

Genealogy of Islamic Jurisprudence: From Prophet's Time to Sub-Continent.

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The Messenger of Allah (PBUH) himself was a Jurist, so the revelation of the Quran would be counted its self-jurisprudence / فقه to the Prophet (PBUH) .The first revelation of the Qur'an came to the Prophet (peace be upon him) on 12th of Ramadhan when prophet was 41 years old and meditating in the cave of Hira. The angel Jibril was sent with the first 5 verses of Surah Al-Alaq and then the blessed series of revelations continued till 9th of Zilhaj ,10 AH, of 63 age. After the farewell pilgrimage and last sermon of Prophet, the last verses of Quran were revealed in the field of Arafah, declaring perfection of religion Islam based on this. the Quran was completely revealed almost in a period of Twenty three years. ⁽¹⁾

Two important periods of Islamic Legislation

The Quranic period consists of two very important periods.

1st is the Maccan period during which prophet struggled to preach his message for 13 years. This period of revelation continued from the time of 17 Ramadan (after 41st of the Holy Prophet Birth) till the Rabiulawwal of 54th of the Holy Prophet Birth, during this time Surah which were revealed, are called Makki.

2nd one is Madani era which starts after the Prophet's migration from Macca. The total period in Madīnah is 10 Years, which starts at 54th year of the Prophet's life (pbuh) and ends on 9th of Zulhaj, when Prophet was 63 years old. The portion of the Qur'an revealed during this period is called Madani. Almost 19/30 of the Holy Quran is Makki and 11/30 is Madani. ⁽²⁾

Scribes of the Revelation:

The four Caliphs, Ḥazrat Amir bin FuḤira (who used to write letters to kings), Ḥazrat Ubai bin Kaab, Saabit bin Qais ibn e Shamas, Zaid ibn Saabit, the first Ansari companion who used to write revelation and others like Muawiya bin Abi Safian, Yazid bin Abi Safian, MuḡHira bin Shuba, Zubair bin Awaam, Khalid bin Walid, Ala bin Khazarmi , Amru bin al-Aas, Abdullah bin Khazarmi, Mohammad bin Salma , Abdullah bin Ubi bin Salul , were all the scribes of divine revelation who used to write a copy for themselves and inform the Prophet (peace be upon him) about what they have written. They worked under the guidance of Prophet who reviewed everything they wrote. Allah preserved the Holy Qur'an through manuscripts of companions and the manuscripts of the Prophet, and also memory of many companions. All the scholars agree that the order of the Surahs is ascribed by Allah to Prophet (s.a.w.s). ⁽³⁾

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Themes discussed in Quran

The Qur'an mentions three major themes

The beliefs pertaining to God's existence, angels, heavenly books, the Prophets, and the day of Judgment are stated in the Qur'an. Such discussions are the subject of the علم الكلام.

The Rules that relate to human habits and spirituality, and dictate human behavior and morality.

Rules that relate to the human actions- what is it forbidden? what is allowed? This is the subject of jurisprudence/ (4) فقه

The Islamic Jurisprudence in Quran

On many occasions, the Qur'an has advised natural methods for the solution of human bodily functions, and basic guidance. For instance:

Critical issues pertaining to daily lives

Allah has removed difficulties and constraints on following an order. It is said in the verse:

"We have removed the strait from them, and the shackles were in their throats.

و يضع عنهم اصرهم و الاغلال التي كانت عليهم(سورة الاعراف)

In a prayer, it is said:

"Our Lord, do not put upon us the burden that has been inflicted on us from the past" (Surah al-Baqarah).

و لا تحمل علينا اصرنا كما حملته على الذين من قبلنا - (سورة بقره)

"Our Lord, do not burden us with anything we do not have its power" (Surah al-Baqarah).

ربنا ولا تحملنا ما لا طاقة لنا به(سورة بقره)

In one place it is said that Allah does not make anyone obligatory but according to His power (Surah al-Baqarah).

لا يكلف الله نفسا الا وسعها- (سورة بقره)

One place says "Allah wants ease with you and not difficulty" (Surah al-Baqarah).

يد الله بكم اليسر و لا يريد بكم العسر(سورة بقره)

Another place is to say, "We have not made any problem for you in religion" (Surah al-Hajj).

ما جعل الله عليكم فى الدين من حرج(الحج).

Another place says, "Allah wants to ease the burden on you and don't make the man in difficult " (Surah Al-Maida). (سورة المائدة).

(5) ما يريد الله ليجعل عليكم فى الدين من حرج (سورة المائدة)

In addition, this article has been found in many hadiths.

Prophet(s.a.s) said, "I have been sent with a straightforward Shari'ah.(6)

" Another Hadith says that when you were given authority in two things, the easiest of two ,you used to choose that, when there would be no sin.(7)

The jurists have proved that the critical situation allow the easiest way, from different places of the Qur'an, such as

- (1) iftar permission for the traveler
- (2) the Halaal of a forbidden object in case of extreme necessity,
- (3) tayammum in the absence of water.

(4) Prohibition of jihad etc. due to disability. ⁽⁸⁾

Similarly, man is only asked to do the things which he is capable of, and never overburdened. And similarly, the Qur'anic orders were gradually revealed and the manner of execution of the orders were given shortly in Mecca's life, and the details of the orders in civil life were mentioned later in Madīnahh.⁽⁹⁾

The early years of jurisprudence after Prophet's demise:

After the death of the Prophet (peace and blessings of Allaah be upon him), the time period of all the four caliph is called periods of Islamic jurisprudence. ⁽¹⁰⁾

Ḥazrat Abu Bakr Siddique

During his tenure, many problems occurred, but Abu Bakr (peace be upon him) fought them all with great determination and patience. He sent troops to Persia - فارس and Rome- روم for the spread of Islam, but he died before all the missions could be collected. After his death, Ḥazrat Umar Farooq replaced him. Under his rule, Muslims occupied the Persia from the east and reached till the Sea of Jihoon and river of Amu and occupied the cities of Armenia on the north side and Egypt from the west. They captured many areas and brought them under Muslim rule. A large number of Muslims lived in Constantinople, Kufa, Basra and these cities were the base of Islamic empire. At that time, propagation of Islam reached other regions of the world. During the reign of Ḥazrat Uthman, these victories spread east and west, but during the structure ,it was to be completed they suffered from another serious tragedy ,that was dispute occurred place all the side at Ḥazrat Usmaan 's reign . During this time those who were against him used to oppose him openly and at last Ḥazrat Usmaan r.z assassinated by some of his positions and all were diverted in many parties. The party who were against the -Uthman -committed allegiance to Ḥazrat Ali R.z. The followers of Ḥazrat Ali were in Iraq, whose throne was in Kufa and Ḥazrat Mu'awiyah's place was in Syria. Since then, they started spreading of misunderstandings between the two parties. And it all resulted the most tragic event of history of Islam was Battle of Siffin in which two great companions came face to face. When the solution could not be resolved, Syrian step forwarded to the solution , handed over their decision according to the Holy Book ,most of the people of Iraq accepted the decision but from the forces of Ḥazrat Ali some opposer came to against this motion, and these were Khawarij and at last they had also martyred Ḥazrat Ali r.z .Subsequently a large number of people agreed on the Caliphate of Ḥazrat Mu'awiyah bin Abi Sufian. All this resulted in three major political parties: (1) ordinary Muslims who gathered on the Caliphate of Ḥazrat Ali. (2) Shiites, who were based on the support of Al-e Bait and the Holy Prophet. (3) The Kharijites, who were the enemies of the Ahl-e-Bayt, Ḥazrat Ali, including Ḥazrat Mu'awiyah. ⁽¹¹⁾

Importance of the Abu Bakr Siddiq's rule:

During the reign of Ḥazrat Abu Bakr Siddiq, war broke out ,that was the war of Yamama, and after this many of great companions were martyred. According to the narration of Bukhari, Ḥazrat Umar came to Abu Bakr Siddiq after this incident and ordered the collection and arrangement of the Qur'an. Zaid bin Sabit said, "Abu Bakr Siddiq ordered me to do this and

said you are young, no one can be doubted regarding your collection of Aayah. You used to read revelation in the time of the Prophet. After his direction in this regard comparatively it was easier for me to remove the mountain from one to another place. Later, Allah opened this work easy to me, and Allah opened the hearts of Ḥazrat Abu Bakr Siddiq and Ḥazrat Umar, and after this, whoever had verses on palm branches, on sticks leather, etc. I started collecting and also from the people who remembered the verses. Even the last two verses of Surah al-Tawbah were brought from Abu Khazia Ansari and no one else had these verses. Then the booklet remained with Ḥazrat Abu Bakr Siddiq until his death, then the booklet remained with Ḥazrat Umar R.z until his death ,then remained secure with Ḥazrat Hafsa R.z ,then in Ḥazrat Usman R.z era ,where they felt its need in other cities then was further written for further publication.⁽¹²⁾

Third period: The successors of Sahaba

The majority of scholars consider this period as a period of Ḥazrat Mu'awiyah's R.z and commonly this is called عام الجماعة ,, which meant the era of 41 A.H .but this rule of time from Ḥazrat Muawya r.z , till the Hajjaj Bin Yousuf era, the political differences were in peak . Hajjaj time was also controversial. After then the rule of Walid bin Abdul Malik came. There were great victories conceived during his time. After his death, his brother Suliman bin Abdul Malik sat on the throne, after them, started the time of Ḥazrat Umar bin Abdul Aziz. Then after Hisham's government was established. During this period, فتنه علويه was led by Zaid bin Ali ibn e Hussain who demanded the Khalifa but he did not succeed and then he was martyred, and after that, his son was also martyred. In the time of Hisham, the Abbasi caliph demand raised and got stronger with passage of time which resulted the end of era of Bnu-Umayyah. ⁽¹³⁾

Development of Fiqh in Madīnāh

Ḥazrat Ayesha (R.A)

Ḥazrat Atta bin Abi Rabah called her the best narrator. He declared her point of view as most credible in any problematic situation. Ḥazrat Arwa R.A vouched for her best knowledge in Fiqh. ⁽¹⁴⁾

Ḥazrat Abdullah Bin Umar (R.A) Adwi Quraishi:

He couldn't participate in the Battle of Badar, but was part of Battle of Khandaq and Battle of Mouta along with Ḥazrat Ja'afar Ibn Abi Talib. Later on he was also part of Battle of Yarmook and Conquest of Egypt. He used to follow the Sunnah of Prophet PBUH in a best possible way, even to the extent that he used to settle down and pray exactly where the Prophet himself did. He used to even water the tree, under which Prophet PBUH use to pass, so that it never dries up. They are plenty of narrations by him. Especially Tabieen had extracted plenty of references especially his son Ḥazrat Sarim. Ḥazrat Shabi vouched for his excellence in Hadith and Fiqh. ⁽¹⁵⁾

Ḥazrat Abu Huraira Abdul Rehman bin Sakhar

He belonged to the tribe of Dous. He migrated in the 7th Hijri and remained with Prophet till the Prophet's demise. He has been narrator of plenty of Ahadith. His narrations are majorly

reported by his son in law Syed Ibn Museeb RA amongst the rest. He had memorized plenty of Ahadith. He died in 58 hijri. ⁽¹⁶⁾

Ḥazrat Saeed Ibn Maseeb Makhzoomi

He was born after the two years of demise of Ḥazrat Umar. He listened to Ahadith from prestigious of sahaba. He had a vast knowledge. He was very honest, upright and contended person. Ali Ibn Madani vouched for his excellence in knowledge. He never accepted materialistic rewards from sultan. His most important narrations are attributed to Ḥazrat Abu Huraira. He used to write to Ḥazrat Hasn Basri to inquire about any problem. According to one narration he died in 94 Hijri. ⁽¹⁷⁾

Urwa Bin Zubair Bin Awam Asadi

He was born in the time of Ḥazrat Usman RA. He used to get narrations from different Sahaba and learnt Fiqh from his aunt Ḥazrat Ayesha RA. He was very well renowned and trusted Hafiz and Aalim. His son Ḥazrat Hisham use to get narrations from him. Apart from that some other Ulama from Madīnah had use to report his narrations including Ḥazrat Zehri and Abu Nizad. Ḥazrat Imam Zehri also vouched for his excellence by declaring him river of knowledge. He died in 94 Hijri. ⁽¹⁸⁾

Ḥazrat Abu Bakar bin Abdul Rehman bin haris bin Hisham Makhzumi

He was born during the rule of Caliph Umar RA. He used to report narrations from his father and other Sahaba. Ḥazrat Zehri used to report narrations from him He was used to be called as Rahib-e-Quraish. He died in 94 hijri. ⁽¹⁹⁾

Ḥazrat Ali Ibn e Husain Ibn e Abi Talib Hashmi: He was 4th imam of Shia Imamia. He was called as Zain ul Abideen. He use to report the narrations from his father, his uncle, Ḥazrat Hasan, Ḥazrat Ayesha Siddiqā, And Ḥazrat Ibn e Abbas. He died in 94 Hijri. ⁽²⁰⁾

Ḥazrat Ubaidullah bin Abdullah bin Utba bin Masood

He used to listen narrations from Ḥazrat Ayesha, Ḥazrat Abu Huraira, Ḥazrat Ibn e Abbas. Apart from Fiqh and Hadith he was also a good poet. He died in 98 Hijri. ⁽²¹⁾

Ḥazrat Salim bin Abdullah bin Umar

He used to listen narrations from his father, Ḥazrat Ayesha, Ḥazrat Abu Huraira, Ḥazrat Saeed bin Museeb. His father used to love him a lot. He died in 98 Hijri. ⁽²²⁾

Sulaiman bin Yasaar

He used to listen narrations from Ḥazrat Ayesha, Ḥazrat Abu Huraira, Ḥazrat Ibn e Abbas and Ḥazrat Zaid bin Haris. Ḥazrat Saeed bin Mussieb use to send people to him. Imam Malik also declared him the scholar of the people. He died in 102 Hijri. ⁽²³⁾

Maula Nafi, Ḥazrat Abdullah Bin Umar

He served Abdullah bin Umar for 30 years. He died in 117 Hijri. ⁽²⁴⁾

Ḥazrat Muḥammad bin Muslim, Ibn Shihāb Zuhri

He was born in 50th Hijri. He used to get narrations from Ḥazrat Abudllah Ibn Umar, Anas Ibn Malik, and Saeed ibn Museeb. He died in 124th hijri. ⁽²⁵⁾

Abu jaafar bin Muḥammad Bin Ali Bin Hussain

He was known as Baqir. He was 5th Shia Imam. He used to write narrations from Ḥazrat Jabir, and Ḥazrat Ibn e Umar. He died in 114 Hijri. ⁽²⁶⁾

Abu Zinad Abdullah bin Zakwaan

He was expert of Fiqh in Madinah. He used to listen Ahadith from different Tabieen, including Hasan Ibn e Malik. Ḥazrat Laith bin Asad said that he witnessed around 300 students of fiqh, and poetry under him. Ḥazrat Imam Abu Hanifa vouched for his expertise in Fiqh. Ḥazrat Sufyan called him Ameer of Ahadith. He died in 131 Hijri. ⁽²⁷⁾

Ḥazrat Yahya bin Saeed Ansari

He has narrated Ahadith from Ḥazrat Anas bin malik and some other Tabieen.he died in 143 Hijri.⁽²⁸⁾

Development of Fiqh in Makah

Ḥazrat Abdullah bin Abbas bin Abdul Muttalib

He was born two years before the emigration. He was a glorious commentator and a Muhaddis. He died in the year 68 A.H. ⁽²⁹⁾

Mujahid Ibn Jubir of Bani Makhzum

He listened to Hadith from Ḥazrat Abbas and stayed with Ḥazrat Abbas for a period of time and read the Qur'an from him. He was one of the treasures of knowledge. He used to say that he read the Qur'an three times from Ibn 'Abbas, stopped at each verse and discovered what was this revealed about. Ḥazrat Qatadah said that Mujahid (R.A) was the most knowledgeable scholar of the Qur'an. Mujahid used to say that Ḥazrat Ibn 'Umar had stopped him while he was riding and asked him questions. He died in the year 103 AH. ⁽³⁰⁾

Ikramah

He narrated from Ḥazrat Abbas, Ḥazrat Aisha Siddiqā, Abu Hurairah. Ibn 'Abbas learned the jurisprudence of the Prophet (peace be upon him). He died in the year 107 AH. ⁽³¹⁾

Ḥazrat Atta bin Abi Rabah

He was born in the Caliphate of Ḥazrat' Umar. He heard Hadith from Ḥazrat Aisha, Abu Huraira and Ibn e Abbas. And Ibn e Abbas used to say that Atta is present among the people of Makkah and they still come to him. He died in the year 114 AH and Maula Abu Zubair of Ḥazrat Hakeem bin Hazzam: He narrated Hadiths from Muḥammad bin Muslim bin Sadrus, Ḥazrat Abbas, Ibn e Umar, Saeed ibn e Zubair etc. He died in the year 127 AH. ⁽³²⁾

Jurists Belongs to Kufa

Ḥazrat Ulqama bin Qais Nakhai

He was born in the holy life of Prophet Muḥammad (PBUH). He listened to Hadis from Ḥazrat Umar, Ḥazrat Usman, ibn Mas'ud. He received the jurisprudence from Ibn Mas'ud and was among his disciples. He died in the year 62 AH.

Ḥazrat Masrooq ibn Ajdah Hamdani

He was a jurist. He was the nephew of Ḥazrat Umar ibn Madiqarb. He learned from Ḥazrat Umar, Ḥazrat Ali, Ḥazrat ibn e Masud. Ḥazrat Shabi said that there is no one more knowledgeable than him. He died in 63 Hijri.

Ḥazrat Obaidah bin Umar Sulaimani

He learned from Ḥazrat Ali ibn Mas'ud. He died in 92 A.H.

Ḥazrat Aswad-bin-Yazid Nakhi

He was the scholar of Kufa. He was the nephew of Ḥazrat Alqma bin Qais. He died in 95 A.H.⁽³³⁾

After this brief review one can easily understand how strong the foundations of Islamic jurisprudence were. And the hard work that was required had completed in the beginning to spread Islam throughout the world. This was the brief review of these early periods, now presented a brief overview of the efforts of the Islamic jurisprudence in the subcontinent.

Step Towards Islamic Jurisprudence in Subcontinent

The message of Islam in South Asia began in the time of Prophet companions. This episode has been made the focus of the Khilafat of Ḥazrat Umar Farooq on 15th Hijri. On 15th Hijri, Usman bin Aas (RA) was appointed the governor of Bahrain and Oman. He then built a fleet for Bahrain and ordered his brother, Hukm bin Aas, to leave with the fleet and attack Hindustan. They reached Bandargah police station which is on the border of Gujrat and Bombay. This attack was successful. Usman bin Aas, in order to help his other brother, Mugeera bin Aas, departed a fleet which reached the famous city of Sindh called Dabal. Over here also, the enemy was defeated. This was the first attack of on Sindh by the Muslims.⁽³⁴⁾

Abdullah bin Amir attacked Kabul in revolting against the third caliph, Ḥazrat Usman (RA) and also was successful in his attempt. At that time, Ḥazrat Abdurrahman ibn Samarra ibn Habib who was the companion of the Messenger of Allah (PBUH), conquered Zaranj and Kush which were part of Balochistan. In that period, these areas were a part of Hindustan. This was the first big attack on Hindustan and here, many areas of Hindustan were conquered. The Islamic flag was raised in these areas for the first time.⁽³⁵⁾

During the reign of the leader of Ḥazrat Ali (RA), on 38 hijri, a strong army under Sagar bin Zohra, attacked Kohistan Qalat. These places were conquered under the leadership of Ḥazrat Mahab bin Abu Safra and Ḥazrat Abdul Rahman bin Samarra in Ḥazrat Amir Mu'awiyah's Covenant of Hijri on 44th. Ḥazrat Mahab went till Kabul, Multan and Peshawar and conquered these areas. From all of this, it is proved that in the subcontinent, invitation to Islam had already started.

In this, Ḥazrat Umar (RA)'s time is most important. The most important point of this was

the attack by Muḥammad Bin Qasim which was a decisive attack. Whatever the reasons may have been, but without doubt the biggest reason was the hindrance in call for Muslim apathy to Islam and a hindrance to adherence to the teachings, which was possible on the pre-made basis. In al-Bedaya-Wannehaya book of Islamic History, it is said that Muḥammad bin Qasim's army consisted of big subjects, peacemakers, and scholars, and it was a very large party which is why Allah gave his religion help and success and strengthened it. Later writers say that before Ḥazrat Ali (RA), in the time of Ḥazrat Umar (RA) and Ḥazrat Usman (RA), most of the parts of these areas were conquered by the companions of Prophet (SAW).⁽³⁶⁾

Subcontinent

Around the period of 980 AD Sibtagain came towards the North Western border of India. After that period, religions and sects got prominence in the time of Mehmud Ghaznavi. Ghaznavi, after defeating the governments in Multan and Mansura, in year 1011 and 1026, respectively, started promoting the Sunni Islam in the regions. 1020 marked the starting of political and religious services led by Qazi Minhaj Ul Deen Harjani and Maulana Burhan Ul Deen Mehmood Balkhi. ⁽³⁷⁾

Dehli Rule

His rule was from 1206-to 1526 AD . He used to hold the meetings and gatherings on Fiqh topic. All the gatherings held they were based on new methods. The main agendas of the gatherings and conferences used to be the rights of Hindus , dealings with political opponents, and the punishment of apostasy etc. The Islamic jurists of that time also used to help and inform the Sultan on the issues of Fiqh. In his time there were plenty of education centers in which the education was given on the basis of Fiqh Hanfi.

Mahmud Ghaznavi also had a good command on Fiqh and followed Fiqh Hanafi. But later on, he shifted towards Fiqh Shafi. There is a book associated to his name comprising around sixty thousand issues. ⁽³⁸⁾

Era of Khilji And Tughluq

After that in Khilji time (1321-1290) and in Tughluq time (1412-1321) the matters of Fiqh were under great focus and great Fatawas were issued. That is associated to Giyas Ul Deen Bulbun.⁽³⁹⁾

Jalaludeen Feroze Shah Khilji

(1396-1290) Fatawa e Qura Khuwani were written in his time and it is attributed to Qabool Qaraa Khan.⁽⁴⁰⁾

Muḥammad Bin Tughluq 1351 AD

He had a deep interest in Fiqh matters. There were almost more than 15 thousand Islamic Jurist associated with his court. He also used to hold discussion with them. It was famous about him that the famous book of Fiqh Hanfiya of Al-Hedayah was memorized by him. There was profound work done on Fiqh during his time. ⁽⁴¹⁾

Feroze Shah Tughluq (1388-1351)

In his time a book written on Islamic jurisdictions containing thirty volumes, called Taterkhanian.⁽⁴²⁾

Start of Mughal Era

The time comprises of 1562 to 1857. The kingdom was started by Zaheer Ud Din Babar. He belonged to the lineage of Taimur. Taimur was believer of Hanfi school of thought. Babar was highly interested in Fiqh matters. Fatawa e Babri is attributed to him. Sheikh Noor Ul Deen Bin Qutb Ud Deen with the help of different narrations compiled the solutions for the juristic problems. One of the prominent personalities of this time was Shiekh Abdul Haq Muhadis Dehlvi who served the religion through Qadri school of thought and compilation of biography and narrations of Prophet (PBUH). He uses to analyze the school of thought exactly according to the Hadeeth of Prophet (PBUH). He also wrote فتوح المنان في تائيد النعمان to serve Fiqh Hanafi. Sheikh Abdul Haq Muhadis Dehlvi also wrote the constitution and rules of governance of empire for Emperor Jahangir.⁽⁴³⁾

Mohi-Ud-din Muhammad Aurangezeb Alamgir

He stayed ruler of India from (1618 to 1707). He was valued by religious people. He imposed Fiqh Hanfiya in judicial system. There was not compiled book on the Fiqh Hanfiya during his time. That's why he decided gather the profound ulema of that time in the main centers of Delhi, Lahore, and Ahmedabad to compile a book keeping in view the needs of the contemporary times, and is suitable for all the people of the empire. He constituted a committee of Ulema comprising 50 members lead by Sheikh Nizam Ul Deen Burhan Puri. Sheikh Nizam took eight years to compile a book. The book was named as Fatawa e Hindiya. It is also known as Fatawa e Alamgiri. Emperor Alamgir was heavily invested, financially and intellectually, in this work. He used to read and discuss it extensively.

Fatawa e Alamgiri is first authentic and credible book of India. It is arranged according to Al Hadiya. It was very famous in South Asia, even to the extent that it was used in judicial proceedings to issue verdicts.⁽⁴⁴⁾

Introduction to the Famous Book of the Contemporary Fatwa Alamgiri

Aurangzeb Alamgir, the Mughal emperor, in the early part of his tenure edited a comprehensive and authoritative book on Islamic jurisprudence known as Fatwa-al-Alimgiri. After 4 years of his tenure, he started working on it and it took 8 years in total to compile this book. The main aim was to settle cases and disputes in India, in the light of Islamic law.

Fatwa-al-Alamgiri is an authentic, meaningful and comprehensive book. It is in accordance with the principles of Hanafi-Fiqh, and it is very carefully and scientifically structured.

There was no comprehensive & authoritative set of jurisprudence which existed before Fatwa-e-Alamgiri. This was the pioneer book, in which all jurists preserved the decisions and opinions of Islam whatever they had in the regard. It was a much diverse book, and so it was not possible for the common person to understand in it on his own and they were facing many problems like: day-to-day issues, issues of mutual disagreement, and

controversial feud issues. When judges had to decide the matters, they had to work very hard, because of the issues and disagreements. Despite all of these efforts, the judges were not sure whether they have taken into account all the important recommendations of the jurists or not in their verdict; they were also afraid that maybe some important recommendations of the jurists might have been overlooked, which could have influenced the decision in someone's favor. This problem existed before, and since now a certain Islamic atmosphere and environment was created to settle matters, the judges always feared that if their verdict was wrong or unwise, they would have to answer to the public and to God, and sin will fall on their heads. ⁽⁴⁵⁾

The problems led to the necessity of editing the jurisprudence, which should have an authentic, comprehensive and scientific collection that would help the judges to decide cases. Therefore, Alamgir decided to appoint a committee of scholars and jurists of India to compile the Islamic jurisprudence in a proper manner, to compile a comprehensive book of jurisprudence so that the problems of the Muslim life in the light of Islamic jurisprudence be determined in a proper way.

The Fatwa-al-Alimgiri was compiled in eight years by the widespread interest of the scholars and daily efforts of a large number of scholars and this is a great and high-end essay of Hanafi-Fiqh. In it, the most authoritative jurists' decisions, opinions, various rates, criticisms, religious laws, rules and rituals were mentioned in detail. All the rules and regulations, which are related to matters of inheritance, divorce etc., are explained in details. In this way, the scope of the fatwa is very wide. ⁽⁴⁶⁾

The topics which are discussed in Fatwa-al-Alimgiri are: purity, prayer, fasting, pilgrimage, freedom of slaves, crimes and punishments, international laws, trade matters, claims, trade shear, gifts, rent, agriculture, animal sacrifice, hunting, mortgages, wills, inheritance, and some of the modern issues.

The editorial of the fatwa-Almgiri was aided by many books. Some of them are mentioned here.

Quduri/قدوری: This book is written by Abul Hussain Ahmad ibn Muḥammad Quduri. Written in the fifth century Hijri.

MukhtasruTahavi/مختصر الطحاوی: This book of jurisprudence contains ten volumes

Fateh-ul-Qadir/فتح القدير: A long and detailed rate of this instruction, consisting of four volumes

(MuhituBurhani/محيط البرهاني): Burhanuddin Mehmood has composed this book in several volumes.

(Muhit-Ul-Surkhsi/محيط السرخسي): The author of the book is Rafi-Ud-din Khalaf, it covers ten volumes.

(Al-Ja'am al-Sagheer/الجامع الصغير): Its author is Imam Muḥammad ibn Shibani, one of the oldest books of jurisprudence.

Kaffee/كافي: This is a set of judicial decisions. Shahid Muḥammad Bin Mohammad Hanafi is the author.

Hedaya/هداية: This is the famous author of Maulana Burhanuddin Ali ibn Abubakar

Murgenani.

Mukhtasarul Tahawi/مختصر الطحاوي: This book of jurisprudence contains ten volumes

Fath-ul-Qadir/فتح القدير: A long and detailed rate of this instruction, consisting of four volumes-

Muhit-ul-Burhani/محيط البرهاني: Burhanuddin Mehmood has composed this book in several volumes.

Muhit-u-Sarakhsi/محيط السرخسي: The author of the book is Rafi-ud-din Khalaf.

(Al-Ja'am-U-Sagheer/الجامع الصغير: Its author is Imam Muḥammad ibn e Shibani, one of the oldest books of jurisprudence.

Bada-Us-Sanay/بدائع الصنائع: which is in six volumes, and Abu Sufi ibn Masood wrote in AH.

The names of some of these other books are: Khulastu -Al-Fataawa, Qazi Khan, Fataawa Tatarkhaniya, Tabin-Ul-Haqqyq, Tamaratashi, Miraj-Ud-Daraya, Burhaniya, Al-Jauhar al-Nayyarh, Kafayah, Ghiyas-al-Sarajee, , Fataawa-Bazaziya, Jawahar-ul-akhallati, Havi al-Qudsi, Fataawa-Al-Asugra, Fataawa-ul-Walejiyah, Khizanatul-ul-Muftien, Al-Nahr al-Faiiq, Kanzal-ud-Daqaiq, Majmu-ul-Bahrain, Tanweera-ul-Abasar, Fataawa Nasfia, etc.

This long list of books illustrates how much research has been used in the editing of the fatwa-E-Alamgiri, which show, why the fatawa is a wonderful book with its usefulness and scholarly point of view. (47)

References

1. اعلام الموقعين عن رب العالمين "عنوان "فتاوى امام المتقين- and Ibn-e-Kaseer-Al-Beday-Wannehaya-Markaz-Darul-Hijar-page-88-volume4-
2. Jalaludin Suyuti-Al-itqaan fi Ulumil-Quran-Daru-ibne-Kaseer-2004-Volume-2
3. Subhi Salih-Ulumul-Quran-Malik Brother-Lail-pur.1968-page 101 and Ibnul-Qayyem-zadul-Ma'ad-Maktabh-Missr-page-30volume-1- and Al-Burhan-Fi-Ulomil Quran-Maktabah-Daruturaaas.
4. Mulla Gevan-Nurul-Anwar-Qadeemi-Karachi-Salih Aljzairi-Al-Tebyan-Fi-Mabahisil-Quran-
5. Sha Waliullah Dehlvi-Hujjatullah-e-Baligha, and Ibn-Ul-Arabi-Ahkam-Ul-Quran.
6. Musnad-e-Ahmad-
7. Sahi-Bukhari and Muslim-ketabul-Manaqib-/Kitabul-Fazayl-Volume 2-Qadeemi-Kutubkhana-Karachi
8. Al-Muwafqaat /Leshatabi-page-212-volume-2
9. Manazir Ahsin Gilani-Tadveen-e-Quran and Muḥammad Taqi Usmani -Ulumul Quran -
10. Azalatul-Khefa-En-Khilafatul-Khulafa-Sha-WaliyuAllah-
11. Ibne Kaseer-Albedaya-wanehaya-Markaz-Darul-hijrah-1998-volume-10-pg-500-and volume 11.
12. Muhamad Taqi Usmani-Ulumul-Quran
13. Ibne Kaseer-Albedaya-wanehaya-Markaz-Darul-hijrah-1998-volume-10-pg-682-and volume 11.
14. Ibnul qayem-Elamul-Muqeen-En-Rabbel-Alameen-Daru-ibn-e-Juzeyah-1423-hijri-page-18-volume-2
15. Ibnul Aseer jazari- Darul-Kutbul-Elmieyah-1994-page310-volume 3
16. Ibn-e-Kaseer- Al-esaba-fi-Tamee-z-sahaba-Darul-Kutub-page-144-145-volume 4 .
17. Allama Shaikh Muhamad Khazri bak-Darul-Ishat-page 210
18. Same reference of 17 till page 220

19. Same reference of 14,15,16,17.
20. Same reference of 17 and محمدتقی امینی، فقہ اسلامی کا تاریخی پس منظر، ص ۴۳، قدیمی کتب خانہ کراچی۔
21. Same reference of 14,and 17.
22. Same reference of 14,and 17.
23. Same reference of 14,and 17.
24. Same reference of 14,and 17.
25. Same reference of 14,and 17.
26. Same reference of 14,and 17.
27. Same reference of 14,and 17.
28. Same reference of 14,and 17.
29. Same reference of 14,and 17.
30. Same reference of 14,and 17.
31. Same reference of 14,and 17.
32. Same reference of 14,and 17.
33. Same reference of 14,and 17.
34. Qazi-Athar Mubarak Pori-Islami Hind ki Azmat e Rafta- pp-Maktab-e-Khalil-1989- page,29, 40, 80.
35. Akram Shaikh-Aab-e-Kousr-page-pp-Nufoos-press-lahore-2006
36. Syed Moeen-Ul-Haq-(Muashri or Elmi Tarikh-Karachi-1965-pg-7-21 and Sayed Suliman Nadvi-Arab-o-Hind k taluqaat-/ Darul-Musanifeen-2010-p 127 -140
37. Ziauddin-A Study of Fiqah Literature in Urdu Since 1857-Ad -Aligarh University,1996-p-20 and Abdul-awal-Junpuri-Mufeedul-Mufti-Multan-1981-Pg-171
38. Zafrul Islam ,Development of Islamic Jurisprudence in Sultanate Period -Hamdard Islamicus-pp16-18
39. Muhamad Ishaq Bhatti -Bare Shageer Pak o Hind mai ilm-e-Fiqah-Lahore-1973-p.g 36-44
40. Faqeer Muhammad-Hadaequl-Hanafiyah-Lakhno-1906-pg-306
41. Zafrul Islam,Socio-Economic Dimension of Fiqah Literature in Medieval India,Lahore,1990-pp.20-23
42. Shahid Hussain Razzaqi-(Translation)-Lahore-Arbi Adbiyaat Mai-Pak-o-Hind-Ka- Hessa-page-301
43. Ikraam Shaikh-Raude-E-Kosar-pge 34.
44. Dr-Zia-Uddin-Falahi-Barre-Shgeer-hind-mai-Fiqh-e-Islami ka irteqa-Ifa Publishers-2012-page 153
45. Muhammad Mustaed Khan saqi-Maasir-e-Alamgiri-
46. Mujeebullah Nadvi-Fatwa-Alaggiri -k-Musannifeen-Lahore-page-6-7
47. Sayed Najeeb-Ruqaat-e-Alamgiri-