

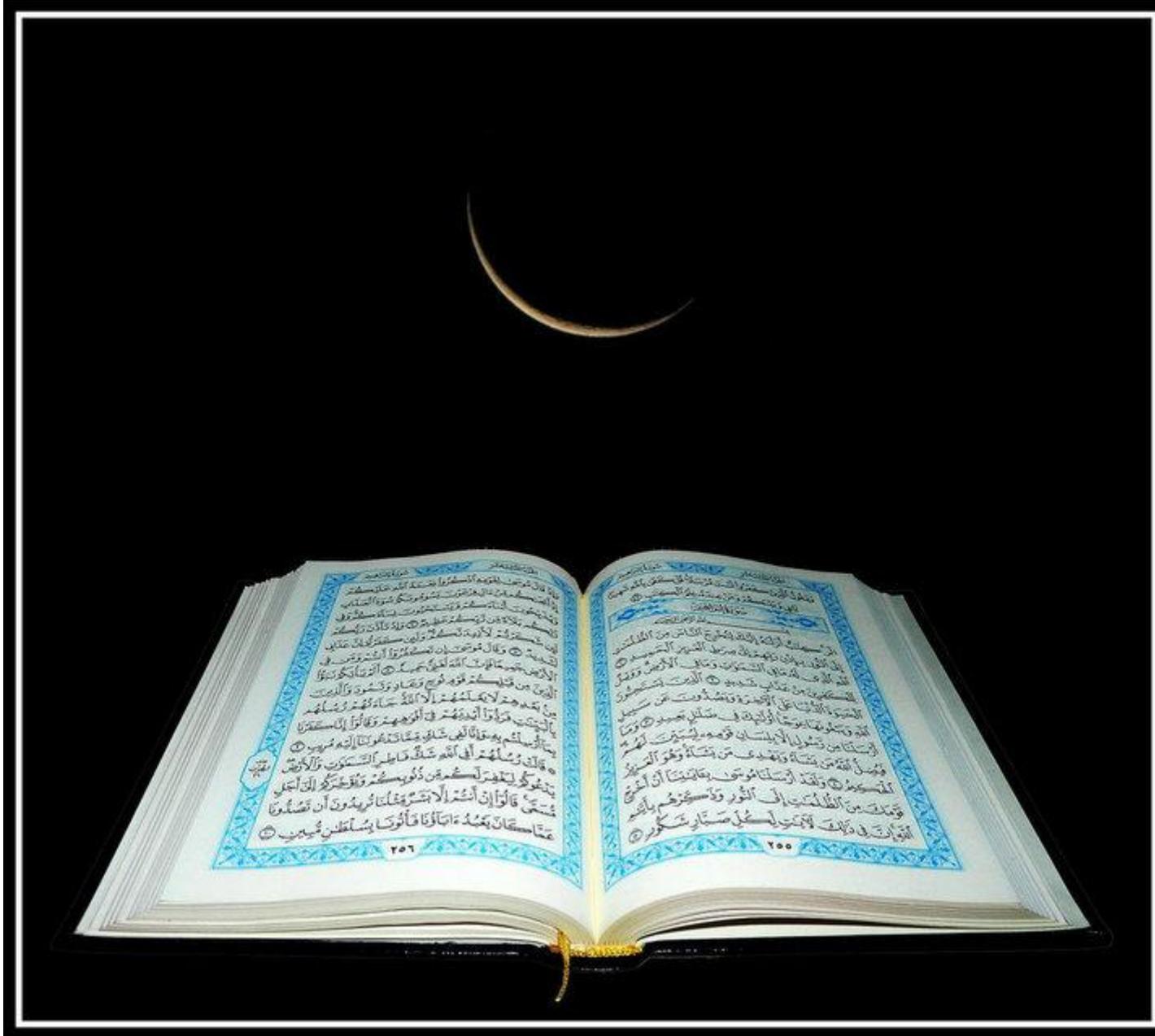
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
الصَّلَاةُ وَالسَّلَامُ عَلَيْكَ يَا سَيِّدِي يَا خَيْرَ خَلْقِ اللَّهِ  
السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ

Hadrat ibn-e-'Umar reported that the Messenger of Allah has said, "Do not commence fasting (Ramadan) till you see the new moon, and do not cease fasting (perform Eid) till you see it. But if the weather is cloudy, or there is a smog in the sky(which prevents sighting of the moon), then complete 30 days of the month." [Sahih Bukhari, Vol 1, Page 256]

In another narration, the Messenger of Allah, "The month sometimes is of twenty-nine days, but do not fast till you see the moon. But if the weather is cloudy or there is a smog, then complete thirty days of the month."

Hadrat Shaykh 'Abd al-Haq Muhaddith-e-Dehwli states:

According to the Islamic Law (Shari'ah), what the astrologers say or inform is not accepted and is unreliable. Neither the Messenger of Allah, his companions, their followers, nor the pious predecessors followed their utterances, and nor did they act upon them. [Ashi'ah al-Lam'at]



Hadrat Abu Hurairah reported that the Messenger of Allah has said, “Commence the fast when you see it (the moon) and cease fasting (perform Eid) when you see it. But if the weather is cloudy, complete thirty days of Sha’ban.” [Sahih Bukhari, Vol 1, Page 256]

Hadrat Ibn ‘Abbas reported that a desert Arab came to the Holy Prophet and said, “I have seen the new moon i.e. the new moon of Ramadhan.” He asked, “do you testify that there is no god but Allah?” he said: yes. He then asked: do you testify that Muhammad is the Messenger of Allah?” He said, “Yes.” So, the

Messenger of Allah said, “O Bilal, announce to the people that they must fast tomorrow.” [Sunan Abi Dawud, Vol 1, Page 320 and Tirmidhi, Vol 1, Page 148]

Hadrat Shaykh ‘Abd al-Haq Muhaddith-e-Dehlwi states:

It has been proven from the Hadith that a person who is mastur-ul-Hal i.e. whose being a fasiq is not apparent, then his report or testimony is accepted for the beginning of the month of Ramadan. Stating the words of “shahadah” (bearing witness) is not a condition. [Ashi’ah al-Lam’at]



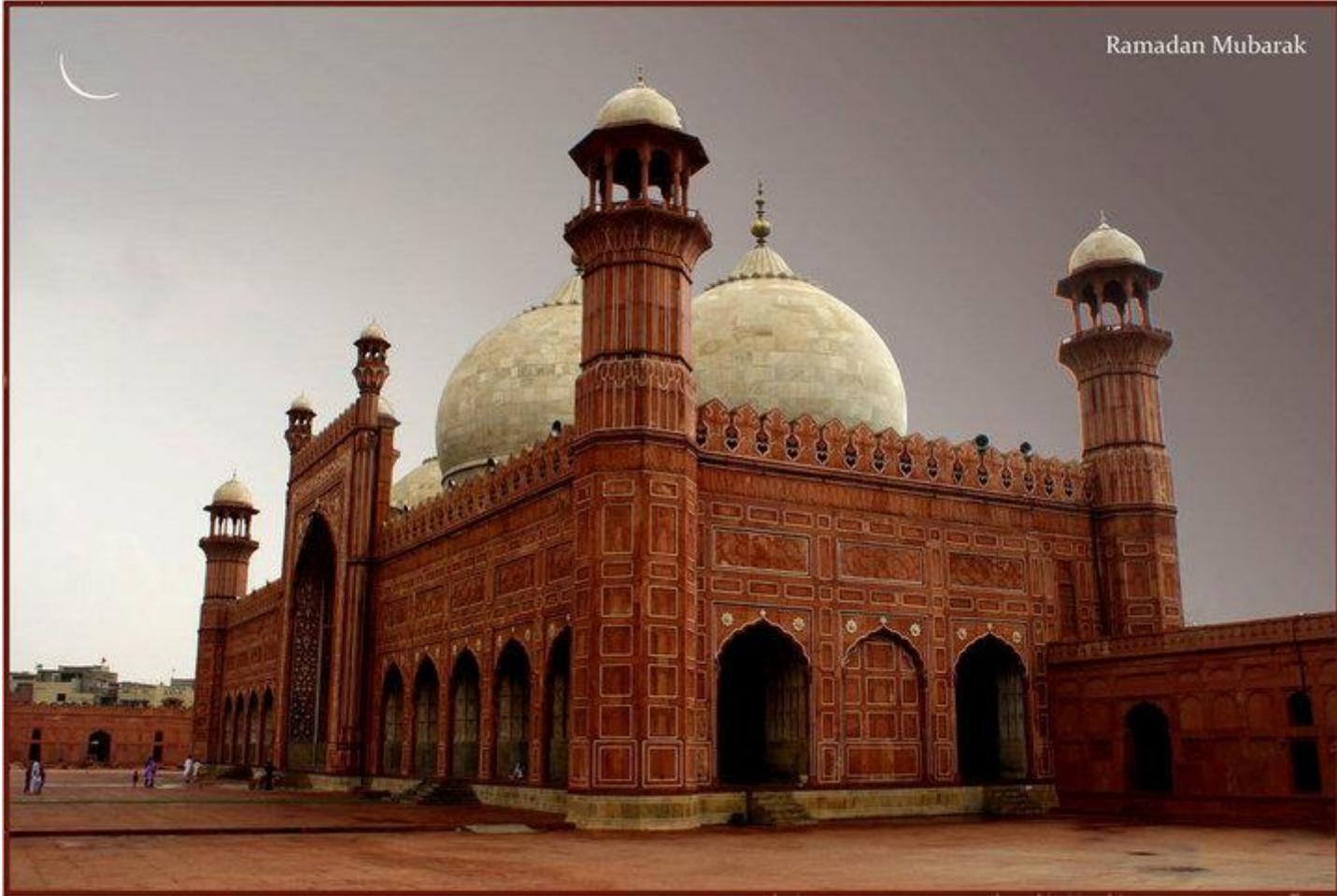
## ...: Important Notes on Sighting of the Moon :...

1. There are a few ways of proving the sighting the moon:

A. News of sighting the moon – on the night of the 29th of Sha’ban when the sky is not clear (cloudy), then the news of sighting the moon given by a muslim male or female, equitable or Mastur-ul-Haal (a person who’s inward state is concealed – whose fisq is not apparent) shall prove the beginning of

Ramadan. In the case when the sky is clear, it is sufficient for a person who fulfils the above-mentioned criterions to see the moon outside the place where inhabitants are, such as in an open field, or on a high place. Otherwise, there should be such a great number of people, who witness the sighting of the moon with their naked eye. For the rest of the 11 months, in the case of the sky not being clear, then there should be two (2) witnesses who are equitable ('adil). In the case of the sky being clear, there should be such a great number of people giving witness (bearing testimony for their sighting of the moon) whose unanimity on speaking falsehood is merely impossible rationally. [Radd al-Muhtar – Vol. 2 Pg. 94-95, and in al-Bahr al-Ra'iq – Vol. 2 Pg. 269]

B. Shahadat 'ala al-Shahadah (witness upon witness) - this is when the witnesses have not seen the moon themselves. However, those who did see the moon bore witness in front of them of their sighting, and made them witnesses upon this. So, in this way the sighting of the moon is proven, only on the condition that the people who saw the moon are unable and incapable to be present in order to give their witness directly [to the Qazi or the 'Alim if there is no Qazi]. The way to give witness in this situation is that each person from the people who saw the moon with their naked eyes, makes 2 persons their witness and ask them to become their witness that, "I saw the moon on the night of such and such a day, and such and such a month of such and such a year." Then each person from the secondary witnesses testify that, "Such and such a person, the son of such and such a person has made me a witness on their sighting of the moon on the night of such and such day, of such and such a month of such and such a year, and they have asked me to become their witness on this sighting." [Radd al-Muhtar Vol. 4 Pg. 409 and also in Fatawa al-Hindiyyah ('Alamgiri) Vol. 3 Pg. 410.]



C. Shahadah ‘ala al-Qada’ (giving witness in front of an Islamic Judge) - this means that in another city there came witnesses in front of an Islamic Judge or a Mufti who bore witness of their sighting of the moon, and the Judge or the Mufti has passed a verdict that the moon has been seen, and in the time of giving the witness there were 2 reliable, trustworthy, righteous men present in the Dar-ul-Qada (the Islamic Court) who saw and heard the witnesses giving their witness. These 2 witnesses came to a different city or town and bore witness that, “In such and such a city in front of us and in the presence of the Judge (or the Mufti) there came witnesses who testified that they saw the moon on the night of such and such a day and the Mufti has declared sighting of the moon on such and such a day”, then this shall also be proof of sighting of the moon. [Fatawa al-Imam al-Ghuzza Pg. 6 and Fath al-Qadir Vol. 2 Pg. 243]

D. Istifadah (well-circulated reports) – when there is such a Grand-Mufti in an Islamic city to whom the mass majority of people flock towards in order to gain Islamic rulings pertaining their everyday issues; and by whose fatwa the

verdicts are given as regards to the beginning and the end of Ramadan and 'Eidain; and in such a city the general public do not start or terminate fasting according to themselves, then if numerous groups of people come from that city to another and bear witness all at once that upon the sighting of the moon on such and such a day, the fasting of Ramadhan has commenced or that Eid was made, then this testimony shall also prove the sighting of the moon. However, if it is only rumours and no one knows who said it or on being asked how they knew the sighting of the moon, they say, "we heard" or "other people have said it", then there is absolutely no istifadah upon such reports. Also, in a city where there is no Islamic mufti or there is but he is incapable of issuing a Fatwa or is reliable and trustworthy but the general public in that city decide for themselves when to start and end Ramadan and Eid, (as is quite common nowadays,) then the unanimity or even the tawatur (mass-transmitted reports) from this city in this news can in no way prove the sighting of the moon. [Radd al-Muhtar Vol. 2 Pg. 97 and Fatawa-e-Radawiyyah Vol. 4 Pg. 553]

E. Termination of the number of days in a month - when 30 days of a month have passed then the sighting of the moon for the next month is proven. However, if upon the witness of one person the starting of Ramadhan was accepted, and by this calculation 30 days of Ramadhan had passed, but because of the sky not being clear the moon could not be seen, then the termination of the number of days in the month does not suffice, but in fact another fast should be kept. [Radd al-Muhtar Vol. 2 Pg. 97]



2. If the moon has been sighted according to the Shari'ah rules and conditions, then the sighting of people in the west is a certain proof of sighting of the moon for people living in the east. [Fatawa al-Imam al-Ghuzza Pg. 5]

3. A calendar or a timetable does in no way prove the sighting of the moon. [Radd al-Mohtar Vol. 2 Pg. 94]

4. Media reports do not in any way prove the sighting of the moon. Most of the time newspaper reports or reports from TV or the radio are just guesses and no more than rumours here and there. And even if the news is correct, but because of the sighting of the moon not being proven by Shari'ah rules and regulations it cannot be accepted in anyway. [Radd al-Muhtar Vol. 2 Pg. 97]

5. Letters also do not prove sighting of the moon, as one person's handwriting can be identical to another. Hence there is doubt and it does benefit any knowledge of full certainty. [al-Durr al-Mukhtar and also in al-Hidayah]



6. News given via a telephone (or mobile) telegram or any satellite link is more unreliable than a letter as in a letter the addressee recognises the signature, writing and the stamp of the writer. Also in a letter, there is even a slight indication that the handwriting is of the actual writer, which is not present in

the news given by a telephone or another satellite link. Furthermore, when the witness is behind a veil then their witness is not reliable as one voice is identical to another, then how is it possible that the sighting of the moon be reliable or even accepted when this news has reached via telephone, telegram (or similar) technological equipment?! Plus the fact that in worldly matters and affairs, news received via the telephone is not accepted, nor is it reliable, then how can it be reliable in matters related to the religion; where one has to be extremely careful. [Fatawa-e-'Alamgiri Vol. 3 Pg. 357]

7. Radio or Television: there are much more complexities and difficulties in receiving the news and accepting its reliability from a radio or a television than to receive it from a telegram or a telephone, as one can ask questions and receive answers via a telephone or a telegram whereas this is not the case on the radio or the television (when the news is given, discussions and debates are a different matter).

Conclusively, these new technological equipments can be used to spread news worldwide, but they cannot be accepted in the matters as related to giving shahadah witness. This is why in the court the judge does not give a verdict until the witnesses do not present themselves in the court to give their witness account. Telephone calls or news received from the telegram or radio, television are totally unaccepted.



The Messenger of Allah has stated: “But if the weather is cloudy, wait till thirty days of the previous month have passed.”

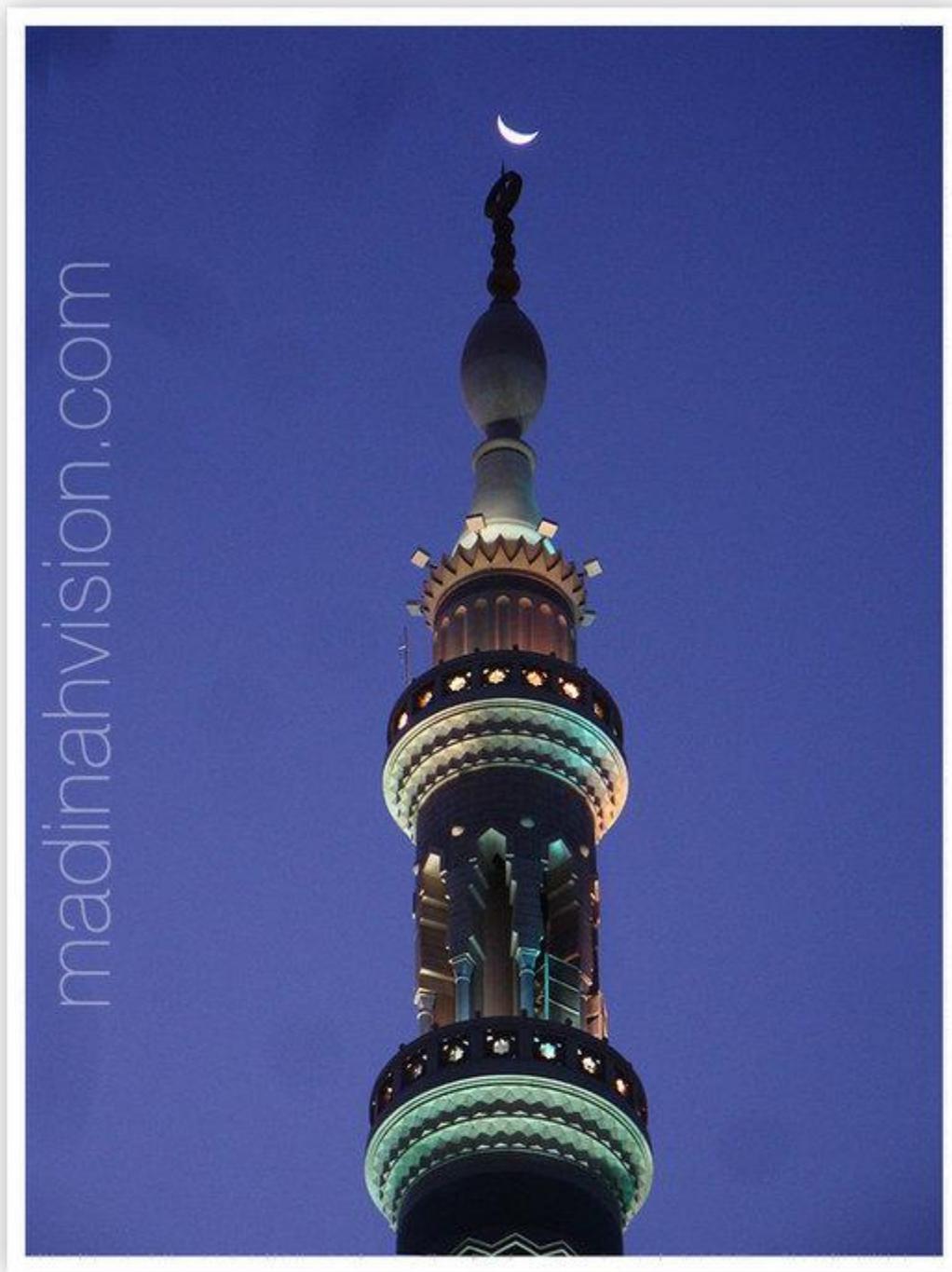
But it is quite a saddening and disappointing fact to see people in these days (most of them being neglectful of their prayers and the obligatory fasts) rise in uproar on receiving the news on the radio or the telephone or the television about the sighting of the moon. May Almighty Allah give them the guidance to

act upon the sayings of the Beloved Prophet.

8. In a country where there is no Islamic Ruler, and nor is there any Qadi appointed for the task (of accepting or refusing the witnesses), then the Grand-Mufti of a city who has beliefs in conformity with Ahl al-Sunnah wa al-Jama'ah (Sunni) is the subordinate. Wherever, there is no mufti, then the witness (shahadah) for the sighting of the moon shall be presented in front of the general public (of Muslims). [Fatawa-e-Radwiyyah – V. 4 Pg. 547]

It has been stated in “al-Hadiqah al-Nadiyyah Sharh Tariqah al-Muhammadiyah” - by Imam al-'Allama 'Abd al-Ghani al-Nablusi al-Dimishqi - that:

When an era is without any Islamic Ruler who suffices the Muslims for their affairs which pertain to the religion, then all the Islamic affairs and rulings shall be referred to the scholars of Islam (the 'ulema), and in every aspect of their life, Muslims are obliged to consult these ulema. These ulema shall be considered the 'Islamic rulers' and the 'Islamic judges'. Then, if it is impossible for the unanimity of the Muslims to appoint one specific scholar, then the people of each and every district or town shall follow their 'ulema. Then, if there are innumerable 'ulema in one district, then amongst them the 'alim who has the most knowledge as regards the Islamic rulings, he shall be followed, if they are all equal (in knowledge) then a raffle should be taken (as to draw out the name of the 'alim who shall be appointed as the vice of the Qadi in that district).

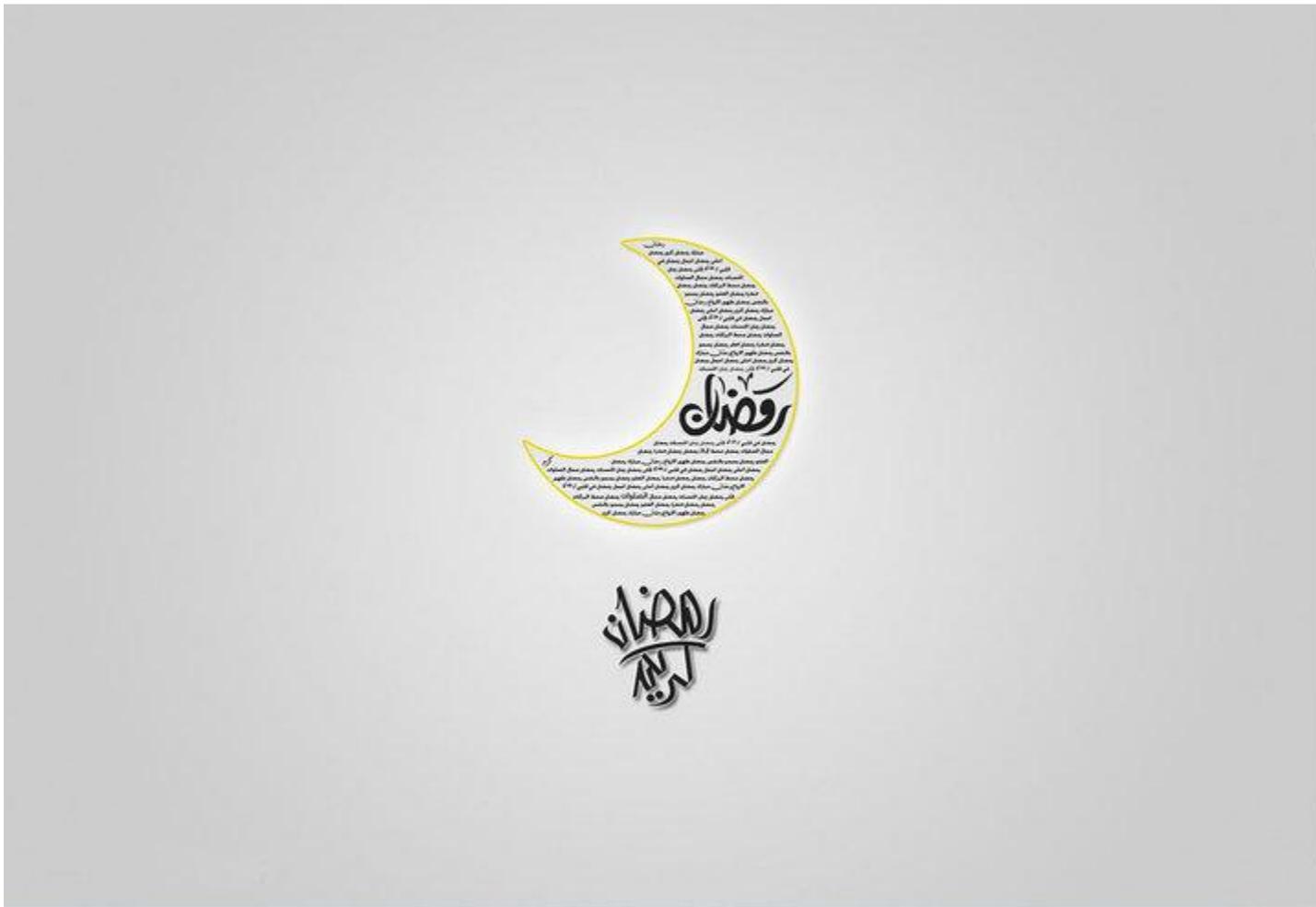


9. The testimony of a fasiq-e-mu'lin (an open transgressor) such as the one who neglects establishing prayer, or prays the salah but frequently neglects praying with the congregation (jama'ah), shaves or trims his beard less than a fist, is not be accepted. Likewise, the evidence of an infidel (non-muslim), bad madhhab (follower of a deviant), an insane or an immature shall not be accepted.

10. On sighting the moon, the supplications as mentioned in the Ahadith should be read.

11. It is makruh (disapproved) to point finger towards the moon even though it may be to indicate to others the location of the moon. [Bahar-e-Shari'at Chapter 5 Pg. 685, al-Durr al-Mukhtar and also in Fatawa-e-'Alamgiri Vol. 1 Pg. 184]

12. It is wajib (necessary) for the Muslims to follow the Islamic dates and years (which are proven by the sighting of the moon). It is not permissible to follow the dates on the calendar, whose dates have been fixed following non-Islamic rules and regulations (such as the Gregorian English calendar). [al-Tafsir al-Kabir V. 4 Pg. 445]



Extracted from:

“Anwaar al-Hadith” by Hadrat Allama Mawlana Mufti Jalal al-Din  
al-Qadiri al-Amjadi Radi ALLAHu Ta'ala Anho, Chapter 6, Page 157 to 162