



Central Moon Sighting Committee of Great Britain

(Jamiatul Ulama Britain, Darul Uloom Bury, Hizbul Ulama UK)

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Questioning to moon sighting witnesses using astronomical calculations is Haram and against sharee principles (Fatwa by Mujlisul Ulama South Africa)

Respected readers, brothers and sisters Assalamolaikum warahmatullahi wabarakatuhu

It is no secret that according to our Prophet `s saying of the Hadith Umami (SAW), the use of calculated birth of new moon and its sighting possibility in deciding Sharee hilal sighting are unIslamic. This is why it will be considered Batil and Mardud to ask questions on the basis of calculations and new moon theory to the Sharee witnesses. Therefore the witnesses are not required to answer the questions on that basis and neither can the testimony be rejected by the questions on that basis. The testimony of the witnesses will be valid and thuboot hilal will be determined . It will be Wajib to act upon the testimony of witnesses.

Here is the Question together the Answer by Mufti Abdussattar Desai Sahib Hafizahullah;

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Question:

Muhtaram Mufti Abdul Sattar Desai Sahib, Hafizahullah

Assalamu Alaikum Warahmatullahi Wabarakaatuhu

We the *Central Moon Sighting Committee of Great Britain* need to know more regarding the answer of the Question underneath;

In Islam the possibility of sighting (Imkane Ruyah) of new moon is 'the evening of Islamic 29th day' as Prophet of Islam *sallallahu alaihi wassallam* said - try to see hilal on that time. But some people argue in favour of non-Islamic 'sighting possibility' of calculated 'New Moon Theory' by people of Observatory and their calculated Hilal Sighting Charts against the Islamic Imkane Ruyah, and they reject the Shahadah if it does not match the non-Islamic Imkane Ruyah hisab.

Similarly, people who support the New Moon Theory (against the Islamic way of `Siraate Mustaqeem`) ask the Sharai Shaahid, in the name of so called `Sharai Jarah`, questions about moon's shape, direction (eg, clockwise or anti-clockwise), angle, location in relation to sun's setting point, etc, which are based on the pre-calculated astronomical data.

They also reject or accept the *Shahadah* on the basis of the pre-calculated "moonset / sunset time lag" and reject the Shahadah if the calculated moon set is before the sun set, if and when the *Shaahid* testifies he saw the moon".

The *Ahadith* prove that these types of questions were never asked by the Prophet, *sallallahu alaihi wassallam*, nor by the *Khulafa-e-Rashideen* and the *Sahaba Kiram, radiallahu anhum ajmaeen*.

Please kindly answer these questions:-

1. When is the Sharai Imkane Ruyah of Hilal? Is it what our prophet s. says, or what the people of Observatory and their calculated charts predict?
2. Please explain the necessary questions that are required by the *Shariah* when asking a Shaahid for Sharai Jarah?
3. What is the *Sharai* decree about asking the *Shaahid* these type of questions, and judging them in light of the pre-calculated data based on the new moon theory as mentioned above?

Jazakallahu khair,

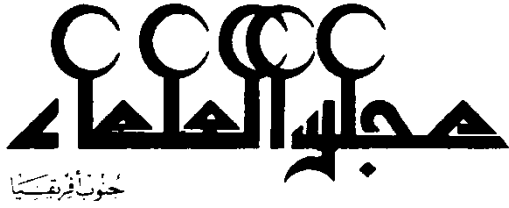
Wassalam,

Molvi Ya`aqub Ahmed Miftahi (Nazim Hizbul Ulama and CMSC of G.Britain)

10th R.Thani 1432 / Tuesday 15th March 2011.

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See Answer on next page

Answer:

Mujlisul Ulama of South Africa

(COUNCIL OF THEOLOGIANS)

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South Africa

**ASSALAMUALAIKUM
WARAHMATULLAAHI WABARAKATUHU**

12 Rabiuth Thaani 1432 (17-03-2011)
Molvi Ya'qub Ahmed Miftahi
Nazim Hizbul Ulama and CMSC of Great Britain
U.K.

Respected Brother,

Your e-mail dated 10 Rabiuth Thaani 1432 (15 March 2011) refers.

The principle governing the commencement of the Islamic months is Rooyat-e-Hilaal i.e. the physical sighting of the moon. This principle is Mansoos Alayh. It is the hukm stemming from of Nass-e-Qat'i, and may not be set aside or abrogated by rational reasoning or by astronomical calculations or any other theory of astronomy, etc.

The answers to your questions in the light of the above principle and the Sunnah are as follows:

(1) The Shar'i Imkaan (Possibility) of sighting the halaal is at the end of the 29th day of the Islamic month. This Possibility is established by Sareeh Nass of the Hadith. It is such a well-established Shar'i injunction which does not need elaboration. Only those ignorant of the Shariah will refute this injunction. What the observatories and astronomers say in conflict with this Shar'i priniple is mardood. The Mansoos Ahkaam of the Shariah will remain inviolable until the Day of Qiyaamah, and the fate which had overtaken the Shariah of Nabi Musa (alayhis salaam) and Nabi Isaa (alayhis salaam) at the hands of their followers, the Yahood and Nasaara, will, Insha'Allah, not overtake the Final Shariah of Islam. Allah Ta'ala will in every age put in the arena Ulama-e-Haqq to defend the Deen against the predations of the Ahl-e-Baatil.

(2) There is no 'exhaustive list' of questions for the Shaahid to answer in terms of the Shariah. The only requirement is that he must be aadil, and if it happens to be the hilaal for Eid, and the horizon is clear and cloudless, then the sighting must be reported by jamm-e-ghafeer (a sufficiently large number of people). All other questions are nonsensical and devoid of Shar'i substance and basis.

(3) According to the Shariah, the many questions pertaining to the position, shape, etc. of the hilaal are abath and laghw (futile and nonsensical). They have no Shar'i significance. Furthermore, if these questions are used to abrogate the Mansoos Alayh principle of Rooyat, then they (the nonsensical questions) will be haraam.

Was-salaam

A.S. Desai (For Mujlisul Ulama of S.A.)



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