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Title of the Thesis: The Development and Impact of Shafe-i- School of Jurisprudence in India.

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Abstract

The thesis entitled ‘The Development and Impact of Shafe-i- School of Jurisprudence in India’ is divided to an introduction and six chapters followed by a conclusion.

Introduction: It explains the Muslim law in the light of jurisprudence, gradual evolution of Islamic jurisprudence, the norms and values on which the legislation of Shari’a stands. I have also mentioned the importance of the topic and relevance of each chapter included in the dissertation.

Chapter I: Origin and Development of Islamic Jurisprudence: It explains the origin and development of Islamic jurisprudence from the period of Prophet up to modern age. It disclosed the brief history of prime jurists among companions and successors, four authentic jurisprudence schools of Sunnis and schools of Shi‘at, the salient features of every school, the decline in the path of development, the attempts of innovation and the general characteristics of Islamic law code.

Chapter II: Muslim Law in India in the Early Medieval Period: This chapter reveals the former studies on early medieval Muslim India, the advent of Islam in India and answers the questions like what was the law of Muslim dynasties in Indian sub continent from the conquest of Sind up to Delhi Sultanate.

Chapter III: Shāfi‘ī School of Jurisprudence in India: This chapter analyzes the history of Shāfi‘ī School of jurisprudence in India. It includes the advent of Shāfi‘ī School of jurisprudence in India, the pathways of this school to India, the role of ḥaḍramis in spreading and the role of makhḍūms in popularizing this school in Indian territories and also the impact of the book Fat-ḥul Mu‘īn in uniting south Indian Muslims under the roof of this school.

Chapter IV: Eminent Shāfi‘ī Scholars in India and their Contributions: This chapter is a survey of eminent Shāfi‘ī scholars in India and their contributions. I had given the profile of about forty scholars along with their contributions. Those scholars who had a good impact upon mass, or famous for their contributions have been included in the chapter.

Chapter V: Academies and Institutions: This chapter is a complete survey on the academies and institutions that takes Shāfi‘ī jurisprudence in higher education. It includes the details of dars institution which is the first institution for Shāfi‘ī studies all over India. Also, it brings out the information of institutions which give importance for Shāfi‘ī advanced studies.

Chapter VI: Salient Features of Shāfi‘ī School of Jurisprudence: This chapter exposes the brief biography of Imam Al Shāfi‘ī, his thoughts and ideas, his school of jurisprudence, spread of his school, the terminology of Shāfi‘ī jurisprudence, the historical phases in the development of this school, its salient features which distinguish it from others...etc.

Conclusion: Qur’an was revealed in 23 years and the Prophet (SAW) interpreted it through his verbal commands, prohibitions and recommendations and also by his deeds and silent concurrence but left room

for interpretations. So the companions considered him as the source of laws or ordinance which were revealed or derived as he put some views on the customary laws of the Arabs. After the death of Prophet (SAW) in AD 632 the truly guided caliphs took the charge of rules and regulations in the State.

Umayyad did not interfere in the daily life of the public. They concentrated on the political issues which made the mass free to accept any rule of any scholar. But the period of Abbasids is considered as the golden age of jurisprudence when all the school of thought among Sunni and Shī'at emerged. They also appointed judges who were recommended to rule in accordance with Ḥanafī School of practice.

The four schools of jurisprudence took separate ways in the path of development and the scholars contributed much in the spread of each school. Many debates among the scholars took place which widened the scope of research and the books were written in response to each school.

When Muhammad ibn Qasim conquered Sind it was the part of Umayyad and later it became a part of Abbasids keeping relations to Baghdad and listening to the so called caliph for ordinances. The law and order of time is that of Abbasids. But when Sind was an independent state named Hubariyan dynasty they took Dawudian School of practice for verdicts whereas the dynasty of Multan alienated to Shī'at. Delhi Sultanate though took Ḥanafī as their school of practice they were very weak in executing Sharī'a laws especially in a state where the majority of population is constituted of non Muslims.

Then, when and how Shāfi'ī School of jurisprudence in India? It was through the preachers and scholars immigrated to India, especially to South and West from Hejaz, Ḥadramout of Yemen and Egypt where this school of practice was dominated. The sayyids of Ḥadramout and makhdūm lineage from Egypt had contributed a lot in the development of Shāfi'ī School in India. At the present Kerala, coastal areas or Kerala border of Karnataka, Tamil Nadu and Maharashtra, Hyderabad, Andaman Nicobar islands and Lakshadweep...etc. are rich with Shāfi'ī followers. They manage masjids and educational institutions in these regions.

The Shāfi'ī School of jurisprudence was popularized in India through scholars not by rulers. There are hundreds of scholars who contributed for the familiarity of this school in India. Many of them had made contributions only through disciples and teachings and some of them had writings whose fame flew crossing horizons. Beginning from Zainuddīn Makhdūm of Ponnani this series is going on in this post modern era also. Fat-ḥul Mu'īn which was a jurisprudential record of Zainuddīn Makhdūm Junior became the keystone in the uniting south Indian Muslims under the roof of Shāfi'ī School. There are about forty scholars who contributed for its execution among Keralites or others or left impact on the mass by their writings.

When the Muslim rulers of North India granted for the madrasahs the South Indian Muslims who followed the Shāfi'ī School were self sufficient in Islamic educational system through the dars education, a reminiscence of Prophetic School of education in Madīna. So the dars institutions are considered to be the first Shāfi'ī institution in all over India. Later, the system was developed into Islamic colleges and academies and now both the systems are relevant in South. Since three decades, Kerala witnesses to a mushrooming of Shāfi'ī educational institutions in new methods and novel syllabus.

As a separate school of practice Shāfi'ī school puts some salient features and characteristics. The precedence in forwarding a science for law by the book of Al Shāfi'ī, *Al Risāla*, his dichotomized views in some issues, the abundance in number of its scholars, the ceaseless number in the writings and the well order in all the jurisprudence books are some features of this school. The noble personality of Al Shāfi'ī and his book *Kitāb Al Ummu* had played a crucial role in the popularity of this school.