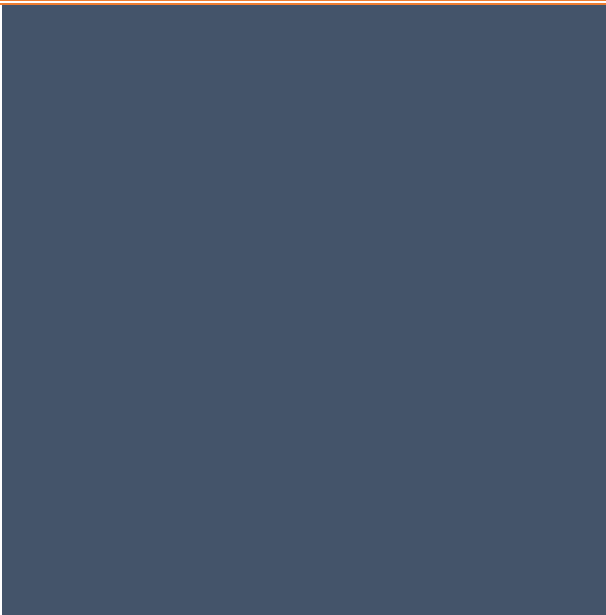




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Note : Fiqhul Hadees Shaikh Imran Ayyub aur muqaddamah sifat salatin Nabi lil Albani se ikhtebaasaat naqal kiye gaye magar ikhtesaar ke saath, jo juziyyaat mubtadi talaba ke mustawa se onche the vo hazaf kiye gaye aur aakhir me 100 halaal wa haraam ki checklist bhi hai jo Arshad Basheer Madani ke murattab kardah kutub se maakhooz hai taake fiqh ke istenbaat ka shouq wa zouq paida ho talaba ilm me In Sha Allaah. (muallifteen ka shukriya – Arshad Basheer Madani)

1) Fiqh ki lughawi wazaahat :

Lafz fiqh, samajh aur daanish ke maani me istemaal hota hai jaisa ke mandarja zel dalayel se waazeh hai :

- (1) (Qaaloo yaa Shu'aibu maa nafqahu kaseeram mimmaa taqoolu) (Hood:91) “Unhone kaha, Aye Shuaib ! Teri aksar baaten to hamari samajh me nahi aati.”
- (2) (famaa lihaaa 'ulaaa'il qawmi laa yakaadoona yafqahoona hadeesaa) (Nisa:78) “Unhe kya ho gaya hai ke koyi baat samajhne ke bhi qareeb nahi.”
- (3) Irshaad Baari Taala hai : (falaw laa nafara min kulli firqatim minhum taaa'ifatul liyatafaqqahoo fiddeeni) (Tawbah:122) “Aisa kyu na kiya jaaye ke unki har badi jamaat me ek choti jamaat nikle taake vo deen ki samajh boojh haasil karen.”
- (4) Hadees Nabawi hai ke (man yaradallaha bihi khaira yafqah fid deen) “Allaah Taala jiske saath bhalayi ka iraada farmaate hai use deen ki samajh aat farmaate hai.” (Bukhari:71)
 - Ye alfaaz arabi grammar ke aitebaar se faqiha ya faquha (samea, karuma) ka masdar hai. Baab

tafqqaha (taf'alla) bhi isi maani me istemaal kiya jaata hai. Fiqh, faqqaha aur afqah (taf'eel, if'aal) ye abwaab "seekhna aur samajhna" ke maani me musta'amal hai. Lafz fiqh "ilm fiqh jaanne waale aur bahut samajhdaar shakhs" par bola jaata hai. Iski jama "fuqha" musta'amal hai (al khaamoz al muheet safa 1151, nayeem al wasat safa 698)

Sawaal : Al khamos al muheet ke andar fiqhI taareef kee gayi hai isi tarah kibaar ulama aur muakkhireen ne iski kya taareef kee bayaan karen?

2) Fiqh ki istelaahi taareef :

3)(al ilm bil ahkaam al shariyyaa al amaalaiyya al muktasbah min adillatiha al tafseeliyyah) "Aisa ilm jisme in sharayi ahkaam se bahas huyi ho jinka taalluq amal se hai aur jinko tafseeli dalaayel se haasil kiya jaata hai." (Irshaad al fuhood, (1/7) al mustafagazali (1/18)

Umooman ilm fiqh ki vahee taareef kee jaati hai jo darje baala sutoor me maujood hai, alaawa azeen mukhtalif fuqaha ne iski mukhtalif taareefen kee hai jinhe yahaan zikr karne ki zaroorat nahi.

Khulasa kalaam ye hai ke fiqh me sirf un masayel se bahas kee jaati hai jo mahaz bando ke af'aal se taalluq rakhte ho jaise namaz, roza, nikah, talaq, khareed wa farokht aur jarayem waghairah. Baa lafz deegar is ilm me sirf aise ahkaam shaamil hai jo ibadat aur maamlaat se mutaalliq ho aur aise ahkaam ka isme koyi dakhal nahi jo aqayed wa eemaaniyat se taalluq rakhte ho.

Sawaal : Ye jo istelaahi taareef fiqh ki bayaan kee gayi hai kisne isko raqam kiya naam batayen?

3) Fiqh ki ahmiyat wa zaroorat

Ilm fiqh haasil karna baaz awqaat to farz ain ho jaata hai jaisa ke in umoor wa masayel ka seekhna ke jinke baghair koyi farz ain hukum ada hi na ho sakta ho, masalan wuzoo, namaz aur roze wagahirah ka tareekha wa kaifiyat, aur baaz ulama ne hazrat Anas Raziallahuanhu se marwi hadees (talabul ilm fareezatan ala kulli muslim) “Ilm ka haasil karna har musalmaan par farz hai.” (Sahi Ibn Maajah:183, Sunan Ibn Maajah:224) ko isi par mahmool kiya hai (yaani sirf in masayel ka ilm haasil karna har musalmaan farz hai jo us par farz ain hai). Shafayi ke nazdeek kisi cheez ke waqt wajoob se pahle hi uska seekh lena laazim hai jaisa ke us shakhs par jumaa ke liye waqt se pahle hi saee wa koshish karke aana

laazim hai jiska ghar door hai kyu ke ye faayda hai ke (maa laa yatimmul al waajib illa bihi fahuwa waajib) “Jo cheez ki waajib ki takmeel ke liye naa guzeer ho vo bhi waajib hai.” (al majmoo (1/24) haashiya ibn aabideen 1/26)

Fir agar koyi amal fauri taur par waajib hoga to uski kaifiyat seekhne bhi fauri taur par waajib hoga aur agar koyi amal taakheer se waajib hoga jaisa ke haj to uski kaifiyat seekhna bhi taakheer se hi waajib hoga. Albatta nikah, khareed wa farokht aur tamaam maamlaat ke masayel har ek par seekhna waajib nahi balke jo shakhs unme se kuch karna chahta hoga sirf usi par seekhna waajib hoga.

Baaz awqaat ilm fiqh haasil karna farz kifaya hota hai. Isme vo tamaam uloom shaamil hai jo farz kifaya ki miqdaar se zaayad hai neez awaam unnaas ka amal ki gharz se nafli ibaadaat seekhna bhi isme shaamil hai.

Maaloom hua ke in tamaam masayel me idraak wa faham haasil karna jo insaan par farz hai nihaayat zaroori hai isliye koshish wa mehnat karke unhe seekh lena chahiye aur yaqeenan ilm fiqh haasil karne waala shakhs Allaah Taala ki taraf se khair wa barkat ka mustahaq bhi hai jaisa ke nabi ﷺ ne farmaya (man yuridillahu bihi khaira yufaqquhu fid deen) “Allaah Taala jiske saath bhalayi ka

iraada farmaate hai use deen me faqaahat ata farma dete hai.” (Bukhari:71)

Sawaal : Daur haazir me fiqh aur usool ki fiqh ki ahmiyat waazeh karen?

4) Fiqh ke maakhiz (fiqh kahan se hasil karen)

Fiqh ke asaasi maakhiz do hai : (1) Quraan (2) sunnat aur zeli maakhiz nau hai :

1. Ijmaa, 2. Aqwaal Sahaba, 3. Qiyaas, 4. Istehsaan, 5. Isteshaab, 6. Masaleh mursala, 7. Sadd zaraye, 8. urf, 9. Pahli shariyaton ke ahkaam.

5) (1) Quraan

Quraan ka taarruf

(kalaamullah al munazzal ala nabi Muhammad ﷺ al mujiz bilafazih al mutabbad bitilaawatihi al maktoob fil masaahif al manqool bil tawaatur) (mabaahis fee uloom ul quraan, al wajeez (safa, 152)

“Quraan Kareem Allaah Taala ka vo kalaam hai jo uske Paighambar Muhammad ﷺ par naazil kardah hai (yaani

Moosa alaihissalaam wagahirah par naazil kardah kutub quraan nahi)

Alfaaz ke aitebaar se mu'ajiz hai (yaani is jaise alfaaz koyi nahi laa sakta, baa lafz deegar Quraan vahee kalaam Ilahi hai jis jaisa laane ka saari dunya ko challenge kiya gaya aur jiska challenge nahi kiya gaya, jaise ahadees qudsia waghairah, Quraan nahi)

Iski tilaawat ke saath ibadat kee jaati hai (yaani ajr wa sawaab ki niyyat se use padha jaata hai, in alfaaz se qiraat shaazah aur ahadees qudsia Quraan ki taareef se nikal gayi kyu ke unhe ajr wa sawaab ki niyyat se nahi padha jaata)

Vo musaahaf me tahreer shudah hai (yaani musaahaf me tahreer nahi jaise mansookh al tilaawah aayaat vo Quraan nahi)

Tawaatur ke saath manqool hai (yaani shaaz qiraat isme shaamil nahi jo tawaatar ke saath nahi balke bataur ahaad manqool hai)

Quraan teyees (23) saal ke arse me naazil hua, kuch makkah me aur kuch madina me. Aap ﷺ ki makki zindagi ke terah (13) saalon ke dauraan jo sooraten naazil huyi unme zyaadatar Tawheed, Risaalat, guzishta aqwaam ke waaqi'at, marne ke baad dobara uthna aur roze qiyamat ke ahwaal waghairah ka bayaan hai. aur jo sooraten

madani zindagi ke taqreeban das (10) saalon ke darmiyaan naazil huyi unme ibaadaat, muamlaat, jihaad, wiraasat, aayili qawaaneen bainul aqwaami taalluqaat, ahle kitab se khitaab aur munafiqeen ka nifaaq zaahir karne ke mutaalliq tafaseel hai.

6) Mazameen Quraan

(1) Baaz to aise hai ke jinka taalluq tawheed, risaalat aur aakhirat se hai.

(2) Baaz ka taalluq akhlaaqiyaat se hai masalan silah rahmi, eefaaye ahad, sidq, amaanat wa diyaanat, jhoot se ijtenaab, waalidain se husne sulook aur iffat wa ismat waghairah.

(3) Aur baaz ka taalluq ais aamaal se hai jo ya to ibadat se mutaalliq hai masalan namaz, roza, haj, aitekaaf waghairah aur muamlaat se masalan jarayem, hudood, jihaad, ghareloo maamlaat waghairah.

7) (2) Sunnat

Sunnat ki taareef

Lughawi aitebaar se sunnat har aise dastoor, seerat aur tareeqe ko kahte hai, jis par log chalne ke aadi ho aur uski paabandi karte ho jaisa ke is aayat me bhi yahi muraad hai (sunnatallahi fillazeena khalaw min qabl) (Ahzaab:62)

“Un logon me bhi Allaah Taala ka yahi dastoor raha hai jo unse pahle guzar chuke hai.”

Taaham istelaahi wa sharayi aitebaar se sunnat ki taareef yoon kee jaati hai (maa uzeefa ilan nabi min qoul aw filin aw taqreer) “Jis cheez ki nisbat Rasoolullah ﷺ ki taraf kee gayi ho khwaah Aap ﷺ ka qoul ho ya f’el ho ya taqreer ho (yaad rahe ke taqreer se muraad har aisa kaam hai jise Aap ﷺ ne doosron ko karte huye dekha lekin us par koyi aiteraaz na kiya ho).” (al ahkaam al madi (1/231) al wajeez (safa/161)

Qouli sunnat ki misaal ye Hadees hai ke (kunoo ibaadallahi ikhwaana) “Allaah ke bande bhai bhai ban jaao.” (Bukhari:6063)

F’eli sunnat ki misaal vo tamaam ahadees hai jinme Aap ﷺ ka koyi f’el mazkoor hai, masalan namaz ada karna, roza rakhna, haj karna, sadqa wa khairaat karna, miswaak karna, qiyaamul lail waghairah.

Aur taqreeri sunnat ki misaal ye hai ke Nabi ﷺ ne masjid me chand habshi naujawaano ko jangi mashq karte huye dekha aur us par khamoshi iqtiyaar farmayi (Bukhari:454,455). Isi tarah eid ke roz chand bachchon ko jangi ash’aar gaate huye suna to us par bhi khamosh iqtiyaar farmayi (Bukhari:949)

Sawaal : maa uzeefa ilan nabi min qoul aw fi'l aw taqreer is ibadat ka hawaala likhen.

8) Hujjat sunnat

Mundarija zel dalayel se ye baat waazeh ho jaati hai ke sunnat bhi quraan ki tarah hujjat hai aur ahkaam shariyat ka doosra maakhiz hai.

- (1) (wa anzalnaaa ilaikaz Zikra litubaiyina linnaasi maa nuzzila ilaihim) (Nahl:44) “Aur hamne Aap ki taraf zikar naazil kiya taake Aap logon ke liye in ahkaamaat ko waazeh kar de jo unki taraf (Quraan ki soorat me) naazil kiye gaye.”
- (2) (Wa maa yyantiqu 'anilhawaaa In huwa illaa Wahyuny yoohaa) (An Najm:3-4) “Vo apni khwaahish nafs se nahi bolta. Vo to ek wahee hai jo (uski taraf) naazil kee jaati hai.”
- (3) (mai yuti'ir rasoola faqad ata'allaah) (Nisa:80) “Jisne rasool ki itaat kee usne fil haqeeqat Allaah Taala ki itaat kee.”
- (4) (yaa ayyuhallazeena aamanoo at'eeullaaha wa at'eur rasool) (Nisa:59) “Aye eemaan waalon ! Allaah Taala ki itaat karo aur rasool ki itaat karo.”
- (5) (wamaa ataakumur rasoolu fakhuzoohu wamaa nahaakum anhu fantahoo) (Hashr:7) “Aur Rasool tumhe jo kuch de use le lo aur jis cheez se tumhe mana kare us se rukjaao.”

- (6) (falaa wa rabbika laa y'uminoona hatta yuhakkimooka feema shajara bainahum) (Nisa:65) "So qasam hai Aap ke Rab ki vo us waqt tak momin nahi ho sakte jab tak vo Aap ko apne baahami jhagdon me munsif na bana le."
- (7) (wamaa kaana li m'umini walaa m'uminatin iza qazallahu wa rasooluhu amran ay yakoonahumul khiyaratu min amrihim) (Ahzaab;36) "Kisi momin mard aur kisi momin aurat ko ye laayaq nahi ke jab Allaah Taala aur uska Rasool kisi kaam ka hukum de to fir unhe apne kaam ka koyi iqtiyaar baaqi rah jaaye."
- (8) Sahaba, Taabeyeen, Tabe Taabeyeen aur ayimma izaam sab ka is baat par ittefaaq hai ke sunnat Nabawi se sharayi ahkaam saabit hote hai aur aaj tak sab musalmaan isi eemaan wa aqeede par qaayam hai.
- (9) Agar sunnat Nabawi ko shariyat ka maakhiz tasleem na kiya jaaye to Quraan Majeed ke kitne hi aise ahkaamaat hai jin par amal naa mumkin ho jaayega. Masalan Quraan majeed me namaz ka hukum hai lekin uski rakaat uske awqaas ki duayen azkaar aur tareeqa waghairah sb kuch hadees se milega. Isi tarah roza, haj, zakaat waghairah ke bhi Quraan majeed me mahaz majmal ahkaam hai in sab ki tafseel ahadees se hi milti hai.

9) Sunnat ki aqsaam

Sanad ke aitebaar se sunnat ki do qismen hai :

- (1) Mutawaatir : Aisi sunnat jaise ibteda se inteha tak logon ki itni badi taadaad riwaayat kare jinka jhoot par jama ho jaana aqlan mahaal ho. Baaz awqaat ye tawaatur lafzi hota hai yaani logon ki ek bahut badi taadaad hadees

ke ek hi alfaaz riwaayat karti hai. Aur kabhi ye tawaatur maanwi hota hai vo is tarah logon ki ek badi jamaat mukhtalif alfaaz se riwaayat karti ho lekin in sab ka maani ek ho. Yaad rahe ke ye tawaatur pukhta wa yaqeeni ilm ka faayda dete hai aur hujjat hai.

(2) Khabar waahed : Is se muraad aisi sunnat hai jaise bayaan karne waalon ki taadaad tawaatur ki had tak na pahuchti ho bilfaaz deegar isme tawaatur ki sharayet na paayi jaati ho. Iski teen aqsaam hai :

(1) Mash'hoor : Jaise har daur me kamazkam teen afraad riwaayat kare aur tawaatur ki had tak na pahuche.

(2) Azeez : Jaise har daur me kamazkam do afraad ne riwaayat kya ho.

(3) Ghareeb : Jaise ibteda aur inteha ke maabain kisi daur me sirf ek fard riwaayat kare.

Ye sunnat us waqt qaabil hujjat hai jab uski sanad muttasil ho uske tamaam raawi aadil wa zaabit ho aur uski sanad ya matan me koyi illat ya shaz wa zana ho.

Sunnat ke maqbool hone ke lihaaz se chaar aqsaam hai :

(1) Sahi (2) sahi laghairih (3) Hasan (4) Hasan laghairih.

Sunnat ki mardood ya zayeef hone ke lihaaz se pandrah aqsaam hai :

(1) Mu'allaq (2) Mursal (3) Mu'zal (4) Munqati (5) Mauzoo (6) Matrook (7) Munkar (8) Ma'alool (9) al mukhaalifah al siqaat (10) Mudraj (11) Maqloob (12) Muztarib (13) al Mushaf (14) shaaz (15) jiska raawi majhool bidati ya sayyiul al hifz ho.

Sawaal : sunnat ki maqbool hone ke aitebaar se uski kitni qismen hai daleel ke saath jawaab de.

10) Khabar waahid ki hujjat

Khabar waahid hujjat hai aur uske dalayel hasbe zel hai :

- (1) (fas aloo ahlaz zikri in kuntum laa ta'alamoon)
(Nahl:43) "Agar tumh ilm na ho to ahle ilm se daryaaft karlo." Is aayat se maaloom hua ke agar kisi masle ka ilm na ho to kisi ek aalim se pooch lena kaafi hai kyu ke yahaan Allaah ne aisi koyi shart nahi lagayi ke ulama ki jamaat se poochna zaroori hai.
- (2) (falaw laa bafara min kulli firqatin minhum taa'ifatul liyatafaqqahu fid deen) (Tawbah:122) "Aisa kyu na kiya jaaye ke har firqe se ek ta'if nikle aur deen ki samajh haasil kare."
Imam Bukhari farmaate hai "ta'if" ek aadmi ko bhi kahte hai.
- (3) Hazrat Abdullah bin Mas'ood Raziallahuanhu se marwi hai ke Rasoolullah ﷺ ne farmaya (laa yamnayeen ahadakum aazaana bilaal min sahoorah fa innahu yawzana aw qaala yanaadi layar ja'a qaa'imakum wa nabi naa'imakum) "Kisi shakhs ko hazrat Bilal Raziallahuanhu ki azaan sahri khaane se na roke kyu ke var sirf isliye ke azaan dete hai taake jo namaz ke liye bedaar hai vo waapis aa jaaye aur jo soye huye hai vio bedaar ho jaaye."
(Bukhari:7247)
- (4) Log masjid quba me baitul maqdis ki jaanib rukh karke fajr ki namaz ada kar rahe the. Darees asna ek aadmi aakar kaha "Aap ﷺ ko namaz me kaaba ki taraf muh karne ka hukum diya gaya hai isliye tum bhi us taraf rukh karlo."
(wa kaanat wujoo'huhum ilal shaam fastadaarau ilal

kaabah) “Un logon ke chehre shaam ki taraf the fir vo log kaaba ki taraf ghoom gaye.” (Bukhari:7251)

Maaloom hua ke khabar waahid hujjat hai agar aisa na hota to tamaam Sahaba ek aadmi ke kahne par dauraan namaz hargiz apna rukh ne pherte.

- (5) Imam Bukhari ne apni kitab Sahi Bukhari me khabar waahid ki hujjat ek kitab qaayam kee hai aur usme ekkees (21) ahadees aur chand aayaat se istedlaal karte huye khabar waahid ki hujjat ko saabit ki hai mazeed rafseel ke liye inhe dekha jaa sakta hai.

Sawaal :Khabar waahid par amal na ho to uske nuqsanaat kya hi aur kahaan kahaan honge tahqeeqi jawaab naqal kare.

11) Fiqh ke zel maakhiz :

Quraan wa sunnat ke baad fiqh ke zeli maakhiz me se pahla maakhiz ijmaa hai aur jumhoor ulama ke nazdeek ye maakhiz deegar maakhiz se quwwat wa hujjat me zyada qawi hai.

12) Ijmaa ki taareef

Lughawi aitebaar se to ijmaa “azm pukhta aur kisi baat par muttafiq hone” ko kahte hai jaisa ke hadees me hai (laa siyaama liman lam yujmissiyaama qablal fajr) “Us shakhs ka roza nahi hoga jo fajr se pahle hi roza rakhne ki niyyat na kare.” (Sahi Nasayi:2203-2205, Nasayi:2340-2342)

Aur Quraan me hai ke (fa aj mi’oo amrakum (Yunus:71) “Tum apna maamla apne shuraka se mil kar pukhta taur par tay karlo.” Istilaahi aitebaar se ijmaa ki taareef ye kee jaati hai “Ijmaa se muraad Nabi ﷺ ki wafaat ke baad ummat islamiya ke mujtahideen ka kisi sharayi hukum par muttafiq ho jaana hai.”

(al usool man ilmul usool:62, irshaad al fuhoosal (258/1) al bahar al muheet azza kashi (435/4) al ahkaam al madi (179/1) al mustafa al ghazali (173/1)

13) Ijmaa ki hujjat

Jumhoor ulama ke nazdeek ijmaa hujjat hai aur vo hujjat ijmaa ke jo dalayel pesh karte hai unme se chand zel hai :

- (1) Irshaad Baari Taala hai ke (waman yushaqiqir rasoola min baadi maa tabayyana lahul huda wa yattaba'a ghaira sabeelil m'umineena nuwallihi maa tawallaa wa nuslihi jahannam. Wasa'aat maseera) (Nisa:115) "Aur jisne hidayat waazeh ho jaane ke baad Rasool ki naa farmaani ki aur momineen ke raaste ke alaawa kisi doosre raaste ki pairwi kee to use ham usi ki taraf le jaayenge jadah vo khud gaya aur use jahannam me daakhil karenge jo bahut buri jaaye qaraar hai."
- (2) Hazrat Anas Raziallahuanhu se marwi hai ke Rasoolullah ﷺ ne farmaya : (in ummati laa tajtam'a alaa zalaalah) "Bila shubah meri ummat gumraahi par jama nahi hogi." (al Mishkaat:173,174, Ibn Maajah:3950, Abu dawood:4253, Tabraani kabeer:3440)
- (3) Hazrat Mughairah bin shuaba Raziallahuanhu se marwi hai ke rasoolullah ﷺ ne farmaya (laa tazaala taa'ifatan min ummati zaahareen alaa al haqq) "Meri ummat ka ek groh hamesha haq par ghalib rahega." (Bukhari:7489, Muslim:1921, Ahmad:278/5)

14) 2. Aqwaal Sahaba

Sahabi aise shakhs ko kahte hai jisne Nabi Kareem ﷺ ko dekha ho Aap ﷺ par eemaan laaya ho aur fir eemaan ki haalat me hi

faut hua ho. Nabi ﷺ ki wafaat ke baad Aap ﷺ ke Sahaba me se baaz ilm, fiqh aur fatwa waghairah me bahut mash'hoor huye. Unke liye huye faisle aur un tak fatwa ba zariye riwaayat ham tak pahuche hai. Agar kisi mujtahid ko kitab wa sunnat aur ijmaa se kisi masle ke liye daleel na mile to kya vo Sahaba ke aqwaal, fatawajaat aur faislon se hujjat le sakta hai ya nahi? To isme kuch tafseel hai.

Continue in sha Allaah

14 to 20 point kal tak send kie jainge in sha Allaah