

Building In a Waqf Graveyard

Q: Janaa'iz-83: After my father passed away, people buried him in the graveyard of his special relatives for blessing. This graveyard is not the private property of any person' but is regarded as Waqf property. People now wish to place an epitaph on the grave and to erect walls around the surrounding graves so that people may easily locate the grave. There are however no epitaphs on any of the other graves. will it be permissible to have an epitaph placed despite the prohibition of the caretakers?

Answer:. If the graveyard is regarded as Waqf property, it will not be permissible to build anything around a grave without necessity. The Sunnah practice is to have the entire grave in plain sand, it is however permissible to note the name and date of demise on the grave.

Since there are no other epitaphs on any grave in the graveyard stated in the question, a rock may placed at the grave to mark the grave. As a result, the Fuqahaa have mentioned that it is prohibited to use baked bricks on graves, to build a wall around the grave and, to take fire to a grave as well as anything baked in fire.

There is benefit for the deceased in having a simple grave of sand because such a grave is more worthy of attracting the mercy of Allaah. It also has a greater effect on the hearts of those visiting it. It reminds them of death and presents them with a glimpse of the fleeting nature of the world. The purpose of visiting the grave will therefore be accomplished.

If one wishes to maintain the semblance of the grave, one may occasionally throw sand over it. The name and date of death may also be indicated on the grave so that people may accord it respect and not walk over it. Although the Fuqahaa have allowed this as an exception, it is still best not to have anything written on the grave. A Hadith states that Rasulullaah SAW. forbade the plastering of graves, writing on them and trampling upon them.

The following question appears in Fataawaa Daarul Uloom (Vol.5 pg.377), "Zaid wishes to build around all four sides of his father's grave and place marble in the centre with an inscription on it. Is this permissible?"

The reply is as follows, "shaami reports a Hadith in which Rasulullaah SAW. forbade the plastering of graves, writing on them and trampling upon them. The act stated in the question is therefore not permissible."

A question in Fataawaa Mahmoodiyyah asks whether it is permissible to throw sand over a grave from time to time so that it is recognised as a grave.

The question also asks whether the top of the grave may be built up with unbaked bricks. The reply states, " it is permissible to throw sand over the grave and if it is located on private property, it is also permissible to build a simple structure over it with unbaked bricks. It should however not be done because of the risk of subsequent wrongs arising. There is however no

scope for doing any of this in a graveyard that is Waqf property.
And Allaah knows best what is most correct.

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