

THE CODIFICATION OF ETHICS FOR THE PHYSICIANS UNDER THE ISLAMIC POINT OF VIEW

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ABSTRACT

Islam is the complete code of life. It provides guidance for all walks of life. It explains the rights and duties of every Individual in the society. But, unfortunately today, all human being are racing towards materialistic development. In getting of worldly pleasure, they have neglected the teachings of Quran and Sunna. As a result humanity is facing multiple problems. In human sciences medical science is a very important field. If in medical science one's priority is material gain then the doctor, becomes a ferocious beast for the wretched humanity. In this regard there must be a code of conduct according to Quran and Sunna. For this purpose this research paper been made.

Keywords: *Codification, Ethics, Physicians, Islamic Point of view*

INTRODUCTION

The importance of the science of medicine is being preserved in every period of life, because the human body itself a trust on account of Islamic thoughts and try to stabilize the physical health under the custody of trust, is one of the responsibilities of man. Since the art of science of medicine is the one utmost try to fulfill this responsibility, therefore, the doctors of law and religion have given it most importance. The weight of its importance is clear through a well known saying of Imam Shafi, "The knowledge is of two types, one is the knowledge of jurisprudence for religious affairs and the other one, is the science of medicine for physical affairs" (Qasmi, 1998).

As the physicians are going to perform such momentous and magnificence services for physical health and protection, therefore, their responsibilities are so critical. Especially in modern period, that in connection with rapid increase of diseases and calamities, the need of physicians is exceeding. Due to medical treatment which is increasing day by day, such persons are going to enter in this profession, who are inelegant mark for this respectable profession. So it is necessary that in the light of Islamic thoughts, the ethical rules are to be modified for physicians, which can work as guideline for such a person who wants the prosperity of present and future life. Through the Islamic point of view, it is necessary for a physician/doctor to watch over the following mentioned ethics.

To get skill in the art of the science of medicine

It is incumbent for the physician to get respected skill in the art of science of medicine, because, without any skill in the respected field, when a person gets step ahead in the field of cure, a saying is famous for him that “Half physician himself makes risk for his own life”. Several Ahadiths of Muhammad (SAW) are quoted in the regard of cure, so excellence in the relevant field is must. The zaid bin aslam narrates that in the period of Muhammad (SAW), a man became wounded and the blood of him was freeze. He called the two men of Bani Anma, they both examined him. The person imagined that Muhammad (SAW) asked both, that, whose one of you is expert in science of medicine. They asked, is there any goodness in the science of medicine? Muhammad (SAW) said that who (ALLAH) revealed the illness; he also revealed medicine (Malik, ND).

This narration is described in many Ahadiths with alternate words. Hafiz Ibn-e-Hijar has described in “Fath-ul-Bari (Narration from Sahih-al-Bukhari) “Allah revealed the illness, he also revealed medicine. In Masnad-a-Ahmad it is narrated as “as Allah revealed an illness, so in response to, Allah has provided a remedy”. These words are also described in the narrations of Sunan Nisai and Ibn-e-Maja as “some people have awareness of it (Remedy) and some have not”. Sunan Abu Daud narrates it as “Allah revealed remedy for every kind of illness, so cure the people, but not with forbidden (Haraam) things”. Masnad-a-Ahmad and Imam Bukhari narrate in “Al Adab-ul-Mufrad” as “Oh People! Cure for the people, because Allah has revealed remedy for every illness except oldness (Ibn-e-Khajar, 1981). If the physician do cure of any ill person without required skill and experience, and become suffered of any harm, then compensation will be label on the physician.

Umer bin Shoaib narrates that Muhammad (SAW) said that, a person who does cure while he has not got any skill and experience from an expertise person (Physician/doctor) and totally unaware of it, then he will be responsible (Abu-Daud, Nd, Ibn-Ul-Qayyim, 1990). Sunnan Nasai and Sunnan Maja narrate this tradition as quoted above (Abu-Daud, ND) (Ibn-E-Maja, ND). According to the decision of “Ulamaa” that, a person who teaches the medical science and also act upon it practically, while he is inexperienced. So his step in this field will be count as that, he tries to kill the humanity, and due to this irresponsibility, he just doing so for which he has no knowledge, then he is deceiving the patient and in that case the compensation will be incumbent upon him. The Ulamaa have “Ijmaa” on this matter (Ibn-Ul-Qayyim, 1990). The “Fuqhaa” explained it too, that incumbent of compensation is on the base of patient right. But the government has the authority to restrict on it, that the people become safe form any loss and will punish such persons accordingly.

It is quoted in Fath-Hul-Qadeer that, to save the people from common loss, the Fiqhaa legalize to restraint on three persons (a) vagrant mind mufti (b) illiterate physician (c) the person who take and give the things to others on hire. (Ibn-E-Najeeim, ND). Hafiz Ibn-e-

Rushd writes, if the physician doesn't know about the science of medicine then he will be punished and will be prisoner as well as he will pay the blood money (Qasmi, 1998). So according to the above statement, it is cleared for a physician to get knowledge and experience for the medical treatment.

Rectification of intention and belief

As Skill is must for the physician but in addition to the skill it is also must to have intention and belief, that he can not change the predestination with cure. But the remedy is on stage of source, not effective, but the only Allah Almighty Who bestows health. The Imam Qurtabi said that there is keen need for every sensible person to have this belief that, there is no any health bestowal except Allah. The Muhammad (SAW) stated this meaning as, "O Allah there is no any health bestowal except thou, therefore everyone should believe that, remedy is in power of Allah, possible in the name of Allah and from the Allah while the medicines is not a solution. How a sensible person can nominate the remedy for cure? World is the home of sources and the commandments and effects are fastening with it. The Gibrail pointed on that side, in his blessings on Muhammad (SAW) that, in the name of Allah I bless "dum" on you and Allah bestow you health. It means that, this is a cause of remedy from Allah (Ahmad bin Mchmood, ND).

In Quran the sayings of Ibrahim is quoted as:- And when I become ill, it is He (Allah) who cures me (Al-Quran) Hazrat Ramssa narrates the following words from Muhammad (SAW) "Your duty is, to satisfy the patient, the physician is Allah himself (Ahmad, ND). In the light of the aforementioned cited statements, it is necessary for the physician that he may keep this intention and belief, that bestowal of remedy is only Allah. Physician just does cure through sources. Moreover, he should pray to Allah for remedy and should resort to Allah. In connection to this, Dr. Amjad Hassan Ali writes that I meet with Dr Abdul Hai and said that I want to learn that, how a Muslim physician should do practice? He said that, the theme of the science of medicine is that, you should resort to Allah and when you go to your clinic then once a time recites this ayah, "glory is to you, we have no knowledge except that You have thought us. vavily, it is You, All-knower, the All-wise (Al-Quran).

After that, read two or three time this ayah, "you (alone) we worship, and you (alone) we ask for help (for each and everything) (Al-Quran). A medical doctor states that I began to act upon it; before examining every patient I resorted to Allah and I gained most benefit of it comparing to work in hospitals of America and Great Britain for eight years and during the study in Pakistan (Ali, ND). So it is necessary for a physician that he should resort to Allah with full intention and belief.

During remedy avoiding from imprudence and carelessness

It is necessary for a physician that, to keep in view all the medical precautions i.e. he must take care of check and balance to diagnose about any illness. Because in this field, the responsibilities that are incumbent upon him, if, he doesn't care of it then sometimes a large amount of harm can be expected for any patient. But to some extent, sometimes due to the irresponsible step of the physician; the patient can go to the valley of death. So under the Islamic thoughts, if, a physician doesn't keep in view the medical precautions, and during medical treatment, when the patient becomes suffered then compensation will be incumbent on the physician in three ways,

1. It is extortion and in case of extortion, the compensation will be incumbent upon him.
2. A physician is serving as a common employee so due to carelessness and improvidence if, there is made any harm to the wealth, then compensation will be incumbent upon him
3. Should endure the common loss instead of particular loss. So in regard of safety for patients, it is necessary that, to conclude the physician responsible for the compensation. (Qasmi, 1998).

According to Ibn-Qudama, if an expert physician does any extortion i.e. he transgresses when curing, he will be responsible (Ibn-Qadamah, ND). Mula Ali Qari states in *Sharah Mishkaat* that, I have never been found any misunderstanding among Fuqhaa that, when a physician makes any mistake while curing, then he will be responsible (Qari,ND; Ibn-ul-Qayyam,1990). According to the explanation of Fuqahaa-e-Ahnaaf, that in case of extortion the compensation will be incumbent. It is also explained in *Tabeen-ul-Haqaeq* (Usman-bin-Ali, 1215). Then he will be responsible and will pay for it (Ibn-ul-Qayyam, 1990). In *Fiqh-al-Sunnah*, if a physician committed error, while he is an expert, then according to the opinion of the Fuqhaa, the blood money will be incumbent on him (Qasmi, 1998).

In *Atashree-al-jinai-al-islami*, it is stated that, if a physician committed any mistake, then he will not be responsible, until he commits a fault, and the fault is that, when he himself is unaware of the science of medicine and who is not abide by the principles of science of medicine. (Audah, ND). Moreover in *Asharh-al-Saghir*, that there is no any compensation, except in deficiency, on circumciser dentist and physician, but however if he committed carelessness, then he will be responsible (Qasmi, 1998). So the deficiency, carelessness of the physician as well as ignoring the medical principles, they all are come in injustice. According to commentaries of Fuqhaa he is responsible of that harm done by him. No doubts in Quran that people who violate the commandments of Allah are called cruel and Allah doesn't like them, "And who ever transgresses the limits ordained by Allah, then such are called the Zalimoon (wrong doers) (Al-Quran), "Never transgress, not verily, Allah does not like transgressors" (Al-Quran).

Secrecy of physician ship mystery

The physician ship mystery is such a mystery, which the physician knows about his patient under treatment. The preservation of this mystery is the duty of the physician. He is bound not to show it without patient's will. The physician gets such information about illness of the patient that these can be improper near others. This information should be kept safe as a mystery between physician and patient. The physician is responsible to keep this mystery in secret on the base of three causes:-

1. Islam commanded for concealing men's faults
2. It is a trust, and dishonesty in trust is unlawful.
3. It is a back beating too and back beating is unlawful.

In connection with the concealing man's faults, Muhammad (SAW) said "a man who conceals man's fault in this world; Allah will conceal his faults in the "Day of Judgment" (Muhmmad-Bin- Essa, 2004). In another Hadith, Muhammad (SAW) said "One who saw a fault of other, then he concealed it, is just like such a person who alive the girl foot in the grave (Abu-Daud-ND). Physician ship mystery is a trust and explores it with others, is dishonesty. The thoughts of the Muhammad (SAW) about this are as under.

"Assemblies (sitting together) are the trust (Muhmmad bin Essa, 2004). One, who does not trust, has no belief (Muhmmad Bin Abullah, ND). A counselor is just like a trustee (Abu-Daud, ND) if a person talked with other and went out, then his words are kind of trust (Muhmmad-Bin-Essa, 2004). It is stated in medical ethics that, it is must for the physician that he may be trustee of Patient mystery. The patient mysteries should not be explored to any one, because the patient has not allowed him to share it, and if he permits then he would not share the secrecy of him (Qasmi, 1998). The disclosing of the physician ship mystery is a backbiting too. And the unlawfully of the backbiting, is proved from Quran. Allah says "Never backbite of one another, would one of you like to eat the flesh of his dead brothers? (Al-Quran).

From the above narrations this fact became clear that, the physician ship mystery could not be open except some specific circumstances. Because sometimes due to combining advantages of the society, this mystery must to be open for the physician, seldom the court want to get information from physician for performance of the justice. Then it is must to tell correct position to the court. If there is fear to reach harm to the society from the fault of patient, then for to turn out the common harm, the specific harm will be tolerated. The Fughaa explained this rule. "To turn out the common harm the specific harm may be tolerated" (Qasmi, 1998).

Without permission abstain from the operation:

If the operation of the patient under treatment is necessary, then it is the duty of the physician to take permission from the patient or his near relatives. If taking of permission is possible. Because if he did it without permission, and the patient died or a surgical part of the body become unserviceable, then according to the Fuqahaa, the surgeon or physician will be responsible of the compensation. Near Ibn-ul-Qayyam if without permission, during the operation, the limb became damage then compensation will be on physician (Ibn-ul-Qayyam, 1990).

If there is made circumcision to any child without the permission of his guardian and if his injury expended, then he will be responsible for compensation, because he has no permission to cut it (Ibn-Qudamah, ND). In the light of the above narrations, it is essential for the surgeon/physician that, without permission he may abstain from the operation. But in case of emergency, if the permission is impossible from the patient relatives, then in such circumstances the operation will be lawful for the surgeon/physician. Because the possible try for the safety of any person is incumbent from the Allah. Therefore, in such condition if the surgeon is not permissible from the humans, then he will be considering permissible from the Almighty Allah.

Abstain from remedy with unlawful things:

It is necessary for the physician to abstain from unlawful things while prescription of any remedy and to one's utmost does not prescribe such medicine for patients, having unlawful substances. Because in Muhammad (SAW) thoughts, there is came forbiddance of remedy with unlawful things. It is in Sunan-e-Abu-Daud, that Muhammad (SAW) said that, Allah revealed illness and its medicine, and has sent medicine for every illness, so do remedy but not with unlawful things (Abu-Daud, ND). It comes in Al-Sahih-al Bukhari; "No doubt, Allah has not kept remedy for you in unlawful things" (Muhammad-bin-Ismail, 1961). According to the Sunan Abu Daud and Jame Tirmizi, when asked from Muhammad (SAW) about wine, then he forbade and the asker request, "Oh Prophet of Allah it is medicine, if it is used medicinally. The Prophet (SAW) said it is illness not medicine (Abu Doud, ND; Muhammad bin Essa, 2004).

Tariq bin Sovaid Hazrami narrates that I requested Muhammad (SAW) that, here in our area the grapes are in plenty, we squeeze and make wine from it and then drink. Muhammad (SAW) said "Do not so" then I requested again that we use it for remedy of the patient. Muhammad (SAW) said "It is not remedy but illness (Ibn-Maja, ND). On the base of the above cited narrations that, the most of the formers do not permit the unlawful things for remedy in any form. But later on the modern's permitted unlawful things for remedy with

few conditions (i) Remedy is sure (ii) There is no any method of remedy besides it (iii) The skillful Muslim physician has advised it (iv) May be used as needed (Sheikh Ectc, 1310). So the forbiddance is at that time, when alteration of it is present, if there is no alteration, then it is out from the circle of forbiddance. Therefore, it is necessary for the physician that he may abstain from remedy through unlawful sources, in against that, it is essential for the illness of the patient and its alteration is not present.

The passion of Human service, faithfulness and Honesty:

It is necessary for the physician to do cure of patients with honestly, faithfully, and has a passion of human service. Because all the creators are the family of Allah and near Allah the best person is that, who is better for his family, Muhammad (SAW) says, the creature are the people of Allah. So among creatures, that person is most likely to Allah who is the best for his family. (Behqi, 2000; khateeb,ND). Religion is the name of virtue and happiness, people asked “O prophet (SAW) whose happiness? Prophet said “Allah’s happiness, his Book (Quran) and ruler. A Muslim is the brother of the other Muslim. Neither he aside from him nor speak lie to him nor do cruelty upon him. You are just like the mirror to one another, so if you see him in trouble then remove his worries and troubles (Muhammad bin Essa, 2004).

In another Hadith, the Prophet (SAW) says that, “Every Muslim is a brother of other Muslim, neither has he appeared to him with extortion nor he handed over him to it. Who will fulfill the need of own brother. Allah will fulfill his need and who will remove a difficultness of any Muslim, Allah will remove his difficultness at the day of hereafter, and who keep his secret, Allah will conceal his blemish. (Muhammad bin Ismail,ND, Al Bari,1985). There are some creatures of Allah which are assigned and created for the fulfillment of needs of the peoples and the people go towards them for the fulfillment of their needs and such people are free of torment of Allah (Tufail, 1983). Likewise the patient when comes to the government hospital for remedy near physician and there facilities for remedy is available, but it is not fair to say him for coming to private clinic for fee then it is count to be dishonesty and it is a very great sin. Allah says in Quran:-

“And not to argue, on the behalf of those, who deceive themselves, verily Allah does not like any one who is betrayer and sinner (Al-Quran) o you who belwes! Batsay not allaah and his messenger, not betray knowingly yous amannt (al-qusan) Truly, Allah defends those who believes verily Allah likes not any treacherous ingrat to Allah (Those who disobey Allah but obey Satan (Al-Quran). So in the light of the above statements, it is necessary for a physician, that he must be sincere and good will in his heart for the patients as well as he has passion of the human service and performing the remedy job honestly.

Abstain from blindness in Love of the Wealth

It is incumbent for a physician to abstain from blindness in love of the wealth and not imagine this profession as a trade. Because the prophets had also knew the science of medicine. Along with spiritual diseases they had been cured of the physical diseases also with the will of Allah. But they not made it the source of trade and income. While that profession is the service of suffered humanity.

The overcome persons from the love of the wealth take benefit from the compulsions of the people and plunder them with both hands. In this connection they did some ethics burn actions too. The some examples of these are as under:-

1. Incumbency of the operation unnecessarily for getting money only.
2. They theft of the kidneys.
3. Suggest different tests and try for unnecessary commission
4. Unnecessarily suggest or give the medicine to the patients for the commission.
5. Getting fee of remedy or operation from the patient of the physician while working in government Hospitals.
6. When remedy is possible in Government hospitals but compel the patient for remedy in private clinic.
7. Disappearance during duty from Government Hospitals and work in private clinic.
8. Unnecessarily call the patient time to time for advice to get fee.
9. Suggest substandard medicines for commission.
10. Issuance of unlawful medical certificate.
11. Write unlawful report of post mortem.
12. In presence of effective and cheap medicines, suggesting or giving costly medicines to the patient for getting commission or gift.

The above all forms, are the sources of getting money of other with unfair way, and the deformity of love of money and loss, are stated in the Ahadiths of prophet (SAW) as under. Muhammad (SAW) says, to deprave any wound through the two murderous wolves is not as dangerous for the wound as the desire of dignity and wealth is dangerous for religion of a Muslim (Tufail, 1983). If two wolves are left in a flock of goats, is not so dangerous as much as the desire of dignity and wealth for a man religion (Muhammad-bin-Essa, 2004). This prohibition of wealth getting through unfair means is proved by manifestation. Allah says: - "Never eat up your property among yourselves unjustly (Al-Quran). So it is incumbent for physician that keep away himself from the desire of the wealth and abstains from getting others wealth by unfair means.

Never disappoint the patient

It is necessary for the physician that he hoped on the patient towards his health. He should encourage him and try to make good his psychological mode. If physician is disheartened too, then he does not explore to him, because according to the physicians, the soundness of the body is obeyed by the soul of ethics. If the hopelessness emerges in the soul, then healthy man can not be sound. (Chughtaai, ND). So it must for a physician that he may try to remove the terror of the patient in the connection with the illness, and hoped on him of remedy. In this regard the thoughts of Muhammad (SAW) are found to us by Ahadiths. Abi-Saeed narrates that Muhammad (SAW) said that, “when you go to the patient then you should talk with him about his long age, though nothing can get with it, but the heart of the patient became glade (Muhannad-Bin-Essaa, 2004; Ali,ND & Fima, 2004).

Ibn-e-Abbas stated that once time the Muhammad (SAW) went to a villager for asking his illness. The way of prophet (SAW) was as, when he (SAW) used to go any patient for asking his illness then usually say “Do not be afraid, this illness (from sins) is cleaner if Allah will. Accordingly prophet (SAW) said to that villager with these words that, there is not to be afraid because this illness is cleaner if Allah will (Muhammad-bin-Ismail, 1961). So in the light of the above descriptions it is necessary for a physician that he may hoped on the patient towards his sound health and try to safe from hopelessness.

The watch on of some other medical ethics

It is necessary for a physician that;

1. Neither abortion of womb is obligatory nor give such medicine through embryo may be felled, and should not exist barren through violent loss operation and medicines. Aye, in opinion of the physician if there is harm which is face to the women health, then before coming soul in embryo i.e. in 120 days the womb can be wasted.
2. During remedy or operation, the physician should bound to saw that parts of the patient’s body which is suffered, and it is not fair to see more than necessities. During operation be care of the limits.
3. Away you from the disgracing of the dead human bodies which are available in hospitals and the experiments are doing with it, because it is unfair act. Nowadays artificial bodies and its parts have manufactured. So where ever the training is possible with these, there, the act of amputation with human bodies is not to be permitted.

Respect the humanity, do not despise any patient. Because Allah created man the most eminent of created beings. Prevention from anger Politeness, sincerity, helpfulness and stability on penal laws, have the stage of first chattels for a physician.

CONCLUSION

Since the profession of medical is one of the high and sacred professions. The serve of humans, remove their worries, fulfill their necessities and make support in their difficulties are so highly human worth's, which has seen good seeing in every period and every religion. But Alas! From which fast running in the world the mortal improvement has been became. More than this pace, not only the ethics worth's are disregarded but put on back. The Islam is the only one living system of the world, in which preference is given to ethics than materialism. So it is surely has been hoped from physician that he may be bear in mind the above cited law ethics. Because if the profession of remedy on one side is the high human service, then on the other side, in Islamic point of view is the work of occasion of reward too. If the physician/Doctor fulfills his responsibilities with right manner, then he will not be only rightful the respect from humans but will be obliged with pleasure of Allah and reward too.

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