahabah to the formation of the four Schools of Fiqh. It is divided into five chapters, the first discusses the nature of juridical differences among the Sahābah, Tabiīn and Tabataiin; the second deals with the emergence and development of four well-known school of Fiqh and explains the main causes of their differences, the third examines the kind of differences found between Ahl-i-Hadīṣ and Ahl-i-Rai in the juridical matters. In the fourth chapter, Shaḥ Waliullah has thoroughly discussed the issue of Taqlid including its causes and consequences. At present the most popular annotated translation of this work in Urdu is that of Maulana Sadruddin Islahi which was first published in 1952 AD under the title of Ikhtilāfī Masā'il mein Ālidāl ki rah from Maktabah Jamātī Islāmī Hind, Rampur.

10. Ijtihad and Taqlid

69/165. Al-Durr al-Farid fi'l Mana 'ani'l-Taqlid

¹⁹³ Nuzhat VII/251.
10. *Ijtihad and Taqlid*

69/165. *Al-Durr al-Farid fi'l Manā'īl'an-i-Taqlid*¹⁹³

Abdul Haq b. Fazlullah Banarsi Neotanawi (d. 1286 AH/ 1869 AD)

The author belonged to Neotani (a town of Unnao district) where he was born in 1206 AH/ 1791 AD. After completing elementary education he went to Delhi and joined the lectures of Ismail b. Abdul Ghani, Abdul Hai b. Habatullah, and Shah Abdul Qadir on *Hadīs*. He then went to Sana (Yeman) for higher learning in the field of *Tafsīr* and *Hadīs*. There he mainly took advantage of the dars (lectures) of Qā'ī Muhammad b. Ali Shaukani. He performed *Hajj* at least seven times and twice he got opportunity to have company of Ismail Shahid and Sayyiid Ahmad Shahid during these holy trips. Some of his notable disciples included Maulawi Jalaluddin Aḥmad Banarsi, Hamiduddin Ahmad and Saiyyid Saiduddin. He was opposed to *Taqlid* and used to solve the legal problems mainly in the light of the *Qurān* and *Hadīs*. The present book explains his viewpoints about *Taqlid* and shows his difference with the jurists of Hanafi School on this particular issue¹⁹⁴.

¹⁹³ *Nuzhat* VII/251.
The present work deals with the important issue of Ijtihad. Each and every aspect of this issue has been thoroughly discussed by the learned author. The book was divided into five main chapters. The first chapter defines the four sources of Islamic Shariah. In the second chapter he throws light on the differences of jurists. The third chapter had detailed discussion about the Taqlid and related issues. The learned author maintained that it would be wrong to believe that the door of Ijtihad was closed after the emergence of the four schools of Islamic jurisprudence. He was of the opinion that anyone who fulfils the conditions of Ijtihad can exercise it. The necessary qualifications for mujtahid are deep knowledge of the Qurān, Hadis, the rulings of the older doctors of law, Arabic language and an ability of deduction of legal points from the sources concerned. However according to him a layman is required to follow any one of the four schools of law. Blind following is bad but it is not altogether forbidden.

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195 Ed. by Ahmad Siddiqui with Urdu translation: Silk-i-Marwarid, Mujtubai Press, Delhi, 1892.
197 Ibid., pp. 7, 85.
CHAPTER-FOUR

A Case Study of Al-Fatāwā al-Tātār Khāniyah
Fatāwā-i-Tātārkhanī, one of the earliest Arabic Fatāwā collections of Medieval India may be considered the most notable contribution of the Sultanate period to the Fiqh literature. It was compiled in thirty volumes at the instance of Khān-i-Āzam Tātār Khān (d. 808 AH/ 1397 AD), a learned noble of Sultan Firuz Shah’s period (1351-1388 AD) who showed keen interest in the promotion of learning especially Islamic jurisprudence¹.

The work, which was completed in 777 AH/ 1375 AD, is generally ascribed to Alīn b. Ala Indrapati (d. 786 AH/ 1384 AD)². But keeping in view of its voluminous nature it would be more correct to say that it was compiled by a committee of Ulamā headed by the learned jurist. According to some modern writers this Fatawa was also known as Zād al-Safar and Zād al-Musāfir³. But the fact is that it became popular by its original name. The work has actually established a good tradition of compilation of Fiqh works through a board of scholars, which got further development in the Mughal period and resulted in the compilation of Fatāwā-i-‘Ālamgīrī, which was a monumental work on Fiqh compiled by a select committee of Ulama at the instance of Aurangzeb.

¹ Afif pp. 390-92, See also, Badauni, Muntakhab al-Tawārikh, Calcutta, 1968, 1/267-69, 274.
The *Fatāwā-i-Tātārkhānī* is a very comprehensive work discussing the main and subsidiary problems in a very detailed way and pointing out differences of opinion among jurists of different school as well as among jurists of the Hanafi school itself. As a preparatory steps for compiling the *Fatāwā-i-Tātārkhānī* all the *Fatāwā* and *Fiqh* works available in Delhi were collected and placed at the disposal of the scholars who were selected for this purpose. While giving legal opinion or verdict of the earlier jurists the compiler have taken special care of citing the well-known *Fiqh* works especially of Hanafi School. Though the *Fatāwā* is not arranged in the traditional form of *Istiftā* and *Fatwā* but at several places first of all, questions are raised and then their answers are given.

Of a large number of works quoted in the *Fatawa*, the important ones are *al-Nawazil* and *Khazanatul-Fiqh* of Abul-Lais Samarqandi (d. 393 AH/1002 AD). *Al-Fatāwā al-Ṣughrā waʿl Kibrā* of Umar b. Abdul Aziz (popularly known as Al-Sadar al-Shahīd) (d. 536 AH/1141 AD), *al-Fatāwā al-Nasafiyah* of Najmuddin al-Nasafi (d. 537 AH/1142 AD), *al-Khulasah* of Tahir b. Ahmad al-Bukhārī (d. 542 AH/1147 AD), *Al-Multaqīṭ* and *Jāmiʿ al-Fatāwā* of Naṣiruddin Samarqandi (d. 556/1160 AD), *al-Fatāwā al-Ītabiyah* of Abū Naṣr

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4 Afīf pp. 391-392.
5 *Al-Fatāwā Al-Tātārkhānīyah*, II/217, III/196, IV/77, 196, 214, 222-223.
6 For introduction of the sources see the preface of the Editor (Qazi Sajjad Husain) in the first volume of the *Fatāwā-i-Tātārkānī*, Majlis Dairatul Maarif al-Usmaniyya, Hyderabad, 1984, pp. 37-50.

Indeed the value of *Fatawa-i-Tatarkhani* lies in its detailed explanation of the legal problems, giving full discussion of juridical differences and quoting legal opinion of jurists along with their sources. Its importance may be realized from the fact that in later period it came to be referred not only by the Indian authors but also writers of the Arab World such as *Al-Bahr al-Rāiq*⁷ and *al-Ashbāh wa'l-Nazār*⁸ written by Ibn-i-Nujaim Misrī (d. 969 AH/1561 AD) and *al-Durr al-Mukhtar* of Muhammad Ālāuddīn al-Ḥaṣkafi (d. 1088 AH/1677 AD)⁹.

Importance of the *Fatāwā* is also evident from the fact that its summary was prepared by a Syrian scholar Ibrahim b. Muhammad al-Halbi (d. 1549 AD) in the first half of the 16th century AD. This summary known as *Muntaqā al-Abhūr* may be considered as a source of introduction of the *Fatāwā* in the Arab world¹⁰. But the fact is that

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¹⁰ Kashf al-Zunun, II/947.
it was known to the Arab scholar much before that as we come to know that a manuscript of this *Fatāwā* is preserved in the library of *Khadyū Miṣr* which had date of scribing as 862 AH/ 1454 AD\(^1\).

The manuscripts of this monumental work are preserved in different libraries including Kutubkhanah Pir Muḥammad Shah of Ahmadabad (d. 1749 AD), Sālārjung Collections, Hyderabad, Oriental Public Library Patna, Kutubkhanah Khadyu Misr, Kutubkhanah Asifiyah, Hyderabad, Kutubkhanah, Riyasat Rampur, British Museum London. But in complete form its manuscripts are available only in the Kutubkhanah Pir Muhamad Shah of Ahmadabad. Uptil now its five volumes have been published from Dairah al-Māārif, Hydrabad. My present study is based on the published volumes\(^2\).

It is important that in the very first volume of the work the etiquettes and principles of seeking legal opinion (*Istiftā*) and that of giving the same have been thoroughly discussed and the essential qualifications of a *Muftī* have been fully explained. According to the compiler of this *Fatawa* apart from having a deep knowledge of *Qurān, Hadīs* and *Fiqh* a *Mufti* must be aware of the legal opinion of the earlier *Ulama* along with their sources and should know behavior and mutual dealing of the people and that of school of jurisprudence of a *mustaftī* (questioner). So that he may easily examine the queries

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\(^2\) These volumes were published in 1984-89 under the financial grant of Ministry of Education, Government of India.
and give response to them\textsuperscript{13}. The \textit{Fatawa} states that a \textit{Mufti} should issue the \textit{Fatwa} in accordance with the opinion of the earlier learned jurists of Hanafi School. In this connection he should give preference to the opinion of Imam Abu Hanifa and then to his close disciples in accordance with their position in the Hanafi School. Secondly a \textit{mufti} is required to issue his \textit{Fatwa} without any worldly return. Moreover, it is not lawful to show favour to the \textit{Sultan}, nobles and wealthy people or to give any consideration to a questioner because of his high status in the society. It is also required for a \textit{mufti} to read the questions carefully and seek clarification from the \textit{mustaftī} if there is any confusion. The compiler was also of the opinion that a young person who fulfils all the necessary conditions of a \textit{mufti} is entitled to issue \textit{Fatwa} as it is confirmed that Ibrahim Nakhir (d. 95 AH/713 AD) had started giving \textit{Fatwa} while he was only 16 years old\textsuperscript{14}.

The first volume of this \textit{Fatāwā} is related to purification (\textit{Tahārat}) including ablution, bath, purification with dust (\textit{Tayammum}). The second volume of this \textit{Fatāwā} deals in details with the four primary obligations of Islam and the related issues. The third and fourth volumes contained detailed discussion on different aspects of family law including marriage, maintenance, fosterage and divorce. Moreover, the \textit{Fatāwā} has also taken into consideration the

\textsuperscript{13} \textit{Ai-Fatawa al-Tatarkhaniyah, 1/84.}
issues of marriage and divorce in relation to non-Muslims. In course of discussion about the above matters some interesting problems were also taken up by the Fatāwā. For example in discussion about the prayer, the Fatāwā takes up the issue of its performance on animal and boat (Al-Ṣalāt āla'l-Dabbah and al-Safinah) during the journey. It was explained that all the obligatory prayer should be offered on the ground after making the animal in standing position, while the non-obligatory prayer may be offered on the back of the animal. While starting prayer on the back of the animal one is required to face Qiblah if easily possible, otherwise the prayer should be started facing the direction to which the animal turns. Similarly in performing prayer on animal one should bow down for Ruku and Sajdah just by the movement of his head and will not take any support for offering Sajdah. With regard to the prayer on boat the Fatawa records the opinion of Abū Hanifa that it should be performed in sitting position if the boat is moving, otherwise it may be offered while standing. The traveler on the boat is not allowed to offer Salat simply with the movement of head and hand. He is required to face the Qiblah throughout the prayer as far as possible. In the same context an interesting problem has been

\[\text{Ibid, 1/83-84.}\]
\[\text{A good discussion on the same issue may also be seen in Fatawa Ghiyasiya, compiled by Shaikh Daud b. Yusuf al-Khatib, Al-Matba al-Amiriya, Bulaq, Etypt, 1322 AH, p. 38.}\]
\[\text{Al-Fatāwā al-Tātārkāniyah II/39.}\]
\[\text{Ibid, II / 44.}\]
discussed that whether an Imam traveling in one boat could lead the prayer for those traveling in another boat. According to the Hanafi jurists it is not legal as the gap between the two boats may be filled up by several small boats. In the same context it has also been discussed that a person undertaking a long journey on boat is not entitled to get the status of resident even with the intention of staying on the boat for more than fifteen days, because the boat is not a place of residence.

In reference to the Jumu'ah prayer, the Fatāwā has taken up many important issues including traveling on Friday and has given the opinion of different jurists about this issue. In the opinion of the Hanafi jurists there is no harm in traveling before Jumu'ah prayer if there is no apprehension of missing the prayer. According to Imam Malik traveling in mid-morning is not allowed, while Imam Shafī considered traveling on Friday unlawful from the morning itself. This discussion also shows that how in controversial matters the Fatāwā has given points of the jurists of different Schools. It is notable that in reference to the Imāmat of minor Hāfiz in the Tarāwih prayer, the Fatāwā simply quotes the opinion of the Ulama of Khurasan and Iraq without any reference to their school. While the former consider it lawful, according to the latter it is not permissible.

\[18\text{Ibid. II / 45.}\]
\[19\text{Ibid. II / 75.}\]
The compiler of this Fatāwā followed the ‘Ulamā of Khurāsān. Apart from referring to certain traditions he has also quoted Fatāwā-i-Qāżī Khān in support of his viewpoint\(^\text{20}\).

*Nikāḥ* (marriage) *Talāq* (divorce) and *Nafaqah* (maintenance) are the important issues of the family life of the Muslims which have been discussed in detail in the Fatāwā-i-Tāţārkhanī and difference of opinion among the jurists about these issues have been also taken into account. In the very beginning of the discussion it was explained that *Nikāḥ* is obligatory (*Faraż*) for those persons who cannot control their sexual desires and it is non-obligatory (*Mandūb* and *Mustahab*) for those who can control them\(^\text{21}\). As a matter of fact it is generally accepted opinion of the Muslim that *Nikāḥ* is *sunnah* as it has been clearly stated in some of the traditions of the Prophet (S.A.W.)\(^\text{22}\).

The *Fatāwā* has also discussed the use of the Persian words or terms for *Nikāḥ*, *Talāq* and related matters and it is evident from the discussion that the Hanafi jurists have liberal view about this issue as they considered it permissible and legally valid\(^\text{23}\).

The condition of *Shahādat* (witness for the validity of *Nikāḥ*) is an important issue about which different opinions of the jurists are given in this context. Hanafi jurists consider it as essential condition

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\(^{20}\) Ibid, II / 666.

\(^{21}\) Ibid, II /579


\(^{23}\) *Fatawā-i-Tāţārkhanī* II/580-581.
for validity of Nikāh. In view of the Maliki jurists publicity (ʿiṣlān) of Nikāh is legally more important than the witness. An interesting question responded to in the Fatāwā is whether it is necessary for the witness to understand the meaning of the sentences pronounced at the time of the Nikāh. The Fatawa states that if there is any witness from among the Indian (Hindiyin) and Turkish (Turkiyin) person who is unable to understand the meaning of the sentences uttered at the time of the Nikāh nor he can explain them, this Nikah would not be valid. It is also notable here that the Fatāwā took note of solemnizing of marriage through letter (Al-Risālah). According to the compiler, this is lawful because the letter stands for verbal declaration from the person concerned. To establish this point he makes reference to the Prophet’s marriage with Umme Salmah (R.A.) as the proposal for the same was sent through letter. But such Nikāh would be lawful when the contents of the letter are read in presence of the witness. The Kafāʿṭ (equality in the spouses with regard to certain aspect of life required by Islamic law) is an important issue relating to Nikāh and it has been much debated issue among the jurists of different periods. According to this the Kafāʿṭ may be considered with regard to Islām, Taqwā and diyānāt (piety

24 Ibid, II/608.
26 Ibid, 11/54
27 Ibid III/54.
and faithfulness to religion) *Nasab* (family background) *Māl* (wealth), *Hurriyat* (freedom), *Hirfat* (profession) *'Aql* (sanity)

It is interesting that according to the *Fatawa 'Aql* included those things which may be examined for Kafaat, while generally this does not find mention in other *Fiqh* works. It is also noteworthy that in view of the situations that prevailed in those days India, the *Fatawā* has also made it clear that convert or new Muslim is to be considered *kufū* (equal) to another convert irrespective of their family background and caste to which they belonged before this conversion. There is difference of opinion with regard to the meaning of the wealth to be examined under the *Kafā'at* in case of husband. According to the Hanafi jurists it means that he is able to pay *Mahr* (dower) to wife and he can make arrangement for her residence, food and dress known as *Dast-i-Paimānī* in those days.

The *Fatawā-i-Tātārkhanī* has also discussed many issues relating to *Zimmīs* (protected non-Muslim subject of Muslim state) and it has taken into consideration the cases arising out of conversion of one or two members of their family to Islam. In its discussion about the provisions of family law the *Fatawā* took up a number of their cases. For example if a *Zimmī* wants to marry a *Zimmīyah* who was divorced by an unbeliever (*kāfir*) the passing of

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28 Ibid. III/57.
29 Ibid. III/58.
30 Ibid. III/59.
`Iddat (the period of probation) is not required for their marriage and the Qāzi would not prevent them from having their relationship as husband and wife. According to the Fatāwā if non-Muslim wife submits her complaints in the court of the Qāzi, the Qāzi would ensure that her rights are protected. In case, a non-Muslim marries two sisters (which is not illegal according to their religion) then he gives divorce to one of them and embraces Islam along with another wife their marriage would be considered lawful. In case of difference of religion of the Zimmi people, marriage among them is permissible. The Fatāwā states that if a non-Muslim had five wives and he accepts Islam or his wives also embraces Islam along with him their marriage would be dissolved in case he married all of them in a single sitting. But if his marriage with them had taken place at different times, he would retain first four wives and would separate the fifth one. This is the view of Abū Hanifah. According to Imām Abū Yūsuf and Imam Shāfiī the husband is at liberty to choose any four from among the five wives.

The cases of conversion were not unusual in medieval India. Such cases also created legal problems required to be solved in the light of Islamic jurisprudence. For example what would be Shariat's

31 Ibid III/172.
32 Ibid.
33 Ibid III/ 173, 175.
34 Ibid III/ 175.
attitude in case husband embraced Islam and his wife continued to follow her old religion or vice versa. Taking note of such cases the Fatāwā states that the fundamentals of Islam would be presented before the non-Muslim partner if he or she accepts this their marriage would be considered lawful, otherwise separation would be made between them. But in case husband becomes Muslim and wife remains as Kitābiyah (i.e. Jew or Christian) there would be no effect on their position as husband and wife. It means that the Fatawa considered marriage of a Muslim with a Kitābiyah lawful.

The jurists have different opinion about triple divorce (saying Talāq three times in one sitting). The compilers of the Fatawā-i-Tatarkhāni have supported the Hanafi point of view that it (though not desirable) is lawful. It may be effected either by pronouncing the word talaq or other word of similar meaning. The use of the Persian words such as Talāq maikunam (I divorce you) three times would be effective in this connection. In the same way if a wife says to her husband give me divorce three times and the husband says your are divorced it would be considered triple divorce. In the same context the Fatāwā has also discussed the important issue of Tafwīz-i-Talāq (delegating right of divorce to wife). Under this provision of law a husband authorizes wife to secure divorce if he fails to fulfill his

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36 Ibid III/ 181-182.
37 Ibid III / 287.
responsibilities. This authority may be given to the wife by saying *Amroke be yadeke* (your matter is in your hand)\(^{38}\). It may be also done by pronouncing similar other words such as *Ikhtarte* or *Inshete* (You are authorized or if you want)\(^{39}\). As regard the maintenance (*nafqah*) for a wife according to this *Fatāwā* it is the responsibility of husband to take care of it and provide her lodging, fooding and dress. It is interesting that with regard to the dress this *Fatawa* lays down that the husband is bound to provide it in accordance with the requirements of the seasons (summer and winter).

Keeping in view of the social conditions of those days, the *Fatawa* has also taken up the issue of providing maintenance to the servant of the wife. According to the *Fatāwā* if wife belonged to an affluent or upper class family (*Ashrāf*) who had servant for her day to day works she is entitled to get maintenance for atleast two servants. In this case also the husband is required to take care of the demands of the seasons while making provision for dress of the servants of his wife\(^{40}\). In case the wife is owner of landed property and asks her husband to pay her servant from her *Mahr* (dower) her demand would not be accepted\(^{41}\). In case of dispute for payment of maintenance of previous years (*Azminah al-Māziyah*) Imam Abū Hanīfa held that maintenance of past time would not be considered

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\(^{38}\) Ibid III/340.

\(^{39}\) Ibid III / 363.

\(^{40}\) Ibid IV/206.
due on the husband and according to Imām Shāfī‘ī he is responsible for the payment of maintenance of the earlier years also\(^\text{42}\). In case a husband shows negligence in providing maintenance wife is entitled to put his case before the Qāzī who would make the husband bound to give her *nafqah* in the form of monthly or daily allowance or in any other suitable way. But in fixing the amount of maintenance, the financial condition of the husband would be taken into consideration.

In case the husband is unable to pay the maintenance due to his limited resources, the Qāzī may direct the wife to manage her affair through borrowing money from any one and to return back the same when her husband's financial condition improves\(^\text{43}\). If husband shows inability to provide maintenance the Qazi may decide for separation between husband and wife. But for such a decision it is necessary that the wife would have presented his case in the court of Qāzī and the latter would have thoroughly examined the economic position of the husband concerned. In the same way separation may be done in case husband is absconding\(^\text{44}\).

At the end of the discussion it may be concluded that the *Fatāwā-i-Tātārkhānī* has many important features which gives it a distinctive place among the *Fatāwā* literature of medieval India. Though only selective parts of the contents of the *Fatāwā* were

\(^1\text{Ibid IV/205-206.}\)
\(^2\text{Ibid IV/206.}\)
\(^3\text{Ibid IV/214.}\)
studied above but it is quite evident from this, that under each chapter problems have been discussed thoroughly and even minor issues were not left over. It may be realized from the fact that the chapters on *Nikāḥ* and *Talāq* are spread over more than three hundred pages. Secondly, the *Fatāwā* has given main emphasis on recording the opinion of different jurists about the matter under discussion. Though the *Fatāwā* gives main focus to the Hanafi points of view, but the opinion of the jurists of other schools specially Shafīi are mentioned frequently. It is also a notable aspect of this *Fatawa* that after recording the opinions of different jurists on a particular issue it finally observes about one of them that this is the select or popular one (*Qaul-i-Mukhtār*) or this is the opinion according to which *Fatawa* is given (*wa ʿalaih al- Fatwā*). It is important to note here that no opinion of the earlier jurists is given without reference to its source. This has not only increased number of sources cited in the work but has also added to its value and reliability. These sources as stated earlier, came under the category of those works which were written from the Hanafi point of view. Even the *Shafīi* or *Mālikī* point of view were given with reference to the works of the Hanafi Scholars. It is of course, quite surprising that for explaining or solving the legal problems *Qurānic* verses and *Aḥādīṣ* are seldom referred to in this *Fatāwā*. As a matter of fact, the compilers had

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followed the prevalent practice of just referring to the early Fiqh works and they did not venture to adopt the path of Ijtihād through taking recourse to the primary sources of the Islamic Fiqh. Lastly use of Persian words and phrases within the Arabic texts in the Fatawa shows that the compilers have given consideration to the rising popularity of Persian as the spoken and academic language among the Muslims of those days.
RESUME

Fiqh is an important and popular branch of Islamic learning. It is quite evident from the huge Fiqh literature produced in different periods of Islamic History that India has its own share in this contribution which may be considered valuable in the light of our discussion in the preceding chapters. The development of Arabic Fiqh literature which started in the Sultanate period, continued during the Mughal rule with greater scale. The 'Ulamā and the contemporary rulers both had their respective role in the development of Fiqh and Fiqh literature. The general utility of the subject and state's requirement for their experts had been contributory factor for this development. Inspite of the rising popularity of the Persian as official and academic language in those days, the contemporary 'Ulamā continued to show their interest in Arabic language for writing on religious themes and different aspects of Islamic learning including Fiqh as it is established from the above details.

It also appears from the above discussion that the Fiqh works produced by the Indian 'Ulamā varied in nature. These included general books of Fiqh, Fatāwā-collections, works on
separate issues relating to socio-religious and economic life, penal matters, schools of Fiqh, taqlīd and Ḩijāth, Ẓīf and judicial administration. A considerable part of the Fiqh literature produced by the Indian ʿUlamāʾ consisted of Shurūh and Ḥawāshī (commentaries and annotations). It was an established practice on the part of the ʿUlamāʾ and scholars to write commentary and explanatory notes on the popular texts of different subjects of Islamic learning. The second chapter gives the impression that this tradition was adopted in India on a large scale and for writing Shurūh wa Ḥawāshī especially those books were selected which formed part of the curriculum or were widely studied by students and teachers of the period.

It also becomes clear from the above details that the compilation of Fatawa was a very popular way of contribution to the Fiqh literature and the contemporary rulers have also shown special interest in such compilation and this has resulted in the production of huge Fatāwā literature, which is considered of great importance from juridical point of view. The main factor for the popularity of the Fatawa literature was that it proved to be quite helpful for muftīs and qaẓīs in giving legal verdicts and deciding cases. For the same reason some of the Sultans took special steps for compilation of Fatāwā under their own
supervision and liked these works to be named after them. This tradition existed in the Sultanate as well as Mughal period. It also comes to light from our earlier discussion that most important *Fatāwā* collections of monumental nature were those which were compiled at the instance of rulers by the select board of scholars such as *Fatāwā-i-Tātārkhanī* and *Fatāwā-i-ʿAlamgīrī*.

Another distinct part of the *Fiqh* literature comes under the category of *Rasāʾīl* (treatises and tracts). These *Rasāʾīl* were mainly written to highlight or explain the important issues relating to religious and social life. The *ʿUlamā* also adopted the same mode of writing for presenting their point of view about controversial issues. A number of treatise written during the 18th and 19th centuries and referred to above, reflect such issues as well as the tendency of the jurists of different schools to forcefully put forward their opinion and contradict others' standpoint.

The critical analysis of the *Fiqh* works of the Indian *ʿUlamā* leads to the conclusion that these lacked originality. Though the works produced by them are found in a large number and are of varied nature. Many of them are voluminous and comprehensive. But these are mostly written on the pattern
of the old works of *Fiqh*. In fact, a large number of the Indian works came under the category of enlargement, abridgement and commentary of the old ones. The nature of the discussion in these works shows the trend of *taqlīd* that was prevailing in those days. While explaining the legal problems the authors and the compilers in their works had made reference to the views of the earlier jurists, and quoted them from the well-known works of the Hanafi School. For solving legal problems they mainly depended on the earlier works and seldom took direct recourse to the *Qurān* and *Hadīs*. But in the light of our analysis of the contents of the important works of *Fiqh* it cannot be denied that the contemporary problems were also taken into consideration by a number of works especially the *Fatawa* compilations. Such problems, as it is evident from the above study are related to different aspects of socio-economic life as well as the state administration. A number of such problems had actually emerged as a result of Muslims interaction with Hindus in Medieval India and that of Settlement and rising influence of the Britishers in later Mughal period. Some of the contemporary problems taken up in different *Fiqh* works for discussion included recitation of the Persian version of the *Qurān* in prayer, use of Persian sentences for *Nikāh* and *Talāq*.
legal position of Hindus, spiritual recital with music, action against corrupt officials, use of *Hundi*, different intoxicating items including opium, employment under non-Muslims, financial dealing with English men, marriage between *Sunni* and *Shiah*, learning of English and Science.
## Glossary

<table>
<thead>
<tr>
<th>Arabic Term</th>
<th>English Translation</th>
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<tr>
<td><strong>Aḥkām</strong> (pl. of ḥukm)</td>
<td>Commandments</td>
</tr>
<tr>
<td><strong>Ahl-i-Kitāb</strong></td>
<td>The people of the divine book</td>
</tr>
<tr>
<td><strong>Aman</strong></td>
<td>Protection</td>
</tr>
<tr>
<td><strong>‘Aqā'id (pl. of āqīdah)</strong></td>
<td>Fundamental beliefs</td>
</tr>
<tr>
<td><strong>‘Aqd</strong></td>
<td>Contract</td>
</tr>
<tr>
<td><strong>Arkān (pl. of rukn)</strong></td>
<td>Four pillars of Islam</td>
</tr>
<tr>
<td><strong>Ashrāf</strong></td>
<td>Affluent or upper class family</td>
</tr>
<tr>
<td><strong>Bidāt</strong></td>
<td>Innovation in religion / heresy</td>
</tr>
<tr>
<td><strong>Bai wa shirā</strong></td>
<td>Sale and purchase</td>
</tr>
<tr>
<td><strong>Baitul māl</strong></td>
<td>Public treasury</td>
</tr>
<tr>
<td><strong>Dar al-İftā</strong></td>
<td>Department of issuing of legal verdicts</td>
</tr>
<tr>
<td><strong>Diyat</strong></td>
<td>Blood-money</td>
</tr>
<tr>
<td><strong>Farā'iz (pl. of farz)</strong></td>
<td>Rules of Inheritance</td>
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<tr>
<td><strong>Farz</strong></td>
<td>Obligation</td>
</tr>
<tr>
<td><strong>Farz-i-Ain</strong></td>
<td>Obligatory duty which is incumbent on every Muslim individually</td>
</tr>
<tr>
<td><strong>Fāsid</strong></td>
<td>Legally null and void</td>
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<tr>
<td><strong>Fatwā (Pl. Fatāwā)</strong></td>
<td>Legal verdict</td>
</tr>
<tr>
<td><strong>Ghāib</strong></td>
<td>Absconing</td>
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<tr>
<td><strong>Ghanīmah</strong></td>
<td>Booty, spoil of war</td>
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<tr>
<td><strong>Hadd</strong></td>
<td>Prescribed punishment</td>
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<tr>
<td><strong>Haiz</strong></td>
<td>Menstruation</td>
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<tr>
<td><strong>Harām</strong></td>
<td>Unlawful, prohibited by the shariat</td>
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<tr>
<td>term</td>
<td>translation</td>
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<tr>
<td>Ḥazānat</td>
<td>The care and custody of children</td>
</tr>
<tr>
<td>Ḥilah</td>
<td>Legal device</td>
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<tr>
<td>Īddat</td>
<td>Period of probation for a woman</td>
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<tr>
<td>Ijāb</td>
<td>Proposal for marriage</td>
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<tr>
<td>Ijārah</td>
<td>Renting, hire and lease</td>
</tr>
<tr>
<td>Ijtihād</td>
<td>Exposition of law about the new problem, solving the new problems through direct consultation of original sources</td>
</tr>
<tr>
<td>Īllat</td>
<td>Motive, reason, cause</td>
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<tr>
<td>Īrtidād</td>
<td>Apostacy</td>
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<tr>
<td>Īstiftā</td>
<td>Query</td>
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<td>Īstiḥṣān</td>
<td>Juristic preference</td>
</tr>
<tr>
<td>Jahez</td>
<td>Dowry</td>
</tr>
<tr>
<td>Jāiz</td>
<td>Anything permitted by the shariat, lawful</td>
</tr>
<tr>
<td>Janābat</td>
<td>The state of legal impurity which necessitates bath</td>
</tr>
<tr>
<td>Jamhūr</td>
<td>Majority</td>
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<tr>
<td>Janāzah</td>
<td>Funeral</td>
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<tr>
<td>Jihād</td>
<td>War for the cause of religion</td>
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<tr>
<td>Jināyah</td>
<td>Criminal offence</td>
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<tr>
<td>Jizyah</td>
<td>Poll-tax</td>
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<tr>
<td>Kabīrah</td>
<td>Grave sin</td>
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<tr>
<td>Kaffārah</td>
<td>Penalty, expiation</td>
</tr>
<tr>
<td>Kāfir</td>
<td>Pagon, unbeliever</td>
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<td>Khamr</td>
<td>Grape-wine</td>
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<tr>
<td>Term</td>
<td>Definition</td>
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<td>----------------------------------------------------------------------------</td>
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<tr>
<td><strong>Khatīb</strong></td>
<td>One who recites the Khutbah (sermon) at the time of the Jumu'ah prayer</td>
</tr>
<tr>
<td><strong>Khulā`</strong></td>
<td>Conferment of the power to the wife to dissolve marriage</td>
</tr>
<tr>
<td><strong>Khutbah</strong></td>
<td>A discourse in Arabic delivered at the time of Jumuah prayers</td>
</tr>
<tr>
<td><strong>Li`ān</strong></td>
<td>Charging the wife with adultery</td>
</tr>
<tr>
<td><strong>Madad-l-māaşh</strong></td>
<td>Land grant</td>
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<tr>
<td><strong>Mahr</strong></td>
<td>Dower</td>
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<tr>
<td><strong>Mahr-i-muajjal</strong></td>
<td>Deferred dower</td>
</tr>
<tr>
<td><strong>Majūsī</strong></td>
<td>Worshipper of fire, Zoroastrian</td>
</tr>
<tr>
<td><strong>Makrūh</strong></td>
<td>Condemned act</td>
</tr>
<tr>
<td><strong>Manqūlāt and Maqūlāt</strong></td>
<td>Traditional and rational learning</td>
</tr>
<tr>
<td><strong>Mandūb mustahab &amp; Nafl</strong></td>
<td>A supererogatory but commended act</td>
</tr>
<tr>
<td><strong>Masah 'ala' Khuffain</strong></td>
<td>To pass wet hand over socks</td>
</tr>
<tr>
<td><strong>Istislah</strong></td>
<td>Principle of public welfare</td>
</tr>
<tr>
<td><strong>Mawāt</strong></td>
<td>Waste-land</td>
</tr>
<tr>
<td><strong>Miraş</strong></td>
<td>Inheritance</td>
</tr>
<tr>
<td><strong>Mişl or mişlain</strong></td>
<td>Single or double shadow of a thing</td>
</tr>
<tr>
<td><strong>Muşmalat</strong></td>
<td>Mutual dealing</td>
</tr>
<tr>
<td><strong>Mufti</strong></td>
<td>Jurist consult</td>
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<tr>
<td><strong>Mubah</strong></td>
<td>Permissible</td>
</tr>
<tr>
<td><strong>Maḥārim (pl. of Mahram)</strong></td>
<td>Person permanently prohibited from inter marriage</td>
</tr>
<tr>
<td><strong>Mudrik</strong></td>
<td>One who has arrived in time, one who joins Jama'ah prayer from the first raka't</td>
</tr>
<tr>
<td><strong>Muḥkam</strong></td>
<td>Clearly understandable</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<td>--------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Mujmal</td>
<td>Brief version</td>
</tr>
<tr>
<td>Mujtahid</td>
<td>Jurist competent to expound the law on unsettled or new problems</td>
</tr>
<tr>
<td>Munākahat</td>
<td>Laws relating to domestic relations</td>
</tr>
<tr>
<td>Munfarid</td>
<td>One who performs prayer on his own, a single Mussallī</td>
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<tr>
<td>Muqallid</td>
<td>Follower of a particular school of law</td>
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<tr>
<td>Murabahah</td>
<td>Selling at cost plus margin or at a profit</td>
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<td>Mūris</td>
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<td>Mutawalli</td>
<td>The trustee of a waqf</td>
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<td>Muzārabah</td>
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<td>Šābī</td>
<td>Minor</td>
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<tr>
<td>Sajdah sahw</td>
<td>Prostration done due to certain mistake in prayers</td>
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<tr>
<td>Salam</td>
<td>A form of sale where the price is paid in advance</td>
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<tr>
<td>Samā</td>
<td>Spiritual recital with the use of musical instrument</td>
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<tr>
<td>Sarf</td>
<td>Sale of gold or silver for gold or silver, money changing</td>
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<td>Shaikh</td>
<td>Elder, a spiritual guide</td>
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<td>Shahādat</td>
<td>Oral testimony, giving witness</td>
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<td>Shafat</td>
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<td>Tashri</td>
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<td>Tayammum</td>
<td>Wiping face and hand by touching the earth, a substitutatory ablution</td>
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<td>Ṣayyibah</td>
<td>A wife who had sexual intercourse</td>
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<td>Ṭuhr</td>
<td>Time of purity between two periods of menstruation</td>
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<td>Wilāyat</td>
<td>Rights of guardianship, authority</td>
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<td>Zabiḥa</td>
<td>Slaughter of animal</td>
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