

Chapter – 26

Witnesses

(گواہی)

Quran:

يَا أَيُّهَا الَّذِينَ آمَنُوا شَهَادَةُ بَيْنَكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ حِينَ الْوَصِيَّةِ اثْنَانِ ذَوَا عَدْلٍ مِّنْكُمْ أَوْ آخَرَانِ مِنْ غَيْرِكُمْ

{O people who believe! The witnesses between you when death approaches any one of you, at the time of making a will, should be two reliable men from among you, or two from another tribe. (05:106)}

وَلَا تَكْتُمُوا الشَّهَادَةَ وَمَنْ يَكْتُمْهَا فَإِنَّهُ آتَمٌ قَلْبُهُ

{And do not hide testimony; and if one hides it, his heart is sinful from within. (02:283)}

Hadith:

Narrated Anas bin Malik:

The Prophet of Allah SWT said, "The Muslims are Allah's testimonies on the earth." (Sahih Bukhari: 2467and2468)

Narrated Imran bin Husain and Abdullah bin Masood:

The Prophet said, "The best people are those living in my generation, then those coming after them, and then those coming after. I do not know whether the Prophet mentioned two or three generations. But the Prophet added, "There will be some people after you, who will be dishonest and will not be trustworthy and will give witness without being asked to give witness, and will swear but will not fulfill their swears, and fatness will appear among them." (Sahih Bukhari: 2476and2477)

Narrated Anas and Abdur Rahman bin Abi Bakrah:

The Prophet was asked about the great sins. He said, to join others in worship with Allah, to be undutiful to one's parents, to kill a person, and to give a false witness." (Sahih Bukhari: 2478and2479)

Important Aspects of Islamic Doctrine

- ❖ Giving witness in Islam is: sometimes Obligatory (فرض), sometimes disapproved (مكروه), and sometimes unlawful or prohibited (حرام). For instance: One knows about somebody, and if the respondent calls him as eyewitness then for him witnessing becomes obligation. If you are an eyewitness but the respondent does not call you for witness but you realize that if you do not go for witness the respondent may suffer then it is essential for you to help him. The Noble Prophet said that “The best witness is that person who is present without calling, (Sahih Muslim). However, in normal conditions, if you know that you are the eyewitness but the respondent does not call you for witness then witnessing is disapproved. False witnessing is absolutely unlawful and prohibited.
- ❖ What are the criteria of witnessing? How many witnesses are required? And how the witnesses should be?
The answer is: Importance of the criteria of eyewitness depends on the importance of the matter.
 1. Those matters which occur quite openly, or those are already open to all, few witnesses would be enough because when they describe something it may bring certainty. For example, all know that for the obligatory prayer, in Asr there are 4 Rakat (an individual unit of salaah) and in Maghrib there are 3 Rakat to offer. But if three or four persons come and mention that in Asr there are 3 and in Maghrib there are 4 Rakat to offer, then these witnesses will not be accepted.
 2. If an allegation is made on a woman that she is involved in illegal sex, it is a very important case in Islam. For this, 4 witnesses are essentially required. If only 3 persons give their statements in this regard then it will not be accepted and that woman will not be considered as guilty. Rather, it will still be treated as allegation, and those 3 persons will be punished.
 3. In the matter of Punishment, according to Islamic laws (حدود), two eyewitnesses are essentially needed. But they should be men.
 4. In financial matters, 2 men, or 1 man and 2 women are required as eyewitness.
 5. In those matters in which men are not mainly in the reach, for example child delivery, for this only one woman as witness would be enough.

6. On 29th Shaaban if one single dependable person comes forward as witness and says that I have seen the crescent, the new moon, then everybody will start fasting the next day. But if On 29th Ramazan if one person comes forward as witness and says that I have seen the crescent, it will not be accepted until some more truthful witnesses give their verdicts in its favor.

- ❖ Thus! Importance of '*witness*' entirely depends on the importance of the '*matter*'.

(Refer Hasilat Tafseer-e-Siddiqui Chapter-45).



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