

What is The Ruling Regarding Burying Someone in The Home Then Later Burying the Body in Another Place?

Darulifta Ahlesunnat

(Dawateislami)

Question

What do the respected scholars say about the following issue: A person passed away in the UK. His father buried him in the home that he (the father) owned. Now the deceased's brother says that having a grave at home doesn't seem appropriate, and it should be in a graveyard. Can the body be removed and buried in a graveyard? What pre-cautions should be kept in mind while doing this? Please guide us.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

In the situation mentioned above, it is not allowed to open up the grave and move the body to the graveyard because Shari'ah commands that after burying a body, it is not permissible to exhume it without a valid Shar'i reason. This is meddling with the secret affairs of Allah, disrespect of the deceased and committing a Haram and impermissible act.

It is impermissible to exhume a body once it has been buried as it is stated in *Maraqī Al-Falah Sharh Nur Al-Idah*:

ولا يجوز نقله أى: الميت بعد دفنه بان اهيل عليه التراب بالاجماع بين أئمتنا، طالت مدة دفنه أو قصرت للنهي عن نبشه والنبش حرام حقا لله تعالى

(Maraqī Al-Falah, Pg. 306, Publ. Maktaba Tul Madinah, Karachi)

It is in *Tanwir Al-Absar* and *Al-Durr Al-Mukhtar*:

ولا يخرج منه بعد اهالة التراب الا لحق آدمي كان تكون الأرض مغصوبة أو أخذت بشفعة

(Al-Durr Al-Mukhtar Ma'a Radd Al-Muhtar, Vol. 3, Pg. 170-171, Publ. Quetta)

Once a disciple, acting upon the will of his Spiritual Guide, buried him in his room. Then his children wanted to move him to their city. Regarding this situation, Ala Hazrat رحمه الله تعالى عليه wrote:

صورتِ مذکورہ میں نبش حرام، حرام، سخت حرام، اور میت کی اشد توہین و ہتک سر رب العلمین ہے اور جو بیٹا باپ کے ساتھ ایسا چاہے عاق و ناخلف ہے۔ اگرچہ وصیت دربارہ دفن واجب العمل نہیں، نہ یہاں دفن بے رضائے مالک کے مسئلہ کو کچھ دخل تھا کہ رضا پر تفریع حکم ہو۔

Translation: In the mentioned situation, exhumation is Haram, Haram, and absolutely Haram! It is severely disrespectful to the deceased and an affront to the secrets of the Owner of all worlds. A son who wants to do this with his father is disobedient and undutiful. Even though it was not Wajib to follow the will regarding burial, but the issue of burial without the permission of the owner isn't found here, therefore its ruling was not discussed. (Fatawa Razawiyyah, Vol. 9, Pg. 405, Publ. Raza Foundation, Lahore)

وَاللّٰهُ اَعْلَمُ عَزَّوَجَلَّ وَرَسُوْلُهُ اَعْلَمُ صَلَّى اللّٰهُ تَعَالٰی عَلَیْهِ وَاٰلِهٖ وَسَلَّم

(Allah Almighty knows best and His Messenger صَلَّى اللّٰهُ عَلَیْهِ وَاٰلِهٖ وَسَلَّم knows best.)

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Dar-ul-Ifta Ahlesunnat (Dawat-e-Islami)



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