

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

THE SUNNI WAY PRESENTS

THE RULING ON
EID UL FITR AND
THE SIGHTING OF
THE MOON

A COMPREHENSIVE RELIGIOUS EDICT BY AL-
MUHADDITH AL-KABEER ALLAMAH ZIA UL
MUSTAFA AZMI

BY: AL-MUHADDITH AL-KABIR¹ ALLAMA ZIA UL-MUSTAFA

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My Master, my support and my teacher, the most distinguished of the Islamic Jurists,
Hudhur Muhaddith al-Kabir [may Allah preserve him]

Assalamu alaykum wa rahmatullahi wa barakatuh

It is my humble request to his Eminence to issue a verdict for the below mentioned issue.

This year, on the account of Eid ul-Fitr, some Ulama and Muftis from the city of Muzaffarpur and its surroundings declared the sighting of the moon on the evening of the 29th of Ramadhan ul-Mubarak on the sole basis that a certain Alim of that area received a legal testimony [Shari'i Shahadat] and that it was known from him through a phone conversation, from the location of the place where the moon was sighted. Imitating this person, the chief secretary of a seminary announced the date of Eid ul-Fitr. A Mufti Saheb in that area admonished the secretary that the testimony through phone call is not enough to establish the new moon and that a legal testimony has to be brought forward. But the above mentioned secretary did not pay heed to the advice of the Mufti Saheb and the Eid Salah was conducted the very next day.

Now the question is, whether the communication of the legal testimony [Shari'i Shahadat] by an Alim or a Mufti through a phone call is valid for the sighting of the crescent [Rooyet-e-Hilal] or not? What is the ruling regarding those people who lead the Eid Salah as in the above mentioned case?

Bayyinu Tuajjiru²

QUESTIONER: ZIA UL-MUSTAFA QADIRI MISBAHI

Principal and humble servant at the Ifta, Darul Uloom Aleemiya, Damodarpur, Muzaffarpur [Bihar]

Answer:

The proof for the beginning of any month is the sighting of the crescent or the completion of the previous month. The valid methods of establishing the crescent have been mentioned by Ala Hadhrat [may Allah sanctify his secret] in his booklet "Azka al-Ihlaal" without any abridgement. There is no room for any addition to these methods of establishing the crescent [Ithbaat-e-Hilal]. The ruling regarding the usage of the radio, telegraph and telephone has also been mentioned that these means are baseless and unreliable to prove the sighting of the crescent. The people who have invented the telephone themselves deem any testimony given through it as baseless and consider the passing of judgements based on such

¹ The Great Muhaddith

² Explain the matter and gain reward

testimonies as a useless act. They do not even summon through the telephone even though they have lenient and untrustworthy methods of accepting testimonies. They do not even evaluate the witness for trustworthiness. So, how can a testimony through the telephone be accepted in the Sacred Law [Shari'at-e-Mutahhara] whose every ruling is given with utmost care and after the clearance of all doubts.

Thus, since the invention of the telephone all the Scholars of the Religion [Ulama-e-Deen] have declared it as absolutely unreliable for establishing the sighting of the new moon. The Ulama [scholars] who are stationed in the vicinity of the witnesses should see to it that the sky was clear or not. If the sky was clear, they [the Ulama] should confirm whether the witness saw the crescent from a hillock, a tall building or from the ground level. If the witnesses saw it from a considerable height, then it should be seen whether they are just and trustworthy or not. If they are just and trustworthy, then their statement of testimony should be evaluated. Is there any doubt that their statement meant the sighting of the moon of another month? It should also be seen that the statement contains the phrase "I bear witness...." Etc.

Then, if the sighting is established in a city, did the news reach the other city through a suitable way or just through the telephone? The rulings in all these cases are different. The secretary [naazim] of any seminary³ or the trustee [mutwalli] of a Masjid should carry out the administrative duties. It is not lawful for them to interfere in the issues of fatwa [verdicts] and qadha [jurisdiction]. It is binding upon them to follow a preferred fatwa [ruling of a scholar]. Without doing this, they do not have the permission to announce.⁴

First Answer:

Is the Alim or Mufti who has accepted the legal testimony [Shari'i Shahadat] of the crescent, the greatest scholar of that city, the centre for fatwa and a man of piety or is he authorised for this act or not? If the Alim is the greatest scholar of that city and the centre for fatwa or he is authorised for this act, he has the right to accept the testimony in light of the Principles of the Sacred Law⁵ and issue a ruling [hukm]. Otherwise, he has no right and he has to hand over the witnesses to the major scholar of the city i.e., send the witnesses there. Then he himself, with the means available to him, has to announce the verdict issued by the major Alim [the centre for fatwa] of the city, in the city and its surrounding areas. Conveying this news to the other cities through telephone, written letter etc. is not reliable and it is not lawful for the people of the other cities to act upon this.

On the other hand, if he sent the written statement of the verdict to the greatest Mufti of the other city, according to the conditions, or two just and trustworthy witnesses go and bear

³ Madrassa

⁴ The news of any sightings

⁵ Qawaid-e-Shari'at

witness that “the Qadhi⁶ had issued this verdict in our presence”, then if the Qadhi of the city finds the statement of the judgement or the testimony of the witnesses compatible with the Principles of the Sacred Law [Qawaid-e-Shari’at], he may pass a judgement based on it, otherwise he may not.

If he opposes this method, then the issue will be considered as irrelevant in the jurisdiction [Qadha], rejected and unreliable. The questioner has not mentioned whether the testimony was accepted by a Mufti of his city or some other city. Moreover it is not mentioned whether the Mufti is a namesake Mufti or a major Alim with a preferred verdict [fatwa]. Thus the answer is given in detail And Allah knows best!

Second Answer:

If the proof of sighting the crescent is conveyed from another city through the telephone, even if the conveyer is a Mufti or a Qadhi, the news is unreliable and not worth acting upon in this city. Fasting was obligatory [fardh] upon the people of this city and celebrating the Eid was not permissible. Even though the Mufti of the Sacred Law [Shara’] stopped them, they did not pay heed and dared to go against the Sacred Law [Shari’a]. Repentance [tawbah] is binding upon them and even the public proclamation of repentance⁷ is necessary. In the issue of sighting the crescent, the laymen [awaam] and even some distinct people [khawaas, people of repute] display harsh ignorance and carelessness for the Sacred Law [Shari’ah]. The Ulama-e-Kiraam in their gatherings should make the laymen as well as the distinct people [khawaas] aware of the rulings [masaail] and also create favourable temperaments for the adherence to the Sacred Law [Shari’a].

Allah is the Guide⁸ and from Him is all ability⁹. And Allah knows best.

[FAQEER ZIA UL-MUSTAFA AL-QADRI \[MAY ALLAH FORGIVE HIM\].](#)

[15TH SHAWWAL UL-MUKARRAM, 1426 HIJRI.](#)

⁶ Judge

⁷ ‘Aelaan-e-Tawbah

⁸ Al-Haadi

⁹ Tawfeeq