



Another Fatwa by the Mujlis

Clear Reminder using Astronomical Calculations is deviating from the Shariah

Assalaamu Alaikum Warahamatullah Wabarakatuh

Undeniably they had asked a question to which a reply was suitably given by Mufti AS Desai Sahib. However the one who asked the question did not take ownership or responsibility of the question they asked, neither did they inform the public, nor did they publish on their website the facts of the events that had led them to ask Mufti *saheb* that question in the first place. An article then suddenly appears in a third party newsletter in which the identity of the one who asked the question is revealed. Now is this being selective or just naïve?

Why does the question they asked skip over the significant details of the events that occurred during the Birmingham moon sighting?

To further aggravate their injury they then try to hurl the blame on others, discriminating the original question we at CMSCB had asked, its purpose and its response.

Everything is clearly revealed by Allah *subhanahu wata ala* and clearly explained by His Messenger, *sallalallhu alaihi wasallam*, so why does this faction create controversy?

Dear Readers, their defiant behavior is further demonstrated when Mufti AS Desai admits he wasn't told about the complete facts of the events in relation to when the actual *shahaadah* took place. Therefore they left out some of the details! Now is this being selective or just naïve?

For a case in point, in his answer to the CMSCB, Mufti AS Desai clearly shows he was emphatically told the witnesses gave the *shahaadah* after 8 days. However the Mufti *Saheb* now knows he was kept in the dark about the witnesses giving *shahaadah* straight away after the moon was sighted. The Mufti *saheb* deems witnesses give *shahaadah* immediately to validate moon sighting, which means if *shahaadah* was after 8 days, then in the Mufti *saheb's* opinion the moon sighting would not be legal. So they leave out the critical details from their question to the Mufti Saheb, i.e. the immediate moon sighting *shahaadah* that actually took place, and consequently those who contrive use the opinion of the Mufti *saheb* to invalidate the Birmingham moon sighting. Now is this being selective or just naïve?

Dear Readers, please find below the communiqué between Mufti AS Desai and CMSCB, you will read our question and the answer issued by the Mufti saheb.

Central Moon Sighting Committee of Great Britain (Jamiatul Ulama Britain, Darul Uloom Bury, Hizbul Ulama UK)

Muhtaram Mufti A. S. Desai sahib (Hafizahullah), Assalamu alaikum warahamtullah wabarakatuh

Q: Re: Moon Sighting in the Shariah and the subject of Falakiyaat

We wrote to you before on Wednesday 9.3.2011 and we received your Fatwa reply on 7th of Rabiul Thani 1432H (12.3.2011). Even so we are once more sending this query in relation to that subject matter with additional information

On the eve of Tuesday 29th day of Shaban 1431H / 10 th August 20010 three Sahib-e-Tarteeb persons (including one Aalim-e-Deen, one Hafidh-ul-Qur'aan and a long time tablighi jamaat brother along with a fourth Tablighi brother Al-Haajj Anwarul Haque tried to see the moon of Ramadhan 1432 before Salatul Maghrib from the car park of the Tablighi Markaz Masjid in Birmingham, but none of them succeeded to sight it. They all tried to sight the moon again after Salatul Maghrib and this time 3 of them succeeded (except brother Al-Haajj Anwarul Haque) to see the first moon of Ramadhaan 1431 from Masjid's car park, they then immediately went to the Masjid and provided the Shahaadah in front of the remaining Musalleen. They give their Shahaadah a second time to Maulana Abdur Rabb (Khalifah of Maulana Abdullah Darkhasti hafidhahumullah(afterword.

This information reached us at CMSCB on the 3rd day after the sighting. I, on behalf of the CMSCB telephoned and spoke to both Maulana Abdur Rabb and one Aalim witness. After being satisfied we sent on the 8th day a five-man delegation (including 3 Aalim-e-deen) and they heard in person all three witnesses and took the written shahaadah with their signatures (including signatures of our 5 person delegation with 2 other persons present in the meeting=7).Thereafter CMSCB made public statements regarding this Sahaadah and reminded the community that they perform Qaza if they missed a day of fasting on the basis of this Sahaadah.

Remember that we sent the exact Istifta to Darul Ifta, Darul Uloom Deoband and informed them about some people rejecting this shahaadah based on the following points:

- (1) Falaki Imkan-e-Ruyat law dictates it was not possible to sight the moon on this day and at this time.
- (2) Because the Shahaadah was published after 8 days.

Darul Ifta Darul Uloom Deoband replied in the Fatwa with "The Shahaadah is valid and these witnesses are truthful and trustworthy and falakiyaat is not permissible in Shariah to reject Shar'i witness and there is no objection in Shariah that witness statements are taken after one day or 8 days.", but this didn't stop the dissenters, subsequently several days after receiving this fatwa from Darul Uloom Deoband. After assimilating the contents of this fatwa issued by Darul Uloom Deoband we sent a similar question to you as mentioned in the beginning we wrote to you after with a similar question on Wednesday 9.3.2011,

However intentionally excluding the points concerning the shahaadah being taken by CMSCB after 8 days (even the shahaadah presented the same evening at the same time as sighting), as these points were settled by the Darul Ifta Darul Uloom Deoband.

Based on this Muqaddamah we at this time require the answers to the following questions:

(1) Is this Shahaadah legitimate for the Shariah as it presented same night? (2) Is Qaza of the first fast compulsory on those who missed first fast owing to this shahaadah? (3) What does the Shariah declare with reference to those who use the commandments of Falakiyaat to categorically reject Shahaadah? (4) What does the Shariah decree in relation to those people who emphatically refuse to perform Qaza of this missed day of fast by saying that it's sin will be on those who are responsible for rejecting the shahaadah and the Qaza? Jazakallahu khair, Wassalam,
Molvi ya'aqub Ahmed Miftahi (Nazim Hizbul Ulama UK and CMSCB) Tuesday 11th Shaban 1432H / 12TH July 2011



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**ASSALAMUALAIKUM
WARAHMATULLAAHI WABARAKATUHU**
13 Sha'baan 1432 (14 July 2011)

Muhtaram Molvi Ya'qub Ahmed Miftahi [Central Moon-Sighting Committee of Great Britain, Hizbul Ulama, England]
Respected Brother,

We are in receipt of your letter in connection with the moon-sighting dispute of last year (1431). The answers to your questions are as follows:

(1) The Shahaadat of the three musallis who had sighted the hilaal at the end of the 29th day of Sha'baan 1431 (10 August 2010) is valid and binding without any doubt in terms of the Shariah.

The three *Aadil* witnesses had testified to their personal sighting of the *hilaal* the very same night when they had seen it, and not 8 days later as some people had alleged. Thus, fasting the next day was incumbent on the community.

(2) Those who had not fasted the next day should make one Roza Qadha. It is as simple as this. There is no need to create a controversy about this simple issue.

(3) Astronomical calculations for determining the commencement and ending of the Islamic months have absolutely no bearing in the Shariah. The only principle commanded by the Shariah for the determination of the months is *Rooyat-e-Hilaal* or the physical sighting of the crescent moon.

It is haraam to override this Waajib Shar'i principle with astronomical calculations or with any other principle of astronomy. The principle of *Rooyat-e-Hilaal* is Mansoos Alayh. Its rejection is tantamount to kufr.

Irrespective of what the astronomers and their calculations predict and say, whether they say that there is no possibility of sighting the moon or whether there is a possibility, it has no effect on the commands of Allah Azza Wa Jal and His Rasool (sallallahu alayhi wasallam). The Shariah decrees that the determination will be on the basis of the testification (*Shahaadat*) of *Aadil* witnesses. This *Shahaadat* overrides the claims of the astronomers and their calculations. The latter cannot override the former.

(4) Since it was established on the basis of Shar'i *daleel* that *Rooyat* had taken place, Ramadhan had commenced. Therefore those who did not fast the next day must make qadha. Those who abstain from making qadha and justify it baselessly by claiming that it is the sin of those who have rejected the *Shahaadat*, are in grievous error. The Haqq has been told to them. They are not absolved of their obligation of Qadha by proffering this baseless argument.

Those who have baselessly rejected the *Shahaadat* do not have the power to prevent others from making Qadha. Hence, those who abstain from the Qadha have no valid justification.

Was-salaam A.S. Desai (For Majlis-ul-Ulama of S.A.)

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By Central Moon Sighting Committee of Great Britain (1st Ramadhan 1432 Monday / 1st August 2011)

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