

Can the Body Be Exhumed if the Burial Slabs Collapse?

Darulifta Ahlesunnat (Dawateislami)

Question

What do the noble scholars and jurists of Islamic law say about the following: If the covering slabs collapse because the supporting earth caved in after the deceased has been placed in the grave and the slabs have been laid, but before the soil has been placed on the grave, is it permissible to remove the slabs and exhume the body in order to adjust them? Please provide guidance.

Answer

The general sharī‘ah ruling is that when the deceased is placed in the grave and soil has been placed over the grave, then it is not permissible to open up the grave without a valid sharī‘ah reason, regardless of whether the grave has caved in or water has entered it. In such cases, the ruling is that the grave should be repaired by adding more soil over it instead of opening up the grave. However, **if such a situation occurs before the soil has been placed over the grave, such that only the covering slab was laid and then the grave caved in or some other issue occurred, then in this situation it is allowed to remove the slabs, exhume the body, and repair the grave.** This is because opening the grave is prohibited after burial, and the burial is not complete at this stage. The jurists رحمۃ اللہ علیہم have considered burial to be complete once soil has been placed over the grave, not only when the slabs have been laid. **Therefore, in the inquired situation, if the covering slabs collapse before soil is placed over the grave, then there is no issue in removing the slabs and repairing the grave.**

Evidence for the Above-Mentioned Ruling:

It is impermissible to exhume the body after burial without any valid sharī‘ah reason. Thus, ‘Allāmah Aḥmad Taḥtāwī Ḥanafī رحمۃ اللہ تعالیٰ علیہ (d. 1231 AH/1815 CE) writes:

ولا يباح نبشه بعد الدفن أصلاً كذا في الفتح وغيره قوله: "إلا أن تكون الأرض مغصوبة"

Translation: Exhuming the body after burial is not permitted at all, as stated in al-Fatḥ and other works, unless the land in which the deceased is buried has been usurped. (Ḥāshiyah al-Taḥtāwī ‘Alā Marāq al-Falāḥ, p. 615, Publ. Dar al-Kutub al-‘Ilmiyah, Beirut)

The prohibition of exhuming the body after burial refers to the stage after the soil has been placed. Thus, it is stated in Tanwīr al-Absār Ma‘a al-Durr al-Mukhtār:

(ولا يخرج منه) بعد إهالة التراب

Translation: It is not permitted to exhume the body **after the soil has been placed.** (Tanwīr al-Absār Ma‘a al-Durr al-Mukhtār, Vol. 02, p. 238, Publ. Dār al-Fikr, Beirut)

Similarly, Sadr al-Sharī‘ah Muftī Muḥammad Amjad ‘Alī A‘zamī رحمۃ اللہ تعالیٰ علیہ was asked: After the deceased was placed in the grave, the burial slabs were laid, and the soil was placed over the grave, the grave caved in. Is it now permissible to remove the soil and exhume the body?

He رحمۃ اللہ تعالیٰ علیہ answered:

جب مٹی دے چکے، تو اب میت کو نکالنا جائز نہیں۔

Translation: Once soil has been placed over the grave it is no longer allowed to exhume the body. (Fatāwā Amjadiyah, Vol. 01, p. 327, Publ. Maktabah Razawiyah, Karachi)

It is permissible to exhume the body from the grave before soil has been placed, provided that there is a valid necessity. Thus, Abū al-Ma‘ālī Bukhārī Ḥanafī رحمۃ اللہ تعالیٰ علیہ (d. 616 AH/ 1219 CE) writes:

وإذا وضع الميت في اللحد لغير القبلة أو على يساره قد عرف ذلك، فإن كان بعد إهالة التراب لا ينبش عنه قبره وإن كان قبل إهالة التراب وقد شرحوا اللين نزع اللين ويوضع كما ينبغي

Translation: If the deceased is laid in the laḥd (grave) facing a direction other than the qiblah, or on his left side, and this is discovered afterwards, then if it is discovered after the soil has been placed over the grave, the grave will not be opened. However, if it is discovered before the soil has been placed, even after the slabs have been laid, the slabs can be removed and the deceased can be positioned as he should be. (Al-Muḥīṭ al-Burhānī, Vol. 02, p. 196, Publ. Dār al-Kutub al-‘Ilmiyah, Beirut)

وَاللَّهُ أَعْلَمُ عَزَّ وَجَلَّ وَرَسُولُهُ أَعْلَمُ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ

(Allah Almighty knows best and His Messenger صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ knows best.)

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