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الحمد لله

فجزاكم هلا خيرا

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**mazirat ke sat arz hai ke jahan kahin apko
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Urdu Janne Waloun se**

**asal Kitab ki taraf rujoo farmaen in sha
Allaah in sha Allaaah**

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Khas tour se

**Riaz bhai , shaikh abdullah Umeri, faheem
iqbal , Mushtaq ahmed Aur baz sisters bhi
hain jo madad kie Aur**

**kuch brothers bhi madad kie Likin ijazat nahi
hai ke unka naam zikr Kia jae Allaah qabool
farmae sab ki mahant**

Ameen

Shukriya

Shoba e nashro ishaat,

Askislampedia

MANZOOMAH AL QAWAED AL FIQHIYYAH

Maulif : Allama Abdur Rahman bin Naasir al Saudi Rahimahullah

Sharah : Shaikh Arshad Basheer Umari Madani Qafqullah

Mukhtasar Sharah, Misaalen wa baaz fiqhi nukaat

185 fiqhi nukaat wa dalayel wa masayel baraay tafqiyah

Taalibe ilm wa baraay nisaab madaris Islamiyah wa muftadeen maadah fiqh

1000 se zaayad talba mustafeed huye is kitab se Alhamdulillah

Muqaddamah

Alhamdulillah wahdah wal salaah wal islam alaa malla nabi baadah wa alaa aalah wa ashaabih ajma'een, amma baad :

Kuch kitab ke baare me

- **Alhamdulillah is kitab me 185 fiqhi nukaat jama karne ka Allaah ne mauqa diya**
- **Manzoomah al qawaed al fiqhiyyah ke 49 band (line) hai. Iske Maulif Shaikh Abdur Rahman al Saudi Rahimahullah hai, jo saudi arab ke kubaar ulama ke ustaaz rahe hai.**
- **Saudi ke kayi ulama ki shuroohaat ko saamne rakh kar maine apni ye kitab urdu me pesh karne ki sa'adat haasil kee hai.**

Shuroohaat, kutub aur maulifeen jinse mujhe sharah kitab qawaed fiqhiyyah me madad mili :

1. Sharah Al Shaikh Abdur Rahman al Saudi
2. Al Shaikh Shaad al Shasri
3. Al Shaikh Masheeqeeh
4. Al Shaikh Khalid al Sabt
5. Al Shaikh Ibn Usaimin
6. Al Shaikh Sulaiman al Raheeli
7. Qawaed Ibn Rajab
8. Al Shaikh Muhammad Hadi Madkhali
9. Al Shaikh Saaleh Fawzaan
10. As Shaikh Bin Baaz
11. Imam Shaabti, Imam Ibn Qudamah ki al mughni, Imam Nawawi ki al majmoo
12. Qawaed Nooraaniyah Ibn Taimiyah aur Majmoo fatawa
13. Kutub Ibn Qayyim
14. Takhreejaat al Shaikh Albani, al ikhtiyaaraat al fiqhiyyah aur al taaleeqaat al raziya, tamaam al manah aur silsila
15. Al majlah

16. Al qawaed al khamsah al kibri / al ashbaah wal nazayir imam suyooti
17. Imaad ali jamah
18. Shaikh Muhammad shanqaiti

Qawaed fihiyyah kis ke liye?

- Madaris se faarighain ke liye
- Arabi jaanne waalon ke liye
- Vo da'ee jo deen ko gahraayi se padhna chahte hai

Hadiyah tashakkur

Is mauqe par mai sabse pahle Allaah Rabbul Aalameen ka shukr bajaa laata hoon ke jisne mujhe tawfeeq bakhshi aur phir apne waalidain, afraad khaandaan aur saare muhsineen ka khusoosi shukriyah ada karta hoon ke jinki muhabbaton, mehnaton aur dua'on se mere kaam anjaam paaye.

Aur apne saath dene waale sabhi ulama wa rufaqa ka shukriyah ada karta hoon jinhone is kaam me mera bhar poor saath diya; khusoosan Shaikh Abdullah umari aur askislampedia ki saari team ka behad mamnoon wa mashkoor hoon, Allaah in sab ko jazaye khair ata farmaye, Aameen !

Mujhe is qaabil banaane waale Jamia Daarul Salaam, Umerabad, Tamilnadu, Hindustan aur Jamia Islamiyah Madina Tayyibah, Saudi Arab ke tamaam asaatezah aur zimmedaaraan ka behad mamnoo wa mashkoor hoon, jinki musalsil mehnaton ke nateeje – Bi iznillah – mai is qaabil bana, Allaah hamare aur in sab ke meezaan hasnaat ko saqeel farma de, Aameen !

Was salaam

Shaikh Arshad Basheer Umri Madani Salamallah

Sharah Manzumah al qawaed al Fiqhiyyah

1. Alhamdu lillahi al aliyyi al arfaqi wajaa mi'i al ashyaa'i wal mufarriqi

Har qism ki saari taareefen Allaah ke liye hai jo raham khaane waala hai, aur cheezon ka jama aur bikherne waala hai.

2. Zee an ni'ami al waasi'atil ghazeerah wal hikami al baahirati al kaseerah

Was'ee aur khoob n'imaten ata farmaane waala hai aur kasrat aur khuli khuli hikmaton waala hai.

3. Summa assalaatu m'a salaamin daa'im alaa ar rasooli al qurashiiyyi al khaatam

Phir darood ho da'ami salaamati ke saath quraish se nisbat waale Rasool Khaatam un Nabiyyeen ﷺ par.

4. Wa aalihi wa sahbihi al abraar al haa'izi maraatibi al fakhaari

Aur Aap ﷺ ke khaandaan par aur Aap ﷺ ke nek Sahaba par jo fakhr waale martabe par faayaz hai.

5. E'elam hudeeta anna afzalal minan ilmun yuzailu ash shakka anka wad daran

Jaan leekiye – Allaah Aap ko hadaabat de. Beshak sabse afzal ahsaan hai aisa ilm jo shak wa shahwaat ko door karde.

6. Wayakshifu al haqqa lizee al qulubi wa yoosilu al abda ilaa al matloob

Aur haq ko waazeh kare ahle dil ko aur bande ko matloob tak pahuncha de.

7. Faahris alaa fahmika lil qawa'idi jaami'atil masaayili al shawaaridi

To hirs paida keekiye qawaed ke faham ke liye ye qawaed bikhre masayel ko jama karte hai.

8. Fatar taqee fee al ilmi khaira murtaqaa wa taqtafee sublallazi qad waffiqaa

To tum ilm me taraqqi karte rahoge aur mawfiq ahle ilm ke raaste par chal padoge.

9. Wa hazihi qawa'idu nazamtuhaa min kutbi ahlil ilmi qad hassaltuhaa

Aur ye qawaed jinko maine nazm aur manzoomah ki shakal dee hai ahle ilm ki kitabon se maine in qawaed ko haasil kiya hai waqtan fa waqtan (waqfa waqfa) aur thoda thoda.

10. Jazaahumu al mawli azeema al ajri wal afwa m'a ghufraanihi wal birri

In saare logon ko Allaah Jazaye khair ata farmaye afoo wa darguzar maghfirat wa neki ke saath.

11. Al niyyatu shartun lisaa'iril amal bihaa al salaahu wal fasaadu lil amal

Tarjamah : Niyyat shart hai tamaam aamaal ke liye, iske zariye duroostagi aur bigaad ka taalluq hai.

Is sh'er se mutaalliq qawaed fihiyyah :

- Al umuru bimaqaa sidihaa /
- Laa sawaaba illa bi niyyatin /
- Al qusoodu mu'assiratun /
- Maa yuqsadu bihaa

Baaz nuskhon me ; waneetanaa shart al saa'ir al amal

Daleel : Niyyat hi par madaar hota hai amal ke qubool hone aur radd hone ka. Iski daleel ye qoul Rasool ﷺ hai :

“innamal a'amaalu bin niyyaat” (Sahi Bukhari:1)

Sharah, misaalen wa baaz fihi nukaat :

1. **al muraad bil niyyat** (niyyat se muraad kya hai) : al niyyah se al niyyata al khaalsah muraad hai.

2. **al niyyah shart am rukun (niyyat shart hai ya rukun) :** Shart amal se baahar ki cheez hai jabke niyyat daakhli aur khaarji ko muheet hai, isiliye baaz Ulama Kraam ne kaha ke niyyat shart bhi hai aur rukun bhi hai.

3. **al farq baina al aadah wal ibaadah** (aadaat aur ibaadat me farq kaise kare) : Aadmi amal karta hai aadat (niyyat tabrad) ke taur par bhi aur ibaadat (niyyat janaabah) ke taur par bhi, isliye sawaab ke liye niyyat shart rakhi gayi. (Shaikh al Sa'adi)

4. **al farq baina anwa'a al ibaadaat bil niyyah :** Niyyat ke zariye aqsaam ibaadaat me bhi farq kiya jaa sakta hai aur aadat aur ibaadat me bhi farq kiya jaa sakta hai. (Shaikh al Sa'adi)\

5. **ahmiyah al niyyah :** Niyyat hi par madaar hota hai amal ke qubool hone aur radd hone ka. Iski daleel ye qoul Rasool ﷺ hai, “innamal aamaalu bin niyyat” Aamaal ka daaromadaar niyyaton par hai. (Sahi Bukhari:1)

Nisbat : (1) Imam Baihaqi ne kaha mera iraada to ye hai ke har baab se pahle ye Hadees likhoon. (2) Kisi ne kaha ye salas al ilm hai, (3) Kisi ne kaha ke rab'a al ilm hai, (4) Bahar haal Imam Bukhari ne Sahi Bukhari ki shuru'at “innamal aamaalu bin niyyaat” se kee hai. Yaani uske aane waala har baab ek amal ka taqaazah karta hai aur har amal niyyat saadiqah ka taqaazah karta hai.

6. shuroot qubool al amal : Eemaan Billah ke baad (1) niyyat saadiqah (ikhlaas) aur (2) itteba, do sharten hai, qubool amal ke liye. Imam Ibn Taimiyah Rahimahullah kahte hai : Islam ka khulasa do sawaal wa jawaab me hai, (1) **man ta'abud?** (al ikhlaas) (2) **wa kaifa ta'abud?** (al itteba)

7. ahmiyah al niyyah : Ikhlaas e niyyat vo azeem shai hai jo mubah kaam ko kaare sawaab bana deti hai. Khaana, peena, sona, maal kamaana aur nikah waghairah inka maqsad haraam se bachna ho to ye ibaadat aur kaare sawaab hai.

8. al umoor al f'eliyah wal tarkiyah : Shari'at me ahkaamaat do tarah ke hai : Ek hukum jiska maqsad hai karna aur vo amr bajaa laana, uske liye niyyat zaroori hai, sahate amal aur sawaab ke liye. Jabke vo hukum jiska maqsad hai tark jaise izala najaasat uske liye niyyat shart nahi (Sa'ad al shasri) lekin izala janaabat aur isi tarah wazoo baraaye raf'a hadas asghar wa ghushl baraaye raf'a hadas akbar ke liye niyyat shart hai kyu ke ye ibaadat mahzatah hai.

9. al umoor bi maqaa sadhaa / al qasad / al qasood mawsarah : niyyat se muraad maqsad hai.

10. ta'areef al shart : maa yalzam min admah adm al hakam walaa yalzam min wajoodah wajood al hakam walaa adamah lazaatah.

Misaal ke taur par tahaarat shart hai salaah ke liye agar tahaarat na ho to salaah ka la'adam hai lekin tahaarat ke hone se namaz ka hona laazim nahi.

(Muhammad bin Hadi Madkhali, audio clip, youtube)

11. al naqad al ilmi alaa al qaa'idah aw al sha'ar : Shaikh Sa'ad Shasri Hafizahullah ne kaha is qa'aidah par aiteraaz hai ke saare aamaal ke liye niyyat ki shart ki ta'abeer me daqt nahi kyu ke shart hai maamooraat jaise namaz waghairah jabke vo hukum jiska maqsad tark ho jaise izaala najaasat to isme niyyat shart nahi.

12. shart lil sahaah wa shart lil wajoob wal farq bainahuma : Shart ki do qismen hai : 1. "shart lil sahaah" jaise tahaarat, namaz ke liye tahaarat shart hai uske bina namaz sahi nahi, 2. "shart lil wajoob" jaise haj ke liye isteta'at shart hai, uske baad bhi khatoon baghair muhrim ke haj karle to haj us par waajib to na tha lekin haj sahi hai (Ibn Usaimin) aur mukhalifat ka gunah hoga to ye karna zaroori, agar haj me muhrim ka inteqaal ho jaaye to aurat baghair muhrim ke haj mukammil karle, ye faayda hai shart wajoob jaanne ka lekin baghair muhrim ke bila wajah haj ki shuru'at na kare.

13. al farq baina al ibaadah al mahzah wa ghairal mahzah : Sahat wazoo ke liye ahnaaf ke paas niyyat ki shart nahi kyu ke vo use ibaadat ghair mahzah

maante hai jabke jamhoor ki raay ko raajeh qaraar diya gaya ke wazoo ibaadat mahzah hai aur uske liye niyyat zaroori hai. (Ibn Rashad, bidaayatul mujtahad)

14. al farq baina al rukun wal shart wal waajib wal sunan wa tawji hahaa : kyu farq kare, ham rukun waajib aur sunan me? Aur rukun aur shart me kya farq hai?

Allaah ke Nabi ﷺ ki Hadees al masee salaah ke mutabiq “irj’I fasaalli fa innaka lam tusalli” (Muslim) Aap ﷺ ne sajdah sahoon nahi balke dohraane ke liye kaha, rukun salaah choot jaane par raka’at ya phir mukammil namaz dohrana padega. Allaah ke Nabi ﷺ ne jab tasha’hhud awwal choda to na raka’at duhraayi na namaz balke sirf sajdah sahoon par iktefa kiya. (Sahi Ibn Khuzaimah:1031, Al Silsilatus Saheeha:2457)

15. Sunan al salaah : Abu Hurairah Raziallahuanhu ke poochne par istaftaah salaah ki dua bataayi, iska matlab sunnat chodne par sajdah sahoon bhi laazim nahi aata.

Is ilm ka faayda ye hai ke rukun, waajib aur sunan ke chodne par kya kare? Iska jawaab milta hai, farq maratib maujood wa saabit hai aur unke ishkaal ka jawaab hai jo ye kahte hai, rukun wa waajib aur sunnat ki tafreeq ki daleel kahaan hai? (Al Shaikh Muhammad al Shanqati, youtube video)

16. mahal al niyyah al qalb umm lil lisaan?: Niyyat ka mahal dil hai aur alfaaz se adaayagi bid’at hai kyu ke ibaadat ki asal hai tawqeef : “al asal fil ibaadat al tawqeef / al asal fil ibaadah al man’a” yaani ibaadat mahzah ki asal hai rukun jab tak ke karne ki daleel na aa jaaye. (al mawaafiqat lil shaatbi)

17. tawjeeh al talfaz indal haraam aw al zabah : Zabah ke waqt talfaz hota hai (**bismillah allahu akbar, allahumma taqabbala minna**) aur haj umrah ki ibteda me bhi (**allahumma labbaik hajaa, allahumma labbaik umrah**). Iska jawaab Ulama ne ye diya ke ye talaffuz nahi balke ek ibaadat hai, jaise niyyat ke baad takbeer tahreemah ALLAHU AKBAR se namaz ki ibteda hoti hai.

18. hakam nisyaaan al tasmiyah waqt al zabah : Jaanwar zabah karte waqt amadan “**Bismillah, Allahu Akbar**” chodna fisq hai aur vo jaanwar halaal na hoga lekin agar nasyaana hua to fisq shumaar na hoga, lihaza momin ka zabah bhool jaane ki haalat me baghair ‘Bismillah’ ke bhi halaal hai. (Imam Bukhari / Shaikh Saaleh Fawzaan)

19. Khata yaani chook se agar koyi manhayaat ya mamnoo’aat ya mahazawaraat ka irtekaab karle “huqooqullah” me to maaf hai (Baqarah:286). Lekin haj me waajib anjaane me chook jaaye aur choot jaaye to gunah nahi magar dam waajib hota hai kyu ke Ulama ne dalayel ki bunyaad par farq kiya

hai maamooraat wa manhayaat me (masee salah waali Hadees me waajibaat wa arkaan choot gaye isliye duhraane ka hukum hua jabke namaz me ek Sahabi ne salwah me jahal ya ghalti se baat kee, namaz duhraane ka hukum na mila, aur isi tarah nuqsan ki talaafi zaroori hai jaise kaffaara dete hai, qatl khata par.

20. al farq baina al saraahah wal kinaayah fee al talaah : Saraahati kalimaat ka maani zaahiri liya jaayega, niyyat ka aitebaar na hoga jaisa ke talaah lekin kitaabati kalimaat ka maani niyyat ke aitebaar se liya jaayega, jaisa ke tum ko talaah hai (saraahat) aur apne ghar chali jaa'o (kinaayah) hai.

21. yasrawaa walaa ta'asarwaa : Baaz fuqaha ne jo shiddat barti hai ke har juzyaat salawah par niyyat muqaddam karna hai, vo ghuloo hai.

22. hakam taghayyur al niyyah al salaah : Nafil ke darmiyaan farz ki niyyat nahi badli jaa sakti jabke farz ke dauraan nafil ki niyyat badli jaa sakti hai. (sa'ad al shasri)

Al tadajal fil niyyah matee yajooz wa matee la yajooz : Agar dono bhi maqsood "maqsood al zaatah" ho to ek niyyat se dono ada nahi hote balke alag alag ada karna padega jaisa ke do raka'at fajr (farz aur sunnat mawkidah) lekin dono bhi yeksaan maqsood lazaatah na ho to dono ko ek se ada kar liya jaa sakta hai masalan : Agar koi shakhs peer aur jumeraat ke rozon ka ihtesam karta tha, aur usi me ayyam beez aa jaaye to usko duhra sawaab milega. Ya dono me se ek maqsood lazaatah na ho jaise tahiyyatul masjid aur salaatul farz, farz me tahiyyatul masjid bhi daakhil ho jaati hai. Isko tadaakhul kahte hai.

23. Tagheer niyyat dauraane salaah :

a. Mu'ayyin se ma'een ki tabdeeli jaayaz nahi. (salaah zuhar ke dauraan fajr ki do raka'at sunnat mawkidah ki taraf muntaqali jaayaz nahi, isi tarah salaah asr ki muntaqali salaah zuhar ki taraf jaayaz nahi).

b. Mutlaq se ma'een ki taraf bhi jaayaz nahi, nafil do raka'at se salaah fajr ki sunnat mawkidah ki taraf muntaqali jaayaz nahi kyu ke dono sooraton me shart niyyat ibtida se honi zaroori hai.

c. Ma'een se mutlaq ki ijaazat hai, farz padh chuka tha ghalti se shuroo kiya, dauraan namaz nafil ki niyyat muntaqil karna jaayaz hai. (Majmoo Fatawa Ibn Usaimin : raqam sawaal 347)

12. Al Deenu Mabniyyun alal Masaalih Fee Jalbiha Waddar'i lil Qabaa'ih

Tarjamah : Deen mabni hai maslihaton par, achchayi ke karne aur burayi ke na karne me.

Daleel :

(WAYU HILLU LAHUMUT TAYYIBAATI WA YUHARRIMU ALAIHIMUL KHABA'IS) (Surah A'araaf:157)

Sharah, misaalen wa baaz fiqhi nukaat :

24. Maslihah ki jama masaalih hai. jo salaah wa faayda ki alaamat hai.

25. **hikam wa fawa'ed ahkaam al shari'ah :** Shari'at ka har amal kisi na kisi maslihat ke tahat hota hai. Jisme insaano ke liye fawa'ed hai. Roohaani aur jismaani fawa'ed – masalan roohaani faaydah Allaah Taala ne farmaya ! Tawheed ikhtiyaar karo aur shirk se bacho.

Jo shirk karta hai vo Allaah ki muhabbat wa rahmat se door ho jaata hai, agar shirk se bachega to sukoon paayega.

Qaala Taala : **(ALAA BI ZIKRILLAH TATMA INNUL QULOUB)** (Surah Nahl:97)

(MAA ANZALNAA ALAIKAL QUR'AANA LITASHQAA) (Surah Taha:2)

26. jismaani faaydah : Roza rakhne se jaanbi taur par chusti wa phurti aati hai, jiske saath vo Allaah ki ibaadat karta hai. Haj se ijtemaa'iat aur aapsi faham ka faaydah hai. (darakht ka maqsad phal hai saath faayde ke taur par chaav bhi mil jaaye to mazeed khushi ka sabab hai, maqsood to Allaah ki khushnoodi hai, lekin jaanbi taur par kayi maslihaten wa fawa'ed aur hikmaten haasil hoti hai jo kabhi maaloom hoti hai aur kabhi nahi).

27. Maali faaydah : Zakaat iski daleel **“maa naqas maal abd min sadaqah”** (Sunan Tirmizi:2325, Sahi). Maal kharch karne ka ek aur faaydah ye hai ke vo dil ki beemaari ko khatam karta hai jo sirf maal ke saath hi khatam hoti hai.

28. **ahtemaam al ulama ba maqasid al shari'ah wa zarooriyaat al deen :** Imam Shaabti al mawaafiqat hai, Shah Waliullah Muhaddis Dahalwi hajjatullah al baaligha me, Ibn Taimiyah aur Ibn Qayyim miftaah daarul sa'aadah me aur Shaikh Saaleh Fawzaan unki kitab “al at'amah” me tayyibaat aur khaba'is par hakeemaana guftagoo kee gayi hai.

Hikmat shari'at aur deen ke mabaadi khamsah / zarooriyaat khamsah par aala kitab likhi hai.

1. Hifz al deen (harmah al irtedaad)
2. Hifz al nafs (harmah al qatl wal ghaibah)

3. Hifz al aql (harmah al khamar)
4. Hifz al nasl (harmah al zina)
5. Hifz al maal (harmah al sarqah)

29. ahmiyah maarifatul maratib wal faroq binal zarooraah wal haajah wal tahseenaat :

Imam Shaabti al mawaafiqat me likhte hai : Maqasid shari'at usool fiqh me ek nafees ilm hai jinke zariye shaar'a ka qasad maaloom karne ki sa'adat haasil kee jaati hai. (1) zarooriyaat, (2) haajiyaat, (3) tahseeniyaat.

- (1) Al zarooraah ki misaal : Izteraar ke waqt akl haraam ki ijaazat.
- (2) Haajat ki misaal : Chandi ke zariye pyaala ki daraad ko jodna.
- (3) Tahseenaat : Saare kamaaliyaat jinke baghair koyi nuqsan ya zarar wa mashaqqat na ho (zeenat).

30. Maqasid shari'at ke mauzoo par jin ayimma ne sair haasil guftagoo kee unme : Imam Jaweeni apni kitab "al burhaan" me, Imam Ghazali apni kitab "al mustasfa min ilm al usool" me, jadeed daur me Taher bin Aashooro Shaikh Saaleh al Fawzaan, Imam Al Khizri aur qadmaa me Imam Shaabti apni kitab "al mawaafiqaat" aur "Al Itsaam" me.

13 – fa in tazaahama adadul masaalihi yuqaddamul a'ala minal masaalihi

Tarjamah :

Pas agar takra jaaye kayi maslihaten maslihaton me se oonche maslihat ko liya jaayega.

Is se mutaalliq qawaed : **a'alal maslihaten**

Sharah, misaalen wa baaz fiqhi nukaat :

31. al misaal al tatbeeqi al awwal : Agar farz namaz ke liye jama'at thahar chuki ho to sunnat ko ada karne ka waqt nahi hai, isliye farz padh lenge. Sunnat ke maqabil fraz aalaa hai. Hadees : **iza uqeematis salaatu falaa salaata illal maktoobah.** (Muslim:1591)

32. Dalayel : (WATTA BI'OO AHSANA MAA UNZILA ILAIKUM MIR RABBIKUM) (Surah Zumar:55)

Tarjamah : "Aur pairwi karo us behtareen cheez ki jo tumhari taraf tumhare Parwardigaar ki taraf se naazil kee gayi hai."

**33. (FABASHSHIR IBAADIL LAZEENA YASTAMI'OONAL QOULA
FAYATTA BI'OONA AHSANAH. ULAA'IKALLAZEENA
HADA AHUMULLAAH. WA ULAA'IKA HUM ULUL ALBAAB) (Surah
Zumar:18)**

Tarjamah : “Mere bando ko khushkhabri suna dejiye jo baat ko kaan lagaakar sunte hai. Phir jo behtareen baat ho uski itteba karte ho. Yahee hai jinhe Allaah ne hidaayat kee hai aur yahee aqalmand bhi hai.”

14 – wazidduhu tazaahumul mafaasidi yurtakabul adnaa minal mafaasid

Tarjamah :

Iske bar aks mafasid agar takra jaaye (ya ikaththa ho jaaye aur irtekaab laazmi ho to), mafasid me se adnaa ka irtekaab karenge.

Is se mutaalliq qawaed :

- (1) Ahwanul baliyyatain
- (2) Akhaffuz zararain.

Sharah, misaalen wa baaz fiqhi nukaat :

34. **Dalayel :** Nabi Kareem ﷺ ne farmaya : Abhi abhi meri qoum ne Islam qubool kiya hai. Agar mujhe unke murtad hone ka dar na hota to mai Kaaba ko dhaakar uski taameer karta is bunyaad par jis par Ibrahim Alaihissalaam ne taameer kee thi. (Sahi Bukhari:1583, Sahi Muslim:1333)

Agar Kaaba taameer karte to us se zyada fasaad barpa ho sakta hai.

35. Agar kisi shakhs ke paas do hi kapde ho, ek resham ka aur ek chori kiya hua. Vo resham ke kapde me namaz padhega kyu ke us se sirf Haqqullah talaf hoga jabke chori ke libaas me Haqqullah ke saath Haqqulibaad ki haq talfi bhi hai.

36. fawaed wa maslihat :

1. Dunya me jo bhi khair hai vo Tawheed se hai aur jo bhi shar hai vo shirk se hai.
2. Salaah, zakaat, soum aur hajj se inshiraah sadar, noor wajah, gham wa fikr se najaat, badni quwwat wa phirti aur bojhalpan se najaat, rizq ki kushaadgi aur momino ke dilon me muhabbat paida hogi.
3. Haraam wa halaal ke ahkaamaat se maqsood hai nuqsaanaat se bachna, maashrah me adl wa insaaf qaayam karna, zulm se rokna, aasaaniyaan paida karna, takleefon se bachna, dhoka aur ladaayi se bachna.

Masalan munasib baarish faaydah mand hai jabke kasrat baarish nuqsan deh hai, isi tarah halaal faaydah mand aur haraam ka irtekaab nuqsan deh hai.

4. Dalayel :

37.

1. Ibn Qayyim Rahimahullah farmaate hai : Nabi ﷺ ka bheja jaana shari'at ko dekar badi maslihat aur ihsaan azeem hai. (Miftaah daarul Sa'adah:302)

(LAQAD MINALLAHU ALAL M'UMINEENA IZ BA'ASA FEEHIM RASOOLAM MIN ANFUSIHIM) (Surah Aale Imran:164). Tarjamah :

“Beshak musalmaano par Allaah Taala ka bada ihsaan hai ke unhi me se ek Rasool unme bheja.”

38.

2. (WA YUHILLU LAHUM TAYYIBAATI WA YUHARRIMU

ALAIHIMUL KHABAA'ISA) (Surah A'araaf:157) Tarjamah : “Aur paakeezah cheezon ko halaal bataate hai aur gandi cheezon ko un par haraam farmaate hai.”

Shaikh Saaleh Fawzaan ne is aayat se ye istedlaal kiya ke jo halaal hoga vo tayyib hi hoga aur jo haraam hoga vo khabees hi hoga.

39.

3. (WALAKUM FIL QISAASI HAYAATUN YAA ULIL ALBAABI LA ALLAKUM TATTAQOON) (Surah Baqarah:179). Tarjamah : “Aqalmando ! Qisas me tumhare liye zindagi hai is ba'as tum (qatl naa haq se) rukoge.”

40.

4. (WAMAA ARSALNAKA ILLAA RAHMATAL LIL A'ALAMEEN)

(Surah Anbiya:107) Tarjamah : “Aur hamne Aap ko tamaam jahaan waalon ke liye rahmat banakar hi bheja hai.”

41.

5. (AL YOUMA AKMALTU LAKUM DEENAKUM WA ATMAMTU ALAIKUM N'IMATI WA RAZEETU LAKUMUL ISLAAMA DEENA)

(Surah Maa'idah:3). Tarjamah : “Aaj maine tumhare liye deen ko kaamil kar diya aur tum par apna inaam bhar poor kar diya aur tumhare liye Islam ke deen hone par razamand ho gaya.”

42.

6. Masaaleh ki do qismen hai : 1. Masaaleh m'utabarah (jo shari'at ke mawaafiq), 2. Masaaleh malghah (jo shari'at ke mutasaadam) Ibn Taimiyah Rahimahullah ne farmaya : Masaaleh mursalah koyi shai nahi.

Masaaleh ki tarah mafasid ki do qismen hai : 1. Mafasid mahramah, 2. Mafasid makrooha.

43.

7. Maslihaton ki tarjeeh ka tareeqe kaar :

1. Mahal khaas ke liye waarid mashr'oo ko umoomi mashr'oo ke muqabil me tarjeeh haasil. Aam zikr ko chod kar namaz ke baad saabit azzkaar ko tarjeeh haasil hogi / azaan ka jawaab muqaddam hoga tilaawat Quraan par kyu ke baad me azaan aap ke liye hone waali nahi, lekin aap tilaawat marzi se padh le sakte.

2. Maslihat haajiyah muqaddam maslihat tahseenah par.

3. Farz muqaddam hai nafil par.

4. Mut'adi nafil muqaddam hai laazim nafil par jaise nafli namaz ke maqabilah beemaari teemaadari.

5. Nafil namaz ke maqabilah ilm ki farziyat muqaddam hai.

44.

8. Mafasid ke maratib jaanna zaroori hai :

Muhrim ke maqabilah me makrooh.

Muhrim ke maqabilah me mashtabah.

Kabeerah ke maqabilah me sagheerah

45.

9. Mafsadah jo mutaalliq ho apni zaat se doosra hai mafsadah jo mutaalliq ho doosron ki zaat se. Apne ko maut se bachaane ke liye khinzeer khaana halaal hai lekin apne aap ko bachaane ke liye dhamki dene waale ki ta'ameel me doosre ka qatl jaayaz nahi.

46.

10. Huqooqullah ki paamaali ki gunja'ish hai majboori me ba maqaabil huqooqulibaad ki paamaali (salaah ki adaayagi ke liye majboori me istemaal reshah muqaddam istemaal ghazab shudah kapde ke) akal khinzeer hukmaa maqsad hoga akal al zebah laghairullah kyu ke muhrim khafeef hai shirk ke maqabilah me.

Al adlah :

(baaligh fil istin shaaqi illaa an takoonaa saa'iman) (dara al mafasid oolaa min jalab al masaalih)

Ise hi nusoos se mustanbat hai.

47.

11. al misaal al tatbeeqi : Adm maa aur adm turaab ke mauqe par bilkul namaz chod dene ke bajaay behtar hai ke aadmi baghair tahaarat ke namaz padh le.

Isliye ke qaaydah hai (**iza faata al shartu faata al mashroot**) paani aur turaab na paaya gaya to wazoo bhi matloob na hua. (Shaikh Ibn Usaimin)

48.

12. al misaal al tatbeeqi : Vote na dene se bada zaalim aa sakta hai to vote ka istemaal kiya jaaye to kam zaalim aane ka imkaan ho to aakhif al zareen aur aahwan al baleeten par amal ho. (khutbah jumah : Shaikh Anees ur Rahman Aazmi)

15 – wamin qawaidil shari'atit taiseer fee kulli amri naabahu ta'aseer

Tarjamah :

Shari'at ke qawaed me se aasaani hai har us maamle me jisme darpesh hoti hai dushwaari.

Is se mutaalliq qawaed :

- (1) Al mashaqqatu tajlibu at taiseer (2) iza zaaqatil umooru ittasa'at
- (3) laa zarar walaa zaraar (4) al zarar yazaal

Baaz nusqon _____ :

Qaaydah al shari'ah al taiseer

Sharah wa misaalen wa baaz fiqhi nukaat :

Al adlah :

49.

1. (YUREEDULLAHU BIKUMUL YUSRA WALAA YUREEDU BIKUMUL USR) (Surah Baqarah:185). Tarjamah : “Allaah Taala ka iraada tumhare saath aasaani ka hai, sakhti ka nahi.”

50.

2. (YUREEDULLAHU AN YUKHAFFIFA ANKUM) (Surah Nisa:38)

Tarjamah : “Allaah chahta hai ke tum se takhfeef karde.”

51.

3. (FAMAN KAANA MINKUM MAREEZAN AW BIHI AZAM MIR R’ASIHI FAFIDYATUM MIN SIYAAMIN AW SADAQATIN AW NUSUK)

(Surah Baqarah:196). Tarjamah : “Albatta tum me se jo beemaar ho, ya uske sar me koyi takleef ho (jiski wajah se sar mundaale) to is par fidya hai, khwaah roze rakh le, khwaah sadqa de de, khwaah qurbani kare.”

Al amsalah :

52.

Mareez agar mashaqqat mahsoos kare to roza chodne ke liye uzr shara’i hai.

53.

Mareez agar mashaqqat mahsoos na kare to roza chodne ke liye shara’i uzr nahi.

54.

Mazeed agar mashaqqat aur zarar dono ka andesha hai to roza rakhna haraam hai kyu ke khud kashi Islam me haraam hai.

55.

Isi tarah musafir mashaqqat mahsoos kare to tark roza mustahab hai aur agar musafir mashaqqat mahsoos na kare to roza rakhna mustahab hai.

56.

4. (WAMAA JA’ALA ALAIKUM FID DEENI MIN HARAJ) (Surah Hajj:78) Tarjamah : “Aur tum par deen ke baare me koyi tangi nahi daali.”

57.

5. Baaz ibadaat me mashaqqat par ajr hai lekin vo ghaalbi amr nahi hai, iska matlab ye nahi ke aadmi jaan boojh kar mashaqqat daal le.

58.

6. Jo takleef maalaa yataaq ho shari’at ne aise ahkaamaat jaari nahi kiya. (Ibn Usaimin)

(LAA YUKALLIFULLAHU NAFSAN ILLAA WUS’AHA) (Surah Baqarah:286)

‘yasirru walaa tu’assiru, wa bashshiru, walaa tunaffiru’ (Bukhari:69, Muslim:1734)

59.

7. Jo shari’at ne ahkaamaat jaari kiye agar usme mashaqqat aaye to – **al mashaqqatu tajlibu at taisir** – ke tahat aasaani, narmi aur takhfeef farmayi. (qasr, tameem, masah, al salaah bil qa’ood, jama bainul salaatain, haa’iz se salaah aur tawaaf widaa saaquit)

16 – walaisa waajibun bilaa iqtidaar walaa muharramun ma’az tiraar

Tarjamah :

Aur nahi hai waajib baghair qudrat ke aur haraam nahi hai majboori ke waqt.

Sh’er se mutaalliq qaaydah :

Laa waajiba ma’ajzi walaa muharramun m’az tiraar.

Sharah m’a al amsalah wa baaz fiqhi nukaat :

Dalayel :

60.

1. **(LAA YUKALLIFI NAFSAN ILLAA WUS’AHA)** (Surah Baqarah-2:286)

61.

2. Nabi Kareem ﷺ ka qoul : **fa iza amartukum bi shai in f’ataw minhu maa asta’atam. Wa iza nahaitukum an shai in fada awhu.** (Sahi Muslim:1337)

Al misaal al tatbeeqi :

62.

Mawsoo’ah al fiqh ul islami lil taweejari : Aajiz ho to waajib saaquit ho jaata hai.

63.

1. Jo bhi aajiz ho adaayagi se to shuroot, faroz wa waajibaat saath ho jaate hai aur hasbe istet’aat wa qudrat wa taaqat ada karega.

64.

2. Isi tarah jo roza rakhne ki taaqat na rakhta ho kibr sani ya aisa marz jiske accha na hone ki ummeed ho to roza chode aur roze ke badle ek miskeen ko khaana khilaayega.

65.

3. Agar koyi shakhs haj karne ki istet'aat na rakhta ho to us par haj farz nahi hai. (Aale Imran:97)

66.

4. Anas Raziallahuanhu jab boodhe huye to unhone roze chode aur har roze ke badle ek miskeen ko khaana khilaaya (30 miskeen ko khilaaya), ba riwaayat daari Qutbi is aayat par **wa alalla zeena yuteeqoo nahu fidyatun ta'aamu miskeenin** par amal kiya.

67.

5. Aur agar safar ki wajah se choda hai ya waqtiya beemaari ki wajah se choda ho aur phir accha ho gaya ho to uzr zaayal hone par qaza karega. (Taghabun:16)

68.

6. Shaikh Ibn Baaz Rahimahullah ne kaha : Izteraar ki haalat me, al zarooraat tasbeeh al mahzooraat ke liye istedlaal Surah Ana'am ki aayat no. 119 hai.

(WAQAD FASSALA LAKUM MAA HARRAMA ALAIKUM ILLAA MAZTURIR TUM ILAIH)

69.

7. Ma'arifatul rukhsah wal azeemah ilm zaroori :

Yaani rukhsat wa azeemat ki ma'arifat zaroori hai. Isi tarah maan'a, sabab, shart, rukun, waajib, sunan wa illat wa nawaaqiz wa mawjabaat wa fasaad wa batlaan ki ma'arifat zaroori hai, **(FATTA QULLAAHA MAS TATA'ATUM)** (Taghabun:16), Tarjamah : "Pas jahaan tak tum se ho sake Allaah se darte raho."

70.

8. Agar koyi shakhs aisa bhooka ho ke agar vo nahi khaaye to halaak ho jaayega. Aur uske paas sirf haraam ghiza ho to aisi haalat me kuch khaa sakta hai. Iski daleel aur **(FAMANIZ TURRA GHAIIRA BAAGHIN WALAA AADIN FALAA ISMA ALAIHI)** (Baqarah:173)

71.

9. Isi tarah majboori me kufriyah qoul se kaafir nahi hota. Ammaar bin Yaser Raziallahuanhu ne majboori me kufriyah Kalima saadir kiya to Allaah ke Nabi ﷺ ne kaha dobara aisi haalat ho to aisa hi karna. (Al Haakim:3362, Baihaqi:17350) **(ILLA MAN UKRIHA WA QALBUHU MUTMA INNUN BIL EEMAANI)** (Nahl:106)

72.

Al misaal al tatbeeqi : adm istet'aat ki shaklen :

1. Adm wajood jaise haath toot gaya to us azoo par paani na hone ke bawajood wazoo mukammil.
2. Ajzar ki wajah se aajiz ho to kaffarah se bhar paayi,
3. Aajiz ho wazoo tak pahunchne se dushman ki wajah se
4. Ya nisf aajiz hai to nisf saaqat lekin baaqi me matloob jaise qiyaam kar sakta hai lekin rukoo nahi to kursi ka istemaal qiyaam me nahi kar sakta hai albatta rukoo me kar sakta hai.

Note : Bila ikhtiyaar ke ya bhool kar ya jihaalat me irtekaab karne se kya asar murattib hota hai jaanna zaroori hai. Ahkaamaat saadir karne se pahle saayil se poochna zaroori hai ke tumne ye kaam ikhtiyaar se kiya ya amadan kiya ya bhool kar kiya ya jihaalat me kiya is aitebaar se ahkaamaat murattib hote hai, fiqh ul ibaadaat me Ash Shaikh Ibn Usaimin Rahimahullah ne fatawa me uski ri'aayat kee hai.

17 – wa kullu mahzoorin ma'az zuroorah bi qadri maa tahtajuh al zuroorah

Tarjamah :

Aur har haraam ko zaroorat ke saath is qadr hi liya jaayega jitna ke zaroorat ka taqaaza hai.

Sharah wa misaalen wa baaz fiqhi nukaat :

73.

1. Zaroorat ya maztar ya majboori usko kahte hai jiske chodne se zarar azeem wa halaakat laa haq ho jiska badal na ho, baaz ne hayaat ya azoo ka talaf hona muraad liya.

74.

2. "Zaroorat, haajat, manf'aat, zeenat aur fazool" in paancho me farq hai :

Zaroorat : Na khaaye to mar jaaye, aisi haalat ko zaroorat me shumar kiya gaya.

Haajat : Pyala ko banane ke liye daraad ki bhar paayi chandi se, ye haajat ki qabeel se hai.

Manf'aat : Jiske fuqdaan se zarar laa haq ho aur husool se naf'a.

Zeenat : Milne se faaydah ho aur na milne se nuqsan na ho.

Fazool : Jiske afraad se zarar ka husool na ho lekin majmoo'ah se zarar ho.

75.

Maarifatal maratib wal faroq : Ahkaamaat me faisla saadir karte waqt in umoor ko zahan me rakhna zaroori hai :

1. Ikrah ka zid ikhtiyaar hai
2. Amadan ka zid khata hai
3. Nisyaan ka zid tazkar hai
4. Amal ka zid jahal hai
5. Aajiz ka zid hai taaqat aur qudrat.

76.

3. **Note :** Majboori ke hal ke liye raasta maujood ho to mahram ka irtekaab na kare jaise agar aurat mareez ho to tabiyat aurat ke hote huye tabeeb mard ke paas na jaaye. Isi tarah majboori ka hal isme na ho to bhi mahram ka irtekaab na kare.

77.

4. **Note :** Mahzoorat ke irtekaab me taws'ee se bache, al zurooraatu toobihu al mahzoorat / tuqaddaru bi qadrihaa, zaroorat ki had tak istemaal (ghair baagh waala aad).

78.

5. Mahzoor ka sabab khatam hote hi irtekaab chod diya jaaye, jaise paani milte hi tayammum ka batlaan laazim aayega.

79.

6. **Majboori huqooq ul ibaad ko saaqit nahi karti**, misaal : Agar oont hamla karne aaya bachaav ke liye use maar diya gaya to maalik oont ko mutaalibah ka haq nahi albattha ek aadmi majboor tha kisi ka oont maar kar khaa liya to saahabe oont ko mutalibah ka haq hai.

80.

7. Ek aadmi ne apne aap ko bachaane ke liye kisi ka maal apne par girte huye, dekha to khud ko bacha liya lekin maal ko na bacha saka to us se mutalibah ka haq nahi, lekin agar kashti me zaayad saamaan ki wajah se nuqsan ka andesha ho aur usne kisi ka saamaan phenk diya aur apna nahi phenka to sahab maal ko mutalibah ka haq hai kyu ke kashti par wazan sab ki wajah se tha.

18 – wa tarji'u al ahkaamu lil yaqeen falaa yuzeelush shakku lil yaqeen

Tarjamah :

Ahkaamaat poore ke poore yaqeen par laut'te hai pas zaayal nahi karta hai shak yaqeen ko.

Al qaa'idah : al yaqeenu laa yazoolu bish shakki

Sharah misaalen wa baaz fiqhi nukaat :

81.

1. Aadmi ke idraak ke andar jo khayaalaat ubharte hai – uski paanch qismen hai :

(1) Yaqeen, (2) Zan ghalib, (3) Zan masaawi, (4) Shak aur (5) Waham.

82.

2. agar koi shakhs maghrib ke liye wazoo kiya ishaa ka waqt aa gaya usko yaqeen tha ke uska wazoo baaqi rahega. Ab usko shak ho raha ho ke wazoo baaqi hai ya nahi. To ye shak uske yaqeen ko khatam nahi karega, ye shak shaitaan ki taraf se hai. Jab tak asal ko todne waala yaqeen ghalib na aa jaaye.
(INNAZ ZANNA LA YUGHNI MINAL HAQQI SHAI'AN) (Yusuf:36)

Tarjamah : “Yaqeenan gumaan, haq (ki ma'arifat) me kuch bhi kaam nahi de sakta.”

83.

3. Jo subah me adm tahaarat me tha aur iraada tha ke wazoo karle, zuhar ke waqt shak aaya ke wazoo kiya ya nahi, to asal ki wajah se vo ghair wazoo waala hi shumaar hoga.

84.

Note : Shaikh Bin Baaz Rahimahullah ne farmaya : Agar shak ho ke wazoo hai ya nahi to yaqeen ki bunyaad par faisla hoga na ke shak ya taraddud ya zan ghalib ya zan masaawi wazoo laazim nahi jab tak ke wazoo tootne ka yaqeen na ho jaaye.

85.

4. Isi tarah hawa khaarj hone ya na hone par shak ho jaaye to kya kare?

‘laa yansarifu hatta yasma’a sawtan aw yajida reehan) (Sahi Bukhari:137)

Tarjamah : Aap ﷺ ne farmaya ke (namaz se) na phire ya na mude, jab tak aawaaz na sune ya bo na paaye.

86.

5. Aur isi tarah namaz ki raka'at me shak aa jaaye to kya kare?

‘an abi sa’eed, anin nabii ﷺ qaal : “iza shaakka ahadukum fee salaatihi falyulghish shakka wal yabni alal yaqeen” (Sunan Nasayi:1239)

Tarjamah : “Abu Sa’eed Khudri Raziallahuanhu kahte hai ke Nabi Kareem ﷺ ne farmaya : “Jab tum me se kisi ki uski namaz me shak ho jaaye to vo shak ko chod de, aur yaqeen par bana kare.”

87.

Note : Subah me ba wazoo tha baad me shak taari hua to asal ki wajah se ba wazoo shumaar hoga. (Lekin ye masla fuqaha me mukhtalif hai kyu ke namaz ko yaqeeni kaifiyat me ada karna hai [maalikiyah] ikhtelaaf se nikalne aur shak ki kaifiyat se nikalne ke liye ahtiyaatan wazoo kar le, lekin shak ke darwaaze ko itna wasee na kare ke aadmi majnoon ya paagal shakki beemari me mubtala ho jaaye. Jaisa ke Ibn Qayyim Rahimahullah ne farmaya, ke kuch log samandar se bheeg ke aate hi aur kahte hai kya mujhe paani laga tha to us wahmi kaifiyat ka shikaar na ho warna shaitaan phir kankar ki tarah khelega (Ustaaz Jamia Islamiyah ne naql kiya tha dauraan dars) aisi kaifiyat ho to phir pahla waala hal hai jo Shaikh Bin Baaz Rahimahullah ne farmaya, Wallahu Aalam.

19 – wal aslu fee miyaahinaa at tahaarah wal arzi was siyaabi wal hijaarah

Tarjamah :

Aur asal ye hai ke paak hai hamare paani, zameen, kapde aur paththar.

Al asal : al qaaydah al mastamrah altee nahkum bihaa. (Aur jaari wa saari qaaydah jis par bunyaad karke faisla kare) vo qaaydah jo istamraari taur par hamesha jaari ho usi par hukum lagaane ko asal kaha jaata hai.

Sharah wa misaalen wa baaz fiqhi nukaat :

88.

1. Har cheez ki ek asal hoti hai aur us asal ke mutabiq shai ka faisla hoga.

Al misaal al tatbeeqi :

89.

2. Agar koi shakhs ghar ghasab karle aur usme namaz padhe to namaz ho jaayegi lekin usko gunah hoga chori ka – namaz ho jaayegi isliye ke namaz ke sharayet poore ho rahe hai aur zameen ki asal paak hai jab tak ke najaasat ki

daleel na aa jaaye aur chori se gunah zaroor hoga lekin jagah naa paak hone ki daleel nahi.

90.

3. Iski mandarja zel chaar shaklen hai :

1. Ya to daleel waazeh ho abaahat ke liye to abaahat ka hukum lagega
2. Tahreem ki daleel waazeh ho to tahreem ka hukum lagega.
3. Tahreem aur tahleel ke dalayel takra rahe ho to tahreem ko tarjeeh hogi.
4. Tahreem wa tahleel me daleel na mile ya hamko maaloom na ho to asal ki bunyaad par hukum lagega.

91.

Al misaal al tatbeeqi al awwal : Paani ki najasat ke baare me ilm na ho to asal ki bunyaad par taahir wa mutahhir samjha jaayega kyu ke paani ki asal paak hai.

‘Innal maa’a tahoorn laa yunajjisuhu shai un’ (Sunan Tirmizi:66).

Tarjamah : “Paani paak hai use koyi cheez naa paak nahi karti.

(WA ANZALNAA MINAS SAMAA’I MAA AN TAHOORA) (Furqaan:48)

Tarjamah : “Aur ham aasmaan se paak paani barsaate hai.”

92.

Al misaal al tatbeeqi al saani : Zameen ki asal paak hai. **wa ju’ilat lil arzu masjidan wa tahoorn.** (Sahi Bukhari:438) Tarjamah : “Mere liye tamaam zameen me namaz padhne aur paaki haasil karne ki ijaazat hai.”

93.

Al misaal al tatbeeqi al saalis : Sahaba Kraam vo libaas bhi pahante the jise kuffar ne siya ho baghair dhoye. Shaikh Ibn Usaimin Rahimahullah asal ki bunyaad par kuffar ke bane huye ya unke paas se laaye huye kapdon ko pahanna halaal qaraar diya jab tak ke shari’at se na takraaye.

94.

Al misaal al tatbeeqi al raab’a : Al Hajaarah (paththar) zameen ki qabeel se hai. Zameen ki asal paak hai tayammum wa salah ki adaayagi ke liye isi tarah istinja ke dhele.

20 – wal aslu fil abzaa’i wal luhoodi wan nafsi wal amwaali lil ma’asoom

21 – tahreemuhaa hatta yajee’al hillu fafham hadaakallahu maa yumallu

Tarjamah : Shaadi (nikah), gosht aur jaan wa maal ke masayel insaan ke liye, inki asal haraam hai yahaan tak ke halaal ki daleel aa jaaye. Samajh lo jo tumhe likhaaya jaa raha hai. Allaah tum ko hidaayat de.

Note : **maayamallu** : Quraan me falyamlil ka kalima aaya hai.

Sharah wa misaalen wa baaz fiqhi nukaat :

95.

Nikah :

(WALLAZEENA HUM LI FUROOJIHIM HAAFIZOON) (M'uminoon:5).

Tarjamah : "Jo apni sharm gaahon ki hifazat karne waale hai."

(HURRIMAT ALAIKUM UMMA HAATUKUM) (Nisa:23). Tarjamah :

"Haraam ki gayi tum par tumhari maa'en..."

1. Jima'a : Jima'a haraam hai yahaan tak ke halaal ki daleel na aa jaaye.

2. Jima'a wa faroj asal me tahreem hai jabke aqde nikah ki asal halaal hai jabke baaz ke paas iski bhi asal haraam hai jab tak halaal ki daleel na aa jaaye.

96.

Izzat wa arz :

(LAA YASKHAR QOUMUM MIN QOUMIN) (Hujuraat:11). Tarjamah : "Ek doosre ka mazaaq na udaa'o."

Nafs :

(WALAA TAQTULUN NAFSALLATI HARRAMALLAHU) (Ana'am:151).

Tarjamah : Aur jiska khoon karna Allaah Taala ne haraam kar diya hai usko qatl mat karo."

97.

Nafs :

"man qatala mu'aahadan lam yarah raa'ihatal jannati" (Sahi

Bukhari:2686). Tarjamah : "Jisne kisi zammi ko qatl kiya, vo jannat ki khushboo bhi nahi paayega."

98.

Amwaal :

(LAA T'AKULU AMWAALAKUM BAINAKUM BIL BAATIL) (Nisa:29).

Tarjamah : "Apne aapas ke maal naa jaayaz tareeqe se mat khaa'o."

Amwaal :

“fa innallaaha harrama alaikum dimaa’akum wa amwaalakum wa a’araazakum kahurmati youmikum haaza fee shahrikum haaza fee baladikum haaza” (Sahi Bukhari:6043). Tarjamah : “Bila shubah Allaah ne tum par tumhara (ek doosre ka) khoon, maal aur izzat usi tarah haraam kiya hai jaise us din ko usne tumhare is maheene me aur tumhare is shahar me hurmat waala banaya hai.”

99.

Lahwam :

1. Lahwam ki asal haraam hai Shaikh Sa’adi ke paas jabke Shaikh Shasri ke paas halaal hai.

Shaikh Sa’adi ki daleel : **“wa iza arsalta kalbaka fawajatta ma’ahu ghairahu falaa t’akul, fa innaka innamaa sammaita alaa kalbika, walam tusammi alaa ghairih”** (Bukhari:5486, Muslim:1929). Tarjamah : “Aur jab tum apne kutte ko chodo phir uske saath uske alaawa (koyi kutta) paav to us shikaar ko mat khaa’o, isliye ke tumne (Bismillah) sirf apne kutte par padhi hai, doosre par nahi.”

100.

2. Al farq binal lahwam wal haiwaanaat faqeean (jaanwaron me gosht me farq kiya hai) fuqaha ke paas jaanwaron ki asal halaal jab tak ke haraam ki daleel na aa jaaye. Lahwam ki asal haraam hai Shaikh Sa’adi ke paas.

101.

1. Al haiwaanaat : Haiwaan ki asal halaal hai jab tak shari’at se na takraaye masalan agar jaanwar panje se aur cheer phaad (kuchli) kar khaate ho tab haraam ka hukum is tarah shara’i daaleel ki bunyaad par haraam ka hukum lagega (mukhtasar al fiqh al islami)

Jo jaanwar aur parinde haraam hai :

- Ye vo jaanwar aur parinde hai jinke ganda wa najas hone par shara’i nas maujood hai jaise gadha, suwar.
- Ya jinki tahreer nas maujood hai jaise kuchli ke daant waale darinde.
- Panje ko bunyaad banaate huye panje se pakad kar khaane waale parinde.
- Ya jinka paleed wa naa paak hona maaroof hai jaise chooha, keede makode.
- Ya jinke maarne ka shari’at ne hukum diya hai : Jaise saanp, bichchoo.

- Ya jinko maarne se mana kiya hai, jaise hud hud aur mendak waghairah.
- Ya jo mare huye jaanwar ka badboodaar jasa khaate hai, jaise gadha.
- Jo halaal wa haraam ke darmiyaan paida huye hai, jaise khacchar ko maadah ghodi ke saath gadhe ki jafti karne se paida hote hai.
- Ya jo murdaar ya fisq hai aur vo ye jaanwar hai jinko zabah karne ke waqt Allaah ka naam na liya gaya ho ya jinhe khaane ki shari'at ne ijaazat na dee ho jaise ghasab kiya hua aur churaaya hua maal.
- Har kuchli ke daant se shikaar pakadne waala darindah jaise sher, cheeta, bhediya, haathi, tendwa, kutta, lomdi, suwar, geerad billi, bandar waghairah haraam hai, albatta bajo halaal hai waazeh daleel (Sunan Tirmizi:851) ki bunyaad par. Ash Shaikh Albani wa Shaikh Bin Baaz.
- Har vo parindah jo chungal (pukhta) se pakad kar shikaar karta hai, uska khaana haraam hai jaise iqaab, baaz, shakrah, shaheen, baashiq, cheel ulloo waghairah.
- Isi tarah jo parinde mayyit ka badboodaar jasa khaate hai vo haraam hai masalan gadha, kawwa, rakham (gadhe ki ek qism) hudhud, latora, khitaaf (abaabeel maanind ek parindah) waghairah.
- Khushki ke saare haiwaanaat mubah hai siwaaye in haiwaanaat ke jinka bayaan oopar guzar chuka hai ya jo unhi ke misl hai, lihaza baheematal anaam ka khaana jaayaz hai aur vo oont, gaaye aur bakri unke alaawa jungli gadha (zebra), ghoda, bajo, goh, neel gaay, hiran, khargosh, ziraaf aur saare jungli jaanwar, khaana jaayaz hai.
- Saare parinde mubah hai, siwaaye un parindo ke jinka bayaan peeche guzar chuka hai, ya jo unhi ke misl hai lihaza murghi, kabootar, shutarmurgh aur chidiya waghairah khaana jaayaz hai.
(dekhiye mazeed tafseelaat ke liye mukhtasar fiqh islami urdu tarjamah)

102.

2. al lahwam : Albatta lahwam ki asal hraam hai jab tak ke uske halaal hone ki daleel na aa jaaye.

Agar kisi jaanwar ko teer lage phir vo paani me girkar mar gaya to shak waaqe ho gaya ke teer se mara ya dam ghut kar paani se mara to asal ki taraf jaayenge. Aur asal haraam hai.

Al halaalu bayyinun, wal haraamu bayyinun, wa bainahuma mushabbahaatun laa ya'alamuhaa kaseerun minan naas, famanittaqaal mushabbahaati istabraa ladeenihi wa irzih. (Sahi Bukhari:52)

22 – wal aslu fee aadaatinaa al ibaahah hatta yajee’a saariful ibaahah

Tarjamah :

Hamari aadaton ka asal jaayaz hai hatta ke jawaaz ko khatam karne waali daleel aa jaaye.

al qaaydah : al aadah al mahkamah

sharah wa misaalen wa baaz fiqhi nukaat :

103.

1. Zindagi पूरी ibaadat hai.

(WAMAA KHALAQTUL JINNA WA INSA ILLAA LIY’AABUDOON)

(Zaari’aat:56)

Tarjamah : “Maine jinnaat aur insano ko mahaz isi liye paida kiya hai ke vo sirf meri ibaadat kare.”

(QUL INNA SALAATI WA NUSUKEE WA MAMAATI LILLAHI

RABBIL AALAMEEN) (An’aam:162)

Tarjamah : “Aap farma dejiye ke bil yaqeen meri namaz aur meri saari ibadat aur mera jeena aur mera marna ye sab khaalis Allaah hi ka hai jo saare jahaan ka maalik hai.”

104.

2. Ibadat ki do qismen hai :

1. Ibadat mahzah

2. Ibadat ghair mahzah (is qism ko aadat bhi kaha jaata hai).

105.

Aadat (ibadat ghair mahzah) aur ibadat (ibadat mahzah) me farq :

Ibadah mahzah (aqeedah, ibadaat wa arkaan islam) ki asal mana aur tawqaf hai jab tak ke karne ki daleel na aa jaaye.

Al asal fil ibadah al mana hatta y’ati daleel. Iski daleel hai ye aayat : **(AM LAHUM SHURAKAA’U SHARA’OO LAHUM MINAD DEENI MAA LAM Y’AZAN BIHILLAH)** (Sh’oora:21)

Tarjamah : “Kya un logon ne aise (Allaah ke) shareek (muqarrar kar rakhe) hai jinhone aise ahkaam deen muqarrar kar diye hai jo Allaah ke farmaye huye nahi hai.”

Ibadat ghair mahzah (aadaat wa maamlaat) ki asal ijaazat hai jab tak ke rokne ki daleel na aa jaaye. **(HUWALLAZEE KHALAQA LAKUM MAA FIL ARZI JAMEE'A)** (Baqarah:29)

Tarjamah : “Vo Allaah jisne tumhare liye zameen ki tamaam cheezon ko paida kiya.”

‘antum a’alamu bi amri dunyaakum’ (Muslim:2363) “Tum apne dunya ke kaamon ko mujh se zyada jaante ho.”

106.

Sharah :

1. Aadaat se muraad vo kaam jis se taqarrub wa ta’abad na hota ho.
2. Aadaat se muraad ibaadah ghair mahzah hai.
3. Abaahat : Jiske karne aur na karne me ijaazat masaawi ho.
4. Note : Ibaadah mahzah wa ghair mahzah ki tatbeeq ka faisla ahl ijtehaad raasikhon fee al ilm lenge jinko ilm ho, har aam aadmi ko ijaazat nahi.

(HUWALLAZEE KHALAQA LAKUM MAA FIL ARZI JAMEE'A)
(Baqarah:29)

Tarjamah : “Vo Allaah jisne tumhare liye zameen ki tamaam cheezon ko paida kiya.”

23 – wa laisa mashroo’an minal umoori ghairullazee fee shar’inaa mazkoor

Tarjamah :

Maamle mashr’oo nahi hai magar vahee jo ke hamari shari’at me mazkoor hai.

Qaaydah : (al asal fil ibaadah al man’a)

Sharah wa misaalen wa baaz fiqhi nukaat :

107.

1. al adlah :

Aadmi ibadat ke liye baghair daleel ke naye tareeqe na nikaale.

(AM LAHUM SHURAKAA’U SHARA’OO LAHUM MINAD DEENI MAALAM Y’AZAN BIHILLAH) (Sh’oorah;21)

Tarjamah : “Kya un logon ne aise (Allaah ke) shareek (muqarrar kar rakhe) hai jinhone aise ahkaam deen muqarrar kar diye hai jo Allaah ke farmaye huye nahi hai.”

‘wa iyyakum wa muhdasaatil umoori fa inna kulla muhdasatin bid’atun wa kulla bid’atin zalaalah) (Sunan Abu Dawood:4607)

Tarjamah : “Aur deen me nikaali gayi nayi baaton se bachte rahna, isliye ke har nayi baat bid’at hai, aur har bid’at gumraahi hai.”

‘Man amila amalan laisa alaihi amruna fahuwa raddu’ (Sahi Bukhari)

Tarjamah : “Jisne koi aisa kaam kiya jiske baare me hamara koi faisla nahi tha to vo radd hai.”

108.

Al misaal al tatbeeqi awaal : Zuhar ki namaz me paanchween raka’at ka izaafa amadan taqarrub ki niyyat se ho to sirf paanchween raka’at hi nahi balke poori namaz hi baatil ho gayi.

109.

Al misaal al tatbeeqi al saani : Wazoo me chaar martaba koi azoo ko dhoya to chawthi cheez ghalat asal wazoo ghalt nahi.

110.

Al misaal al tatbeeqi al saalis :

- (1) Asal ibadat hi gadh le to bhi ghalat.
- (2) Asal ibadat me koi ard ya haiat ya waqat ya makaan ya ijtemaa’iat wa infiraadiyat apni taraf se gadh le to bhi ghalat jab tak ke daleel na aa jaaye.

(kitab Ash Shaikh Saaleh Fawzaan ki taraf rujoo farmaye).

24 – wasaa’ilu al umoori kaal maqasid wa ahkum bi haazal hukmiz zawa’id

Tarjamah :

Maamlaat ke wasayel maqasid ki tarah hai aur tum hukm do usi ka hukm zawayed ko.

Sharah wa misaalen wa baaz fiqhi nukaat :

111.

1. Har maamle ke teen pahloo hote hai : Jaana, pahunchna aur lautna – masalan : Namaz ada karne ke liye jaana phir us jagah tak pahunchna aur phir namaz ke ada karne ke baad wahaan se lautna.

Jab bhi koyi maqsad poora karna hai to wasayel ka istemaal karna bhi waajib hai. Jo hukum maqsad ko lagega vahee hukum waseela ko bhi lagega.

112.

2. Agar koyi ghair muslim namaz padh le to ye duroost nahi isliye namaz ke duroost hone ke liye uska musalmaan hona zaroori hai.

113.

3. qawa'id fiqhiyah

Maa laa yatam al waajib ilaa bih fahuwa waajib

Maa laa yatam al mustahab ilaa bih fahuwa mustahab

Maa laa yatam al mahram ilaa bih fahuwa mahram

Maa laa yatam al makrooh ilaa bih fahuwa makrooh

Maa laa yatam al mubaah ilaa bih fahuwa mubaah

114.

4. Namaz waajib hai to uske liye jaana bhi waajib hai, vo khud ba khud samajh lena chahiye. Hukum ki ta'ameel ke liye jo wasayel mumkin ho uska husool bhi waajib ho jaata hai. Mahram ka waseela bhi haraam, makrooh ka waseela bhi makrooh, mustahab ka waseela bhi mustahab.

115.

5. Ek hukum ke teen hisse hote hai :

1. Maqasid, jaise salwah

2. Wasayel, jaise wazoo

3. Rujoo hone tak sawaab milta rahega jab tak ke kisi aur mubaah kaam ki niyyat karke us kaam par na lag jaaye.

25 – wal khata'u wal ikraahu wal nisyaaanu asqatah ma'aboodunaa al rahman

Tarjamah :

Aur ghalti aur majboori aur bhool saaqit kar diya hamare Ma'abood Rahman ne.

Sharah wa misaalen wa baaz fiqhi nukaat :

116.

Al adlah :

(RABBANA LAA TU'AAKHIZNA INNA SEENAA AW AKHT'ANAA)
(Baqarah:286)

'innallaaha ta'ali waz'a an ummati al khata'a, wan nisyaaan, wamaa astukrihoo alaihi' (Sahi Jaame:1836)

Sharah :

117.

1. khata'a : Bhool chook, **isqaat :** Asar ko zaayal karna.

2. Khataa : Maani zid al sawaab yaani seedhi raah ke khilaaf – ya – adm al qasar.

(WAMAA KAANA LIM'U MININ AY YAQTULA M'U MINAN ILLAA KHATA'AA) (Nisa:92)

(WA LAISA ALAIKUM JUNAAHUN FEEMAA AKHT'A TUM BIHI WALAAKIM MAA TA'AMMADAT QULOObUKUM) (Ahzaab:5)

(LAA YU'AA KHIZUKUMULLAHU BIL LAGHWI FEE AIMAANIKUM WALAAKIY YU'AAKHIZUKUM BIMAA AQQATTUMUL AIMAANA) (Maa'idah:89)

Al misaal : Agar kisi ne teer halaal shikaar ke liye phenki aur vo musalmaan ko lag jaaye. (khata ki misaal) **(WAMAA KAANA LIM'U MININ AY YAQTULA M'UMINAN ILLAA KHATA'AA)** (Nisa:92)

118.

3. Nisyaan :

Al misaal : Agar koi shakhs namaz ka waqt daakhil hone se pahle kisi kaam me masroof ho jaaye is qadar ke namaz ka waqt nikal jaaye aur vo bhool kar abhi tak namaz ke intezaar hi me rahe. Al nisyaan ki wajah se ma'afoon hai yaad aate hi padh le. **'man nasiya salaatan falyusalli iza zakaraha'** (Bukhari:597, Muslim:684)

119.

Nisyaan wa khataa ka qaaydah :

Khata'a yaani chook se agar koyi manhiyaat ya mamnoo'at ya mahzoorat ka irtekaab karle "Huqooqullah" me to maaf hai (Baqarah:286). Lekin haj me wajib anjaane me chook jaaye aur choot jaaye to gunah nahi magar dam waajib hota hai kyu ke Ulama ne dalayel ki bunyaad par farq kiya hai, maamooratwa manhiyaat me (masee salaah waali Hadees me waajibaat wa arkaan choot gaye, isliye dohraane ka hukum hua jabke namaz me ek Sahabi ne salawah me jahal ya ghalti se baat kee, namaz dohraane ka hukum na mila, aur is tarah nuqsan ki talaafi zaroori hai jaise kaffarah deet hai qatl khata par.

120.

4. al ikraah : Agar koyi majboor kare ke muharram ya kufr ka irtekaab kare.

121.

5. Majboori us waqt kahenge jabke vo uske ikhtiyaar me na rahe.

Teen ashkhaas hai – pahla shakhs doosre ko kahe ke agar too teesre shakhs ko nahi qatl karega to mai tujh ko qatl karoonga. Ab agar doosra shakhs pahle shakhs ki baat ka inkaar kare aur pahla shakhs use qatl karde to vo shaheed hoga – aur agar vo doosra shakhs teesre shakhs ko qatl karde to pahle aur doosre shakhs par qisaas hoga.

'man qutila doona maalihi fahuwa shaheedun. Waman qutila doona damihi fahuwa shaheedun, waman qutila doona deenihi fahuwa shaheedun, waman qutila doona ahlihi fahuwa shaheedun' (Abu Dawood:4774, Tirmizi:1421)

122.

6. Ikraah ki kayi shaklen hai :

1) ikraah ghair ikhtiyaari – kisi ko pahaad se phenk diya jaaye.

2) Ikraah ghair ikhtiyaari wa maljee – kisi ko qatl ki dhamki ke agar vo aisa na kare to use qatl kar diya jaayega. (lekin majboori ka daawa karke doosre ka qatl na kare, Islam me haraam hai ke maasoom ki jaan ko qatl kare.

'man qutila doona maalihi fahuwa shaheedun. Waman qutila doona damihi fahuwa shaheedun, waman qutila doona deenihi fahuwa shaheedun, waman qutila doona ahlihi fahuwa shaheedun'

3) Ikraah ikhtiyaari wa ghair maljee : Kisi ko jiski dhamki agar vo matloobah cheez na kare. Hukum ye hai ke mufsidah aur mazrah ko pesh

nazar rakh kar maqaarna karke faisla kare, adnee mufsidah waala kaam kare (Sa'adul Shasri) Islam aur maqaami qawaaneen ke khilaaf na ho.

16 – lakin ma'a itlaafi yashbutu al badal wa yantafi att'aseemu anhu waz zulal

Tarjamah :

Lekin nuqsan ki wajah se uska badla lena waajib hai. Na usko gunah hoga na ghalti.

Sharah wa misaalen wa baaz fiqhi nukaat :

123.

1. Khata nisyaaan aur majboori me ghalti ho jaane se gunah nahi hoga. Lekin jo nuqsan hoga uska kaffarah ada karna waajib hoga.

124.

2. Misaal : Agar ek aadmi ne doosre aadmi ko uthaa kar phenk diya kisi teesre aadmi par – aur vo teesra shakhs kamzor tha aur vo mar gaya to usme doosre shakhs ka iraada na tha isliye sirf pahle waale shakhs par deet ho gayi.

125.

2. Kisi ko time diya bhool gaya saamne waale ka nuqsan hua to gunah to na hoga lekin saamne waale se maafi talab aur nuqsan ki talaafi karni padegi.

126.

3. Qatl khata me gunah to nahi lekin deet to hai.

127.

4. Islami shari'at me majboori me kisi ki murghi khaa liya chori ka gunah to na lagega lekin saamne waale ko raazi karne ke liye kaffarah aur uska badal to dena padega yaani gunah maaf hota hai lekin asar jo murtab hota hai uski talaafi wa kaffarah shari'at ke mutabiq ada karna hoga.

128.

6. Kufriyah jumle par majboor kare warna qatl ki dhamki de to aise waqt kufriyah jumla kahne se kaafir nahi hota. **(MAN KAFARA BILLAHI MIM BA'ADI EEMAANIHI ILLAA MAN UKRIHA WA QALBUHU MUTMAYINNUM BIL EEMAAN)** (Nahl:106)

Tarjamah : “Jo shakhs apne eemaan ke baad Allaah se kufr kare bajuz uske jis par jabr kiya jaaye aur uska dil eemaan par barqaraar ho.”

Gharar kaaseer ghair maqbool hai, gharar yaseer maaf hai. Is tarah jihaalat kaseerah wa mausarah ghair maqbool hai, lekin jihaalat yaseerah maaf hai.

27 – wa min masaa’ilil ahkaami fit taba’a yasbutu laa izas taqalla fawaq’a

Tarjamah :

Mata’abaat me baaz masayel ahkaam ka hukum halaal hai jabke mustaqil taur par iska hukum haraam hi hoga.

Baaz nusqon me hai : Fit tabi’a

130.

Al qaaydah : yajooz taba’a laa isteqlaa laa

Sharah wa misaalen wa baaz fiqhi nukaat :

131.

1. al misaal al awwal : b’ee majhool naa jaayaz : Agar koyi shakhs mirchi ke dher ko khareede lekin ek mirchi do dher ke daarmiyaan me ho aur maaloom nahi ke kis dher ki hai, to us dher ke saath agar vo shakhs us mirchi ko le le to vo jaayaz hai. (lekin chod de to behtar hai) kyu ke jahaalah yaseerah hai aur tab’i hai.

132.

2. al misaal al saani : Keede khaana aadmi ki mustaqil aadat nahi hai. Lekin agar phal, chaawal waghairah me aa jaaye keede aur koyi khaa le to koyi gunah nahi. Vo cheez zimni taur par jaayaz ho jaati hai.

133.

3. al misaal al saalis : B’ee majhool halaal nahi lekin imaat ki bunyaden majhool hai phir bhi halaal hai “jahaalah yaseerah aur tab’iyah” hone ki bunyaad par. Hamal bechna mustaqalan jaayaz nahi albatta bakri ke saath hamal bhi ho to jaayaz hai.

134.

4. al misaal al raab’e : Ghar ko uske lawaazimaat ke saath becha jaa sakta hai.

28 – wal urfu ma'amoolun bihi iza warada hukmun minash shar'i al shareefi lam yuhadda

Tarjamah :

Aur arf par amal kiya jaayega lekin har us hukum aur masle me jisme shara'i taur par tahdeed na ho.

Baaz ahl ilm ne padha : lam yuhaddu yaani jab shara'i had bandi na ho.

Baaz ne padha : lam yuhaddu (haadeeheed wa haideehaad ali wazan yaqaam) lam yuhaddu shara'i hukum aa jaaye to us se na hataa jaayega, Wallahu Aalam.

Sharah wa misaalen wa baaz fiqhi nukaat :

135.

Al misaal al awwal : Waalidain ke saath husne sulook karna. Araf ke hisaab se khidmat ka maani mat'een kiya jaayega jab tak ke shari'at se na takraaye.

136.

Al misaal al saani : Agar kisi ke waalidain hind me ho aur vo log kisi aur maqaam par rah rahe ho. To vo waalidain ko us maqaam aur aam raa'ej ke mutabiq zarooriyaat zindagi ka kharch denhe jo waalidain ke shahar me hai aur kaafi – ne ke apne maqaam ke mutabiq.

137.

Al misaal al saalis : Do biwiyaan alag alag mulk ya ek shahar aur doosri qariyah me ho to dono ke ahwaal aur jagah ke mutabiq zarooriyaat zindagi ko faraaham kiya jaayega. **(WA AASHIROO HUNNA BIL MA'AROOF)** (Nisa:19)

138.

Al farq binal aadah wal araf :

Wazaahat : Araf aur aadah me ye farq hai ke aadah ka taalluq afraad se hai jabke araf ka taalluq mujtam'a se hai.

1. Al muraad lam yahadda w lam yahad (she'r ke ikhtetaam par tawqaf hoga jazm ya sukoon se jabke shudah hai haqeeqat me).
2. Lam yahad : Tahdeed nahi kee gayi ho.

139.

3. Iam yahad ka maani hai shari'at me had muqarrar na kee gayi ho. Masalan : Mahar ke baare me hai ke mahar tum apne hisaab se tay karlo. Isko kahte hai araf.

29 – mu'ajilul mahzoori qabla aanih qad baa'a bil khusraani m'a hirmaanah

Tarjamah :

Jo ujlat karne waala ho man'a ki huyi cheezon me uska waqt aane se pahle : Vo loutega nuqsan (ke saath) uski mahroomi ke saath.

Sharah wa misaalen wa baaz fiqhi nukaat :

140.

1. Misaal : Waaris agar mawraas ko qatl karde to tarke se mahroom ho jaayega. '**laa yarisul qaatilu shai'an**' (Abu Dawood;4564), **al qaatil laa yaras** (Sunan Tirmizi:2109)

141.

2. Misaal : Agar aadmi marz wafaat me aurat ko talaaq de jiska maqsood tarke se mahroom kar dena ho to talaaq ki wajah se meeraas se mahroom nahi kiya jaayega. (Fatawa Ulama al balad al haraam:334)

142.

3. Misaal : Waqt se pahle ihraam baandhna aur roza rakhna albatta halaal hai.

30 – wa in atee al tahreemu fee nafsi al amal aw shartih fazoo fasaadin wa khalal

Tarjamah : Aur agar tahreem nafs amal me aa jaaye ya uske shart me pas vo amal faasid aur khalal waala hai. (ghair maqbool)

Al qaaydah : al nahee yaqtazi al fasaad wa infikaak al jahah

Sharah wa misaalen wa baaz fiqhi nukaat :

Agar tahreem ka taalluq nafs amal ya sharti amal se ho to vo amal faasid ho jaata hai lekin agar khaarij amal se ho to amal sahi hoga lekin uska gunah alag se likha jaayega.

143.

- **Tahreem ka taalluq nafs e amal ya shart e amal se na ho**

1. Misaal : Agar koyi shakhs sone ki bartan se wazoo kare to usko haraam ke irtekaab ka gunah milega lekin wazoo ho jaayega, kyu ke sone ka bartan na nafs amal shumaar hoga na shart amal, lekin khaarij al maahiyah hai. (ghusl aur wazoo sone ke bartan me haraam hai, Ibn Baaz)

144.

Note : Is tarah ke masle ko **infikaak al jahah** kahte hai. Masla ek hota hai lekin uske do rukh hote hai.

145.

2. Misaal : Najash ek ghalat amal hai lekin nafs b'ee wa aqd b'ee par mawsar nahi lihaza aqd b'ee sahi hai.

146.

3. B'ee ali b'ee akhyah ghalat hai lekin aqd b'ee par mawsar nahi. Dono sooraton me daakhil al maahiyah nahi balke khaarij al maahiyah hai.

147.

Nafs amal me tahreem :

4. Misaal :

Nafs amal me tahreem : Ghuroob aafat ke waqt namaz maghrib ya namaz me akl wa sharb ya kalaam sareeh ya amadan awaajib ka tark ya nisyaaan rukun ka tark aur aadaah na karna hai.

148.

Shart me tahreem :

5. Misaal

Wazoo najas paani se jaan boojh kar

Ya jaan boojh kar jahat qiblah se roogardaani

Ya amadan jagah ya badan ya kapde ko najaasat se paak na kare

Ya bila wazoo wa tahaarat ke namaz ada kare.

31 – wa mutlifu m’uzeehi laisa yazmanu ba’ada ad difaa’i billati hiya ahsanu

Tarjamah : Aur apne takleef dene waale ko nuqsaan pahunchaane waale par koyi kaffarah nahi hai. Difa’a karne ke baad is tareeqe se jo behtar ho.

Sharah wa misaalen wa baaz fiqhi nukaat :

149.

Dalayel :

(INNAMAS SABEELU ALALLA ZEENA YAZLIMOON) (Sh’oora:42)

(FALAA UDWAANA ILLAA ALAZ ZAALIMOON) (Baqarah:193)

150.

Wazaahat : Islami shari’at me agar koyi takleef de, usko bhi takleef dene par koyi gunah nahi hai. Lekin takleef dene waale se badla acche andaaz me le. Takleef se bachna alag takleef dena alag hai. Takleef dena itlaaf ki had tak ghalat hai, takleef se bachte huye itlaaf ho jaaye to ma’afoo anh hai, ba shart ke badla lena hudood shari’at me ho.

(WA LAMANIN TASARA BA’ADA ZULMIHI FA ULAA’IKA MAA ALAIHIM MIN SABEEL) (Sh’oora:41)

151.

NOTE : wa qatayah apna difa’a kar lena alag baat hai lekin qaanoon ke khilaaf jaana jaayaz nahi.

152.

Note : (Law of the land) ka khayaal rakha jaaye, aman pasand shahri ki alaamat hai ke qaanoon ka khayaal rakhe aur Islam bhi **(AW FOO BIL UQOOD)** (Maa’idah:1) ke tahat mu’ahide ki paasdaari ki taakeed karta hai aur laazim karta hai. Qaanoon ko apne haath me na le aur badla lene aur na lene ki tafseelaat Ulama se haasil kare aur shari’at aur qaanoon ke khilaaf na jaaye.

153.

Misaal : Islami shari'at me koyi daant se kisi ka haath katarne ki koshish kare aur vo haath kheench le jiske saba daant toot jaaye to kaffaarah nahi hoga. Lekin ab uske saare daant tod de to ye sahi nahi.

154.

Misaal : Islami shari'at me ghar me jhaankne waale ki aankh phod de to deet nahi. Lekin sar bhi phod de to sahi nahi.

'law anna rajulat tala'a alaika bi ghairi iznin, fakhazaf tahu ba hasaain, fafaq'ata ainahu maa kaana alaika min junaahin' (Bukhari:6902, Muslim:2158)

32 – wa “al” tufeedu al kulla fee al umoomi fee al jam'i wal ifraadi kal aleem

Tarjamah :

Aur “aal” faaydah deta hai kal ka kal umoom, jam'a me aur afraad me jaise ke “ilm” jiske maani me umoom hai.

Sharah wa misaalen wa baaz fiqhi nukaat :

155.

Islami shari'at me :

Al Aleem – Masalan : al aleem – har baat ka jaanne waala.

Agar aleem kahenge to phir uske saath izafa karna padega ke aleem bazaar al sadoor.

(INNAMAL MUSHRIKOONA NAJAS) (Tawbah:28) : Saare mushrik (maanwi wa aqeedatan) najas hai. (ye 'aal' ki misaal hai, jam'a me).

(WALLAHU ALEEMUN BIZ ZAALIMEEN) (Baqarah:95) : Aur Allaah jaanne waala hai zaalimon ko.

(WALLAHU ALEEMUN BIL MUTTAQEEEN) (Aal Imran:115) : Aur Allaah jaanne waala hai muttaqeen ko.

(WAHUWA BIKULLI SHAI'IN ALEEM) (Hadeed:3) : Aur vo har cheez ka jaanne waala hai.

33 – wan nakiraatu fee siyaaqin nafee t’utee al umooma aw siyaaqi an nahyi

Tarjamah :

Aur nakraat nafi uske shuroo me aate hai to usme umoom ke maani paaye jaate hai, ya nahi uske shuroo me aaye.

Sharah wa misaalen wa baaz fiqhi nukaat :

156.

Nafi : (WALAA YUHEETOONA BI SHAI IM MIN ILMIHI ILLAA BIMAA SHAA’A) (Baqarah:255)

Is misaal me shai nakrah hai aur iske shuroo me nafee hai “**walaa yuheetoona**” isliye maani honge. “Koyi ihaata nahi kar sakta uske ilm me se kuch bhi.”

157.

Nahi : (WALAA YAD’U MA’ALLAHI ILAAHAN AAKHAR) (Qasas:88)

Tum mat pukaro Allaah ke saath kisi bhi doosre ilah ko.

34 – kazaalik “man” wa “maa” tufeedaani ma’an kulla al umoomi ya ukhayya fasma’a

Tarjamah :

Isi tarah “man” wa “maa” dono faaydah dete hai saare umoom ka, aye mere pyaare bhai pas aap suniye.

158.

Dalayel :

(FAMAY YA’AMALU MISQAALA ZARRATIN KHAIRAY YARAH) (Zalزالah:7)

(WAMAA TAF’ALOO MIN KHAIRIY YA’ALAMHULLAH) (Baqarah:197)

Fasma’an : noon khafeefah ko likhne ka tareeqa hai jaise lanasfa’an

35 – wa misluh al mafradu iza yuzaafu fafham - hudaita ar rushda – maa yuzaafu

Tarjamah :

Aur isi tareeqe se umoom ka maani deta hai mafrad jab usko mazaaf kiya jaata hai. Pas jo izaafa kiya jaa raha hai ilm me aap samjhe. Allaah aap ko hidaayat de.

Sharah wa misaalen wa baaz fiqhi nukaat

159.

Dalayel :

(WA AMMA BI N'IMATI RABBIKA FAHADDIS) (Zuha:11)

(WA IN TA'UDDOO N'IMATALLAHI LAA TUHSEOHA) (Nahl:18)

Bismillah : Shaikh Sa'adi Rahimahullah ne kaha ke saare Allaah ke naam se shuroo karta hoon matlab hoga na ke ek naam se (taiseer al kareem al rahman)

36 – walaa yatimmu al hukmu hatta tajtami'a kullu al shurooti wal mawaan'a tartafi'a

Tarjamah :

Us waqt tak mukammil nahi hota koyi hukum yahaan tak ke jama ho jaaye mukammil sharayet aur khatam ho jaaye mawaan'a.

Sharah wa misaalen wa baaz fiqhi nukaat

160.

Shuroot al takfeer wa mawaan'a

Shart : (Ibn Usaimin)

1. Mawjab takfeer ka ilm ho.
2. Amadan ho mawjab kufr
3. Taaweel na ho.

Baghair iraada ke ho to uski do shaklen hai : (1) Majboori ho, (2) Ilm na ho.

Takfeer ke usool wa zawaabit :

Awwal : Kisi ko kaafir ya faasiq qaraar dena hamare ikhtiyaar me nahi hai, jabke ye ikhtiyaar Allaah aur uske Rasool ﷺ ke paas hai ; kyu ke kisi ka kaafir ya faasiq qaraar dena in shara'i ahkaam se taalluq rakhta hai jiski bunyaad kitab wa sunnat hoti hai, isliye is maamle me intehaayi ahtiyaat se kaam lena zaroori hai ; aur sirf usi ko kaafir ya faasiq kaha jaayega jiske jaafir ya faasiq hone ke mutaalliq kitab wa sunnat me dalayel maujood hai.

Bunyaadi taur par koyi bhi musalmaan jab tak vo alaaniyah taur par deen par amal paira ho to use musalmaan hi samjha jaayega, taake shara'i dalayel ki roo se uska daayrah Islam se khaarj hona saabit ho jaaye.

Kisi ko kaafir ya faasiq qaraar dene me kotaahi baratna jaayaz nahi hai; kyu ke isme do badi kharaabiyaan hai :

1. Kisi par hukum lagaana dar haqeeqat Allaah Taala par buhtaan baazi hai, neez kisi par jo hukum lagaaya jaa raha hai vo hukum us shakhs ke baare me bhi buhtaan hai.
2. Agar vo shakhs mutaalliqah ilzaam se bari ho to insaan ko bure laqab dene ke zimme me bhi aata hai. (Sahi Bukhari:6104 aur Muslim:60) me Abdullah bin Umar Raziallahuanhuma se marwi hai ke Rasoolullah ﷺ ne farmaya : Jab koyi aadmi apne bhai ko kaafir qaraar deta hai to vo hukum un dono me se ek par laagoo ho jaata hai. Isi Hadees ke ek aur alfaaz ye bhi hai ke : Agar too vo aisa hi tha jaisa usne kaha [to theek] ba soorat deegar vo hukum usi par laut jaayega.

Duwwam : Isliye kisi bhi musalmaan par kufr ya faasiq ka hukum lagaane se qabl do cheezon ko dekhna zaroori hai :

1. Kitab wa sunnat me ye baat waazeh ho ke ye qoul ya f'el kufr ya fisq ka mawjab hai.
2. Kufr ya fisq ka hukum ma'een shakhs par laagoo hota ho, yaani kisi ko kaafir ya faasiq qaraar dene ki sharayet poori ho aur use kaafir ya faasiq qaraar dene me koyi rukaawat haayal na ho.

Iski aham tareen sharayet darj zel hai :

1. Murtakib khata ko ilm ho ke uski jo ghalti hai vo uske kaafir ya faasiq hone ki maujab hai; kyu ke farmaan Baari Taala hai :

**(WA MAN YUSHAAQIQIR RASOOLA MIN BA'ADI MAA
TABAYYANA LAHUL HUDAA WA YATTAB'I GHAIRA
SABEELIL M'UMINEENA NUWALLIHI MAA TAWALLAA WA
NUSLIHI JAHANNAMA WASAA'AT MASEERA)**

Tarjamah : Aur jo hidayat waazeh hone ke baad Rasool ki mukhalifat kare aor monino ke alaawa kisi aur raaste par chale to ham use isi raaste ke supurd kar dete hai jis par vo chala hai. aur ham use jahannam me daakhil karenge aur vo badtareen thikaana hai. (Nisa:115)

Isi tarah farmaane Baari Taala hai : **(WAMAA KAAANALLAHU LIYUZILLA QOUMAN BA'ADA IZ HADAAHUM HATTA YUBAYYINA LAHUM MAA YATTAQOONA INNALLAAHA BIKULLI SHAI'IN ALEEM)**

Tarjamah : Allaah Taala kisi qoum ko hidaayat dene ke baad gumraah nahi kiya karta, taake un par ye waazeh na karde ke unhe kin kin baaton se bachna chahiye. Allaah Taala yaqeenan har cheez ko jaanne waala hai. (Tawbah:115)

Chunache isliye ahle ilm kahte hai : Agar koi shakhs nau muslim hai aur vo kisi fareeze ka inkaar kar deta hai to vo us waqt tak kaafir nahi hoga jab tak use us fareeze ke baare me batla na diya jaaye.

II. Kisi par kufr ya fisq ka hukum lagaane ke liye mawaan'a me hai ek ye hai ke kufr ya fisq ka mawjab banne waala amal ghair iraadi taur par sarzad ho jaaye, iski mut'aaddid sooraten hai, masalan :

Is se kufr ya fisq waala amal jabaran karwaaya jaaye, chuna che vo shakhs jabr ki wajah se majboor hokar vo kaam kare, dili taur par raazi hokar na kare, to aisi soorat me use kaafir qaraar nahi diya jaayega; kyu ke Allaah Taala ka farmaan hai :

(MAN KAFARA BILLAHI MIM BA'ADI EEMAANIHI ILLAA MAN UKRIHA WA QALBUHU MUTMAINNUM BIL EEMAANI WALAAKIM MAN SHARAH BIL KUFRI SADRAN FA ALAIHIM GHAZABUM MINAL LAABI WALAHUM AZAABUN AZEEM)

Tarjamah : Jis shakhs ne eemaan laane ke baad Allaah se kufr kiya, illa ye ke vo majboor kar diya jaaye aur uska dil eemaan par mutma'in ho (to ye maaf hai) magar jisne razamandi se kufr kiya to aise logon par Allaah ka ghazab hai aur unhi ke liye bahr bada azaab hai. (Nahl:106)

Iski ek soorat ye bhi hai ke use intehaa darje ki farhat, ya gham ya khouf waghairah ki wajah se maaloom hi na ho ke vo kya kah gaya hai, iski daleel (Sahi Muslim:2744), me hai ke Anas bin Maalik Raziallahuanhu bayaan karte hai ke Rasoolullah ﷺ ne farmaya : “Allaah Taala ko apne bande ke tawbah karne par us shakhs se bhi zyada khushi hoti hai jab tum me se kisi ki sawaari khule khaane peene ke saamaan ke saath chateel maidan me gum ho jaaye aur vo maayoos hokar ek darakht ke saaye tale maayoosi ki haalat me hi so jaaye, abhi vo usi afsardagi ke aalam me ho to apni sawaari paas khadi huyi paaye to vo sawaari ki mahaar pakad kar

shiddat farhat ki bina par ghalti se kah de : Ya Allaah ! Too mera banda mai tera Allaah !

III. Ek maan'a ye bhi hai ke vo apne is kaam me taaweel kar raha ho, matlab ye hai ke uske paas kuch kacchi baaten ho jinhe vo haqeeqi dalayel samajh kar ye amal kar raha ho, ya use shara'i hujjat aur daleel sahi andaaz se samajh na aayi ho, to aisi soorat me usi waqt kisi ko kaafir qaraar diya jaa sakta hai, jab shara'i mukhalifat amadan ho aur jihaalat raf'a ho jaaye, is baare me farmaan Baari Taala hai :

(WA LAISA ALAIKUM JUNAAHUN FEEMAA AKHT'ATUM BIHI WALAA KIM MAA TA'AMMADAT QULOBUKUM WA KANAL LAAHU GHAFORAR RAHEEMA)

Tarjamah : Jin kaamo me tum se khata ho jaaye yo usme tum par koyi gunah nahi hai, lekin [gunah usme hai jisme] tum amadan khata karo. Allaah Taala bakhshne waala nihaayat raham karne waala hai. (Ahzaab:5)

Ibn Taimiyah Rahimahullah "majm'oo al fataawa" (349/23) me kahte hai : "Imam Ahmad Rahimahullah ne in musalmaan khaleefon par bhi "Rahimahullah" kahte huye dua kee hai jinhone jahmi nazriyaat se mutasir hokar Quraan Majeed ko makhlooq samajh liya tha aur usi mawqif ke da'ee ban gaye the, Imam Ahmad ne inke liye dua e maghfirat bhi kee; kyu ke Imam Ahmad jaante the ke in musalmaan khulafa kraam par ye baat waazeh hi nahi huyi thi ke vo [Quraan Kareem ko makhlooq maante huye] ghalat hai aur Rasoolullah ﷺ ko jhutla rahe hai, ne unhe is baat ka idraak hua ke vo Rasoolullaah ﷺ ki laayi huyi taaleemaat ka inkaar kar rahe hai, unhone taaweel ki thi aur usi taaweel me unhe ghalatagi lagi, aur aise logon ki taqleed kar baithe jo khalq Quraan ke qaayal the" **intahi**

Isi tarah "majm'oo al fataawa" (180/12) ki ek aur jagah kahte hai : "Kisi ko kaafir qaraar dene ke mutaalliq sahi qoul ye hai ke ummat Muhammadiyah me se jo shakhs talaash haq ke liye jiddojahad kare aur ghalti ka shikaar ho jaaye to use kaafir qaraar nahi diya jaayega, balke uski ye ghalti maaf kar dee jaayegi. Albatta jis shakhs ke liye Rasoolullah ﷺ ki laayi huyi baat ka ilm ho gaya aur uske bawajood hidaayat waazeh hone ke baad bhi momineen ka raasta na apnaaye to vo kaafir hai. Aur agar hos parasti ke ghlabe me talaash haq me kotaahi ka murtakib ho jaata hai aur laa ilmi ke bawajood shara'i umoor me guftagoo karta hai to vo naa farmaan aur gunahgaar hai, isliye vo faasiq hoga, aisa bhi mumkin hai ke uski nekiyaan uske gunahon se zyada ho "inteha ek aur maqaam

(229/3) par aap kahte hai : “Mai hamesha ye kaha karta hoon aur mere saath uthne baithne waale acchi tarah jaante hai ke mai kisi ma’een shakhs ko kaafir, faasiq ya gunahgaar kahne ka sakht mukhalif hoon aur us se rokta hoon, sirf ek haalat me [ma’een taur par kaafir hone ka hukum lagaata hoon jab] ke ye baat maaloom ho jaaye ke falaan shakhs par wahee ki hujjat qaayam ho gayi hai ; ke jiski mukhalifat karne par insaan basaawqaat kaafir, to kabhi faasiq ya baaz haalaat me gunahgaar ho jaata hai.

Aur mai ye baat pukhtagi se kahta hoon ke Allaah Taala ne is ummat ke khata se hone waale gunah maaf kar diye hai, aur khata se hone waale gunahon me vo aamaal bhi shaamil hai jinka taalluq khabri [yaani nazriyaati]] aur amali [yaani fiqhi] masayel se hai. Salaf saaliheen ka shuroo se is qism ke masayel me ikhtelaaf chala aa raha hai, lekin unme se kisi ne bhi doosron par kufr, faasiq aur gunahgaar hone ka fatwa nahi lagaaya”.....phir iski misaalen zikr karne ke baad kaha :

“mai ye baat waazeh karta raha hoon ke salaf saaliheen aur Ayimma Kraam ki jaanib se mutlaq taur par kisi ki takfeer ka hukum jo naqal kiya gaya hai ke “jo falaan falaan baat kahe vo kaafir hai.” Ye bhi haq baat hai; lekin yahaan mutlaq taur par kisi f’el ke faayal ko kaafir qaraar dena aur ma’een karke kisi ko kaafir kahne me farq karna intehaayi zaroori hai”.....phir kahte hai : “Kisi ko kaafir qaraar dena “wa’eed” se taalluq rakhta hai; chuna che agarche kisi shakhs ki koyi baat Rasoolullah ﷺ ki takzeeb par mushtamil ho lekin choonke vo nau muslim hai usne abhi Islam qubool kiya hai; ya kisi [ilm wa ma’arifat se door] pasmaandah ilaaqe ka vo rihaa’ish hai to aise shakhs ko uske inkaar aur takzeeb ki wajah se kaafir qaraar nahi diya jaayega, taake us par hujjat qaayam ho jaaye; kyu ke aisa ain mumkin hai ke us shakhs ne ye nusoos suni hi na ho ! Ya suni to ho lekin unhe samjha hi na ho ! Ya uske paas us se mutasaadim ya ma’araz koyi shubah ho jiski wajah se vo un nusoos me ghalat taur par taaweel karta ho.

Mai hamesha Sahi Bukhari aur Muslim ki ek Hadees apne zahan me rakhta hoon jisme ek shakhs ka zikar hai jo ke kahta hai : (Jab mai mar jaa’oon to mujhe jalaa kar phir mujhe pees kar hawa me udaa dena. Allaah ki qasam ! Agar Allaah Taala ne mujhe pakad liya to mujhe itna azaab dega ke kisi ko usne us se pahle itna azaab nahi diya hoga. Jab vo mar gaya to uske saath aisa hi kiya gaya, to Allaah Taala ne zameen ko hukum diya aur farmaya : Is aadmi ka jo hissa bhi tumhare paas hai use jama kardo, to zameen se use jama kar diya aur vo zinda khada ho gaya.

To Allaah Taala ne poocha : Tumhe is par kis cheez ne aamadah kiya? Usne kaha : Parwardigaar ! Tere dar se maine aisa kiya tha. To Allaah Taala ne use maaf farma diya). Hadees me mazkoor is shakhs ko Allaah Taala ki qudrat me shak hua tha ke agar use pees kar udaa diya gaya to Allaah Taala use dobara zinda nahi kar sakega, balke uska aqeedah ban gaya ke vo dobara zinda hi nahi kiya jaayega. To ye baat tamaam musalmaano ke haan muttafiqaah taur par kufr hai; lekin choonke vo Allaah Taala ki qudrat se naa balad tha, aur saath me Allaah ke azaab se darte huye eemaan bhi rakhta tha to Allaah Taala ne use usi khouf ki bina par baksh diya.

To ab jo shakhs ijtehaad ki ahliyat rakhne waala ho aur taaweel kar raha ho saath me uski koshish ye bhi ho ke vo Rasoolullah ﷺ ki sunnat par kaarband bhi rahe to aisa shakhs Hadees me mazkoor shakhs se zyada maghfirat ka haqdaar hai.” (khatam shudah)

(Ye guftagoo Shaikh Ibn Usaimin Rahimahullah ki kitab : “al qawaed al misli” ki aakhir se lee gayi hai, saath me kuch izaafe bhi hai)

Agar takfeer ka maamla itna hi hasaas hai aur takfeer me hone waali ghalti ke natayej bhi bahut sangeen hai to ek muftadi taalibe ilm to kaja ek bade taalibe ilm ko bhi aise masayel me nahi padna chahiye, uski zimmedaari ye hai ke vo ilm naaf’e ke husool ke liye koshish kare jis se uski dunya aur aakhirat dono acchi ho.

Suwwam :

Is se pahle ke aap ko is baare me kitabon ka mashwarah de, ham aap ko naseehat karte hai ke ahl ilm aur ahl sunnat Ulama Kraam se baraahe raast husool ilm ki koshish kare; kyu ke yahi vo tareeqa hai jo aasaan bhi hai aur pur aman bhi hai; taaham iske liye shart ye hai ke aap sirf unhi se ilm haasil kare jinke ilm aur deendaari par aap ko aitemaad ho, vo mutb’a sunnat bhi ho aur fikri aur amali bid’aat se door bhi ho.

Muhammad bin Seereen rahimahullah kahte hai : “Ye ilm deen hai isliye jinse tum apna deen le rahe ho unhi par kah lena” Imam Muslim Rahimahullah ne ise apni kitab ke muqaddame me bayaan kiya hai.

Agar jahaan aap rahte hai wahaan par husoole ilm ke liye koyi aalime deen mayassar na ho to phir aap unki cassettes se taa’un le sakte hai, ab to unhe C D par haasil karna bhi aasaan ho chuka hai. Alhamdulillah – Islami website se haasil karna mazeed aasaan hai.

Isi tarah aap kisi bade aalime deen na sahi lekin husool ilm ke liye tadap rakhne waale acche aur mutb'a sunnat taalibe ilm se bhi mustafeed ho sakte hai, aur aise afraad se shaayad hi koyi jagah khaali hoti hai.

Chaharum :

Ham aap ko jin kitabon ka mutaalle me shaamil karne ki talqeen karte hai unme se kuch ye hai :

- Tafseer me : Tafseer Shaikh Ibn sa'adi aur Tafseer Ibn Kaseer.
- Hadees me : Arba'een Nawawi m'a sharah, isi tarah jaam'e al uloom wal hakam az Ibn Rajab, ye padhne ke baad aap Riyaazus Saaliheen par bhar poor tawajjo de, ye bahut hi baa barkat kitab hai, Riyaazus Saaliheen ke saath aap Ibn Usaimin Rahimahullah ki sharah Riyaazus Saaliheen se mustafeed ho sakte hai.
- Kutub Aqeedah : Aap Kitab ut Tawheed az Shaikh Muhammad bin Abdul Wahaab padhen, iske saath uski koyi bhi sharah mila le, aise hi Shaikh ul Islam Ibn Taimiyah ki kitab Aqeedah Waastiya bhi padhen. Iske saath saath deegar mukhtasar saayal bhi kutub aqeedah me shaamil kare, jaise ke : Ibn Rajab ki kitab "tahqeeq kalimah al ikhlaas" aur isi tarah Ibn Taimiyah Rahimahullah ki kitab : "al tuhfatul iraaqiyah fee al aamaal al qalbiyah"
- Aise hi aap Ibn Qayyim Rahimahullah ki kitab zaad ul ma'ad padhe, unhi ki kitab al waabil al saib aur al da'a wa al dawaa ka mutaalla kare.

Ye ibtedaayi marhale ki kitaben hai, aap inka mutaalla karne ke saath saath agar kisi aise saathi ko paane me kaamyaab ho jaate hai jo aap ki in kutub ke padhne me ma'awanat kare to is se aap ki maaloomaat me ba tadreej khatir khwaah izafa ho jaayega, In Sha Allaah.

Wallahu Aalam.

(takfeer ke usool wa zawabit, website Islam sawaal wa jawaab, fatwa no. 85102)

161.

Mazeed Misaalen

Misaal Awwal : Shuroot al takfeer wa mawaan'a

Misaal Saani : al dua shuroot wa manwaan'a

Misaal Saali : Salaat wa wazoo

Misaal Raab'e : Saum wa zakaat wa haj

1. Arkaan wa shuroot al salaath wa mawaan'a ya nawaqiz al salaah
2. Arkaan shuroot al wazoo wa nawaqiz ya mawaan'a al wazoo
3. Arkaan wa shuroot al haj wa mubtalaat al haj
4. Arkaan wa shuroot al zakaat mukhtasaran jaanna zaroori hai
5. Isi tarah arkaan wa shuroot al saum wa mawaan'a ya mufsadaat al saum jaanna zaroori hai.

162.

Dekhiye : Al Fiqh wa aadaltah lil narheeli wa mukhtasar al fiqh al islami lil taweejari, al mughni laa bin qudaamah, sharah amadatan al fiqh laa bin jibreen, sharah amadatan al ahkaam wa sharah bulooghul maraam abdullah al fawzaan wal taaleeqaat al razeeh al albani wa nawab siddiq hasan khan wal shaukaani wa neel al awtaar wa alseel al jaraar lil shaukaani wa tamaam al manah lil albani sayyid saabiq wal duroos al mahmah la aamah al laamah laa bin baaz, al sharah al mumt'a sharah zaad al mustaqn'a laa bin usaimin, shuroot wa arkaan al ibaadaat lil mudqali wa muhammad bin abdul wahaab wa bin baaz aur al malkhas al fiqhi lil shaikh saaleh al fawzaan jaisi kitaben.

163.

6. Masalan : Dua usi waqt duroost hogi ke uske sharayet mukammil ho jaaye aur mawaan'a mukammil khatam ho jaaye.

Har cheez ke kuch sharayet aur kuch mawaan'a hote hai kisi par bhi hukum us waqt tak saadir nahi ho sakta jab tak ke uske tamaam sharayet jama ho jaaye aur mawaan'a khatam ho jaaye, agar koyi shart jama na ho ya koyi maan'a qaayam ho jaaye to hukum mukammil nahi hoga.

37 – waman atee bimaa alaihi min amalin qadis tahaqqa maalahu alal amali

38 – wa yuf'alul baazu minal m'amoor in shaqqa f'eelu saabiri al m'amoor

39 – wa kullu maa nash'a anil m'azooni fazaaka amrun laisa bil mazmoon

Tarjamah :

Aur jo bajaa laaye aise amal jo us par waajib tha to vo mustahaq hoga us cheez ka jo uske liye hai amal par.

Baaz umoor bajaa laaye jaaye agar ham kaam ko ada karna ba'as mashaqqat ho.

Agar koyi cheez sarzad ho jaaye ijaazat ki bunyaad par to mawakhizah nahi kiya jaaye jaayga zamaanat ke naam par.

Sharah wa misaalen wa baaz fiqhi nukaat :

164.

1. Jo koyi aadmi aisa koyi amal kare jiska karna us par laazim tha. Us amal ki bunyaad par jo kuch bhi ho jaaye. Usi ke hisaab se vo jawaab deh hoga.

2. Misaal : Ek shakhs ne kisi ke haath ko kalaayi se kaat diya. Vo zakhm itna saraayat kar gaya ke vo shakhs taab na laa saka aur jaan bahaq ho gaya. Jis shakhs ne iska haath kaata tha vo haakim waqt ki taraf se jallaad tha jisne us shakhs ke chori karne ke jurm me haath kaata tha. Ye kaatna haq ba jaanib tha. Isliye is soorat me jallad se qisaas nahi liya jaayega balke baitul maal se faut shudah ke logon ki madad kee jaayegi. Agar is misaal me jallaad aur mujrim ki bajaay aam do ashkhaas hote to kaatne waale par qisaas hota.

165.

3. Acche asar ki bunyaad ka nateeja accha bure asar ki bunyaad ka nateeja bura.

4. Misaal : Agar koyi shakhs (raaste me) kunwaan khudaaye. Raaste se guzarne waala shakhs usme gir jaaye to is masle ke do pahloo hai.

1) Agar kunwen ke maalik ne jaan boojh kar logon ke nuqsan ke liye kunwaan khudwaaya to us par deet hogi.

2) Agar maalik apne baagh me kunwaan khudwaaya aur koyi bila ijaazat ya chor aakar usme gir jaaye to us par deet nahi hogi.

40 – wakallu hukmin daa'irun m'a illatih wahayallati qad aw jabat lishir atih

Tarjamah :

Aur tamaam ahkaam ghoomte hai apne illat ke saath. Aur illat usko kaha jaayega jiski bunyaad par vo shara'i hukum laga.

Sharah wa misaalen wa baaz fiqhi nukaat :

166.

1. al illat : tabnee alaihaa wujoodan wa adman

Vo cheez jiski bina par koyi faisla ya hukum lagaate hai hone ya na hone par.

167.

2. Misaal : Sharaab haraam hai aur uski illat hurmat “al khamar” hai : **maa khaamara al aql** (Bukhari:5588, 4343, Muslim:3032), jo bhi aql ko dhaanp le us par vahee hukum lagega. Jaisa ke sharaab haraam hai vaise hi nabeez, charas, gaanja aur afeem.

168.

3. Misaal : Agar koyi shakhs safar kare aur safar me namaz qasr karta hai to jaayaz hai qasr ki illat safar ki mashaqqat hai.

169.

4. Misaal : Qiyaas ke chaar arkaan hai. Jisme se ek rukun illat hai.

170.

5. Hamare aur doosre mazahib me jo imtiyaaz farq hai usme se qiyaas sahi ka wajood bhi hai jo muhasin Islam me se hai.

6. Muhaasin Islam : ek mustashraq ne kaha ke **(laa waajib ma'al ajza walaa mahram m'a iztaraad)** ki wajah se Islam har daur me chalne ke qaabil aur amali zindagi ke liye qaabil qubool hai.

41 – wakullu shartin laa zimun lil aaqid fil bai'i wan nikaahi wal maqasid

Tarjamah :

Aur har shart laazim hai mu'ahide ke liye khareed wa farokht, nikah aur maqasid me.

Daleel ; **al muslimoona alaa shurootihim.** (Abu Dawood:3594)

Sharah wa misaalen wa baaz fiqhi nukaat :

171.

Dalayel

1. **(YAA AYYUHALLA ZEENA AAMANOO AWFOO BIL UQOOD)**
(Maa'idah:1), Tarjamah : Aye eemaan waalon ! Ahad wa paimaan poore karo.

2. **(WA AWFOO BIL AHD)** (Bani Israa'eel:34), Tarjamah : Aur waade poore karo.

Wazaahat : A'aqad tay karne waala.

3. Misaal : Agar bechne waale ne kaha ke is cheez ko khareedo. Pahunchaane ki zimmedaari meri.

4. Qaal Umar Raziallahuanhu : **(maqaati'ul huqooqi inda ash shurooti)** (Muwatta Maalik : 2930, Baihaqi:21211)

5. **“ahaqqush shurooti an toofoo bih maa as tahlaltum bih al furooj”** (Bukhari:2721, Muslim:1418)

6. **“famaa baalu rijaalin minkum yashtaritona shurootan laisat fee kitaabillahi, fay yumaa shartin laisa fee kitaabillahi, fahuwa baatil”** (Bukhari:2563)

42 – illa shurootan hallalat muharraman aw aksahu fabaa tilaatun f'alama

Tarjamah :

Magar shuroot jo halaal kar de haraam ko ya uske bar aks pas vo baatil hai. Pas tum jaan lo.

Sharah wa misaalen wa baaz fiqhi nukaat :

172.

Shuroot fil maamlaat ki che qismen hai : (Shaikh Sa'ad Shasri)

1. Jo mutqazi al aqd (aqd ke taqaaze) ko mukammil kare, manafi na ho, b'ee ka taqaaza hai milkiyat aur shart lagaane ke, aap ki milkiyat hawaala karoon, to ye taakeed taqaazah b'ee hogi.
2. Maslihat aqd ke mawafiq ho, saman mawjal ki shart lagaaye ya rahan ki shart lagaaye, zamaanat wa kifaalat ki shart lagaaye, ye shart bhi sahi hai.
3. Dono aaqdeen me se kisi ek ka naf'a poora ho raha ho jaisa ke ek hafte tak faaydah uthaakar tamleek hawale kar doonga to ye jaayaz hai **(wastashneetu alaihi humlaanahu ilaa ahlee)** (Muslim:715), baaz ne kaha aisi shart sahi nahi, baaz ne kaha ek shart jaayaz hai doosri nahi **(laa sharta fee al b'ee)**, mawjal b'ee me mazeed taakheer par jurmaana sahi nahi.

Ibn Taimiyah Rahimahullah ne kaha ke jab tak maqsad b'ee ko faasid na kare jaayaz hai, sharten chahe ek ho ya do ya kayi masaaleh ki khatir jaayaz hai.

4. Mu'allaq aqd : Falaan aaadmi lega to mai bhi loonga. Bil jazm na ho.
5. Aqd par aqd : Mai ye ghar kiraaya par doonga is shart pa ke tum apni car mujhe bechoge **(nahi Rasoolullah ﷺ an baiateeni fee bai'atin)** (Abu Dawood:3461, Tirmizi:1231, Nasayi:4632)
6. Vo shart jo b'ee ke manaqiz ho : Mai bechoonga lekin hawala nahi karoonga, mai bechoonga lekin aap kisi ko nahi bechna. Ye shart baatil hai.

43 – tust'aamalu al qur'atu indal mubham minal huqooqi aw ladai at tazaahum

Tarjamah :

Istemaal kiya jaayega qar'ah ko huqooq me mubham ke waqt ya huqooq me jabke tazaaham (takraav) ho.

Sharah wa misaalen wa baaz fiqhi nukaat :

173.

1. Abhaam : Angothe ko kahte hai – jab bhi insaan ke andar abhaam ya ishkaal paaya jaata hai to vo sawaal karta hai.
2. Baaz awqaat mustahaq ki wazaahat na ho balke sawaaliyah nishaani ho aur na maaloom ho ya maaloom ho lekin kayi ek ho jabke cheez ek hi ko dee jaa sakti hai sabko nahi.

174.

3. Dalayel :

1. **(FASAA HAMA FAKAANA MINAL MUDHAZEEN)** (Saaffaat:141)
2. **(WAMAA KUNTA LADAIHIM IZ YULQOONA AQLAA MAHUM)** (Aal Imran:44)

175.

4. Qurrah andaazi taqdeer wa qismat ya muntaqil ya safar ka faisla ya waham ke dar se karna jaayaz nahi jaise kuffar quraish tateer karte the.

5. Misaal : Kisi cheez ke daawa karne waale chaar hai. Aur chaaron haq dar hai aur cheez ek hi ho to aise me qurrah andaazi kee jaayegi.

6. Tazaaham : Ummeedwaar zyada hone ki wajah takraav ki soorat ikhtiyaar kar jaaye.

7. al mubham : Jinke baare me maaloom na ho

Misaal : Agar usko tohfa dena ho jo time par aaye lekin chaaron bhi time par aa gaye to phir qurrah andaazi ke zariye hal kiya jaaye. Masaawi ho to hi qurrah istemaal karenge.

176.

7. Ibaadaat aur maamlaat me farq

Misaal : Ibaadaat me mubham ho yaani jumla paanch namazon me se koyi namaz padhi aur chaar na padhi ho to ihtiyaat ya paanch namazen dohraaye, agar huqooq ul ibaad me mubham ho to qurrah andaazi kee jaayegi.

44 – wa in tasaawa al amalaani ajtama’a wa fu’ila ahadu huma fastami’aa

Tarjamah :

Agar koyi amal dono masaawi ho aur dono jama ho jaaye to usme se ek ko kiya jaayega pas tum sun lo.

Baaz nuskhe hai

Wa fu’ila ihdaahumaa fastami’aa

Baaz nuskhe me

Wa f’eelu ahadi himaa fas tami’aa

Sharah wa misaalen wa baaz fiqhi nukaat :

177.

Misaal : Agar koyi shakhs peer aur jumeraat ke rozon ka ihtemaam karta tha. Aur isi me ayyam beez aa jaaye to usko dohra sawaab milega.

178.

Wazaahat : “Tadaakhal” kahte hai. Jins waahid ke aamaal ho, dono bhi maqsood lazaatah na ho ya ek maqsood lazaatah na ho.

179.

Misaal 1 : Masjid me daakhil hokar nafil padha aur tahiyyatul masjid na padha to ek me dono poore ho gaye niyyat se.

180.

Misaal 2 : Kisi ne hawa khaarij kee phir ek aur martaba lekin aakhir me wazoo ek hi martaba kaafi hai.

181.

Misaal 3 : Note : Ek me do wajooh (do sooraten) ho to dono me se kisi ek ko karle to jaayaz hai . (sana ya dua isteftah) dono me ikhtiyaar hai.

45 – wakullu mashghooli falaa yushagh ghalu misaaluhu al marhoonu wal musabbalu

Tarjamah :

Har mashghool ko kaam nahi diya jaayega iski misaal rahan rakhe huye aur fee sabeelillah ki hai.

Sharah wa misaalen wa baaz fiqhi nukaat :

182.

Al masbal ay fee sabeelillah

Misaal : Koyi bhi cheez jo kisi kaam ke liye waqf kar dee jaaye. Us par dunyawī koyi aur kaam karna jaayaz nahi. Jo is waqf shudah se takra jaaye.

46 – waman yu’addi an akheehi waajiban lahur ruj’oo : in nawai yutaalibaa

Tarjamah :

Aur aadmi apne bhai ki taraf se waajib ada kare – to uske liye rujoo ka haq hai agar vo mutaalibah ka iraadah wa niyyat kare.

Sharah wa misaalen wa baaz fiqhi nukaat :

183.

Masalan : Kisi shakhs par dukaandaar ke kuch paise rah gaye ho – aur vo ada na kiya ho – us shakhs ke dost ne vo paise ada kar diye. To dost ko haqqe rujoo haasil hai agar vo mutaalibah ka iraadah kare. **(hal jazaa’ul ihsaani illal ihsaan)** shari’at ke waajibaat ko vo ijaazat ke saath ada kare to jaayaz hai.

184.

Shari'at me jahaan nayaabat jaayaz hai sirf wahaan ijaazat hai lekin jahaan nayaabat jaayaz nahi wahaan nahi, jaise farze ain salawah ki adaayagi hai usme nayaabat jaayaz nahi.

185.

Masalan : Agar koi shakhs zakaat ada karne ke mauqif hi nahi hai. Aur uska dost uski ijaazat ke saath zakaat de de to us par farz saaqit ho jayega.

47 – wa al waazi'ut tab'ee anil isyaan kaa lawaazi'I ash shar'ee bilaa nukraan

48 – wal hamdu lillahi alat tamaam fil bad'i wal khitaami wad dawaam

49 – summas salaatu m'a salaamin shai'i alan nabee wa sahbihi wat taabi'i

Tarjamah :

Shari'at aur fitrat dono maqasid nahi hai, munkar ya gunah ko bura samajhne me.

Itmaam par saari ta'areefen Allaah hi ke liye hai shuroo me ikhtetaam par aur hamesha

Phir Darood ho tamaam par salaamati ke saath Nabi, Sahaba aur itteba karne waalon par.

Sharah wa misaalen wa baaz fiqhi nukaat :

Laa hawla walaa quwwata illa billah ke chaar soor hai :

1. Kuch log burayi se door aur acchayi se bhi door hai, ye ghalat hai.
2. Kuch log burayi me aage aur acchayi me bhi aage hai, ye bhi ghalat hai.
3. Kuch log burayi me aage aur acchayi me peeche hai, ye bhi ghalat hai.
4. Kuch log burayi me peeche aur acchayi me aage hai, ye sahi raasta hai.

Lihaza **laa hawla walaa quwwata illa billah** padhte waqt is sha'oor ke saath dua kare ke burayi se palatne ki aur neki karne ki taaqat nahi siwaaye Allaah ki tawfeeq wa madad se.

Note : Agar kisi ko tib'ee taur par burayi se door rahne ki aadat ho to us par ye Allaah ka karam aur uski n'imat hai.

Alhamdulillah

