

Q. 1: What Shar'ee injunction is there for sighting of Moon?

A. Sighting Moon of five months i.e. Sha'baan, Ramadaan, Shawwaal, Zee-qa'd and Zilhij is Waajib Kifaayah i.e. an essential requirement which will be met if done by a few believers in a locality otherwise all will be sinner. Sighting Moon of Sha'baan is essential to determine the first day of Ramadaan i.e. if the sky is overcast on the night of Ramadaan Moon people may start fasting after completing 30 days of Sha'baan, of Ramadaan to observe fasts, of Shawwaal to finish fasting, of Zee-qa'd for Zilhij (in this month Hajj is performed) and sighting the moon of Zilhij is essential for Eidul Adha (Azha).

Q.2: When should the fast of Ramadaan be commenced?

A. Moon should be sighted on the evening/night of 30th Sha'baan (evening/night followed by 29th day of Sha'baan). If sighted, observe fast next day otherwise complete thirty days of Sha'baan and then start Ramadaan fasting. A Hadees to this effect says: "start fast (s) (of Ramadaan) after having seen the moon and complete it i.e. celebrate Eidul Fitr after having witnessed the Moon and in case the sky is cloudy then complete thirty days".

Q.3: Can astronomy be relied upon or not in respect of appearance of moon?

A. Astronomy has nothing to do with the Shar'ee demand of sighting of Moon. If one who possesses the knowledge of "Ilm-e-Hee-yat" (astronomy) predicts about the appearance of moon, he will not be relied upon even though he is an honest, pious and reliable person. For instance, he says that the moon will appear today and first Ramadaan will fall tomorrow, but the sky becomes cloudy and no reliable news about the sighting of moon is received from any quarter, in such situation following day will not be deemed to be the first Ramadaan but "Yaumul Shak" (the day of doubt) or he predicts that the moon will not appear today but reliable evidence is received about sighting of moon, in such case the commencement of Ramadaan will be declared. In brief, the injunction of Shar'iah has to be followed at all cost.

Q.4: What is the Shar'ee proof of the commencement of Ramadaan?

A. An evidence of a sane, mature, honest and pious Muslim ("Aadil" or "Mastoor") irrespective of male or female will suffice to prove the appearance, sighting of moon if the sky is overcast. While giving evidence, one is not required to say "I testify" (although it is required for all other evidences) but saying simply "I saw the moon of Ramadaan tonight or the other night" as the case may be, will serve the purpose.

Q.5: What is meant by "Aadil" and "Mastoor"?

A. "Aadil" means "Muttaqi" (pious) who eschews major sins, does not commit minor sins intentionally and also avoids such acts that are against the norms of decency. For example, to eat openly at public places or to urinate on a thoroughfare or to roam about in shorts ("Banyaan" [vest] and "Tah-band" [a cloth worn round the waist]) in markets or on thoroughfare. And "Mastoor" is a Muslim whose outward character and conduct conform to the Shari'ah but his "Baatin" (innermost) is not known. Evidence of such person is acceptable in respect of Ramadaan but not acceptable in other cases.

Q.6: Is the evidence of "Faasiq" acceptable or not?

A. Evidence of "Faasiq" (sinner, transgressor) is not acceptable in respect of sighting of moon. Now a question arises whether giving evidence is compulsory on him or not. If there is a hope of the acceptance of his evidence by "Qadi,Qazi" (Judge, Magistrate) then he is required to give evidence, for, individual evidences of people may form a pile of evidences which is also a proof of the commencement of Ramadaan.

Q.7: Is one required or not to give evidence if he saw the moon?

A. A pious person (Aadil) who saw the moon is required to give evidence the same night if the proof of Ramadaan wholly depends on his evidence. Even a veil-observing woman is required to go (out of her house) the same night to give evidence if she saw the moon even without seeking permission from her husband.

Q.8: How is that for probing a witness inquisitively?

A. Qadi, Qazi is not required to probe the one inquisitively who deposes to having seen the moon like "from where did you see the moon and where and at what height did it appear". However, witness can be examined thoroughly if his statement is dubious particularly in the case of Eid's moon as some people unnecessarily visualise the moon (of Eid) in the sky in delusion and then claim to having seen it.

Q.9: What is the standard of evidence in case the sky is clear?

A. If the sky is clear, the proof of the appearance of moon must be evidenced by a large number of people. Now the question is how many evidences are required to declare that the moon has been sighted. It is upto Qadi, Qazi to collect as many evidences as to satisfy himself for the announcement of the moon.

Q10: When will a single evidence become reliable if the sky is clear?

A. If one deposes to having seen the moon outside the city or from a high place when the sky is clear, his evidence in respect of Ramadaan's moon will be accepted provided that his character and conduct are consistence with the Shari'ah.

Q11: Before whom should the evidence of moon be given in village?

A. If one saw the moon in a village and there is no authority before whom he could give evidence, in such case he should call,collect the villagers and testify before them. They are required to accept his evidence and observe fast if he is "Aadil" i.e. honest, pious and God-fearing.

Q12: Is it reliable or not if people of other place,town give the news of the moon?

A. If some people of other place,town come and say that the moon has been sighted at such-and-such place or say "we testify that the moon has been sighted at such-and-such place" or testify that such-and-such people saw the moon or say that Qadi,Qazi of such-and-such place,town has issued fiat to observe fast or give up the fast and celebrate Eid (as the case may be), all such narrations are unacceptable unless they testify that they themselves have seen the moon.

Q13: What injunction is there if only a Muslim ruler or Qadi saw the moon?

A. A Muslim ruler or Qadi, Qazi or "Mufti" (Muslim jurist) who saw the moon of Ramadaan, can declare the commencement of Ramadaan at his own or may appoint, detail somebody to collect evidence and then testify before him but in case any of them saw the moon of Eid and no other person saw it then he can neither celebrate Eid nor issue fiat to this effect (unless proved by the evidences of other people).

Q14: What injunction is there if only two persons saw the moon of Eid in a village?

A. If only two persons saw the moon of Eid in a village when the sky was cloudy or unclear and there is no authority before whom they could depose to having seen the moon, in such situation they should call, collect the villagers and say "we testify that we have seen the moon of Eid". People should accept their evidence and celebrate Eid if the two (witnesses) are "Aadil" otherwise not.

Q15: How many evidences are required in other months than Ramadaan?

A. If the sky is overcast or unclear then the evidences of two men or one man and two women are required for all other months inclusive of Shawwaal and Zilhij than the holy month of Ramadaan. The witnesses must be "Aadil" and free and no one of them has ever been indicted for adultery under Islamic law. If it is so but he repented, his evidence will be acceptable in connection with sighting of moon. It is also a prerequisite for the witness to say "I testify" while giving evidence.

Q16: Of which night will the moon be considered if appeared in the day?

A. If the moon appeared in the day before or after "Zawaal" (decline of the sun) it will be considered to be of the following night i.e. the new month will begin from the coming night, for example, if the moon appeared in the day of 30th Ramadaan, this day will be of Ramadaan not of Shawwaal and the fast of this day will have to be completed and in case the moon appeared in the day of 30th Sha'baan, this day will be of Sha'baan not of Ramadaan. Hence, to observe fast on this day will not be due.

Q17: Is it lawful or not to observe fast on 30th Sha'baan if the moon did not appear on 29th Sha'baan?

A. Fast should not be observed on 30th Sha'baan if the moon did not appear on 29th Sha'baan despite the fact the sky was clear. But in case, the sky was cloudy or unclear, in such case "Mufti" (Muslim jurist) should ask people to wait till meridian avoiding food and drink like that of keeping fast but should not make intention of fast. If in the meanwhile the appearance of the moon is proved by evidences under Shari'ah then all should form "Niyat" for the fast as the time for the intention of fast lasts till meridian and in case the time of meridian elapsed and appearance of the moon is not proved then Mufti should ask people to have food and drink like the normal day. And the ones who are in know of the Shar'ee matters, regulations should make Niyat and observe fast as is done on "Yaumul Shak" (the day of doubt).

Q18: What injunction is there for the one who is regular in observing fast on a particular day and "Yaumul Shak" i.e. 30th Sha'baan falls on that day?

A. If one is regular in observing fast on any particular day and that day falls on this date (30th Sha'baan), he can make Niyat of his "Nafil" fast as usual. It is even better for him to keep fast on this day. For example, one observes fast on every Monday or every Thursday and 30th Sha'baan falls on that day, he should not omit fast but must observe on this blessed day to earn divine reward.

Q19: Should one observe fast or not whose evidence in regard to sighting of the moon has been rejected?

A. If one saw the moon of Ramadaan or of Eid but his evidence was rejected due to any Shar'ee reason like he is "Faasiq", in such situation he should observe fast even though he has himself seen the moon of Eid and in case it was the moon of Ramadaan and he started observing fasts and also completed thirty fasts but the sky was again cloudy or unclear and the appearance of Eid's moon was not proved, in such case he should observe one more fast to earn the reward of maintaining harmony and uniformity with the fast-observing Muslims and to avoid the misfortune of sequestering oneself from the Islamic community, nation.

Q20: What injunction is there for "Faasiq" who observed fast after having seen the moon but later broke it before time?

A. This case has two aspects and each of them has to be dealt with by separate injunctions: 1. If he observed fast having seen the moon and later broke it before time or he gave evidence before "Qaadi, Qaazi" who did not enjoin people (on the basis of his evidence) to observe fast but he broke his fast before time then he should observe "Qada" of the fast. No atonement would be due. 2. And in case he observed fast and Qaadi also accepted his evidence and thereafter he broke his fast before time in such case atonement would also be due (even though he is Faasiq) as he is guilty of breaking Ramadaan's fast before time.

Q21: Is appearance, sighting of the moon at one place, town reliable for other one or not?

A. Appearance of the moon at one place, town is not meant for only one place, town but for the whole world. However, its appearance, sighting for the other place, town will be reliable only when its appearance, sighting is vindicated on that day and date by Shar'ee proof.

Q22: What method of vindicating the appearance, sighting of the moon at other place, town by Shar'ee proof is there?

A. There are seven methods to prove "Royat-e-Hilaal" (sighting of the moon) in Shari'ah: 1. Self-evidence i.e. the evidence of the one who himself saw the moon. 2. "Shahaadat 'Alash Shahaadah" i.e. the witnesses did not see the moon themselves but someone (s) else saw the moon who deposed before them to having seen the moon and made them witness to their evidences and thus the witnesses gave evidence of the evidences. This condition is applicable to the case where the real witnesses are unable to give personal evidence. 3. "Shahaadat 'Alal Qadaa" i.e. some people deposed before a Muslim ruler in other city, town to having seen the moon who declared that the moon has been sighted and two honest and pious persons (witnesses) who were then present there appeared before the Qaadi, Qaazi of other city, town and gave evidence on the order of the Qaadi. 4. "Kitaabul Qaadee Hal Qaadee" i.e. "Qaadi-e-Shar'a" whom a Muslim ruler has appointed, detailed to decide law suits under Islamic law, communicates evidences (concerning the sighting of the moon) to the Qaadi of other city, town in a Shar'ee way. 5. "Istifaadah" i.e. a number of groups of people

came in from a Muslim city and all of them told, to the best of their knowledge, that fast was observed or Eid celebrated on such-and-such day on the sighting of the moon. 6. "Ikmaal-e-Muddat" i.e. after completion of 30 days of a month the moon of the other is automatically proved, for, the Islamic month does not exceed thirty days. 7. Hearing the sound of gun-shots in an Islamic city on the order of Muslim ruler on 29th night of the month is also a means of the proof of sighting of the moon for the people of that particular city or for the villagers of the adjoining villages. It may be noted that methods No. 2 to 5 carry great details for which voluminous books of Fiqah be consulted. In brief, all other guesses and calculations which are common among people than Shar'ee injunctions and methods are unreliable and unsound. Only the commands of Allah and His Messenger have to be followed in this respect.

Q23: Can sighting of the Moon be proved or not by telephonic message or telegram?

A. Appearance, sighting of the moon can not be proved by telegrams or telephonic messages. Likewise rumours, hearsays, calendars and newspapers are also no proof. It is generally observed that on the night of 29th Ramadaan telegrams are sent and telephone calls made to other cities, towns to know about the appearance, sighting of the moon. Misprinting and misreporting in telegrams and copying and resemblance of somebody's voice on telephone can not be overlooked. If correct message is received even then it is not lawful under Shari'ah as it is no evidence but a news. As for letter, the religious scholars have rejected it altogether even though the addressee recognises the signature, writing and stamp of the writer. Evidence on telephone or by telephone is not acceptable in the courts of earthly rulers then how can it be reliable and acceptable in Shar'ee affairs.

Q24: Some formulas, maxims are common among people regarding the moon. What does Shari'ah say to this effect?

A. What formulas, maxims or calculations of astronomers and mathematicians in regard to the moon are common among people or available in print are simply unreliable. For example, the moon of 14th night appears before sunset and of 15th night after sunset. These points are not reliable for "Royat-e-Hilaal" (appearance, sighting of the moon) or it is said that 1st of Ramadaan will fall on the day on which 4th of Rajab fell. Or 10th of Zilhij will fall on the day on which 1st of Ramadaan fell. Or it has been observed that 1st of Ramadaan of the in-coming year often falls on the day on which 5th of Ramadaan of the outgone year fell. Likewise, it has been experienced that there will be at most four consecutive months of 29 days. Some people offer such guesses finding the moon high in the sky and some say had the moon been of 29th it would not have stayed for long in the sky. All such formulas, maxims and calculations have no credibility and are inconsistent with the injunctions of Shari'ah. The Holy Prophet once said in this context: "we are Ummi Ummat. Neither we write nor we calculate about". And said the month is thus: raising all the fingers of his both hands thrice meaning the month is of 30 days and then in the same posture (third time) he dropped his thumb meaning of 29 days. By the grace of Allah Almighty we are the community, nation of Ummi Prophet. We have no concern with such formulas, maxims and calculations unless "Royat-e-Hilaal" is vindicated by the dictates of Shari'ah.

Q25: What should be done after seeing the moon?

A. On sighting the moon "Adiyah" (supplications) as prescribed by Ahaadees should be recited. It is "Makrooh" to point finger towards the moon even though it may be to help other(s) locate and see the moon. One should also not turn away his face from the moon if it comes in his view. It is also a foolish practice to see the reflection of the moon either in the mirror or on (the blade of) a sword rather than seeing it directly. One of supplications is: "Ush-hiduka Yaa Hilaalu Anna Rabbee wa Rabba-kallaah. Allaa-humma Ahillahu 'Alaienaa Bil-amni wal-Eimaani was-Salaamati wal-Islaami wat-Taufeeqi Limaa Tohibbu wa Tardaa". (O'Moon! I make you witness that my and your "Rabb" (Sovereign Lord, Creator) is Allah. O'Allah! You may brighten this moon with peace, faith, security and Islaam and [keep it bright for us] with the grace of Your favours and bounties).