



BATLEY MOON SIGHTING COMMITTEE

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باسمه تعالى

Please note this translation of the Urdu article has the page numbers of the Urdu article because the Arabic has not been pasted or translated, in terms of Fiqh, certain principles will be beyond the comprehension of non Ulama.

Page: 3

Reason for the compilation of this criterion.

For the first time in more than 50 years a difference of opinion has occurred in the town of Batley in regards to the moon sighting. Local Masjid committees wrote to I.M.W.S asking them to sort out and find a solution to this dispute, hence the executive committee of I.M.W.S handed this task over to the Ulama and their decision would be acted upon. After consultation an initial meeting was convened in which approximately 75 local ulama participated. It was unanimously agreed in this meeting that an Ulama working committee consisting of 22 Ulama would be created. After approximately 6 meetings of discussions and consultation some basic usool-principles were drawn up, staying within the framework of shariah and in strict adherence with Quran, hadith, fiqh, fatawaa and consultation with Muftis.

Thereafter, all of the local ulama were once again invited to attend a presentation. Approx. 55 ulama attended and listened attentively to the principles laid out, after which a unanimous decision was reached supporting the findings and criteria.

By the grace of Allah this criterion has now been compiled and is at your disposal. We ask Allah to make this a means of uniting the ummah.

Allah Ta'ala gives us all the taufeeq to follow the teachings of shariah and adopt taqwa and piety in our lives. Ameen.

Page: 4

The Muslim ummah is passing through a phase in which many a topic (deeni matters) are the centre of debate. One such example is the ruling regarding sighting of the moon. Islam is a complete system; way of life given to us by Allah Ta'ala, which is a means of convenience, if adopted the key to success in this world and the hereafter. Such clear, concise rules and guidelines have been laid out in the Quraan and Ahadith in relation to the sighting of the moon, which are easy to follow and understand for people from all walks of life, free from all contradictions and difficulties.

One of the most important acts of worship in Islam is the fasting of Ramadhan. These can only be observed in a specific period, which is obviously the month of Ramadhan. Islam is a way of life and source of guidance for people all around the globe and of all eras, therefore it adopted a simple and natural way to establish the commencement of those months which are connected with acts of worship. The decision did not depend on any instruments or experience to accommodate people from all walks of life,

Page: 5

such as villagers and people far away from civilisation, such as deserts etc. so as not to make practicing impossible. The foundation for the masalah which is currently being discussed i.e. commencement of the months, Ramadhan, Shawwal etc. has been laid on sighting by the eye and not on the presence of the moon only, on the horizon. Saheeh ahadith are the basis of such simple and convenient principles which are according to the nature of Islam:

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From the above mentioned narrations we come to the conclusion that establishment of the Islamic months will be through the sighting and nothing else. The consensus of the ummah is also upon this.

Page: 6

Over time the Fuqahaa (jurists) taking into recognition events in times past and present and the advent of modern technology and new instruments have derived and compiled the laws of accepting and negating testimony from the Holy Quraan and Ahadith. However due to modern technology, which on one hand has led to us living a more comfortable life, these very advances have created such situations and scenarios which have been the means of perplexion and difference of opinion.

There is certainly no doubt pertaining to the permissibility of these advances. Allah Ta’ala has created them for our convenience, to derive benefit from in fulfilling our day to day needs.

Islam is according to the nature and intellect.

It is an accepted reality that Islam coincides with the nature and intellect. There is no law in Islam which defies this matter. Some of the laws may be above our comprehension; however this doesn’t mean they defy logic. This is down to the deficiency in our intellect. Regarding this matter Imam Abu Ishaq Shatbi R.H in his renowned kitab (al- muwafaqat fi usoolil ahkam- chapter al qism-ul awal) has demonstrated the fact that those usool-principles which disagree with a sound mind are not worthy of being accepted. Sheikh Abdullah Daraz of Azhar University, who has researched and commentated on this subject titled the chapter as thus ‘Every thing that does not comply with the laws of Shariah and intellect cannot be trusted’

Page: 7

and in the version of (dar-ul fikr) Sheikh Sayed Muhammad has researched this matter and titled the chapter ‘The Laws of Shariah are in accordance to reality’ then he goes on to prove this point under a further heading ‘The Sharee evidence does not contradict laws of intellect’. Likewise Imam Jassas Razi R.H. in the famous usool-ul fiqh kitab (al-fusool fil usool) under the heading of the chapter on ‘Refuting the claim of those who say the laws of shariat are not according to intellect’ has re-iterated this very same fact.

The ruling regarding testimony on an impossible circumstance.

Allamah ibne Hajar R.A has mentioned this in his kitab sharah Nukhbatul fikr as thus:.....

Imam jassas has also commentated on this subject and states the statement of an individual contradicting a sound mind as unacceptable

Page: 8

Regarding the narration of an impossible situation by a trustworthy person allamah suyooti R.A states in his kitab tadreeb-ur rawee:

After reviewing all these sources we come to the conclusion that the narrating, testimony or claim of an impossible circumstance will not be accepted and refuted.

The following is one example.....

Sighting of the moon.

Just as Islam has taken into consideration convenience and simplicity in all aspects, likewise the nature has also been taken into account. Therefore the sighting of the moon in light of the nabawi teachings and taking into consideration convenience and simplicity should only be dependant on the shahadah (eye witness). There is no difference of opinion regarding this, however due to shariah also taking nature into regard the testimony will only be accepted when the sighting is actually possible.

Page: 9

The majority of fiqh kitabs in the chapter of sighting the moon have stated: If the sky is clear i.e. (no clouds, fog etc) and only one or two persons give witness to the sighting, then in such a case their testimony will be rejected, regardless of them being most trustworthy and pious. How can this be possible that with clear skies only one or two could site the moon? This down to the witness account being contrary to reasoning, in such a situation a large group of people should have sighted the moon instead of the one or two that did. When the sky is clear more people even from adjoining areas should be able to site the moon instead of the odd one or two, there is no reason for others to not be able to site it. This is proof to the fact that there was no moon present, thus their account will be cast doubtful and rejected by the judge.....

Page: 10

The fuqaha have mentioned another masla linked to this subject: A person before Ramadhan sighted the moon, the judge accepting his testimony passed judgment for the commencement of the holy month. However on the 30th Ramadhan , even though the sky is clear, the moon was not seen it will compulsory to keep 31 fasts. The person who gave the testimony on which Ramadhan started should be punished for giving a false testimony.

In Ilm ul Fiqh Allamah Abdus Shakur Sahib writes:

If the fasts were observed on the account of only one person, and no moon was to be seen on the 30th with the sky being unclear then the ruling for Eid will be given. However if the sky is clear, then breaking of the fast will not be permissible on the 31st and the witness will be punished accordingly for giving a false account. (Ilm ul Fiqh) In this instance the witness gave his account, and the judge also accepted his account. However on the 30th due to the moon not being sighted, not only did he pass judgement for rejecting and falsifying his account but also for punishing the witness. One of the reasons being, that his account was proven to be contrary to reasoning.

Sometimes it occurs to a person as if he has seen the moon and on this basis he gives account of his sighting. In his own mind he thinks of himself as correct, however in reality there was no moon but the effect of something which made him think as if that was the moon. This is nothing new, there are many such examples, not only in our pious predecessors but also the Sahaba R.A.

Page: 11

One such incident occurred in the time of Hazrat Umar R.A; a person claimed to have sighted the moon, Hazrat Umar R.A ordered him to wash his face and then asked him where the moon is? He replied I can't see it anymore. At this Hazrat Umar R.A remarked, on your eyebrows was a hair which was dangling in front of your eyes in the shape & form of a crescent moon, you mistook it as it being the moon.

Allamah Bukhait Misri R.A has also written a similar story in his kitab(Irshadu ahlil milah ilaa ithbaatil ahilah). Hazrat Anas R.A was with the sahaba looking out for the moon. In this group was also Hazrat Iyas bin Muawiya. After a while Hazrat Anas R.A claimed to have seen the moon, no one else in the group seemed to have. Hazrat Iyas R.A through his acuteness and intelligence realised the fact of the matter. He saw a white hair hanging from the eyebrow of Hazrat Anas R.A and removed the hair. Then again he asked, can you still see the moon? Hazrat Anas replied in the negative.

From this we come to the conclusion, that sometimes other things do play a part and have an effect in the sighting of the moon. Therefore it's very important for the judge and moon sighting committee to keep these things in perspective, and to keep in mind what type of people the witnesses are and in what situation they are giving their account.

Passages of the fuqaha concerning the sighting of the moon.

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Page: 14

From these passages the point is clear, we should contemplate the authenticity of the reports given or received. If the masla is viewed from this perspective, then sightings of the moon will not only be dependant on a testimony, however the context of it not contradicting sound reasoning and nature will also be taken into account. This fact is an accepted reality in shariah. The narration or testimony of an impossible event by a trustworthy person is completely unacceptable. In fact this will be evidence to refute such a testimony.

One thing to keep in mind is that we are followers of the Hanafi maslak, therefore it is incumbent upon us to follow our principles unless a situation arises wherein not following another maslak will result in relevant inconvenience. Only in such an instance is it permissible to follow another maslak, that also with stringent guidelines.

We will now look into the masla which is currently being discussed, if it contains the relevant inconveniences. After thorough research and scrutinizing the matter, we come to the conclusion that no such difficulties and inconveniences exist, After taking all these things into account and the fact that we can act on our Madhab with relevant ease how can we act upon another maslak regarding this matter

Page: 15

In non Islamic countries.

It is compulsory upon Muslims from such a country to appoint a responsible person in relation to their deeni matters. Therefore all the Muslims or the majority should appoint a pious scholar or committee comprising of ulama as representatives in all their deeni matters or at least in the moon sighting issue. Their decision will also be considered all-encompassing
..... (Fathul Qadeer. Dure Mukhtaar, Bahrur raaiq.)

NOTE: The ruling of the moon sighting is not in all ways influenced by the decision of the judge or responsible person as understood by the following passage.....
.....(Rud ul Mukhtaar)

This down to the judge not being able to make a decision without a claim, testimony and witnesses according to nisab, as clearly proven in kitabul qadha chapter adab-ul qadhee.

Page: 16

In the relevant masla here, nothing occurred except that a trustworthy person gave his news and it became incumbent on the judge to pass a ruling, looking at the piety of the witness. This is clear proof that the sighting is not in all ways influenced by the judge. In connection to the sighting for Eid, due to the factor of huqooq-ul ibad coming into play, the da'wa and bayyina are not regarded as a condition, however as a precaution the testimony of two trustworthy persons is deemed compulsory. As understood from the final part of the aforementioned passage. (Fataawaa Nizaamiyah)

If the moon sighting committee is established and a difference of opinion occurs between the members and no agreement is reached on the decision of the ameer, then the majority vote will be a deciding factor. (Fataawaa Nizaamiyah)

The need has now occurred for a solution to be found which complies with the teachings of shariah and at the same time doesn't defy logic and obvious reasoning also something which is convenient and in accord with the Hanafi School of fiqh. An easy solution to this is to conduct the moon sighting following the 8 basic principles which are mentioned below.

How to establish the sighting?

There are five ways to establish moon sighting if anyone of these methods is found to be there with the relevant conditions an announcement can be made:

Page: 17

1. Sighting of the moon
2. Testimony
3. Writing of a qazi to another (kitab-ul qaza ilal qazi)
4. Istifadah (over whelming sources of information that can't be wrong)
5. Radio, telephone, TV, letters, fax or any other means of communication.

Method of establishing the Crescent moon

1. An agreement is reached upon a fixed date for the commencement of the month, which isn't contrary to shariah, logic and obvious reasoning.
2. Every region should appoint such people who observe the moon with punctuality. The responsible people should have a certain know how regarding the location of the moon, this due to the position of the moon differing with the season.
3. According to the agreed upon date in point no.1 if the sighting is proved in Britain on the 29th with all its relevant conditions, then an announcement should be made accordingly.

Page: 18

4. If sighting was not possible to sight the crescent moon locally on the 29th, then those countries from where information is received, shouldn't be ahead of us in terms of the month and nor should we be influenced incorrectly by their information. News of the sighting should be collected from such a country whose dates coincide with ours i.e. in both countries the date is 29 also to keep in mind, there decision is not contrary to the Hanafi maslak and the members of the committee are satisfied with the information.
5. A mutual agreement should be made with those countries where information is collected from (according to point no.4). They should also have their own system of sighting and aren't reliant on others i.e. they don't make their decision after receiving confirmation from another country.
6. Information received or collected via telephone in regard to the commencement of months excluding Ramadhan has the same sharee ruling as correspondence via letter. When we are convinced that this is the very same person with whom contact was established and he isn't imitating the voice of another. He is pious and the person making the call knows him well, and can be verified through other sources then an announcement can be made after full satisfaction.
7. The general public shouldn't make a decision based on information received from another country; however they are advised to inform the moon sighting committee along with the source of the information. Thereafter act upon the decision of the moon sighting committee.

Page: 19

8. The testimony of a witness deemed unacceptable through external evidence can be rejected. Similarly the testimony of a fasiq (transgressor) can be accepted if validated by a external evidence
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NOTE: A time should be fixed for making a decision based on information received from a foreign country. If no news is received on the fixed time, then 30 days should be completed, thereafter an announcement for Eid should be made. However if a testimony or information is received through a reliable source local or National (not international) then it will become compulsory to make a decision according to that.

Page: 20

The fixed time for receiving news from a foreign country during the lengthier days will be up until 2 hours after Maghrib in the corresponding country or reliant upon the opinion of the committee.

Conforming the moon sighting according to the hanafi principles.

In relevance to the moon for Ramadhan when the sky is clear, the decision will be made according to the following principles:

1. If the sky is clear then a large contingent of people should sight the moon. i.e. such a large number, that the judge or committee are satisfied with the number of people relaying their account of sighting.....
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Page: 21

2. The sky is clear and no sighting is made locally, however a reliable person (male or female) from a higher altitude or another locality gives a satisfactory testimony.
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3. The sky is clear and an overwhelming number of people from another locality give testimony, which leaves no choice but approval for the sighting.

Page: 22

If the sky isn't clear then the decision for Ramadhan will be made according to the following principles.

1. A trustworthy adult (balig) male or female gives an account of the sighting, this will suffice. The saying of the

word shahadah(I bear witness) is not compulsory.

2. Or a minimum of two trustworthy male persons or one male and two females bear witness in regard to their locality, that the moon sighting committee, judge or mufti has made a final decision determining the sighting in their locality.

3. A trustworthy person bears witness, that so and so person who is also worthy of being trusted has sighted the moon, and is unable to attend. He has given an account in my presence and has made me his substitute, so that I may relay his testimony.

Page: 23

4. Information in relation to the decision of the moon sighting committee is received via telephone or mobile, the voice of the informant is recognised and confirmed, or the accuracy of the information is known through other sources or means.

5. Information regarding the sighting is received through radio, fax or internet. This will only be deemed acceptable when actually confirmed by the sadr of the committee or a reliable person of that particular locality.

6. Many radio stations relay news of the sighting in various places and the moon sighting committee is satisfied with the information.

7. An abundance of telephone calls, faxes and letters are received from a particular or various locations, reaching the status of istifadha one becomes convinced of the moon being sighted.

8. The moon sighting committee sent a reliable person to a certain place, to inspect their judgment. He returns and gives a decision in favour of the sighting.

Page: 24

9. A letter from the sadr of a moon sighting committee or his associates, mufti, judge, whoever made the decision is received by the local committee or sadr and he is convinced of the sighting.

10. If the sadr of a moon sighting committee or mufti, judge makes a decision in accordance with sharee principles, and news of this reaches the moon sighting committee of another region, or the committee itself spread the news in a cautious manner, then the greater probability for the sighting will suffice. The announcement can be made when they are convinced and it dose not have to reach the status of istifadha.

Page: 25

The decision for the moon of Shawwal and Zil-hijja will be made according to the following principles.

1. If the sky is clear then a large contingent of people should sight the moon. A sighting on such a mass scale that cannot be refuted.

2. Or so many people from another locality mention their sighting of the moon, which leads to the undeniable fact

of the moon having been sighted.

The decision for the moon of Shawwal and Zil-hijjah will be made according to the following principles if the sky isn't clear.

1. Such a large no. of people from another locality gives their account of the sighting which leaves no room for denial reaching the status of istifadha.
2. Or a minimum of two trustworthy adult males or one male and two females give their testimony using the word shahadah.

Page: 26

3. Two trustworthy males or one male and two females from another locality bear witness to the fact that the moon sighting committee, judge or mufti in their locality has made a decision through standard procedure by taking a testimony.
4. Two Muslim men or one man and two females from another locality give testimony of their sighting in the presence of two men or one male and two females and send them as witnesses for their sighting. These people who were made witnesses come and testify, in such a case, if the people who sighted the moon relayed their account individually in front of the witnesses. Then such a scenario would be deemed acceptable.

Page: 27

5. The sadr of the moon sighting committee or his associate gives a written verification after making his decision. In such a case a final decision can be made in favour of the sighting as long as two witnesses testify to the fact that this is the sadars writing. The people sent with the writing can also be made witnesses.
6. A trustworthy person testifies and two other witnesses bear testimony to the sighting of another person, then this will also be sufficient.
7. The moon sighting committee sent a reliable person to a certain place, to inspect their judgment. He returns and gives a decision in favour of the sighting.

Page: 28

8. The same sharee ruling applies for information received or taken via telephone as for a letter. Therefore if a well known, trustworthy Muslim gives information in relevance to the sighting of the moon in his locality via mobile, webcam, internet etc. then this will not be accepted unless it is made sure that this is the very same person with whom the link was established and he's not imitating the voice of another. And also that he is deeni minded, and the information is confirmed through other sources and when fully satisfied and the news reaches the status of istifadha. Then only can the announcement be made to confirm the sighting.
9. Various radio stations spread the news of sighting in their respective localities and the moon sighting committee is convinced with the information.
10. An overwhelming no. of telephone calls, faxes and letters are received from a certain location or locations which leads to the undeniable fact of the moon being sighted.

Page: 29

11. If the sadr of a moon sighting committee or mufti, judge makes a decision in accordance with sharee principles, and news of this reaches the moon sighting committee of another region from him personally or through another responsible person in a cautious manner by phone, then this will not be accepted unless it is made sure that this is the very same person with whom the link was established and he's not imitating the voice of another. And also that he is deeni minded, and the information is confirmed through other sources and when fully satisfied. Then only can the announcement be made to confirm the sighting.

12. The nine months excluding Ramadhan, Shawwal and Zil hijjah have the same conditions as the months of Shawwal and Zil hijjah.

The conditions for members of the moon sighting committee and their responsibilities.

1. The committee should consist of a minimum 11 members.
2. Ideally all the committee members should be ulama, if this isn't possible for some reason then a minimum of three scholars should be present and the remaining members should all be understanding, deeni-conscious and aware of masail in general.
3. Announcement for the sighting should be made using certain words and the reason for the decision should also be cited.

Page: 30

4. There should be committees in all areas consisting of members who are deeni-conscious and trustworthy.
5. These committees will collect information on local sightings.
6. The committee meetings should be formed in a professional manner. The sadr himself will be the ameer, if not then the committee will appoint someone as the ameer for that gathering. His word will be final and all announcements will be made through his approval.
7. A minimum of Seven members should be present in the meeting for the following 3 months: Ramadhan, Shawwal and Zil-hijjah.
8. It is advisable for a minimum of five members to be present in meetings concerning all the months, excluding the above mentioned three.
9. The non-ulama members have the right to give mashwera, however the final decision will be made by the ulama.
10. If members of the committee decrease due to some reason, then the right for appointing new members will be in the hands of responsible local ulama.
11. If the present moon sighting committee no longer exists, then a meeting should be arranged for all the local ulama, and the responsibility transferred to other ulama.
12. If the need arises for amendments to be made in regards to the principles for sighting, then slight changes can be made staying within the framework of shariah by the moon sighting committee.

Page: 31

13. If due to some sharee or logical reason the need arises to take information from a country other than the ones agreed upon, then it is possible for the committee to revert to another country on condition that that the eight principals are adhered to.

Words to be used for announcement of the sighting.

1. Two trustworthy persons gave testimony of their sighting in front of the moon sighting committee, which has been approved; therefore me as the sadr or associate of the committee after establishment of the sighting through sharee principles announce the commencement of Ramadhan from tomorrow morning or tomorrow will be the day of Eid.
2. The moon sighting committee for the following region, whose members are all deeni-conscious or the mufti, scholar of so and so locality after receiving a sharee testimony has given approval for the sighting.
3. A phone call was received by the committee from the chairman-associate of the moon sighting committee for the following region. The information has been authenticated through various means and the news reached the stage of istifadha. Therefore me as the sadr or associate of the committee after establishment of the sighting through sharee principles announce the commencement of Ramadhan from tomorrow morning or tomorrow will be the day of Eid.
4. The moon sighting committee received a certain no. of phone calls from various places from so and so persons, these have been authenticated by the committee. Therefore me as the sadr or associate of the committee after establishment of the sighting through sharee principles announce the commencement of Ramadhan from tomorrow morning or tomorrow will be the day of Eid.

Page: 32

The decision in such a locality wherein no moon sighting committee exists will be as follows.

1. If the sky is clear then one, two telephone calls will not suffice, regardless of the committee members being most trustworthy and reliable. However an overwhelming no. of phone calls will be required from all over the country, which will lead to the undeniable fact of the information being authentic, using specific words
2. For the sighting of Ramadhan, if the sky isn't clear then one phone call will be deemed sufficient.
3. For the sighting of Eid or Shawwal when the sky is clear, an overwhelming no. of phone calls which will lead to the undeniable fact of the information being authentic (using the precise words) is required.
4. At least two phone calls with the specific words that come from different places and one could be sure of them being truthful. Similarly when there is an organised share base for moon sighting but phone call is coming from a place from a person who cannot get to committee then again if the news is given with specific words and meet the conditions it can be valid.

The precise words for incoming information (those regions where no moon sighting committee exists)

1. So and so two trustworthy persons gave their account in the presence of the moon sighting committee. Their testimony has been authenticated by the committee. Therefore me as the sadr or associate of the moon sighting

committee after establishment of the moon sighting through shar'ee principles announce the commencement of Ramadhan from tomorrow morning or tomorrow will be the day of Eid.

2. The moon sighting committee for the following region, whose members are all deeni-conscious or so and so scholar or mufti has given approval for the sighting through shar'ee principles.

3. A phone call was received by the committee from the sadr or associate of the moon sighting committee for the following region. The information has been authenticated through various means and this news has reached the status of istifadha. Therefore me as the sadr or associate of the moon sighting committee after establishment of the moon sighting through shar'ee principles announce the commencement of Ramadhan from tomorrow morning or tomorrow will be the day of Eid.

4. The moon sighting committee received a certain no. of phone calls from various places; these have been authenticated by the committee. Therefore me as the sadr or associate of the moon sighting committee after establishment of the moon sighting through shar'ee principles announce the commencement of Ramadhan from tomorrow morning or tomorrow will be the day of Eid.

Conditions for establishing the sighting according to the Three imams.(Malik Shafiee & Ahmed R.A)

The discussion which took place until now was in light of the Hanafi maslak, now we will elaborate a little on the maslak of the Three imams. There is no significant difference in their maslak between the sky being clear or not.

Imam Malik- Three ways to establish the sighting

1. Such a large no. of people sight the moon for Ramadhan which makes it impossible to envisage them all as liars. In addition there is no condition for the witnesses to be male, free I.e. not slaves and trustworthy.

2. For the months of Ramadhan and shawwal(no difference between the sky being clear or not) a minimum of two people are required. In addition being adults, male and free are all conditions.

3. For the months of Ramadhan and Shawwal, in those regions where observation is made on a regular basis, the testimony of two people is required. That region where there is no such system requires the testimony of only one person.

Imam Shafiee:

The testimony of one free Muslim male will suffice for the moon of Ramadhan, and in one narration the testimony of a woman or slave will also be acceptable and the criteria for Eid is two trustworthy, free persons.

Imam Ahmed:

The sighting for Ramadhan requires the testimony of two free males or even two women or two slaves, and the criteria for Eid is two trustworthy free persons.