

Burying People in Used Graves

Q: Janaa'iz-82: We require the guidance of the Ulema in certain matters. The population in our country has grown tremendously and continues to do so, with the result that even finding living quarters in the large cities has become increasingly difficult. This has given rise to the need to expand the graveyards, which cannot be done. While it is possible to bury the dead in areas far from the populated areas, this makes it not only difficult but practically impossible to transport the deceased there.

Another solution is to reuse old graveyards. This will however be done only if it is practised in the Shari'ah and it is for this that the guidance of the Ulema is required. After what time period will it be permissible to reuse a used grave?

Some people of insight state that the body of a person turns to dust after 40 years or 50 years at the most (unless Allaah desires otherwise). Can those graves that are known to be more than fifty years old be reused? Please shed the light of the Shari'ah on this crucial issue.

Answer: It is stated in Fat'hul Qadeer that no grave may be dug up to bury another person unless no bones of the original deceased exists. However, if there is nowhere else to bury the person and some bones are left, these should be respectfully gathered together and placed on one side of the grave. A sand partition should then be erected to separate it from the new corpse. Allaama Zayla'ee RAH. has mentioned that it is permissible to reuse a grave when the body of the previous occupant has completely decomposed into dust. In this case, it is also permissible to build on the grave and to cultivate crops. Allaama Shaami RAH. adds that the opinion of permissibility is best because it is not possible, especially in large cities, to have a grave prepared for every person that has never been used previously. see also Maraaqil Falaah (pg.336), Bahrur Raa'iq (vol.2 pg.195) and Fataawaa Aalamgeeri (Vol.1 pg. 167).

One is however not at all allowed to dig up a grave to bury another person before the body of the former occupant has completely decomposed. It is therefore evident from all the texts referred to that it will be permissible to reuse a grave after the body of the former occupant has completely decomposed, especially in large cities where space is limited. When it is not certain that the body has decomposed, it will not be permissible to dig up the grave without reason.

It will therefore be permissible in the given situation to reuse the graves when land is scarce and a new graveyard would be too far for the people to attend. This would be permissible after the period stated by those with insight and when this has been proven by experience. If some bones are left, these should be respectfully gathered together and placed on one side of the grave. A sand partition should then be erected to separate it from the new corpse. One is not allowed to construct a solid structure for this purpose. Such an act would contradict the command of the Shari'ah.

The following question was posed to Hadhrat Mufti Azeedur Rahmaan Uthmaani RAH. A grave was dug up and some bones of the deceased removed. Is it permissible to bury another person

in the grave? will it be permissible to gather the bones together and place them on one side of the grave?"

His reply is as follows: "It is not permissible to dig up an old grave without Necessity. If a grave is dug and bones of a previous deceased person are found coincidentally, they should be set aside and separated in some way from the dead person still to be buried. This is permissible after the body has completely decomposed and not before." He then quotes the two extracts from Shaami (Vol.1 pg.835) as quoted above.

N.B. The permissibility given in the extract of Shaami for building on the grave and cultivating crops applies only to land that is not regarded as Waqf. It will therefore not be permissible in a graveyard that is regarded as Waqf property. And Allaah knows best what is most correct.

Fatawa Rahimiyyah vol.3