

If Only the Bones of The Deceased Remain, what is The Ruling Regarding the Funeral Prayer?

Darulifta Ahlesunnat (Dawateislami)

Question

What do the noble scholars and jurists of Islamic law say about the following: If, after drowning in the sea, only a person's bones are found, or if only bones remain after burning, should the funeral prayer be performed over them?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

If, after drowning in the sea, only a person's bones are found, or if only bones remain after burning, the funeral prayer will not be performed over them. In a situation like this, when only the bones are found, the ruling is that the bones should be wrapped in a cloth without being bathed or shrouded, then they should be buried.

Thus, 'Allamah Kasani رحمه الله writes in Badai' Al-Sanai':

أن العظام لا يصلى عليها بالإجماع

(Badai' Al-Sanai', Vol. 1, p. 302, Publ. Dar Al-Kutub Al-'Ilmiyah, Beirut)

It is stated in Al-Tajreed Lil-Qudoori:

العظام لا يصلى عليها باتفاق؛ لأن البلى يمنع الصلاة

(Al-Tajreed Lil-Qudoor, Vol. 3, p. 1099, Publ. Cairo)

The body of the deceased must be present in order to offer the funeral salah. Without it, the funeral salah cannot be performed. Thus, it is stated in Al-Muheet Al-Burhani:

روي عن ابن عباس، وابن مسعود رضي الله عنهما أنهما قالوا: «لا يصلى على عضو»... وهذا لأن صلاة الجنازة ما عرفت قربة بدون الميت، والميت اسم لجميع البدن، ولم يوجد جميع البدن، ولا أكثر البدن، وإنما وجد منه البعض، والمعدوم أكثر من الموجود، فيرجح العدم على الموجود، فكأنه لم يوجد شيء من البدن، وبدون بدن الميت لا تقام صلاة الجنازة

(Al-Muheet Al-Burhani, Vol. 2, p. 203, Publ. Dar Al-Kutub Al-'Ilmiyah)

If only the deceased's bones are found, the bones should be wrapped in a cloth without being bathed or shrouded, and then they should be buried. It is stated in Bahar-e-Shari'at:

اگر (میت کا آدھا حصہ ملے جس میں) سر نہ ہو یا طول میں سر سے پاؤں تک دھنیا یا بایاں ایک جانب کا حصہ ملا تو ان دونوں صورتوں میں نہ غسل ہے، نہ کفن، نہ نماز بلکہ ایک کپڑے میں لپیٹ کر دفن کر دیں۔

Translation: If half of the deceased's body is found, which doesn't include the head, or either the right half or the left half of the body from the head to the feet is found, in both cases, neither will they be bathed, nor

shrouded, nor will the prayer be performed over them. Instead, they should be wrapped in a cloth and then buried. (Bahar-e-Shari'at, Vol. 1, Pt. 4, p. 815, Publ. Maktaba-Tul-Madinah, Karachi)

وَاللّٰهُ اَعْلَمُ عَزَّوَجَلَّ وَرَسُوْلُهُ اَعْلَمُ صَلَّى اللّٰهُ تَعَالٰى عَلَيْهِ وَاٰلِهٖ وَسَلَّم

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

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