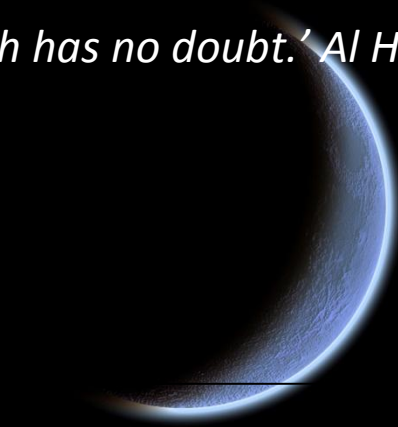


'Leave that which is doubtful for that which has no doubt.' Al Hadith



Moonsighting

The Wifaq ul Ulama Way: The Cautious Way

**A detailed explanation
of why the Wifaq UI
Ulama has chosen not
to follow the Saudi Hilal
Authorities of Riyadh**

**Compiled by the Scholars of
Wifaq UI Ulama UK**

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Introduction

We wrote a very detailed *Istiftaa* (question) in Urdu to send to leading Darul Iftas in the Indian Sub-Continent. Upon completion of the question, we concluded that the information within it was such that it would be of great benefit to the public at large if it was translated into English and Gujrati, and published. Upon this realisation we, with the Towfeeq of Almighty Allah, undertook and commenced this work. Alhamdulillah within days the English translation was complete, and we were ready to send it off to be translated into Gujrati.

As the reader will see from the contents page, we have very clearly explained in detail why we took the very difficult step of moving away from the Saudi Hilal decisions. We would like to reiterate that if in the future the Hilal authorities in Riyadh Saudi Arabia were to adopt the cautious and strict method we follow, we would have no objections to listing them in the names of countries that we can follow.

We remind the Muslims that loyalty must be to the commands of Allah and the teachings of his beloved Nabi ﷺ. It is very unfortunate that today this loyalty has been put to one side and we have split ourselves up into groups, *halqas* and factions. We have reserved our primary loyalty to the groups, *halqas* and factions we belong to, and for some strange reason we have forgotten our main obligation, which is loyalty to the commands of Allah and to the teachings of his beloved Nabi ﷺ.

Unfortunately even the Ulama have taken this route, despite having factual information before them. When confronted with this issue they tend to say, "I am *Majboor* (helpless). I cannot say anything on this issue until so and so Sheikh says or does something." It is extremely worrying when leading Ulama make such statements, if they refuse to adopt the truth and propagate the truth, then who will guide the masses?

In other aspects of our Holy Shariah, all the Ulama tend to preach to the masses to follow the cautious way. Why is the issue of Hilal treated differently? We have come to know that many Ulama tell their followers to celebrate Eid with Saudi and then keep one Qadha fast after Eid to make up for the (possible) missed 30th fast of Ramadhan. This would mean that these Ulama are admitting that Eid was celebrated on the 30th day of Ramadhan. How can this ever be right and correct?

This 'fear of creation' factor needs to be replaced by the fear of Allah. All these wisdom, *hikmah*, and unity excuses need to be discarded, and the cautious method must be adopted so that our Ramadhan commences and ends on the correct day and our Eidain are celebrated on correct dates.

Unity is definitely important especially in these difficult times, but we must remind the Muslims that it is unity based on truth that our Holy Shariah demands, not unity based on falsehood.

This small but concise treatise puts forward a very conclusive case for following what is correct, and also puts forward a solution that has been tested over the past four years. Those who want to follow the cautious way and want to make sure that their Ibaadaat are performed at correct times can now adopt our method. There are no monthly fees; calendars and upto date Hilal information will be sent out to subscribers free of charge.

We pray to Allah Almighty that He accepts our efforts and the efforts of all those who helped to present this Treatise before you. Please make dua for us and the ummah as a whole that Allah may grant us the Towfeeq and the will to put our emotions to one side and accept what is right and correct. May Allah help us all and give us a true understanding of Deen and Shariah. May He grant us all the Towfeeq to dedicate ourselves and our loyalties to Him and His beloved Nabiﷺ.

The Khuddam of Wifaq Ul Ulama

(21st June 2010, 8th of Rajab 1431AH)

Who are the Wifaq UI Ulama?

Wifaq UI Ulama is an organisation which was founded in 2006 by a group of dedicated scholars/Ulama. Prior to 2006, many Ulama were working individually to raise awareness among the masses about the problems related to the moonsighting declarations of the hilal authorities in Saudi Arabia. In 2006, some of these Ulama, sensing that a group effort was needed to convey this message in a more organised manner, decided to come together and form the 'Wifaq UI Ulama'.

The founders of this group include leading Ulama who have resided in the UK for many years and have been dedicated servants of our beloved Deen. This includes the likes of Hadhrat Moulana Muhammad Hasan Saheb DB from Walsall, who is the Khalifah of the late Ameer ul Hind Hadhrat Moulana Asad Madani Saheb R.A., Hadhrat Sheikh UI Hadith Moulana Muhammad Ayyub Saheb Qari Bande Ilahi DB, Hadhrat Moulana Abdul Awwal Saheb, Hadhrat Moulana Sameeruddin Saheb, Hadhrat Moulana Iqbal Rangooni Saheb, Hadhrat Moulana Ahmad Sarkar Saheb, Hadhrat Moulana Munnawar Surti Saheb, Imam of Balham Masjid, Hadhrat Moulana Ismail Limbada Saheb, Hadhrat Moulana Mufti Muhammad Ashfaq Saheb, Hadhrat Moulana Mufti Muhammad Yusuf Danka Saheb, Hadhrat Moulana Mufti Sajid Patel Saheb, Hadhrat Moulana Mufti Saleem Saheb, Hadhrat Moulana Mufti Zakaria Akudi Saheb, Hadhrat Moulana Muhammad Shoyaib Nurgat Saheb, Sheikh Sulaiman Gani Saheb, the Imam of Tooting Masjid, and finally, Imam Qassim Saheb of the Al Khair foundation based in Croydon.

Today we have over one hundred Ulama members in the group. The Ameer of Wifaq UI Ulama is Hadhrat Moulana Muhammad Hasan Saheb DB from Walsall.

Although our principle aim is 'to rectify the wrong' on the issue of Moonsighting, in the words of the late Ameer of Tabligh, Hadhratjee Hadhrat Moulana Enamul Hasan Saheb, Alhamdulillah many of our members are working tirelessly in many different fields. Some are authors of many Islamic books, some are teachers of Ahadith Nabawi, some work within the media, and others are working as Imams and advisors within their communities. On the whole, our members are working in different fields for the wellbeing of the Ummah and our beloved Deen. May Allah accept their efforts and accept us for further service to our great Deen. Aameen.

Alhamdulillah, within a short period of time we have been successful to a great extent in our mission of raising awareness on the issue of Hilal. The importance of celebrating Ramadhan and Eidain on the correct dates with the news of reliable and verified moon sighting news has now been instilled amongst the Muslims of the UK. The forgotten Sunnah that encourages us to make the effort to sight the moon every month locally has also been revived in many cities and towns throughout the UK. Yet we understand that a lot of work remains to be done, and our Ulama need to become more involved in the issues facing the Muslim Ummah daily.

May Allah grant us sincerity, give us the zeal to face all the challenges facing the Muslim Ummah today and accept us for the service of our beloved Deen of Islam. Aameen

The Jamme Ghafeer Rule

The Jamme Ghafeer rule as explained by the leading jurists of this Ummah¹ is considered an important principle by the Wifaqul Ulama. If the hilal is sighted in clear conditions, meaning the skies are clear and there are no obstructions such as clouds, mist or pollution, then a testimony of a large group of Muslims will be needed to accept a claim of a sighting. This rule will remain in force if the hilal is sighted here in the UK or any other country. This principle appears in most of the books of Hanafi jurisprudence. Below are some of the writings of the Fuqaha (jurists):

وقيل بلا علة جمع عظيم يقع العلم الشرعي وهو غلبة الظن (بخبرهم وهو مفوض إلى رأى الإمام من غير تقدير بعدد) على المذهب. (درمختار كتاب الصوم- جلد 3 ص 410/ مختصر القدورى مع الشرح ص 224، لعلامه احمدالقدورى ه وإذا لم تكن بالسماء علة لم تقبل الشهادة حتى يراه جمع كثير يقع العلم بخبرهم.. لأن التفرد بالرؤية في مثل هذه الحالة يوهم الغلط فيجب التوقف فيه حتى يكون جمعا كثيرا. (هدايه- جلد 1 ص 125، لعلامه على بن أبى بكر المرغيناني هجرى 592/ نورالإيضاح ص 167، لعلامه حسن بن عمار شرنبلالى هجرى 1069/ مراقى الفلاح ص 236)

وإذا لم تكن بالسماء علة لم تقبل الشهادة حتى يراه جمع كثير يقع العلم بخبرهم لأن التفرد بالرؤية في مثل هذه الحالة يوهم الغلط فيجب التوقف فيه حتى يكون جمعا كثيرا.... ثم قيل في حد الكثير أهل الملة وعن أبى يوسف رحمه الله خمسون رجلا اعتبارا بالقسامة ولا فرق بين أهل المصر ومن ورد من خارج المصر. (فتح القدير جلد 2 ص 328، لعلامه ابن همام حنفى 861 هجرى)

شريعت مقدسه ميں چاند كى رؤيت كيلئے قانون يہ ہے کہ اگر (29) انتيس كى رات كو مطلع بالكل صاف هو تو پھر جم غفير كى رؤيت روزہ اور عيد كيلئے ضرورى ہے. جم غفير كى تعداد كے بارے ميں مختلف اقوال ذخيره فقه ميں درج ہیں بعض سے پچاس اور بعض سے پانچ سو وغيره مروى ہیں البتہ امام علامہ ابن عابدين شامى رحمه الله نے تعداد سے قطع نظر كر كے قاضى كے مطمئن ہونے كو ترجيح دى ہے ليكن قاضى كا اطمينان بهى دو شرائط كے ساتھ مشروط ہے (1) امكان رؤيت (2) كثر شهود.. اسلئے صاف مطلع كے دوران تين ياچار آدميوں كى گواہى نا قابل قبول ہے۔ كذا في ردالمختار جلد 2 ص 101 (فتاوى حقانيہ جلد 4 ص 137)

سو پچاس نہ سہی کم از کم پچیس تیس آدمی تو ہوں جو چاند دیکھیں۔ حکیم الامت حضرت تھانوی قدس سرہ لکھتے ہیں۔ اگر مطلع صاف ہو تو دو چار آدمیوں کے کہنے اور گواہی دینے سے بھی چاند ثابت نہ ہوگا چاہے رمضان ہو چاہے عيد البتہ اگر اتنی کثرت سے لوگ اپنا چاند دیکھنا بیان کریں کہ دل گواہی دینے لگے کہ یہ سب کے سب بات بنا کر نہیں آئے ہیں اتنے لوگوں کا جھوٹا ہونا کسی طرح نہیں ہو سکتا تب چاند ثابت ہوگا۔ (بہشتی زیور حصہ 3 ص 6/ علم الفقہ جلد 3 ص 425)

شيخ الحديث شيخ محمد زكريا قدس سره حنبلى فقه كى معروف كتاب المغنى (جلد 3 ص 157) سے نقل کرتے ہیں۔ وقال أبوحنيفة رحمه الله في الغيم كقولنا وفي الصحو لا يقبل الا الا استقاضة لأنه لا يجوز أن تنظر الجماعة إلى المطلع وأبصارهم صحيحة والموانع مرتفعة فيراه واحد دون الباقيين. (اوجز المسالك جلد 5 ص 21)

The conclusion of all these quotes/writings is that when there are no obstructions in the skies then the testimony of a large group of Muslims will be needed to accept a claim of a sighting, so that no doubts remain in the sighting. This rule is the same, whether one is in a city or a village or out of the city or village.

How will the size of this group be determined? There are many opinions, some say fifty, and some say five hundred; Allamah Shaami RA has stated that this will be dependent upon the discretion of the Qadhi (judge), but there are two conditions attached to that: 1) possibility of sighting 2) a large number of witnesses.

Hadhrt E Aqdas Moulana Ashraf Ali Thanvi RA writes: "If the skies are clear then the testimony of two or four people will not be sufficient, whether it is for Ramadhan or whether it is for Eid. On the other hand, if

¹ These jurists include Imam e Aazam Abu Hanifa RA, Allamah Shaami RA and Allamah Ibn Humaam RA.

so many people came forward with testimonies, that it becomes clear that they are not lying, nor can such a large group lie, then the testimonies will be accepted and the new month will commence".²

However, there is an exception when one claims a sighting in the desert or at a high place. The testimony of one person could be accepted, as very few people reside there or go there.

There are people who have misunderstood 'الصحاري' as a township or a rural village but this is incorrect as the interpretation of 'الصحاري' is desert or wilderness (*bayaabaan* in Urdu), where people do not normally reside. Therefore, if a person came from a desert or desert type land where people do not reside, or he was the only person on a very high place in the city, his testimony could be accepted. Allamah Ibn Abideen Shaami writes in his *Rasaail*³:

ثم نقل في البحر نقولا تدل على أن ظاهر الرواية هو اشتراط العدد لا الجمع العظيم قال والعدد يصدق على اثنين فكان مرجحا لرواية الحسن التي اخترناها انتهى (ثم نقل هذا إذا كان الذي شهد بذلك في المصر أما إذا جاء من مكان اخر خارج المصر فإنه تقبل شهادته أي الواحد إذا كان عدلا ثقة لأنه يتيقن في الرؤية في الصحاري ما لا يتيقن في الأمصار لما فيها من كثرة الغبار وكذا إذا كان في المصر في موضع مرتفع. (رسائل ابن عابدين جلد 1 ص 235

It becomes very clear from what Allamah Shaami RA writes that the word صحاري is a قيد احترازی (condition of caution), hence the meaning of 'outside the city' is a desert not a rural village. The gist of what he writes is that the testimony of a person who comes from the desert, where no one else resides, will be accepted. This is because sighting the hilal in the desert is easier than in the city or a village, because of clear atmospheric conditions. Furthermore, in a city or a village, it would be necessary to question whether other people had seen it or not whereas this issue would not arise in the desert, as there are no inhabitants there. However, differentiating between the city and the village is incorrect, illogical and no evidence could be found to support this.

'Ruyat e Aamah' (sighting by a large group) is encouraged in the Sahih Hadith:

Ibn Umar RA relates from Nabi ﷺ that there are twenty-nine nights in a month, do not not fast until you see it (the Hilal), if it is hidden from you then complete thirty days.⁴

The word in the Hadith *فلا تصوموا, تروا* is a plural which can mean that when a lot of people sight it (the hilal), then fasting should begin. The practice of our Pious Aslaf clearly indicate that they insisted upon the 'Ruyat e Aamah' i.e. a large group as could be understood by this Athar (اثر)⁵:

- قلت لعطاء: أ رأيت لو أن رجلا رأى هلال رمضان قبل الناس بليلة أ يصوم قبلهم أو يفطر قبلهم؟ قال لا، الا ان يراه الناس، أخشى أن يكون شبه عليه. (مصنف عبدالرزاق، باب كم يجوز من الشهود على رؤية الهلال ج 4 ص 130)

'Ataa was asked that if a person was to see the Hilal of Ramadhan a night before the others could see it, should he fast before them, or should he celebrate Eid before them?

He replied 'No, not until the people (الناس) see it. I fear that he is mistaken'.⁶

From this Athar (اثر) we become aware that a sighting by a single person could be doubtful, hence other people should also sight the hilal. We also become aware through the Hadith of Ibn Umar RA and the Athar that there is no difference between sighting the Hilal in the city and sighting it in the village. It is

² Bahishti Zewar Part 3 Page 6/ Ilm ul fiqh Volume 3 Page 425

³ Volume 1 Page 235

⁴ Sahih Bukhari Page 306 / Sahih Muslim Page 347

⁵ Athar: That statement or act which is attributed to the Sahaba.

⁶ Musannaf Abdur Razzaq Volume 4 Page 130.

unfortunate that the news coming out of Saudi Arabia does not adhere to this condition of 'Jamme Ghafeer'. The reality is that in Saudi Arabia, 'Ru'yat e Aamah' (sighting by a large group) is never achieved despite millions of Muslims residing there, and visiting there on occasions of Ramadhan and Eidain. Whereas, in the era of Nabi ﷺ in Madinah, 'Ru'yat e Aamah' was common, except on the one occasion when the 'A'araabi' (villager) gave testimony. (Remember that this was the era of our Nabi ﷺ and the pious Sahabah, the witness was a Sahabi and the Qadhi was Nabi ﷺ himself. This was an era when lying was unheard of. Today, lying and dishonesty have become very common, determining the month of Ramadhan and the day of Eid has degenerated into gambling. Therefore, there is a great case/need for Ru'yat e Aamah to remove any doubts about the testimonies we receive.)

Hadhrat Mufti Abdur Raheem Lajpuri RA writes: If the skies are clear the testimony of the two or four will not be enough. A testimony of such a large group is essential to the extent that the Qadhi, Aalim or Mufti is fully confident and satisfied that the hilal has been sighted, and no doubts remain.⁷

'If the skies are clear, a large group is essential for determining Ramadhan and Shawwal.'⁸

'Imam Abu Hanifa RA states that a large group is essential when the skies are clear.'⁹

The Shariah Ruling as regards to the Moon of the two Eids according to Mufti e Aazam of Pakistan, Mufti Muhammad Shafi Saheb RA and the Akaabir Ulama of the time was: "If the Moon was not sighted by a large group, only two or four people observed it, and this was when the horizon was clear, there were no clouds or smog, then the sighting testimony of these two or four people will not be acceptable. Until a large group does not give testimony in this condition, the claim of sighting will not be acceptable. The testimony of the two or four will be seen as a mistake or a false testimony." This ruling was signed by: Hadhrat Mufti Muhammad Shafi Saheb RA, Hadhrat Moulana Zafar Ahmad Uthmani Saheb RA, Hadhrat Moulana Muhammad Yusuf Binnori Saheb RA and Hadhrat Moulana Mufti Rashid Ahmad Saheb Ludhyanwi RA.¹⁰

The conclusion derived from all these references given is that 'Jamme Ghafeer', 'Ruyat e Aamah' or the sighting by a great number of people is necessary when the skies are clear, and Ramadhan or Eid can only be observed after such a sighting has been made. Unfortunately, Saudi Arabia, despite having clear skies the majority of the time and despite having millions of people attempting to sight the hilal, fails to fulfil this criteria. Only a few people, who are renowned as claimants year in and year out, seem to sight the moon. Further, these claims often tend to come at a time when the Hilal is impossible to sight, as it has not been born as yet, or it is in its early stages. This is the reason why the Wifaq ul Ulama has taken the cautious approach; instead of depending upon 'impossible' or 'doubtful' Saudi claims, we verify them through local sighting and by communicating with countries where a cautious approach is taken in the form of actual sighting, and where strict Hanafi principles are practiced. Although Morocco follows the Maliki school of thought, their principles on moonsighting are very similar to those of the Hanafi school of thought.

⁷ Fataawa Rahimiyah Volume 10 Page 169 / Ahsan ul Fataawa Volume 4 Page 417 / Fatawa Mahmoodiyah Volume 3 Page 129

⁸ Maa Laa Budh Minh Page 93

⁹ Al Rowdat un Naddiyah Volume 1 Page 292.

¹⁰ Jawahir ul Fiqh

The Wifaq ul Ulama position on the use of Astronomy

The Wifaq ul Ulama will only commence the new Islamic month after receiving testimonies of actual and reliable sighting with the naked eye (Muhaqqaq Ruyat e Basari), acting upon the Hadith 'Fast after you sight the moon and celebrate Eid after you sight the moon'.¹¹

We will make the effort to sight the hilal locally at the end of the 29th day of each month. Alhamdulillah we have observers located throughout the UK who will make this effort and report to us if the Hilal is sighted. If the Hilal is not sighted locally, then we will take the news of a sighting from another country on the condition that our strict moon sighting criteria is met. If we receive news of actual sighting, and this is in accordance with our strict 'acceptance' criteria, then we will declare twenty nine days for the month. If no sighting news is received, or the news of the sighting is not from reliable sources, then we will complete thirty days.

The Wifaq ul Ulama are of the opinion that for the sighting of the hilal we may use the experts in astronomy only as a guide or 'help'. This opinion has been verified by scholars/Ulama who are experts in the fields of Fiqh and Fatwa. Unfortunately we are living in the time of fitnah and mischief, falsehood and lies are common, which is why, remaining within the limits of Shariah, we should try our utmost to take a very cautious approach. Hadhrat Umar RA narrates that Rasool ﷺ once told us during a lecture:

'The best of the people will be the Sahabah, then the people following them (Tabioon), then the people following them (Tab e Tabioon), then falsehood and lies will spread to the extent that people will swear an oath even if they are not requested to do so, people will give testimonies even when they are not asked to give them...'¹²

The Sahabah RA were all honest and truthful, there was never a question of them lying or misinforming. Today the situation is very different. The Central Moonsighting Committee¹³ in the UK has often advertised the names of those who have claimed to have made a sighting, yet when the cautious Ulama attempt to interview the claimants; they revoke their testimonies or refuse to be interviewed. (It is very unfortunate and regrettable that the CMC never highlight the revocation of testimonies). This is the very reason why a very cautious approach needs to be taken, and all tools and technology available to us should be utilised to eradicate false or mistaken sighting claims.

Let us make it very clear that the Wifaq UI Ulama have NEVER in the past nor will EVER declare the ending or the beginning of the month based on the opinion of the astronomers, we will only use them as guides and 'help'. For example, if at the end of the month there is no possibility of sighting the hilal, and on that day someone claimed a sighting, then that testimony will be accepted only after such a large number of claimants come forward that we become confident that they are not lying, as is the case of a sighting claim when the skies are clear. This is a view endorsed by Mufti Muhammad Taqi Uthmani Saheb DB. (Ameer of the Aalamee Tablighi Jamaat, Hadhratjee Moulana In'aam ul Hasan Saheb RA's instruction to the Dewsbury Tabligh Shura was to reject such an impossible sighting claims).

'The sun and the moon run on their fix courses (exactly) calculated with measured out stages for each (for reckoning).' *Al Rahman Surah 55 Verse 5*

¹¹ Sahih Bukhari / Sahih Muslim

¹² Bukhari-Tirmizi

¹³ The CMC is the joint organisation of Jamiat ul Ulama and Hizb ul Ulama.

'The rising and setting times of the sun and the moon, the increase or decrease in these times or them remaining the same; then through them the changing of the seasons and the harvest– this is all subject to specified reckoning and a well-organised system.'¹⁴

In light of this Qur'aanic verse and others, we can say that the course of the sun and the moon is fixed, and due to great progress in technology and research, the stages of their course can be computed correct to the second. We are all aware that the predictions of the astronomers regarding solar or lunar eclipses are found to be correct and exact to the second, and they are able to make predictions more than one hundred years prior to the eclipse taking place. The times of sunset and sunrise provided to us by the astronomers are accepted without question. We rely on the times provided to us by the observatory to break our fast and we do not even look outside to check if the sun has set, including those among us who reject technology and claim to be 'ummi'. Yes, actual sighting of the hilal at the end of the 29th day of the month is without a doubt a condition for the ending/beginning of the month. What has become apparent and clear is that true testimony, and Ruyat e Aammah (sighting by large group), have never contradicted the guidance and research of the astronomers. The research of the astronomers has only ever clashed with false testimonies, imaginary testimonies or pre-calculated calendars based on the New Moon conjunction or the presence of the moon on the horizon like the present Umm ul Qura calendar. We feel that it is the responsibility of the Ulama to verify and investigate false and imaginary testimonies, as the validity/correctness of our fast and Eidain is dependent upon the correct sighting.

It is of great importance to be aware that there is a clear difference between Astronomy¹⁵ and Astrology¹⁶; we have seen that even those who are learned have failed to understand the clear difference that exists between the two. This is the reason why many people, including some Ulama, make the mistake of declaring the knowledge of Astronomy as 'Kufr' and against Islam. Please be aware that the calculations/predictions of the astrologer has no basis in Islam; their calculations are incorrect, baseless and full of mistakes, hence the reason the jurists (Fuqaha) have rejected them as we can understand from their writings:

لا يجوز تقليد المنجم في حسابه، لا عبرة بقول المنجمين، لا عبرة بقول الموقنين، صرح به علماءنا من عدم الإعتماد علي قول أهل النجوم وغيره

The conclusion of all these writings is: The words of the astrologers hold no credibility in our Holy Shariah.

As far as Astronomy is concerned, there are many verses in the Holy Qur'aan through which this branch of knowledge is recognised. 'الشمس والقمر بحسبان،' The sun and the moon run on their fix courses (exactly) calculated with measured out stages for each (for reckoning).' This verse (Al Rahman Verse 5) is a prime example.

Alhamdulillah many of our Darul Ulooms including Darul Uloom Deoband have books on Astronomy in their curriculum. Our proud history boasts many Astronomers like Al Beiruni, Subki etc. This was a branch of knowledge in which the early Muslims were very much advanced whereas the western Astronomers were very far behind. The Salah times and the times of Iftaar are obtained from the observatory, even those who claim that their times are Mushahadah times have in reality consulted astronomers such as Dr Khalid Shaukat of moonsighting.com for help in calculating their times of Shafaq and Subh Sadiq, as we

¹⁴ Tafseer Sheikh ul Islam Moulana Shabbir Ahmad Uthmani Volume 3 Page 2292

¹⁵ Astronomy is the branch of physics that studies celestial objects (such as stars, planets, comets etc) and the universe as a whole outside the Earth's atmosphere. The positions of the sun and moon are used to measure time.

¹⁶ Astrology is study of the influence that stars and planets have on human lives. The position of the stars and planets at the time of people's birth is believed to affect their relationships and predict their fortunes.

have become aware through our face to face meeting with him. So although groups like Hizb ul Ulama publicly refute astronomy, in reality they are dependent on astronomy irrespective of what they say to the masses. We call this deceit and misinformation, but we will leave it to the reader to decide what he wants to call it. As for the times of sunset, Zawaal and sunrise, everyone blindly follows the astronomers. Through this, we can deduce that this branch of knowledge is not Haraam, forbidden or Kufr, rather it is an important branch of knowledge which is extremely helpful in determining the times of our Ibaadaat.

Now let us proceed to the evidence supporting our belief that Astronomy can be used as a guide and a 'tool':

وقد نقل في التتارخابية مامرمن الأقوال ثم نقل عن تهذيب الشافعية أنه لايجوز تقليد المنجم في حسابيه لافي الصوم ولافي الإفطار وان في جواز العمل بحساب نفسه وجهين انتهى. ومقتضى سكوته عليه انه ارتضاه ولامانع من جواز عمله به لنفسه إذاجزم به لما صرحوا به من جواز التسحر والإفطار بالتحري في ظاهر الرواية وكذا لو أخبره عدل أن الشمس غربت ومال قلبه إلى صدقة له ان يعتمد على قوله ويفطر في ظاهر الرواية كما في التتارخابية أيضا وكذا الأسير في دار الحرب يتحري في دخول الشهر ويصوم وعليه فيمكن التوفيق بين الأقوال الماضية بحمل القول بالعمل به على الجواز لنفسه أو لمن صدقه والقول بعدمه على الوجوب فلا يلزم الأخذ بقوله ولايثبت به الهلال إتفاقا. (رسائل ابن عابدين ص 247، كذافي درمختار كتاب الصوم- جلد 3 ص 408 مطبوعه بيروت)

- 1) The text above is from the Rasaail of Allamah Ibn Abideen Shaami RA. We are including the Arabic text only in this treatise for the benefit of the learned Ulama. I am sure that they will be able to deduce that astronomical calculations are not totally forbidden in the eyes of senior Fuqaha (jurists) like Allamah Ibn Abideen Shaami RA as some people tend to think or suggest.
- 2) Allamah Sayyad Muhammad Aloosi Baghdadi RA writes: 'I have researched many modern astronomical principles; they are not against the Nusoos of the Qur'aan and Sunnah.'¹⁷
- 3) Allamah Taqiuddin Subki RA writes: 'It is necessary for the Qadhi to acquire the knowledge of astronomy in order that he can judge the testimonies of the sighting of Hilal correctly. If he himself is not familiar with this knowledge, then he must remain in contact with an expert in Astronomy, in order that he can judge the testimonies of sighting the moon correctly.'¹⁸
- 4) 'To make sure that local sighting takes place and to take the help of the Astronomers for guidance only, not the final decision is acceptable...'¹⁹
- 5) Hadhrat Mufti Sayed Abdur Raheem Lajpuri RA writes: 'Efforts will be made to sight the moon according to geographical possibilities.' He further writes: 'The method adopted to sight the moon will be in accordance with the Sunnat e Nabawiyah.'²⁰
- 6) Mufti Nizamuddin, Mufti e Aazam and Muhaddith of Darul Uloom Deoband, writes: 'If a man testifies that he has sighted the crescent before the Waqth ul-Iqtiran (New Moon conjunction time), then his testimony must be rejected, as it is against logic and observation. Conjunction occurs before the moon is present in the sky, so the new moon cannot be sighted, and if this testimony was to be accepted then it would be against the Hadith: "The month is..."'²¹
- 7) Allamah Subki R.A.(756 AH) states: '...if the experts in astronomy clearly and unambiguously state that there is no possibility of sighting the crescent then the testimony (of those who claim to have seen it) must be rejected as they have erred or are lying...'²²

¹⁷ Ma'ariful Qur'aan Volume 6 Page 480

¹⁸ Al Ilm ul Manshoor Page 26 / Islami Maah Awr Ruyat e Hilal Shariat Awr Ilm Falakiyaat Kee Roshnee Mai Page 39
This is what Allamah Jowhari Tantawi has written as well.

¹⁹ Fatwa Jamia Islamiya Dabhel countersigned by Mufti Ahmad Khanpuri DB

²⁰ Fataawaa Rahimiyah Volume 9 Page 417

²¹ Mas'alah Ru'yat e Hilal awr Islami Maah Page 199

²² Fataawa As Subki Volume 1 Page 209

- 8) Hadhrat Moulana Yusuf Ludhyaanwi RA writes: ‘The commencement of the lunar months is dependent upon the sighting of the moon. One can take help from the astronomers as to whether there is a possibility of sighting or not’.²³
- 9) Moulana Khalid Saifullah Rahmani writes: ‘one may benefit from Astronomical research to the extent that if on any day, there is no possibility of sighting, then on that day a testimony should only be accepted with great care and research, and so many people must sight the moon that it is not possible to reject their testimonies...’²⁴
- 10) Hadhratjee Moulana Enamul Hassan Saheb RA wrote in a letter addressed to the Dewsbury Tablighi Markaz Shooraa: ‘When claims of moon sighting are made before there is the slightest possibility of sighting, no credit should be given to these claims and this position is in accordance with the actions of Jamhoor/the majority of Ulama.’²⁵
- 11) “As far as this Mas’alah is concerned, if according to astronomical calculations sighting is impossible on a particular day, then is the testimony of a sighting acceptable or not? The vast majority of the earlier jurists are of the opinion that the testimony will be accepted. But some earlier jurists and the majority of present day Ulama do not accept the testimony in this case. [I.e. when according to astronomical calculations sighting is impossible on a particular day]. My own personal opinion is that in order to accept such a testimony, the same condition will apply as is necessary when the skies are clear, meaning a large group must sight it and testify.”²⁶
- 12) Hadhrat Moulana Mufti Muhammad Taqi Uthmaani Saheb writes: ‘Apart from the Saudi Ulama, it is the view of the Ulama of this era, that if a testimony is given when sighting the moon is not logically possible, then that testimony is suspicious. On the basis of suspicion, this testimony cannot be acceptable, and a judgement should not be made based on this suspicious testimony’. In another Fatwa he has countersigned, it states: ‘Our opinion is that not every testimony is conclusive (Qat’ee), there is the possibility of error. Astronomical calculations are conclusive, whereas there could be an error in the deductions made in their testimony. Hence if the testimony is against the opinion of expert astronomers, it should be rejected.’²⁷
- 13) ‘For the month to be declared, actual sighting is necessary, but help can be taken from astronomical calculations and observatories. This ensures that the Hadith is acted upon and the scientific facts are also considered.’ This resolution was passed by the Fiqh Academy based at Jeddah, and documented by Mufti Muhammad Taqi Uthmaani Saheb.²⁸
- 14) A very concise Fatwa of Darul uloom Karachi countersigned by Mufti Muhammad Taqi Saheb DB consists of these words: ‘If a ruler or the Judge (Qadhi) of an Islamic country announces the judgement of the Hilal via the radio station of that country or if it is announced amongst other news, then it will be accepted on the condition that there is the possibility of sighting in that country...’²⁹

²³ Aap ke Masaail Awr un ka hal Volume 3 Page 261

²⁴ Jadeed Fiqhi Masaail Volume 2 Page 26

²⁵ Hadhratjee Moulana Enamul Hassan Saheb, Banglawali Masjid, 15th Sha’baan 1407AH

²⁶ Mufti Taqi Saheb himself dated 18/08/1427 AH

²⁷ Mas’alah Ruyat e hilal Haqaiq awr Galat Fahmiyah (Al Haaj Abdul Kareem bin Moosa) Page 26

²⁸ Sharee Faislay Page 95

²⁹ Fatwa Darul Uloom Karachi 1419 AH

15) A group of Islamic scholars/jurists and Muslim astronomers and scientists held side meetings at the 2nd Emirates/ICOP Astronomical Conference held between 15 and 17 Jumada II, 1431 H, i.e. May 30 to June 1, 2010, to discuss a number of important issues in the field of Islamic Astronomy. One of the important issues discussed was the visibility of the new crescent, upon which they decided amongst other things:

- The determination of the times of conjunction, sunset and moonset are very accurately obtained by astronomers.
- The models and criteria of crescent visibility have been substantially developed in recent years, with some Muslim astronomers having made important contributions (e.g. the Odeh criterion), and these have been adopted by the specialists, so that we now can rely on these calculations in scrutinizing the testimonies of witnesses (when the crescent is above the horizon).
- Reject the testimonies of crescent which the established astronomical institutions reject definitively, even if they are claimed after conjunction and with the moon setting after the sun.
- Include astronomers who have expertise in crescent visibility in the official committees that determine the beginning of Hejric months.

Amongst the scholars who agreed upon these points were:

Shaykh Abdul Aziz bin Saleh Al-Hamid of Saudi Arabia and a Member of the Saudi Supreme Court. (This is the court responsible for Hilal declarations. They only announce the months of Ibaadaat; Ramadhan, Shawwal and Dhul Hijjah)

Dr. Abdullah Bin Sulaiman Al Manea of Saudi Arabia. He is an Advisor of the Royal Court and member of the Council of Senior Islamic Scholars.

Both of these learned scholars are from the land of the Haramain Shareefain, Saudi Arabia. They are part of the Hilal committee that announce the decisions in the Months of Ramadhan, Shawwal and Dhul Hijjah. The acceptance of these Saudi Ulama of the principles above, clearly demonstrates the new approach of the Saudi Ulama as regards to the permissibility of the use of the knowledge of astronomy in moonsighting. This in reality endorses the view that the Wifaq ul Ulama has portrayed all along.

If news of a sighting is to be taken from another country, which country do we take it from?

We the Wifaq ul Ulama are firmly of the belief that news of sighting should only be taken from those countries that make the effort to sight the Hilal every month, and announce the results of their sighting every month. The people of knowledge are fully aware that in order to avoid mistakes, the effort of sighting the hilal during the twelve months of the year is absolutely necessary. Unfortunately the Saudi Arabian authorities are lacking on this point at this particular moment in time. They only announce sightings for months deemed as months of Ibaadaat, meaning the months of Ramadhan, Shawwal and Dhul Hijjah. I am making this statement on the basis of our recent meeting (1st June 2010) with Shaikh Abdulaziz Bin Saleh Al-Hamid of the Saudi Supreme Court. We asked him whether they announced the beginning of each of the twelve Islamic months, he answered '*La Nu'lin illa fee Ramadhan wa Dhul Hijjah*' (We do not make announcements except for Ramadhan and Dhul Hijjah). When this is the case, I question where our Hizb ul Ulama and Jamiat ul Ulama representatives get their news from? Apart from these months the Ummul Qura calendar is followed. As I mentioned previously, if sightings are not made during the twelve months, and months are not declared according to the actual sighting, there is a great chance of a mistake occurring in the months of Ramadhan and Zil Haj, as we have seen on many occasions.

Our stance is based on the Sahih Hadith:

"انا امة أمية لانكتب ولانحسب، الشهر هكذا وهكذا"

This Hadith tells us that we are an illiterate nation, we do not write nor do we calculate our months but rather we go by actual sighting.

We in the Wifaq ul Ulama are strict believers in reliable actual sighting (Muhayyiq Ru'yat e Basari) for the twelve months of the year; we are totally against the following of calculations/Hisab only. It is of great regret that the majority of Arab countries including Saudi Arabia follow a precalculated calendar based on a moon birth time formula, and these calendars are normally fixed at least one day before the actual sighting day³⁰. This is something that the expert Ulama in this field, and regular Hilal observers, will confidently confirm. And if anyone wants any further proof of this, all they need to do is to compare the dates of Ummul Qura with the Central Moonsighting Committee's dates of the past years, one will conclude that not a single month goes against the Umm ul Qura calendar. See the chart:

³⁰ Although due to a formula change in 2000, it will coincide with actual visibility on a rear occasion e.g. 2009.

| Month | Umm ul Qura 1426 | Announced by Saudi/Hizb/Jamiat ul Ulama – 1426 | Umm ul Qura 1427 | Announced by Saudi/Hizb/Jamiat ul Ulama – 1427 | Umm ul Qura 1428 | Announced by Saudi/Hizb/Jamiat ul Ulama - 1428 |
|------------------|------------------|--|------------------|--|------------------|--|
| Muharram | 10 Feb 2005 | 10 Feb 2005 | 31 Jan 2006 | 31 Jan 2006 | 20 Jan 2007 | 20 Jan 2007 |
| Safar | 11 Mar 2005 | 11 Mar 2005 | 1 Mar 2006 | 1 Mar 2006 | 19 Feb 2007 | 19 Feb 2007 |
| Rabī' al-Awwal | 10 Apr 2005 | 10 Apr 2005 | 30 Mar 2006 | 30 Mar 2006 | 20 Mar 2007 | 20 Mar 2007 |
| Rabī' al-Ākhir | 9 May 2005 | 9 May 2005 | 29 Apr 2006 | 29 Apr 2006 | 18 Apr 2007 | 18 Apr 2007 |
| Jumādā 'l-Ūlā | 8 Jun 2005 | 8 Jun 2005 | 28 May 2006 | 28 May 2006 | 18 May 2007 | 18 May 2007 |
| Jumādā 'l-Ākhira | 7 Jul 2005 | 7 Jul 2005 | 26 Jun 2006 | 26 Jun 2006 | 16 Jun 2007 | 16 Jun 2007 |
| Rajab | 6 Aug 2005 | 6 Aug 2005 | 26 Jul 2006 | 26 Jul 2006 | 15 Jul 2007 | 15 Jul 2007 |

| Month | Umm ul Qura 1429 | Announced by Saudi/Hizb/Jamiat ul Ulama – 1429 | Umm ul Qura 1430 | Announced by Saudi/Hizb/Jamiat ul Ulama -1430 | Umm ul Qura 1431 | Announced by Saudi/Hizb/Jamiat ul Ulama – 1431 |
|------------------|------------------|--|------------------|---|------------------|--|
| Muharram | 10 Jan 2008 | 10 Jan 2008 | 29 Dec 2008 | 29 Dec 2008 | 18 Dec 2009 | 18 Dec 2009 |
| Safar | 8 Feb 2008 | 8 Feb 2008 | 27 Jan 2009 | 27 Jan 2009 | 16 Jan 2010 | 16 Jan 2010 |
| Rabī' al-Awwal | 9 Mar 2008 | 9 Mar 2008 | 26 Feb 2009 | 26 Feb 2009 | 15 Feb 2010 | 15 Feb 2010 |
| Rabī' al-Ākhir | 7 Apr 2008 | 7 Apr 2008 | 28 Mar 2009 | 28 Mar 2009 | 17 Mar 2010 | 17 Mar 2010 |
| Jumādā 'l-Ūlā | 6 May 2008 | 6 May 2008 | 26 Apr 2009 | 26 Apr 2009 | 15 Apr 2010 | 15 Apr 2010 |
| Jumādā 'l-Ākhira | 5 Jun 2008 | 5 Jun 2008 | 25 May 2009 | 25 May 2009 | 15 May 2010 | 15 May 2010 |
| Rajab | 4 Jul 2008 | 4 Jul 2008 | 24 Jun 2009 | 24 Jun 2009 | 13 Jun 2010 | To be announced |

As you can see from the above chart, to date the Ummul Qura calendar and the official announcements of Saudi/Hizb ul Ulama/Jamiat ul Ulama have remained the same throughout all these years.

(I do hope that our recent conference in Abu Dhabi on the 30th / 31st of May 2010 and the 1st of June will bear fruit. The resolutions passed and the dialogue between the Ulama and the Astronomers can be accessed on the ICOP website.³¹)

This practice has been going on for a long time as one can understand from the writings of Hadhrat Sheikh Ul Hadith Moulana Muhammad Zakaria Saheb RA, he writes:

‘According to the Ummul Qura calendar, Monday the 1st of Zil Hajjah 1396 AH fell on 23rd November 1976. Hajj (Yowm ul Arafah) according to the calendar was written on the Tuesday, as everything is in accordance to the Ummul Qura calendar here (Saudi Arabia). On reaching Madinah it was announced at first that Hajj was on Wednesday, and then later, on Friday it was changed to Tuesday.’³²

Note: observe the sentence “as everything is in accordance to the Ummul Qura calendar here (Saudi Arabia)”.

The conclusion is that if we fail to sight the Hilal locally, we will accept the Hilal testimonies from Morocco and South Africa.

The reasons why the Wifaq ul Ulama do not accept the Hilal announcements of Saudi Arabia:

Before I write anything on this issue, let me make it very clear that the respect of the Haramain Shareefain is a very important part of our belief, and we would fight from all corners to uphold this belief. It is very unfortunate that some mischievous people have connected the Mas’alah of Ru’yat e Hilal to the respect of the Haramain Shareefain. They are trying to make the ordinary people believe that ‘if you do not follow the Saudi Hilal announcements then you are disrespecting the Haramain Shareefain.’ In our eyes, this is nothing but emotional blackmail and mischief. We have to remember that not a single Hadith exists, in which we have been instructed to follow the Hilal announcements of the Haramain Shareefain. Neither was this the practice in the era of Nabi ﷺ or the Sahabah RA, as we can understand from the Ahadith.

On his way to the Final Hajj (Hajjat ul Wida), Rasool ﷺ saw the Hilal of Dhul Hijjah. If it was obligatory or important to follow Makkah al Mukarramah, he could have sent someone to Madinah from the group travelling with him, or he could have instructed some of the tribes that were passing to relate this Hilal information to Madinah, but he did not do so, which clearly demonstrates that following Makkah Al Mukarramah on the Hilal issue is not obligatory, neither is it a Sunnah. So why the insistence in this country? The Hadith of Kuraib is also further evidence that following Makkah Al Mukarramah in moonsighting is neither obligatory nor is it a Sunnah.

The reality is that we as Muslims are not in any way obliged to follow Makkah Al Mukarramah in any practices related to our Holy Shariah, but we *are* obliged to follow the Holy Qur’aan and the Sunnah of our beloved Nabi, Muhammad Rasool of Allah ﷺ. It is about time that we cleared our minds of all the misguided emotions and understand this very important point.

Further, the fiqhi rulings that the Saudi authorities follow in this day and age are connected to the Salafi school of thought, or the Hambali school. However, the majority of us residing here in the UK follow the Hanafi school of thought very strictly (conferences stipulating this point are often held, a recent conference in Birmingham is a prime example). The Ulama are fully aware of the different fiqhi rulings that exist on the issue of testimony. The Hanafi school as mentioned earlier in great detail insist upon the Jamme Ghafeer rule when the skies are clear, as opposed to the Salafi/Hambali view. We observe that in

³¹ <http://www.icoproject.org/conf2.html#rec>
<http://www.icoproject.org/conf2.html#memo>

³² Aap Beetee Volume 7 Page 211

other Fiqhi matters the Hanafi scholar will never budge from his Maslak, why is there a difference on this issue? There are some who would say: 'It does not matter, at least it is still acting upon the rulings of one of the four Imams'. I would reply, why the clamour when any one of our children gives up his Maslak and adopts the Salafi school?

All of our elders and senior Ulama, including the likes of Shah Waliullah Muhaddith Dehlwi RA, instructed us to hold on to a school of thought, this is better for us and safer for us so that we do not fall in the trap of following our desires.

My simple question to those who are guilty of this emotional blackmail is: When you go to the Haramain Shareefain, do you recite the Surah Al Fatihah behind the Imam? Do you recite the 'Aameen' loudly? Do you hold your hands on the chest? Do you do Raf E Yaddain? If not, then may I ask why? Whilst in the Haramain Shareefain you do not follow what the Imam and the majority present are doing, then why are you blackmailing the people in the UK by saying that they are disrespecting the Haramain Shareefain if they do not follow Saudi?

Dear readers, this point proves that those who are emotionally blackmailing people are causing mischief, and are not at all following the Sunnah, the way that our Nabi ﷺ instructed us as regards to the sighting of the Hilal. We remind the readers that the Sunnah method is the method that the Wifaq ul Ulama has undertaken, the effort to sight the Hilal locally throughout the twelve months, and if testimony is to be taken from other countries the strict principles of the Shariah will be adhered to.

Further to this, we have seen for many years that the Saudi Arabian decisions regarding the beginning of Ramadhan and Eidain have been very very doubtful. According to research conducted by Adnan Gadi, more than 87% of past Saudi announcements were false!³³ In this advanced age of technology, we have come to know that the Saudi authorities has accepted impossible claims which are made before the birth of the moon of the new month, and even if one individual comes forward and claims to have made a sighting, their testimony is accepted. How can one sight something which is just not there??!! If the most pious man claimed: 'I have physically seen the child that is still in the mothers womb?', who would accept it?

One has to remember that we are not obliged to accept that which is impossible just because the claimant happens to be a Muslim.

Hadhrat Moulana Burhanuddin Sanbhli RA writes: 'One should take into consideration that in addition to simplicity and the natural way, Islam also embraces logic and reason. The famous Maaliki scholar Allamah Abu Ishaq Shaatbi RA has written in al Muwaafaqaat: 'Anything that is contrary to the principles of Shariah or reason and logic is not to be acted upon'. Based on this, it is not against the Holy Shariah to reject those decisions, which are impossible and Mahaal, and which go against clear logic and intelligence. The astronomers say that calculations regarding the orbit of the Sun and Moon are conclusive. This is supported by Qur'aanic evidence as well. ('The sun and the moon rotate on an exactly computed course' Surah 55, Verse 5). Hence it would not be wrong to say that if a claim of sighting was made when it was logically impossible, for example, at the time of conjunction, or before, the claimant has erred.³⁴

There is an accepted principle that, whatever is logically impossible would not be accepted but rather rejected, on the basis that the person has erred, even if he or she is trustworthy. It is on this basis that there is an

³³ First ICOP Conference Book Page 107 Page 97

³⁴ Mowjoodah Zamaanay Ka Shar'ee Hal Page 76, 77, 78

important principle of Usool e Hadith, that a Hadith which is logically impossible and against common sense is fabricated.

For example, Hafiz Ibn Hajar Asqalaani RA has written: 'Those signs through which one may deem a Hadith as fabricated are: the Hadith goes against the Nas of Qur'aan, Sunnat e Mutawaatirah, Ijmaa e Qat'ee, or Sareeh Aqal (clear logic).' This opinion can also be found in the writings of Allama Suyooti RA and Imam Abu Bakar Jassas RA.

We should also be aware that if the Saudis claim a sighting, all those countries that share the same latitude should also be able to sight the Hilal after them, but this happens very rarely, giving us a clear reason to doubt. The clear instruction of Rasool ﷺ on matters which are doubtful is "leave and abandon that which is doubtful for that which has no doubt."

Again there may be people who say that this in the eyes of Shariah is not doubtful, but I say to them read what Sheikh UI Islam Allamah Ibn Taimiyah RA has written:

قال ابن التيمية: أحدها: ان الرؤية تختلف باختلاف التشريق والتغريب، فإنه متى روي في المشرق وجب ان يري في المغرب ولا ينعكس، لأنه يتاخر غروب الشمس بالمغرب عن وقت غروبها بالمشرق، فإذا كان قد روي ازداد بالمغرب نوراً وبعداً عن الشمس وشعاعها وقت غروبها، فيكون أحق بالرؤية، وليس كذلك إذا روي بالمغرب، لأنه قد يكون سبب الرؤية تأخر غروب الشمس عندهم، فازداد بعداً وضوءاً، ولما غربت بالمشرق كان قريباً منها. (مجموعه الفتاوى جلد 13 ص 62)

'One reason is that the sighting can differ in the east and west, if the hilal has been located in the east then it is *wajib* to sight in the west, it will not be the other way round. This is because the time of sunset in the west is after the time of sunset in the east. If the moon has been sighted (in the east) then one will observe a much brighter and an illuminated moon in the west, as the moon will be moving further away from the sun and its rays at the time of sunset. Therefore it will be much easier to observe in the west. This will not be the case if the moon has been observed in the west, because the reason for them (in the west) to sight was the delay in sunset time...'³⁵

The countries that sight the Hilal after Saudi Arabia should sight a much bigger and clearer Hilal as it will have aged as it went along. But unfortunately this does not happen, to the extent that America which attempts to sight the same hilal six or seven hours later does not sight it and India / Pakistan still does not sight it the next day, which gives us a clear reason for doubt.

Why is it the case that there is always the difference of one day, if not two, between India and Saudi Arabia when they share the same latitude? The reality should be that for at least ten months of the year they should be sharing the same dates, with India declaring the sighting before Saudi Arabia. But this is never the case. This is the very reason why we do not follow Saudi announcements. We do not want to jeopardise our Ibaadaat by celebrating Ramadhan on the 30th day of Sha'baan and Eid on the 30th of Ramadhan. We want to follow the cautious way and we want the Muslims of the UK to follow the cautious way, which again I remind the reader is the Wifaq ul Ulama 'according to the Sunnah' way.

There are many Ulama who have reservations on the blind following of Saudi Arabian Hilal announcements, let us quote a few:

1. 'The news of the sighting in Saudi Arabia reaching the status of 'Istifaadha' is questionable and further, due to the sighting in Saudia being against the principles of the Hanafi Madhab and logic; it is unacceptable for Pakistan. According to Hanafi Fiqh when the skies are clear, a large group (Jamme

³⁵ Majmoomah Al Fatawaa Volume 13 Page 62

Ghafeer) is a condition, but the government of Saudi Arabia in all conditions decide upon one witness in Ramadhan, and two for Shawwal and Dhul Hijjah.³⁶

2. 'To look for ease and decide upon the Saudi sighting decision for Ramadhan and Eid is not correct. Even if a Fatwa permitting this was obtained, it would be against the principles of Shariah. Never should one blindly follow the sighting of Saudi Arabia.'³⁷
3. 'It is not permissible for the people of the UK to follow Saudi Arabia, due to the sighting in Saudi being against the principles of the Hanafi Madhab and established science. It is unacceptable for Pakistan therefore it cannot be regarded as acceptable for the Muslims in the United Kingdom either.'³⁸
4. 'To sight the moon is Wajib alal kifaayah, hence when the skies are clear, not cloudy, and sighting the moon is possible (Imkan e Ru'yat), then one should practice upon the Wajib alal kifaayah, and not remain sitting idle, content on the Moonsighting news of Saudi Arabia.'³⁹
5. Hadhrat Sheikh Ul Hadith Moulana Muhammad Zakaria Saheb RA has written in one of his letters addressed to Hadhrat Moulana Yusuf Motala Saheb DB on 2nd Shawwal 1393AH: 'Today, Monday the 29th of Ramadhan, after Fajr, Molvi Ihsan brought the news that the moon is high and very easily visible. We all became satisfied that we had one more day for Ramadhan. But when Molvi Aftaab (son of Moulana Badr e Alam Meerathee RA) heard the news, he said straightaway that the manner of thinking of India/Pakistan does not work here. He said: I have been here for 28/30 years; there was one Eid after the 28th fast, one after the 30th, and all the rest after the 29th. I had heard that it is common for Ramadhan to last for 29 days here. But I was satisfied with the Indian way of thinking'. (The Indian way of thinking was: you cannot see the hilal of the new month after Maghrib on the 29th, if you have seen the moon in the morning. This is an unalterable fact. Translator).
Hadhrat goes on to say: 'It felt a bit strange in the Nawaafil after Maghrib and Salat ul Isha was delayed for ten minutes compared to Ramadhan. After the Faraaidh I quickly started with my Sunnat...but in my first Rakaat I heard the Head Imam, who is also the Qadhi ul Qudhat here, make an announcement with the Salam and some other words...at once, I understood that the rule of here (Saudi Arabia) has won'. (Over the truth. Translator)⁴⁰
6. "I (Mufti Taqi Uthmani) have replied to your letter and I hope that you have now received the earlier letter. In summary, I would like to say that the inhabitants of Britain in the present circumstances should not consider the moon sighting criteria of Saudi Arabia as sufficient, and they should contact Morocco in case of the weather not being clear. In Saudi Arabia the sighting of the moon has been accepted even before the birth of the moon on many occasions which is impossible in my view. I have discussed the situation with many Saudi Ulama and they are also disturbed by these occurrences, however since this is in the hands of Majlis Qadha Ul A'ala, they are helpless."⁴¹
7. "If the Saudi Ruyat was correct I would have accepted it for Pakistan, but as the reality (Haqiqat) there (in Saudi) is that 'we will look at Shahadat', irrespective of the fact that logically the sighting is impossible as the moon is not even born, and the difference between Saudi and other countries is of 2

³⁶ Ahsan ul Fataawaa Volume 4 Page 426

³⁷ Fatwa Darul Uloom Deoband 18/02/1422

Mufti Habibur Rahman, Mufti Zafeeruddeen, Mufti KafeelurRahman, Mufti Abdullah
Countersigned by Mufti Ahmad Khanpuri and Mufti Abdullah Mazahiri

³⁸ Fatwa Mufti E Aazam UK, Mufti Ismael Kacholwee, 16th of January 1992

³⁹ Fatwa Darul Uloom Kantharia, Mufti Abdullah Kavi

⁴⁰ Muhabbat Naamay Volume 2 Page 539

⁴¹ Justice Muhammad Taqi Uthmani DB. 19th of Rabi Al Thaani 1413 AH

days, as I (Mufti Taqi) do not agree with this Mowqaf/opinion, I don't act upon it," he states further "otherwise we would have agreed with the Saudi judgment".⁴²

We hope to have put forward a very conclusive argument explaining our reasons for not following the Saudi announcements but rather choosing a very strict and cautious method, which goes in accordance with the Hadith: 'صوموا لرؤيته وأفطروا لرؤيته الخ صحيح بخارى ومسلم' 'Fast when you sight the Moon and celebrate Eid when you sight the moon...'

This method has been endorsed by all the Ulama of the sub continent, I can only hope and pray that this correct Sunnah method is accepted by all the Muslims of the UK. The adoption of the Wifaq ul Ulama criteria can lead to the unity within the Muslims we all crave for, irrespective of which school of thought one follows. We call upon all the Ulama, trustees and committee members to put all emotions on one side and adopt the correct Sunnah method. May Allah give us all Towfeeq to adopt the truth and haq, and may Allah Almighty always guide us on the Sirat ul Mustaqeem.

And Allah knows best.

Written by the Khuddam (servants) of Wifaq ul Ulama UK

Finally, we would like to add on to these pages the Wifaq ul Ulama criteria for the benefit of the reader:

The Wifaq Ul Ulama Moon Sighting Criteria for UK

1. All efforts will be made to sight the moon locally, acting upon the clear instruction of our beloved Nabi ﷺ: "do not fast until you see the new moon, and do not break it until you see it. If then, there is cloud over you, count in full".⁴³
2. To achieve this, help can be taken from the experts in the field of astronomy, but the judgement will never ever under any circumstances be dependent upon them. The judgement will always be based upon actual sighting.
3. If there is a possibility of a sighting in the UK (Imkan-e-Ru'yat) at the end of the 29th day after Maghrib, and if the moon is on the horizon, all efforts will be made to sight the moon locally.
4. If the moon is not sighted in the UK then we can accept the sighting of another country to the East of the UK or Morocco, on the condition that the actual sighting information is correct, reliable and verified (Muhaqqaq Ru'yat e Basari) and the Moonsighting criteria followed by that country is accepted by our Holy Shariah.
5. If at the end of the 29th day, there is no possibility of sighting the moon in the UK i.e. the moon is not on the horizon, we will still follow the Sunnah and exhaust all efforts in trying to sight the moon. However on this occasion, the testimony of one or two witnesses will not be deemed as acceptable, rather, the testimony of a large group will be necessary (Jamme Ghafir) as is the case when the skies are clear. If this condition does not exist (i.e. if the moon is not sighted anywhere or when there is no possibility of the moon being sighted, and there is no testimony from a large group), or if we do not receive a correct sighting report (Muhaqqaq Ru'yat e Basari) from another country to the east of the UK or Morocco, then thirty days will be completed for that month.

⁴² http://www.deeneislam.com/ur/horiz/halate_hazra/RUYAT_E_HILAL/article.php?CID=74&cp=1

⁴³ Sahih Al Bukhari Volume 1 Page 256

Endorsements of major institutions and Ulama:

- “The criterion mentioned is correct and according to Shariah”.⁴⁴
- “In sighting the moon locally, and to seek help from the astronomers in such a way that their word is not final, is acceptable”⁴⁵
- “The local Ulama should guide the laymen after gathering testimony and proof of Moonsighting...To seek help from the Astronomers and then the Ulama deciding in light of the evidence present and staying within the limits of the Shariah is correct, rather better”.⁴⁶
- “There is nothing wrong with seeking help from the astronomers to determine the possibility of sighting or for finding out the age of the moon.”⁴⁷
- “What is decided is that if one is not dependent on the astronomers only, rather on actual sighting, then there is no difference of opinion on using astronomy as a tool or help”.⁴⁸
- “Help could be taken from the observatory as to whether there is the possibility of sighting or not although the decision will be based on actual sighting”.⁴⁹
- “It is Wajib Alal Kifaayah to make the effort to sight the moon locally.”⁵⁰
- “I have gone through the write-up about sighting the moon in the UK. The principles explained therein are correct.”⁵¹

The above are only extracts from detailed Fataawa we have received. These can be obtained in full from the website: www.wifaqululama.co.uk

⁴⁴ Mufti Muhammad Tahir, Fatwa issued by Mazahir ul Uloom Saharanpur 22/2/1428 H

⁴⁵ Mufti Ahmad Khanpuri, Darul Iftaa, Jamia Islamia Dabhel, Fatwa issued 6/4/ 1428 H

⁴⁶ Mufti Mahmood Balandshahri, Darul Uloom Deoband, Fatwa issued 20/02/1428 H

⁴⁷ Darul Iftaa, Jamia Farooqia, Karachi Fatwa issued 19/04/1428

⁴⁸ Darul Iftaa Jamia Al Rasheed, Fatwa issued 01/06/1428 H

⁴⁹ Aap kay Masaa'il awr un ka Hal Volume 3 Page 262 Moulana Muhammad Yusuf Ludhyaanwi Shaheed R.A.

⁵⁰ Fat hul Qadeer Volume 2 Page 242, Maraaqi ul Falah Page 354

⁵¹ Justice Muhammad Taqi Usmani, Thursday, September 27, 2007

Eid ul Adha is on the 10th of Zil Hijjah (only on local date), Eid ul Adha is not an Eid ul Hajj!!

Unfortunately, there is a common misunderstanding amongst the people that when it is Yowm ul Arafah in Saudi Arabia, the whole world has to celebrate Eid ul Adha on the next day. No evidence for this can be found in our Holy Shariah.

The principle prescribed by our Holy Shariah for determining Eid ul Adha is the same as that for determining any other month: one should attempt to sight the moon at the beginning of the month. If the moon is sighted locally or reliable news of sighting is received from outside, then the new month will commence, otherwise thirty days will be declared for the month. In the case of Eid ul Adha, once reliable news has been received for the month of Zil Hijjah in the locality one resides in, then the tenth day of the month will be declared as Eid Ul Adha. The calendar of Saudi Arabia will have no effect whatsoever in determining Eid Ul Adha in countries outside Saudi Arabia. Those who are living outside Saudi Arabia such as ourselves, should be following a lunar calendar of our own country.

“All the scholars are unanimous that Eid Ul Adha is on the 10th of Zil Hijjah which is determined by the sighting in each locality, and not on the 10th of Zil Hijjah in Makkah.”

This is a fact which has been emphasised by Fataawaa from leading Ulama like Sheikh Saleh Ibn Al Uthaimen RH, Mufti Muhammad Taqi Uthmaani Saheb (Deputy Chairman Islamic Fiqh Academy, OIC, Jeddah) and others. They do not think that it is necessary to observe Eid ul Adha worldwide after the day of Arafah in Saudi Arabia.⁵²

It is a historical fact that the calendars of Makkah and Madinah were not the same even in the era of our beloved Nabi ﷺ. Discussing the date of Nabi ﷺ's departure from this world, Imam Maazaree R.A. and Hafiz Ibn Katheer R.A. have written, “There is the possibility that the people of Makkah saw the Hilal of Zil Hijjah on a Thursday whilst the people of Madinah saw it on the Friday...”⁵³

This would mean that the month of Zil Hijjah commenced on separate dates in both Holy Cities. Therefore, Eid Ul Adha would have been celebrated on different days in both Holy Cities, reiterating the point that you must follow the calendar of the place where you are residing, and also that, it is not necessary that after Yowm ul Arafah in Saudi Arabia, it has to be Eid ul Adha every where in the world.

On this issue one may also ponder over the following points:

- Neither our Nabi ﷺ nor the Khulafa e Rashideen EVER attempted to synchronise the Eid Ul Adha date in Madinah with the Hajj date in Makkah. Ten nights and nine days were enough to send a messenger from Makkah to Madinah with the news, but there is no evidence of any such effort.
- Eid Ul Adha was instituted in the year 2 AH whilst Hajj became obligatory in the year 9 AH. This clearly indicates that there is no real connection between Hajj and Eid Ul Adha.
- Nabi ﷺ stayed in Madinah for ten years offering his sacrifice.⁵⁴ Nabi ﷺ sacrificed on the tenth day in Madinah.⁵⁵ (The sacrifice was not made according to the Makkah date.)

⁵² See the Fataawaa at: www.ias.org.io/hilaal

⁵³ Fiqhi Jawahir Volume 1 Page 35, Sheikh Ul Hadith Mufti Umar Farooq Saheb DB

⁵⁴ Tirmidhi

⁵⁵ Baihaqi

- For over 1200 years of Islamic history it was impossible for Muslims in distant countries like Indonesia to find the Hajj date in time for Eid Ul Adha. Allah SWT would never burden the human being with a responsibility which was impossible to fulfil. The Holy Qur’aan states “Allah burdens not a person beyond his scope”.⁵⁶

Wal Laahu A’alam Bithawaab

⁵⁶ Al Baqarah Verse 286