

Translation of Fataawa on moonsighting 2007

22 Muharram 1428A.H./10 February 2007

Question

What is the opinion of the Honoured Ulamaa and the Mufti's as regards to the under mentioned Mas'alah?

The issue of moonsighting in United Kingdom has become an issue of great debate, controversy and conflict. The newspapers (Islamic) are also highlighting this issue in such a way that many people are now aware of the importance of this mas'alah and are disillusioned, specially the young and the educated. It seems as though the Ulamaa e Deoband who are normally very cautious in matters of our Holy Shariah are not as cautious in this mas'alah of moonsighting. This is something I have heard from others as well.

The situation is that around twenty years ago the local Ulamaa, due to some special circumstances, decided to follow Saudi Arabia in moonsighting, after consultation with the Ulamaa of India and Pakistan. There were genuine difficulties at that time, but now those difficulties do not exist as today technology has advanced so much that it seems as the world is at your finger tips. Those difficulties/conditions of the past just do not exist. (E.g. communication, weather, pollution). Further, the following of moonsighting news of Saudi has led to many other harms. e.g.

- a) Many people undertake the journey of the Haramain Sharifain for Umrah in Ramadhan, relatives and friends here in U.K. await their phone call for moon sighting news, and upon receiving that news, (unofficially) announcement of the before or after Asar month of Ramadhan or Eid is made on the twenty ninth of the month Salah, although the moon sighting committee do not make the announcement until after Maghrib salah.
- b) Majority of the houses have access to television and internet, many people remain glued to their television sets awaiting moonsighting news, as this news is relayed very quickly on T.V. resulting in the announcement of the beginning of Ramadhan at the time of Asar on the twenty ninth of Shaabaan. The greatest harm being, that after receiving this news, no one makes the effort to sight the moon locally after Maghrib Salah, (which is the responsibility of each and every adult Muslim) as the moonsighting news of Saudi has become common knowledge.

My experience this year (2006) was that at the time of Asar on the twenty ninth of Shaabaan, I received a phone call from one of my Muqtadees that the beginning of Ramadhan has been announced on T.V., I phoned the Regents park Masjid who confirmed that Ramadhan has been declared, it seemed as though a person had been appointed from the time of Asar (on the 29th of Shaabaan) to give this news of Ramadhan.

Although there is a moonsighting committee in U.K., it seems as though this committee is disabled or of no use on the occasions of Ramadhan and Eidain. As in many Masaajid the announcement is made before their official announcement. No effort is made to sight the moon locally, as the word on the street is "we follow Saudi", and the announcement has already been made there.

The Masaajid where the announcement is not made straight after Maghrib, the Imams are put under a lot of pressure that Saudia has announced the moonsighting, why are you not making the announcement? The condition has become such, that in a few years, a person after watching T.V. will make the decision himself, he will no longer see the need for guidance from the Ulamaa in this matter, and the greatest harm will be that the practice upon the Hadith of our beloved Nabi Alaihis salaam that "Fast when you sight the moon and celebrate Eid when you sight the moon" will be totally neglected and forgotten, and could be replaced by, Allah forbid, 'Fast after listening to the announcement on T.V., and celebrate Eid after listening to the announcement on T.V.'.

On the other hand the reliability of the moonsighting news from Saudi Arabia is doubtful, as for many years we are observing that moon is nowhere to be seen in the world except Saudi Arabia!!! As was the case for the moon of Zil Hajj 1427 A.H. a lot of the times there is a difference of two days between the moonsighting of Saudia and the moonsighting of India and Pakistan, where we know for a fact, that much care is taken on the issue of moonsighting. It is also worth noting that most of the time the astronomers are of the opinion that the birth of the moon has not yet taken place, or the birth has taken place, but the moonset is before sunset, which means that the sighting of the moon is impossible. Yet the authorities in Saudi, accepting the testification of one or two witnesses, declare this unborn or unsightable moon as 'seen'. One should be aware that Saudi Arabia is an Islamic country, it has clear skies, the moon should be sighted by a large group of people, unfortunately this is not the case, it has also been brought to our attention through newspapers that the individuals who claim to have sighted the moon are regularly the same individuals, year in and year out. Is it not the case that when the skies are clear, the testification of one or two individuals is not acceptable according to the Hanafi school of thought?

On many occasions despite a solar eclipse occurring, the Saudi authorities declared the moon as 'seen', after which the astronomers questioned the Ulamaa, if this is even possible, Sheikh Saleh bin AlUthaimin answering this particular issue has written 'if a person claims that the month began in the same night when an eclipse took place after sunset, it is like a person who claims that the sun would rise before dawn!!! (Meaning that it is impossible). (specimen attached) These mistakes have occurred not once but many times, and the mistakes have only come to light because, it just so happened, that there was a solar eclipse somewhere in the world that day.

Due to these mistakes, according to the report of Dr Salman Zafar Sheikh on the Al Balagh website, the Saudi authorities put together six local moon sighting committees, but unfortunately according to the report of Al Balagh these committees have not even decided yet, and the Saudi Majlis Qadha ul A'ala announces its moon sighting decisions!!! (Specimen attached)

The conclusion being that the reliability of Saudi moon sighting is questionable, and unfortunately a large group of people here in U.K. have decided that whatever the case, we will always follow Saudi (*if only these people had access to the Fataawa of the Saudi Ulamaa as regards to this*). It is a question of our Ibaadaat There is the fear whether our fasts, I'tiqaaf, Hajj, Qurbani is being performed at the correct time or not?

It is not as though we do not have another option, other countries in Europe have organised their own local sighting. The skies in U.K. are not as cloudy and full of pollution (smog) like before, rather quite clear, if we were to make an effort to sight the moon at the correct time then there is no reason why we cannot sight the moon. As until now, the mistake we are making is that we are (if we are!!!) trying to sight the moon on the twenty eight of the month or when the moon is not even on the horizon, when for obvious reasons the moon is impossible to be sighted.

At present around sixty Masaajid of London and its outskirts and many other Masaajid in major cities throughout the U.K. plus the majority of Masaajid in Scotland no longer blindly follow the moonsighting news of Saudia and has adopted this formula:

All efforts will be made to sight the moon locally, to achieve this, help, could be taken from the experts in the field of astronomy, although the judgement will **never** be dependent upon them. If the astronomers are of the opinion that at the end of the twenty ninth day the moon could be sighted, as the moon is on the horizon, then all efforts will be made to sight the moon locally, if moon is not sighted in U.K. then we can accept the sighting of another country on the condition that a criteria accepted by our Holy Shariah on moonsighting, is in place in that particular country. If the astronomers are of the opinion that the moon is not on the horizon, which would mean that the moon cannot be seen, then still we would not accept their word as final, rather, we will exhaust all efforts in trying to sight the moon, however on this occasion the testification

of one or two witnesses will not be deemed as acceptable, rather the testification of a large group will be necessary. (*As is the case, when the skies are clear*). If this condition does not exist then thirty days will be declared for the month.

This formula is supported by/backed up by the writings of Mufti Khalid Saifullah in the book, *Jadeed Fiqhi Masaail* volume 2, page 26, and the letter of the late Ameer of Tablighi Jamaat, Hadhratjee, Hadhrat Movlana In'aamul Hasan Sahib R.A., addressed to the shoora of Dewsbury Markaz, and also by the article of Movlana Wali Razi in the monthly magazine of Darul Uloom Karachi, *Al Balagh*, whose editor in chief is Mufti Muhammad Taqi Uthmani. (Specimens of these articles attached)

This year (1428A.H.) after making enquiries with the observatory, and after further research, I made an announcement in the Masjid on the twenty ninth of Zil Hajj to remind the congregation to try to sight the moon of Muharram, even though the astronomers were of the opinion that the moon could not be sighted, as the moonset was before sunset, we made every effort to sight the moon. The moon was not sighted hence thirty days were declared for the month of Zil Hajj. The following day, being the first of Muharram, a large majority of Muslims witnessed the first moon, which was thirty six hours old. This method proved very much acceptable to a large group of Muslims. This method is being applied in many places and people are greeting it with acceptance.

Now the question is, irrespective of whether Saudi moonsighting news is reliable or not:

(a) Is it permissible for the Muslims of U.K. to blind follow the decision of Majlis Qadha ul a'ala of the government of Saudi Arabia?

(b) In the event of a genuine doubt and fear, of our important ibaadaat (modes of worship) like fast, I'tiqaaf, Eidain and Qurbani being spoilt due to wrong decisions, is it not the Responsibility of the Ulamaa to guide the ordinary people correctly, and save them, and the generations to come, from the aforementioned harms?

(c) Is it not the case that the formula mentioned in the question, which has been adopted and supported by many, is more correct and is in accordance with the principles of our Holy Shariah? If this is the case, then is it not the responsibility of the Ulamaa to exhaust all efforts in promoting this method, in order that the ibaadaat of the people could be acceptable and correct?

I hope that you will answer these questions for me in the light of our holy Shariah, I also request you for Duas that this important matter could be solved.

Wassalam

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This Istiftaa was sent to prominent Muftis in U.K. including Mufti Ismail Patel saheb in Clapton, Mufti Ibrahim Saheb in Leytonstone, Mufti Sacha Saheb in Batley and to the Darul Iftaas of Darul Uloom Bury, Leicester (Mufti Muhammad Ibn Adam), Islamic Da'wah Academy. Blackburn and Chislehurst .I am still awaiting their response

I have, however received answers from Mazaahir ul Uloom Saharanpur, Darul Uloom Deoband, Jamia Islamia Dabhel, Darul Uloom Karachi, Jamia Farooqia Karachi and from Mufti Sajid Patel Saheb of London, Alhamdulillah they have all agreed with our formula. InshaAllah all will be translated and posted on the website. Then judge the truth yourselves