



A VIABLE SHARIA BASED SOLUTION ON THE ISSUE OF RAMADAN AND EID MOON SIGHTING

Question: Honorable Mufti Muneer Ahmed Akhoun (Damatbarakatuhum)! Asalaam Aleykum WaRahmatullah WaBarakatuhu! What is the statement of the scholars of Islam and the Mufties, in this matter: Celebration of *Ramadhan* and *Eid* has become a very controversial issue in America, due to which the common people have become a victim of utter confusion and distress. The reason being, that in the matter of moon sighting three groups have formed. The first group attempts to sight the moon in North America by themselves, for this purpose they have formulated several committees. The second group depends on mathematical calculations and forecasts the moon, and they inform the public of their findings by specifying the dates in advance for commemorating the *Ramadhan* and celebrating the *Eids*. The third group trusts the announcements made by Saudi Arab, and base their celebration of *Eids* and *Ramadhan* on it. Now the situation has become so worse that in every city, town, community and avenue we observe an alarming condition of chaos. The conflicts have increased to such an extent that in the same household the husband is celebrating *Eid* and the wife is fasting, similarly a brother is fasting and the sister is celebrating *Eid*. On the day of happiness there is an atmosphere of discontent. Muslims of Baltimore in specific and generally all over America the majority of the Muslims base their *Eid* and *Ramadhan* on the news from Saudi Arab. The minority tries to sight the moon locally. Now the question is that in order to unite the Muslim *Ummah* and save them from this conflicts, can we adopt the moon sighting of Saudi Arab or not? I am presenting to you some of the *fatawa*, among these *fatawa* the most important *fatwa* is from Darul Uloom Karachi, Pakistan. I kindly request you to please give a detailed response in this matter, and clarify the doubts presented against the moon sighting of Saudi Arab. This is my desire that through your *fatwa*, this *Ummah* receives a gift of unity in the celebration of *Ramadhan* and *Eid*. Ameen!, May Allah accept my *dua*. Yours Sincerely. (Questioner, Ahfaz Ahmed, Baltimore, Maryland America March 23, 2011)

Answer : To avoid mutual differences and disagreements on the auspicious occasions of Ramadan and the two Eids, the most appropriate and viable solution in the light of the Holy Quran, Hadiths, the deeds of the Holy Prophet (Sallallahu Alaihi Wasallam) and His companions (Radhi'Allaho ta'ala anhumah), as well as in accordance to the consensus of major Islamic jurists, Imam Abu Hanifa (RA), Imam Malik (RA), Imam Ahmed Bin Hunble (RA), some jurists of Shafae school of thought, and later of Hanfi and including Allama Ibn-e-Taymiah, is that, (in terms of Fiqah) "considering difference of horizons is absolutely non-credible"; in layman's terms it means that, global moon sighting is the exact requisite of Shariah and Sunnah. (Sahih Bukhari 356c, Sahih Muslim 347c, Sunnan Abu Dawood 326c, Sunnan Kubra Beheequi 349c, Fatawa Shami 393c).

This is because in about 29 Hadith of Sahah-e-Sita, Holy Prophet (Sal'allahu Aleyhe Wasallam) has addressed and ordered the entire Umma in general to sight the moon. Since this is a general address it does not define whether the order is for distant nations or for nearby localities. Neither, the order is given to a specific person, group, or locality. In fact, by addressing the entire Umma, this order becomes a command to conduct global moon sighting. In contrary to this, we cannot find even a single Hadith that proves, "difference of horizons is credible". In layman's terms, local moon sighting, meaning that every locality has its own horizon in which they have to sight the moon, cannot be proven from any Hadith. (Fateh-Al-Qadeer 243c volume 2, Al-Fiqah-All-Islami 662c volume 3, Kifayet-Al-Mufti 224c volume 4, Roet-E-Hilal 119 by Mufti Muhammad Naeem)

Furthermore, even in the "Hadith of Quraib" which is presented by the Shafae school of thought, the words "li quli baladin ruyah" meaning "every nation has to do its own sighting" these words are neither quoted from Holy Prophet (Sal'allahu Aleyhe Wasallam), nor were they used by Ibn Abbas in his judgment. (detailed discussion on this hadith is coming later). It is an interesting fact to be noted, that Quraib, who was a prominent student of



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Ibn-e-Abbas (RA) in sciences of Shariah, and was not a common man, he himself questions in astonishment that, isn't the sighting of moon and fasting by Hazrat Moawia (RA) sufficient? Upon which Ibn-e-Abbas replied, "No, this is how we have been ordered by Holy Prophet (Sal'allahu Aleyhe Wasallam)". The justification and right analysis of this conversation is that, in those times it was a common practice among the Sahaba and the Tabaeen, to accept the reports of moon sightings from distant places. The narration (mentioned later on) from Behaqui and Musli also support it. Therefore, it is a great disparity and unethical, especially for a Hanafi scholar to bring forth the 'Hadith of Quraib', and advocate for the Shafae opinion. Doing so is not only against the consensus of the majority, but also against the edicts of the top scholars of Deoband and Barailwi. None the less a Hanfi scholar has no justification for presenting this argument.

The majority of recognized edict experts agree that moon sighting in one country is final for people living in another country and keeping fast and observing Eid becomes 'wajib' obligatory, provided the proof of moon sighting is conveyed to them through Sharia based evidence and information. (Rad-UI-Mukhtar Shami, 393c, volume 2, Fatawa-Alamgheeri pg.98 Vol.1, Behar-UI-Raiq 270c, volume 2, Imdad-UI-Fatawa 154 volume 2, Fatawa-E-Mehmoodia 282 volume 7). The edicts to this effect issued by renowned scholars from all schools of thought i.e. Deoband, Brailvi and Ahl-E-Hadith endorse them. Therefore, when in the epicenter of Islam, that is the holy city of Mecca, if the Central Moon-Sighting Committee officially declares the sighting of moon, it becomes 'Wajib' incumbent for Muslims living in America, Canada, Europe and other distant nations, to follow it for observing Ramadan, Eid, and doing sacrifices. If despite of getting the official news of the moon sighting at the beginning of the month of Ramadan they fail to begin fasting, then they will have to make-up 'Qadha' for the missed fast later on. And if upon the moon sighting of the completion of the month they still continued to fast on the day of the Eid, then it is a grievous sin. Such actions will also bring upon the woes of disunity and discord.

Therefore, Hakeem-ul-Umma Hazrat Maulana Ashraf Ali Thanvi (RA) says, if the sharia based evidence of sighting of moon in Mecca is reaches in India before any declaration of moon sighting is made here in India, then it will become essential for Indian Muslims to keep an additional fast on the basis of that information. (Fatawa-e-Raheemia pg.211 vol. 1, in reference to Waz-UI-Ashar 877).

Hazrat-Maulana Rasheed Ahmad Gungoohi, renowned for being the teacher of founder of Tahleegi Jamaat, Hazrat-Maulana Ilyas Kandhailvi (RA) and central leader of Deobandi religious scholars, writes in his famous book titled as Kookab-ud-Durri Shara-E-Tirmizi that, if the moon is sighted in Calcutta (India) on Friday night but it was viewed in Mecca on Thursday night, and people in Calcutta could not get to know that the Holy month commenced in Mecca, then as soon as they find out they are bound to observe Eid in conjunction with Mecca and also make-up for the missed fast of the first day. (Kookab-ud-Durri Shara-e-Tirmizi 336).

The respectable Ala-Hazrat Maulana Ahmad Raza Khan Brailvi (RA), in an edict says, the quote by Umar "that if the moon of the 29th is sighted in a faraway city like Mecca, then, since people living in Bharaiich failed to commence fasting in conjunction with Mecca, they will have to keep an additional fast to undo the loss of the missed fast", is correct. This was the valid and just way of our great Imams who treaded on that path. (Fatawa-E-Rizvia 567c, volume 18 by Hazrat Maulana Ahmad Raza Khan Brailvi).

It is a fact that, the Saudi scholars of Mecca and Medina adopt the exact method of Sunnah, for declaration moon sighting. Accordingly, there is no room for astronomical calculation, either for affirming or denying the possibilities of moon sightings. This solid principle is agreed upon by all the four great Imams and edict experts belonging to Hanafi, Maliki, Shafi and Hunbli school of thought. The only exception is Alama Subki (RA) from the Shafai school of thought, who instead of turning to the Sharia and Sunnah, opted for astronomical calculations,



forgetting that there are only three Sharia based ways to determine the sighting of moon. These are: 1- Sighting by the public, 2 – Sharia compliant evidence or information, 3 – Completing 30 days. That's why even from among the Shafai school of thought prominent scholars like, Alama Ibn-E-Hajar Asqalani (RA) and Alama Khair-UI-Din Ramali (RA), have negated the opinion of Alama Subki, terming it unacceptable and condemnable. More so, Ustad-UI-Muhadithseen Hazrat Maulana Muhammad Yusuf Binori (RA) and Grand Mufti of Pakistan Mufti Wali Hassan Tonki (RA), have described the Subki's judgement as wrong and figment of imagination in the face of existing Sharia based ways.(Fatwa 1969, Fatawa-E-Shami 354c, volume3, (Fiqa-E-Hanafi) Mohaib-UI-Jaleel 3870, volume 2, (Fiqa-E-Maelki) Shara-E-Mohzab 28c, volume 6, (Fiqa-E-Shafi) Kirab-UI-Faroo 11c, volume 3, Fiqa-E-Hanble).

The grand Mufti of Pakistan Mufti Muhammad Rafi Usmani, Shaikh-UI-Islam Mufti Muhammad Taqi Usmani, the Grand Mufti of Darul-Uloom Deoband Mufti Nizam-ud-Din Azmi, Saddar Mufti Darul-Uloom Deoband Mufti Habib-Ur-Rehman, Mufti of Mazahir-UI-Uloom Saharanpur Muhammad Yahya, Mufti Muhammad Naeem Jamia Binori Karachi, and the founder of Brailvi school of thought Ala-Hazrat Maulana Ahmad Raza Khan Brailvi, and other religious scholars and edict experts have termed the Saudi moon sightings as Sharia compliant, rejecting the notion that the declaration of moon sighting in Saudi Arabia is made in accordance with the calendar. Therefore, the grand Mufti of Pakistan Mufti Muhammad Rafi Usmani in an edict issued from Darul-Uloom Karachi and substantiated by Shaikh-ul-Islam Maulana Taqi Usmani writes, (some excerpts from it are given): "Astronomical calculations in the issue of moon sighting are not a Sharia based tool. There are only three Sharia based ways, (a) general or public sighting, (b) Sharia based evidence or information, (c) completing 30 days." The crux of the debate is that the edict experts from all the four Islamic jurisprudence are agreed that astronomical calculation is not based on Sharia rules, thus holding no credence in the eyes of Sharia either for affirming or denying moon sighting. Furthermore, in case if there is a contradiction between the actual sighting and astronomical calculation, then in this situation if the sighting confirms to the rules of Shariah then it will be accepted and the results of calculations will be disregarded. This means the actual sightings overrules the results of calculations and not vice-versa. This rule eliminates all confusions and doubts raised against the Saudi sightings and gives them the credibility they deserve.

In conclusion, Saudi Arabia follows all rules laid down by Sharia for the sighting of Ramadan and Eid moon, so its declarations are valid, be it against the calculations. Therefore, it is incumbent for the Muslims living in USA and Britain to follow the decision provided the decision is conveyed to according to the conditions given by Sharia. (Fatwa No. 461, 78 dated 12 Shaban 32A.D.) (Nawadir-UI-Fiqa 78c, volume 2, by Mufti Rafi Usmani, Fatawa-E-Usmani 15c, volume 3, by Mufti Taqi Usmani, Fatawa-E-Mahmodia 272c, volume 7, Saboot-E-Hilai, new moon theory by Maulana Yaqub Ahmad Miftahi)

According to a statement of Mufti Taqi Usmani, in an international annual conference of 'Rabta-e-Aalam Islami', held in Mecca (1-3 February 2012), scholars from the Arab and non-Arab world, agreed the best solution will be that, if the moon is sighted in the eastern part of the world, and its proof is convey to the people living in the western part of the world, they need to follow it. (Saudi Arabia lies to our east, hence, the evidence of its sighting of the moon, will be considered reliable and practical for USA, Canada, and other western nations. (Quoted)) Moreover, more than 30 renowned and prominent scholars and edict experts of Saudi Arabia, in their signed statement, have described Saudi moon sighting to be in complete confirmation to the rules of Sharia. The Grand Mufti of Saudia Shaikh Abdul-Aziz Abdullah Bin Baz and Imam-e-Kaaba Shaikh Abdullah As-Sabeel, while declaring Saudi moon sighting as Sharia based, have strongly condemned those propagating against it negatively, and said that, there are some people who claim that Saudi declaration of moon sighting is carried out in accordance with the meteorology department's calendar, but their claim is merely based on slander and



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tantamount to maligning Saudi Arabia. May Allah's curse be upon them. These people are the ones who harbor grudge in their hearts against Saudi Arabia, and try to malign it. Remember, the actual sighting of the moon is the only evidence which is considered reliable for commencing the months in Saudi Arabia and the lunar calendar has no credence in this matter. The lunar calendar is based on the astronomical and mathematical calculations and is utilized only in offices. Whenever, the calendar contradicts the actual sighting, the sighting prevails upon Umm ul Qura's calendar. Hence, those who have objections against the Saudi moon sighting, are in reality abandoning the simple rules of *Sunnah* and the consensus of the four Imams, and adding astronomical calculations in the process of moon sighting they have no justification for it, it is an aberration from *Sunnah*, opening a new door for creating rifts and dissensions among Muslims. (Fatawa-Shami p354-355); Sharai Saboot-e-Hilal, p181-185; Saudi Arab Ke Roet, p33-39, Roet-E-Hilai-wa-Aitbar-E-Matalae, p18-81, by Mufti Muhammad Naeem, Karachi, Moulhly Al-Balagh, Jamad-ul-Awal, 1433AD.)

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Apart from the large number of prominent scholars of Pakistan, Bangladesh, Mecca, & Medina, many responsible scholars in USA and Canada have endorsed this Fatwa:

Mufti Syed Akbar Saeed Nadwi, Masjid Abu Bakr (Houston)
Maulana Muhammad Imran, Imam Masjid Bab-e-Rehma (Baltimore)
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