



# Policy and Procedures: Hilāl Sighting and Decisions

Version1\_2

## Moonsighting Australia

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# B

## INTRODUCTION

All praise is due to Allah, our Creator and Nourisher. Peace and blessings be upon His final messenger Muḥammad ﷺ, his family and companions.

### Purpose of Document

The purpose of this document is to detail the policies and procedures for sighting the moon and determining the commencement of lunar months for Australian Muslim communities. Subsequently, this document will provide the framework within which Moon Sighting Australia will determine specific dates for both Eids and Ramaḍān.

### Background

This document was prepared after a special meeting on June 30, 2018 at Darul Ulum College (Melbourne) under the auspices of Moonsighting Australia and Jamiatul Ulama Victoria. A group of over 20 esteemed scholars representing various organizations across Australia attended this meeting. Past experiences of moonsighting in Australian were recounted and experience of *hilāl* sighting of the last three decades were recapped and compared with the experiences of scholars in the UK, Canada and South Africa. The scholars then discussed and agreed to a detailed framework and set of guidelines to regulate and implement the *hilāl* sighting procedures and subsequent decision-making process, as outlined in this document.

### Main Components

- Key Considerations in the formation of these guidelines and procedure
- Administrative and organisational structure of Moon Sighting Australia. The major components of the structure are:
  - regional/state committees, each with an appointed representative
  - central committee with *amīr*
- Summarized Overview of Process

- Policy and Procedures: The procedures of processing *hilāl* sighting reports from around the country. This includes:
  - Intake of reports
  - Taking testimonies
  - Requirements for witnesses
  - Gathering and assessment of reports from each state, submission to central committee.
- Criteria for decisions
- Communication of decisions

# KEY CONSIDERATIONS

1. Islamic Jurisprudence is clear on how witnesses for the new hilāl are to be considered. Principally, the responsibility of taking testimony of moonsighting and making announcement on the commencement of the respective months lies with a qādi or judge. In countries with Muslim minorities such as Australia, the Muslims can adopt any one of the following to facilitate this function:
  1. Appoint an *amīr* or leader;
  2. Set up Hilāl committees
  3. Each locality appoints an *‘ālim* as its authority in these matters.<sup>1</sup>

After the testimonies are taken and an announcement is made accordingly, then the decision reached by any of the above 3 groups is binding upon its area of jurisdiction.
2. The policy is based on the unanimous view of all four *sunnī* schools of *fiqh* that a lunar month commences based on a positive sighting of the crescent. The objective is to unite the Muslim communities of Australia on this principle, and create a detailed framework to facilitate and organize this.
3. The guidelines for this policy are decided in consultation with scholars of all four *madhhabs*. Thus, it is based on agreement of scholars upon a set of guidelines derived from the four schools.
4. The unique geographical placement and conditions of Australia are given special consideration in this policy.

<sup>1</sup> See al-Laknawī, *‘Umdat al-Ri‘āya*.1/309

# STRUCTURE OF MOONSIGHTING BODY

The structure of the Body (Moonsighting Australia) is as follows:

## *State Committee:*

Each state shall have a committee consisting of at least 5 members, who are responsible for receiving the moonsighting reports and submitting them to their State Representative.

## *State Representative*

One of these members shall be appointed as the State Representative, who shall collect and assess all the reports submitted to him by the members of the State Committee.

## *National Committee*

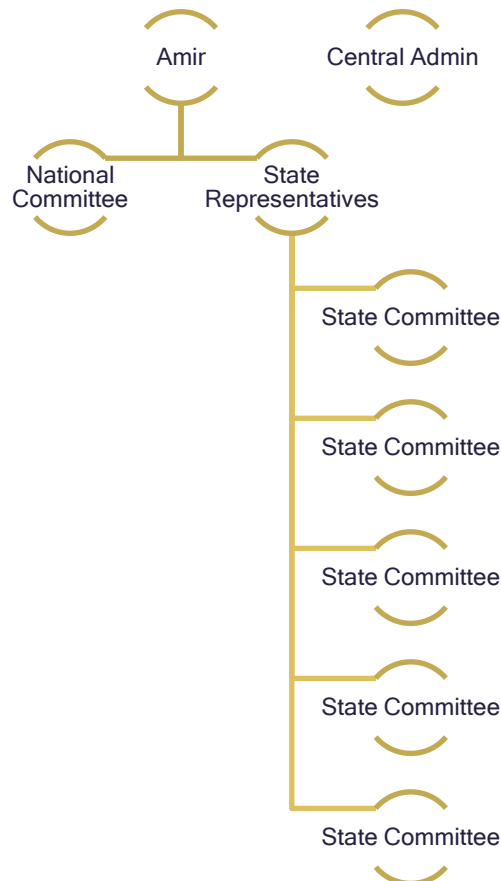
The State Representatives from around the country will form the National Committee.

## *Central Administrative Committee*

The State Representatives shall submit their verified reports to the Central Admin Committee. This committee will have the administrative role of collating and submitting the reports to the Amīr, as well as overseeing and executing all the communication and information in regards to the moonsighting process.

## *Amīr*

The *Amīr*, in consultation with the National Committee and adherence to this policy, will form a decision.



# OVERVIEW OF PROCESS

## Step 1: Intake of Reports

- The State Committees receive sighting reports from individuals or groups.

## Step 2: Verification

- The local State Committee member verifies the report and its witness(es) and completes the testimony process in the presence of other witnesses. If the report is from a remote area, the verification is conducted by phone or video call, and a testimony form is sent to the witness to fill out and submit.

## Step 3: Collation of Nation-wide Reports

- The appointed State Representatives collate reports from all state committee members and send to the Moonsighting Australia Central Committee.

## Step 4: Decision

- The Central Committee assesses the submitted information and consults with all state representatives via conference call. The Amīr, after completing the consultation process, reaches a decision.

## Step 5: Announcement

- A written statement from the *Amīr* is issued and another appointed member of the committee sends a recorded video, circulated through all Moonsighting Australia channels.

# POLICY AND PROCEDURES

## 1. Range of Sighting

- 1.1.1 Moonsighting reports will be considered within the country of Australia only. (This is the *maṭla*<sup>2</sup> within which the policy will be applied, unless and until agreed otherwise.)

## 2. Quota of Witnesses

- 2.1.1 Two reliable male witnesses will be required to establish the commencement of any lunar month. Two reliable female witnesses may testify in a place of one of the male witnesses.

## 3. Commencement of Lunar Months

- 3.1.1 A lunar month will not be deemed complete at 29 days unless there is sufficient evidence to indicate that a new month has commenced, as per the guidelines within this policy.
- 3.1.2 If the criteria within this policy is not fulfilled, the month will be completed at 30 days.
- 3.1.3 The quota for commencing all lunar months, as indicated above, is two reliable male witnesses, or two reliable female witnesses and one reliable male witness.
- 3.1.3.1 This guideline is applicable to all months including Ramaḍān, Shawwāl and Dhū'l Ḥijja.

## 4. Primary Basis of Decisions

- 4.1.1 Verified moonsighting of the crescent by the naked eye will be the primary basis for decision regarding commencement of lunar months.
- 4.1.2 Consideration will only be given to reports from within the designated sighting region (*maṭla*): Australia.
- 4.1.3 The Committee will only announce the commencement of a new lunar month at 29 days through reports that have been collected and verified through the channels, processes and individuals appointed in this policy.

<sup>2</sup> NT, Tasmania, Cocos and Christmas Island sightings will be only be accepted from trained and known *hiḷāl* observers.



## 5. Usage of Scientific Data

5.1.1 Scientific data may be used in the following capacities:

5.1.1.1 As a reference for assessing the possibility and its extent for moonsighting within a specific time frame and region. At least two independent astronomical bodies must be consulted for the purpose of such assessment.

5.1.1.2 To determine the veracity and legal (*sharī*) status of moonsighting reports within the region.

5.1.2 Scientific data may not be used for the following:

5.1.2.1 As the sole basis for making a decision.

5.1.2.2 As a replacement for the moonsighting process.

5.1.2.3 To overrule sightings which have been verified beyond reasonable doubt, due to a large number of verified witnesses or locations of sightings.

## 6. Collection of Moonsighting Reports

6.1.1 The moonsighting report must be collected by an appointed member of a State Committee.

6.1.2 The witness must come and give their report in person to the member appointed to that region.

6.1.3 In the event that the witness is physically or logistically unable to reach the Committee Member in time (as is the case in remote locations), a video call may be used to verify the identity and account of the witness.

6.1.4 The Committee Member must verify the identity of the witness.

6.1.5 Each witness must fill out the designated moonsighting report form, aside from providing their verbal testimony.

6.1.6 The Committee Member must forward the report to the State Representative.

6.1.7 The State Representative will assess the report, as well as the process used in its collection.

6.1.8 The State Representative will contact the member submitting the form in the event that more information is required. The member will, in return, follow up with the witness and obtain the necessary information.

6.1.9 If the State Representative feels that the process of collecting the report did not meet the criteria of this policy, he may repeat the process with the witness.

## 7. Verification of Reports

- 7.1.1 A report may only be accepted from an actual eye witness.
- 7.1.1.1 Third-party reports shall not be accepted.
  - 7.1.1.2 The witness must have seen the crescent without the use of optical aids.
- 7.1.2 The witness must be a sane adult Muslim who is not blind.
- 7.1.2.1 Preference will be given to witnesses who are righteous, and known as practicing Muslims (prayer, frequenting the masjid, hijāb in the case of women).
  - 7.1.2.2 The Committee is not obliged to make a decision based on testimony of a witness known as non-practicing, or to openly commit major sins.
- 7.1.3 If the Committee has reasons to believe that such eye witness is testifying truthfully on that occasion, it may give consideration to their testimony.
- 7.1.4 The veracity of the witness must be assessed by the member collecting the report.
- 7.1.4.1 The member collecting the report may ask questions to ascertain the accuracy of the witness' account.
  - 7.1.4.2 The member, in collaboration with other members and the State Representative may contact leaders of the witness' congregation or community to assess his or her reliability.
  - 7.1.4.3 Witnesses will be asked who else was present and can testify.
- 7.1.5 A witness must testify independently, without encouragement or suggestion from anyone else.
- 7.1.5.1 A witness appearing to be coerced may be deemed unreliable.
- 7.1.6 Any effort to assess the reliability of a witness will be conducted in a respectful and discreet manner.
- 7.1.6.1 Any information deeming a witness unreliable shall be kept strictly confidential and not shared outside the committee.
  - 7.1.6.2 In the event that a witness is deemed unreliable, their identity shall not be shared outside the committee.
- 7.1.7 The witness must testify verbally.
- 7.1.7.1 The witness must consent to giving a testimony.
  - 7.1.7.2 The witness must be reminded of the grave implications of testimony and that it is akin to a statement under oath.
  - 7.1.7.3 The words of the testimony must be clear and unambiguous, such as: "I testify that I saw the crescent at *such* time from *such* place in *such* direction on *such* date."

7.1.8 Each witness shall fill out the testimony form.

7.1.8.1 All the fields of the form must be completed, and the form signed by the witness

## 8. State Committee Functions and Procedures

8.1.1 The function of State Moon Sighting committee is to facilitate, verify and submit moon sighting testimonies across that state, as detailed in this policy.

8.1.2 Each State committee will consist of a minimum of five members.

8.1.2.1 In the event that the number of the Moon Sighting committee members declines, State Committee members may select, by mutual agreement, more suitable members and submit their names to the National *Amīr* and Central Administrative Committee, as well as the National Committee.

8.1.3 Committee members must be certified scholars.

8.1.4 Each Committee will be headed by a State Representative.

8.1.4.1 The State Representative will preside over all meetings and *hilāl* sighting activities in the state.

8.1.4.2 He will submit the reports collected from his state as well as his committee's assessments thereof, to the National *Amīr* in a timely fashion.

8.1.4.3 He will be a member of the National Committee, which will assess nationwide reports and make decisions based on them.

8.1.4.4 He will ensure confidentiality of all information obtained until the *Amīr* has reached a decision.

8.1.5 Each State Committee should conduct and facilitate efforts for *hilāl* sighting on the 29<sup>th</sup> of every lunar month and report their findings.

8.1.5.1 Members must collaborate physically or via teleconference on the night of the 29<sup>th</sup> of each lunar month.

8.1.5.2 For the months of Ramadan, Shawwāl and Dhu'l Hijja, all members (in town) will collaborate in collating and sharing any information regarding sightings in that state. They will establish communication with the National Committee through their State Representative.

8.1.5.3 For the remaining months, the participation of at least 3 members is sufficient.

## 9. Final Decision Process

- 9.1.1 The National *Amīr* will review the collated reports submitted to him via the National Administrative Committee and call a meeting of the National Committee.
- 9.1.1.1 He will consult with the members of the National Committee and consider the findings and input of his Committee.
- 9.1.1.2 The consultation will be conducted with confidentiality and will not be attended or accessed by the public.
- 9.1.2 Sightings may be rejected by the *Amīr* if he feels they do not satisfy the conditions of this policy, or the requirements of *sharīʿa* in that particular circumstance.
- 9.1.2.1 In the event that a sighting is rejected by the *Amīr* or the National Committee, the identity of the witnesses and all other sensitive information will be handled with due discretion and respect.
- 9.1.3 The *Amīr* will form a decision in light of this policy.
- 9.1.3.1 The decision of the *Amīr* is binding upon all the members of the Body.
- 9.1.3.2 The decision will be made within one hour of sunset on the West coast of Australia.
- 9.1.3.3 In the event that sightings from one region satisfy the conditions of this policy and are sufficient for making a decision, the decision may be made prior to receiving reports from other regions.
- 9.1.4 All members of State and National Committees will uphold discretion regarding all information and not share information prior to a decision being reached and announced.
- 9.1.5 In the event that the *Amīr* is unavailable or unable to lead the decision-making process, he may appoint another National Committee member to make the decision on his behalf.

## 10. Announcement

- 10.1.1 A written announcement and recorded announcement will be issued as soon as the *Amīr* has made his decision.
- 10.1.1.1 The written announcement will be issued and signed on the official letterhead by the National *Amīr*.
- 10.1.1.2 A video message will be issued by the appointed National Committee Member, on behalf of Moonsighting Australia.
- 10.1.1.3 Announcements will be made using the terminology specified by the National Committee, and include the rationale and basis of the decision in a simple, clear and concise manner.

10.1.1.4 Both announcements will be posted through the official channels of Moonsighting Australia.