

Eternal Gardens  
الطريق الى جنة الخلد  
WITH HARDSHIP COMES EASE

# Duo Graves

A detailed practical and  
academic exploration of  
the duo graves method at  
Eternal Gardens

# Concluded: June - 2022

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Eternal Gardens  
 Kemnal Park Cemetery, A20  
 Sidcup Bypass, Chislehurst,  
 BR7 6RR, UK

# Introduction

## CONTEXT OVERVIEW

A 2011 audit of London's burial spaces highlighted the stark reality of an impending burial space crisis for the wider community (An Audit of London Burial Provision, Julie Rugg, 2011).

By 2013 when Eternal Gardens launched as a newly established dedicated burial space for the Muslim Community, the realities of that report had already become apparent.

London's steep population growth resulted in densely populated boroughs and severe shortages of housing. The Government's priority shifted towards housing development and at the same time land prices rose significantly.

The UK population had already begun adopting cremations with approximately 80% cremating by this time and only 20% burying. The majority of the burials were from the Jewish and Muslim communities who had no tolerance for cremations due to religious reasons.

This shift temporarily resolved the scope of the problem for governmental bodies and with only a minority group of Muslims and Jews requiring new burial spaces. Resolving the issue long-term significantly dropped down the government's priority list. As a result, short-term resolutions were being sought between the Masajid and local councils.

Some examples of short-term resolutions are the reuse of 100+ year graves, converting existing pathways and roads within cemeteries into further burial spaces. Thus, restricting burials spaces to those within the borough only.

With no long-term resolution on the horizon, the situation continued to deteriorate resulting in some of the following outcomes:

- 1** Average burial prices increasing to £4500, increasing annually
- 2** Reusing old spaces results in Muslims having to forego Sunnah practices such as facing the deceased towards Qiblah
- 3** Extortionate out of borough prices
- 4** Increasing issues as these short-term resolutions become populated

## DOUBLE INTERMENT PLOT

Eternal Gardens is a dedicated area for the Muslim Community within the grounds of a multi-faith cemetery, GreenAcres Kemnal Park. GreenAcres Kemnal Park had already been offering people a double interment plot option, traditionally for coffin burials. This option potentially extends the number of burial spaces by double. The team at Eternal Gardens began exploring this solution and very quickly identified various other Muslim groups offering a double interment plot which will be named as a Duo Grave. Upon enquiry and a site visit by local Ulama

and a Mufti – a verbal authorisation was given. Mufti Muhammad Yusuf Danka, based in Croydon Masjid, had already authorised this method within a local cemetery after extensive research and continues to review his findings with senior Ulama to this day.

Since this time, Eternal Gardens faced uncertainty and reservations around adopting the method amongst local Ulama as well as the public. It became clear that no thorough paper existed which explores the double interment method from a Shari' and practical approach. Individual fatwas did exist, however the outcomes varied significantly depending on the context of the questioner as well as their proposed method for implementation. This resulted in various understandings and practices of the double interment method (Duo Graves) and thus unfamiliarity and uncertainty amongst the wider body of Ulama as well as the community.

## SHARIAH BOARD

A clear gap existed due to the lack of dialogue and cross-over between the various expertise within the Muslim Funeral Sector, Ulama and burial space providers. This gap prevented the sharing of expertise, reliable Islamic guidance and unity in the adoption of resolutions. Eternal Gardens then formed a board of Ulama and funeral sector experts to deliberate on current funeral sector issues and explore potential solutions with the aid of the expertise and available Islamic guidance.

It was quickly noted that the Islamic guidance must remain completely impartial and for this reason a dedicated Shariah Board was formed that would respond to Shariah related queries.

The issues surrounding the adoption of Duo Graves at Eternal Gardens was posed to the Shariah Board and it was recommended that the issue be reviewed in further detail and formed into a concluding paper. Thus, demonstrating its permissibility for Eternal Gardens' (Sidcup) context whilst also providing a framework and reference points for further qualified Ulamā and Darul Iftaas who may benefit from such research.

The initial board members consisted of:

- 1** Mufti Muhammad Yusuf Danka (Senior Mufti & Islamic Studies Lecturer)
- 2** Sheikh Yunus Dudhwala (Senior Sheikh & Head Chaplain)
- 3** Sheikh Suliman Ghani (Mufti & Senior Chaplain)

The initial group drew up the Istiftaa (request for a formal legal opinion) in both English and Urdu and sent these out to as many Darul Iftaas as possible. Consideration was given to the seniority of the Darul Iftaas. The question was adapted three times as it was identified from some responses that more information was required. A simple yes/no did not suffice and further clarification and reasoning was required.

It is important to bear in mind that Mufti Muhammad Yusuf Danka had already concluded detailed research on this method and had in-depth understanding of the related contextual and Shari' matters.

After receiving responses, the answers were reviewed by Mufti Muhammad Yusuf Danka and the Shariah Board Team. The conclusion confirmed once again that it was permissible in Eternal Gardens' (Sidcup) context and any responses which did not permit it or were hesitant was due to a difference of understanding related to the

context and circumstances within London. As an example, one response suggested that the community should seek burial provisions outside of London and commute to those locations. Anyone familiar with the levels of traffic and distances of London will be aware of the impracticalities of this suggestion.

As the Shariah Board was purely voluntary, the busyness of the Ulama due to their formal commitments meant very slow progress in forming a detailed conclusive documentation of the exploration.

## THOROUGH EVALUATION & FINAL CONCLUSION

In 2019, contact was made with Mufti Qāḍī Amjad M Mohammed of Dār al-‘Ulūm al-Zaytuniyya to review some additional mas’alah for Eternal Gardens. After some initial works, Mufti Amjad was appointed by Eternal Gardens as the Principal Jurisconsult to enable Eternal Gardens to progress efficiently and effectively in previous and upcoming Shari’ matters.

The Duo Grave exploration was presented to Mufti Amjad and he began the task of re-evaluating all current data from a fresh perspective in order to provide an in-depth final conclusion.

During the review, some key findings were presented which uncovered additional points of best practice, in addition to practical considerations. To manage these effectively, site visits were conducted with grounds experts utilising life size models to ensure all practical aspects were considered accurately alongside Shari’ recommendations.

Mufti Amjad, concluded a final paper which outlined the explored methods and related considerations. The results and detailed review is included within this paper.

***We pray Allah the Almighty accepts the efforts of all those who contributed and allows this research piece to form a key contribution for the Muslim community in resolving the long-term burial space crisis.***

# Acknowledgements

***In the name of Allah, the Most Compassionate and the Most Merciful  
“He who is thankless to people, is thankless to Allah.” (Sunan Abi Dawud – 4811)***

This research paper has been produced due to the ever-growing London burial crisis with the aim of contributing a pragmatic option to support the overall needs of the community. The research took place over a period of seven years with key contributions outlined below.

We would like to express our sincere and heartfelt gratitude to the esteemed Muftī Qāḍī Amjad M Mohammed from Markaz al-Iftā' wa'l-Qaḍā, Olive Foundation for disseminating his masterly knowledge, extensive research and high level of expertise and the provision of this fatwa.

Our greatest thanks additionally go to the countless number of expert Ulama, academics and research institutions for their invaluable research and unfailing contribution to this critical issue. Our gratitude goes to the chairs of the Shariah Board, Mufti Muhammad Yusuf Danka, Sheikh Yunus Dhudwala and Sheikh Suliman Ghani all of whom are based in London. To Mufti Muhammad Yusuf Danka for leading the meticulous research and providing the first verbatim fatwa on Duo Graves. To Sheikh Yunus Dudhwala and Sheikh Suliman Ghani for their expert support, and guidance. Our thanks also goes out to Shaykh Dr Haitham al-Haddad and the team at the Islamic Council of Europe for their contributory fatwa towards this project. We are truly indebted to them for their dedicated services.

Furthermore, we owe a debt of gratitude to the Directors of Eternal Gardens for generously funding the project. Also, thank you to the Eternal Gardens team for their valued contributions throughout the project: Asif Hassanali (Group Relationship Manager) for the smooth administration. Molana Mohammed Mun'im for his part in reviewing the final stages of the exploration and collation of the various papers into this final concluding document.

Jazākumullāhu Khairan and thank you all.

***Eternal Gardens Management (Sidcup)***

# Overview And Key Milestones Of The Review Process

- 1** 2013 Eternal Gardens was established and soon after a small group of Ulama including Mufti Muhammad Yusuf Danka carried out a site visit and verbally approved the double interment method.
- 2** 2015 the first London Burial Board and Eternal Gardens Shariah Board were established. The initiation of the exploration into the double interment was launched. The Shariah Board consisted of Mufti Muhammad Yusuf Danka, Sheikh Yunus Dudhwala and Sheikh Suliman Ghani.
- 3** 2016 the responses from the various Darul Iftaas were reviewed and the permissibility of the method in the context of Eternal Gardens was approved. Work began to formulate the exploration and create a paper which would grant Ulama confidence as well as provide a reference point for further research into the method.
- 4** 2019 Muftī Qāḍī Amjad M Mohammed, Markaz al-Iftā' wa'l-Qaḍā was appointed lead Jurisconsult and tasked with reviving the project, reviewing all current data and providing a fresh conclusion.
- 5** 2020, site visits and exploration with grounds experts took place alongside a detailed academic review. Some issues of concern were explored alongside resolutions and additional methods to provide a variety of options. The Eternal Gardens burial team were tasked with data capturing to ensure consistency of practical outcomes as suggested by the research.
- 6** 2021 Fatwa: Summation, recommendations and conclusive verdict issued, signed and authorised by Muftī Qāḍī Amjad M Mohammed, Olive Foundation.
- 7** 2022, a final review and sign off by key contributing Ulamā.



# Framework And Considerations Related To The Exploration

See (Appendix 1) for the full set of references related to this section.

## SUMMARY

Eternal Gardens arranged this review to ensure that the Duo Graves procedures and practices fall within the framework of Shariah. Ensuring all measures have been taken in adopting best practices as well as considering practical realities and limitations.

## FRAMEWORK

- 1 Establishing necessity
- 2 Forming a barrier between the two interments such that it becomes the like of two separate graves
- 3 Ensuring the first interment is not disturbed upon burial of the second

## CONTEXTUAL CONSIDERATIONS:

- ▶ Shortage of burial space (potential double life of cemetery)
- ▶ High cost of burials (rising costs and Annual increases or annual inflation)
- ▶ Having to travel out of the local boroughs to bury in affordable & suitable facilities
- ▶ Supporting La-warith (no next of kin - vulnerable cases)

## SHARI' CONSIDERATIONS:

Consideration	Reference <i>(further references may be available. Only a single sample reference provided within this table)</i>
1 The body to be laid facing the Qiblah due to it being Sunnah, unless due to a significant impediment	

2

The bodies to have some form of barrier between one body and the next to render them as two individual graves

و في البدائع و يقدم أفضلها و يجعل بين كل اثنين حاجز من التراب فيكون في حكم قبرين

و يكره أن يدفن اثنان في قبر واحد إلا للضرورة، و يجعل بينهما تراب ليصير كقبرين

4

Protecting the body from coming into direct contact with soil when filling the grave

و يسوى اللبن على اللحد أي يسند اللحد من جهة القبر و يقام اللبن فيه

و ينسب سدا حاميا كيلا ينزل التراب على الميت

5

#### Ensuring the previous grave is not disturbed.

As Duo Graves are considered two separate graves, one does not have to await the complete decomposition of the first corpse before the digging of the second burial.

Due to the weather conditions in the UK, complete decomposition can take up to 40 years otherwise grave re-usage would have been an appropriate alternative

و لا يحفر قبر لدفن الآخر الا إن بلي الأول فلم يبق له عظام الا ان لا يوجد. بد فيضم عظام الأول و يجعل بينهما حاجز من تراب

وقال الزيلعي: و لو بلي الميت. صار ترابا جاز دفن غيره في قبره و زرعه والبناء عليه اه. قال في الامداد: و يخالفه ما في التناخانية إذا صار الميت ترابا في القبر يكره في دفن غيره لان الحرمة باقية، و إن جمعوا عظامه في ناحية ثم دفن غيره فيه تبركا بالجيران الصالحين، و يوجد موضع فارغ يكره ذلك. اه.

قلت: لكن في هذا مشقة عظيمة، فالأول إناطة الجواز بالبلى إذ لا يمكن أن يعد لكل ميت قبر لا يدفن فيه غيره، و إن صار الأول ترابا لا سيما في الأمصار الكبيرة الجامعة والا لزم أن تعم القبور السهل والوعر، علي أن المنع من الحفر الي ان يبقى عظم عسر جدا و إن أمكن ذلك لبعض الناس، لكن الكلام في جعله حكما عاما لكل احد فتأمل

6

They are considered as two separate graves and as a result there should be at least one foot of soil, planks inclusive, between the lower compartment and the upper compartment

ويكره أن يدفن في قبر واحد إلا للضرورة و يجعل بينهما (تراب) ليصير كقبرين

و يكره أن يدفن في القبر الواحد إلا للضرورة فإن وجدت جازت الزيادة عليه... ويجعل بين كل اثنين حاجز من تراب إن أمكن

7

#### Proximity to Qiblah:

The first deceased should be placed closest to Qiblah.

ويجعل الرجل مما يلي القبلة

رد المحتار على الدر المختار

8

#### Preventing overlap of both deceased:

The lower compartment should be to the extreme right of the grave (closest to Qiblah) and the upper compartment to the extreme left (furthest to Qiblah).

This allows for the first deceased to be placed closest to Qiblah whilst also preventing or minimising horizontal overlap of the two deceased. By preventing overlap, the chances of disturbing the first grave on digging the second is reduced significantly.

Both interments should avoid placement of the deceased directly in line above each other. The ideal situation would be to stagger both the deceased so that they do not align vertically.

9

The lease is offered to the family as a plot with the capacity of two burials.

The Shar'i element of this consideration is regarding ownership. If two unrelated individuals are permitted to be buried within the plot, who is the owner and who grants permission for the second compartment?

Prior to the completion of the lease period of the first (lower) grave, only the deed holder has the right to decide who can be buried in the second (upper) grave. Essentially the first deed holder owns the decision for both graves.

## SOCIAL CONSIDERATIONS

### Consideration:

*Socio/cultural norms which may not have explicit ibarat, however the Ulama have suggested these considerations to minimise negative impact on the bereaved or in the best interest of the deceased based on the current cultural norms.*

### Reference

*References may not exist for most of this section as they are based on current social/custom norms*

Ghair mahram (marriageable) - Men and women being buried separately where possible despite the barrier in place. Or at least same gender in double depth grave (preferable) wherein both are separated by some form of barrier

1

Whilst this text relates to the separating of genders when there is no barrier, it was deemed appropriate to apply gender separate as much as possible as a form of best practice as many families would be affected psychologically upon the burial of non-Maharim in the same location as their loved ones.

ويكره الدفن في الفسافي " من وجوه الأول عدم اللحد الثاني دفن الجماعة لغير ضرورة الثالث اختلاط الرجال بالنساء من غير حاجز كما هو الواقع في كثير منها الرابع تجصيصها والبناء عليها

حاشية الطحطاوي على مراقبي الفلاح شرح نور الإيضاح

2

Each grave will have their own grave markers on the surface, level with the heads of each of the compartments and not one above the other along one compartment.

This gives a clear representation that each compartment is totally separate

# Outcomes Of The Review Process

See (Appendix 1) for the full set of references related to this section.

## SUMMARY

Keeping the defined Shari' and practical considerations at the forefront the following outcomes were concluded. The Eternal Gardens Duo Graves ensure that practices and procedures fall within the purview of Shariah. Best practices have been adopted where pragmatic, and where it clashed with practical realities the minimal baseline of Shari' requirements were ensured.

Four methods were tested and reviewed. A preferred method was selected; however, the additional three methods could also be utilised dependant on adjustments and operating conditions.

The preferred method which falls within the purview of Shariah, entailing best practices and achievable is the Lahad - Lahad with planks placed opposite too each other.

Key considerations were:

- ▶ Sufficient separation of the two interments
- ▶ Practicality and reliability in various soil and weather conditions
- ▶ Ability to stagger the two deceased to ensure they are not directly above each other

## PRACTICAL REVIEW OUTCOME NOTES

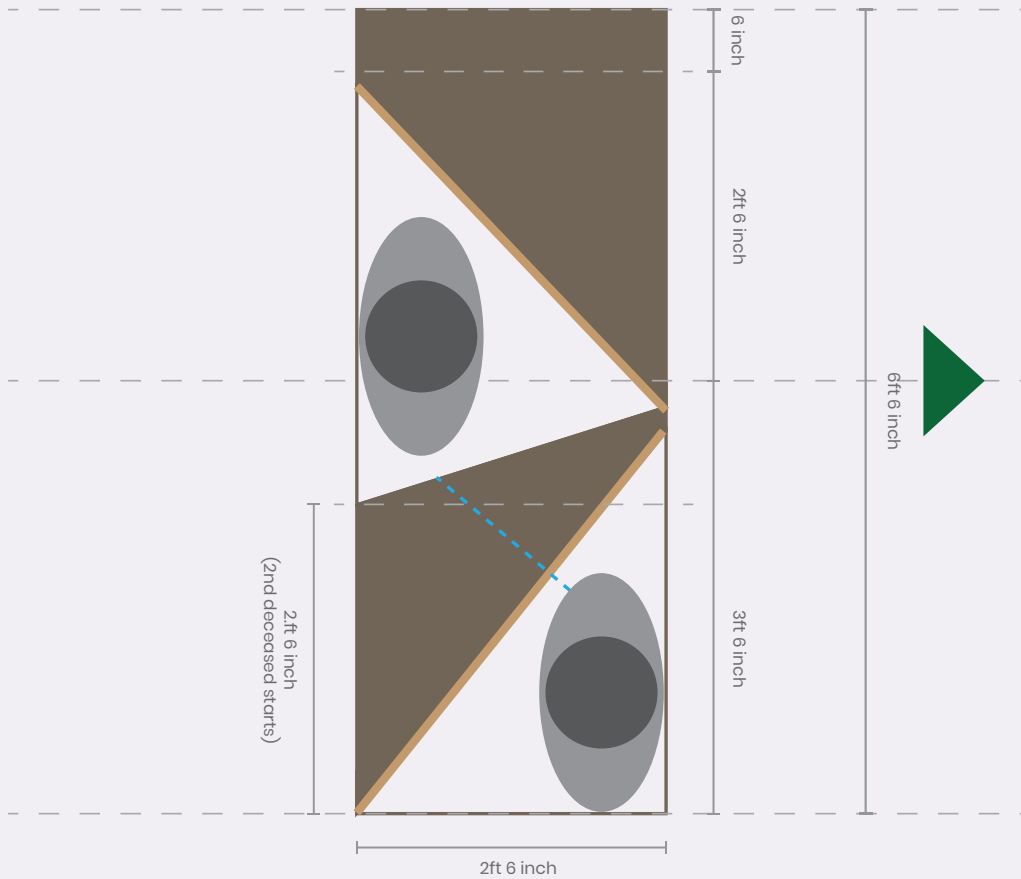
The table below provides notes on each factor following a site-visit and assessment of real model graves:

Factors	Achievement status	Notes/ Action
Establishing necessity for double depth burial due to reasons below.	Yes	<ul style="list-style-type: none"> <li>▶ Shortage of burial space</li> <li>▶ High cost of burials</li> <li>▶ Having to travel out of the local boroughs to bury in affordable &amp; suitable facilities</li> </ul>
Bodies facing Qiblah.	Yes	The first deceased to be placed by the wall closest to Qiblah Makkah, southeast). Approx. 3-5 lumps of clay, or other support, used to rest the body whilst it is angled and facing Qiblah. Currently, the body rests angled on the wall further away from Qiblah.

Barrier between the 1st lower chamber and the 2nd chamber.	Yes	2-foot soil between the two chambers resulting into two separate chambers
Ghair Mahram (strangers /marriageable to each other). Separated where possible despite the two separate chambers.	Yes	Families will be informed and advised to bury the same gender in one grave (unless due to valid necessity)  For La-warith (no next of kin), Funeral Directors and Park Managers are to ensure same gender in grave. However, occasionally this may not be possible due to an imminent need arising.
Protecting the body from coming into direct contact with soil when filling the grave.	Yes	Close any gaps with clay whilst laying the wood across or at an angle
Previous grave is not being disturbed and therefore one does not have to wait for near complete decomposition.	Yes	A distinct probe rod will be utilised to denote a safe digging depth before disturbance to the lower chamber is caused. The machine operator will cease digging further upon reaching this probe.
They are considered as two separate graves and as a result there should be at least two feet of soil, planks inclusive, between the lower compartment and the upper compartment.	Yes	Model 1 allows for the Duo Graves to provide a sufficient soil barrier whilst also remaining within the target 6ft 6 inch total digging depth. Other models required thinner barriers or exceeding the target dig depth.  The team will continue to log dig depths and soil barrier variances which will then provide a more accurate average which will can be detailed in the future.
The lower compartment must be to the extreme right of the grave and the upper compartment to the extreme left or vice versa.	Yes	Bodies will be staggered slightly in order to avoid directly being on top of one another
Each grave will be allocated a marker above ground clearly distinguishing it from the other grave within the same plot. The placement of the markers will represent the separation and layout of the graves below ground.	Yes	Current grave markers will have to be staggered slightly to represent the separation below ground.  The team will explore more effective options to replace the current method.
The lease is offered to the family as a plot with the capacity of two burials.	Yes	All current plots have the capacity to be utilised as Duo Graves. The owner of the plot may opt to adapt the plot into a Duo Grave upon request. Options to deliver further clarity to families will be reviewed as part of documentation and team training enhancements

### METHOD 1: DUAL LAHAD PLOTS WITH OPPOSING PLANKS

#### Model 1



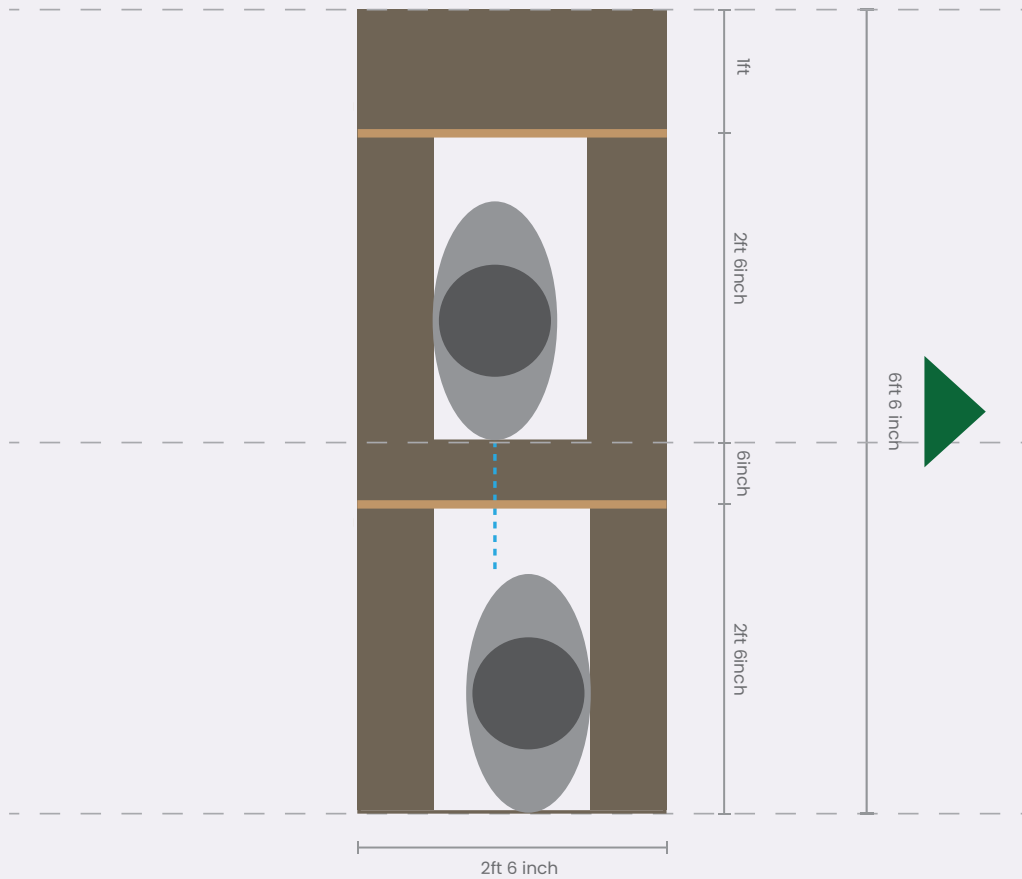
Seperation between deceased	Wooden Planks (3ft 2 inch)	Soil	Qiblah

	Method	Height	Separation barrier	Soil above	Body placement
Lower Chamber	Lahad	3ft, 6 inch	Approximately 1ft at an angle (Blue dotted line)	2-4 inch (Minimal due to separation at angle) Enough to not disturb the plank when digging the second time (Probe required)	Closest to Qiblah (Propped up with soil)
Upper Chamber	Lahad	3ft, 6 inch (Begins under the horizontal border of the lower chamber)	As above	6 inch	Furthest wall to Qiblah (Supported by wall)
Total depth of both graves		6ft, 6 inch			

Notes	<p>The Dual Lahad method was deemed the most practical whilst also fulfilling the essential Shar'i requirements.</p> <p>With regards to the separating soil barrier, it is important to note that texts refer to the barrier as a barrier between the <i>deceased</i> rather than a barrier between <i>two graves</i> (above and below). As such, in this method, the barrier is considered 1-2ft at an acute angle of approximately 45 degrees between the upper and lower deceased.</p> <p>In contrast, the soil barrier between the two graves (above and below) at the point where both planks meet is often minimal, possibly only a few inches. However, as the objective is to achieve sufficient barrier between the deceased, rather than graves, then the objective is met through the 1-2ft separating barrier between the deceased taking an angle perspective rather than vertical perspective.</p> <p>Disturbing the first chamber during digging for the second chamber will be prevented by utilising a probe to gauge the distance of the second chamber and the required digging depth.</p>
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METHOD 2: SHIQ TO LAHAD PLOTS

Model 2



Seperation between deceased	Wooden Planks (3ft 2 inch)	Soil	Qiblah

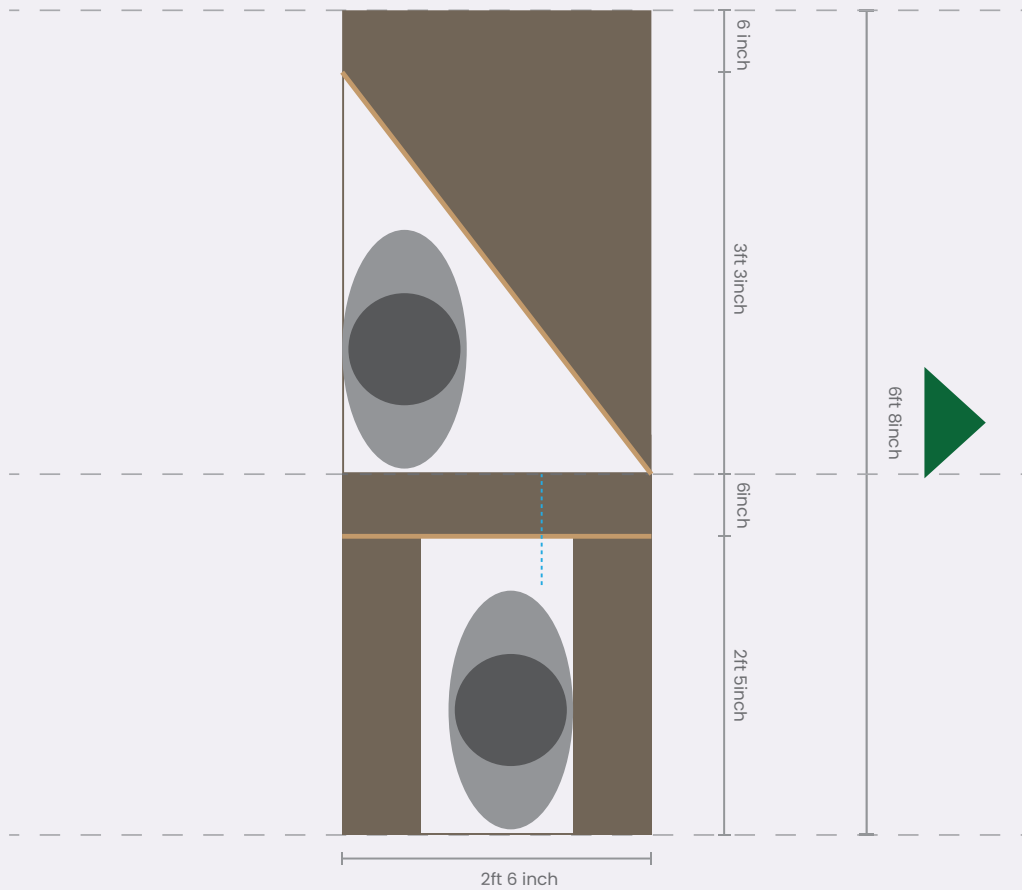


	Method	Height	Separation barrier	Soil above	Body placement
Lower Chamber	Shiq	2ft, 5 inch	Greater than 6 inch. Depends on body width.	6 inch (minimum)	Closest to Qiblah (Propped up with soil)
Upper Chamber	Lahad	3ft, 3 inch	As above	6 Inch (to ground level)	Furthest wall to Qiblah (Supported by wall)
Total depth of both graves		6ft 8 inch			

Notes	<p>The Shiq to Lahad method was not ideal in staggering the deceased. It also creates a vertical soil barrier between the two plots and therefore is acceptable but not preferred over the Dual Lahad method. In addition, the stability of the Shiq ledges which are formed from soil varies significantly even within the same grounds, thus not allowing a consistent and reliable method.</p> <p>A 2ft soil barrier has been defined as preferred; however, this measure of soil is subjective as no specific measure has been mentioned within the texts. The more the better, however practical considerations may require a smaller measure of soil.</p> <p>Disturbance of the first chamber upon digging the second chamber will be prevented by the usage of a probe which will dictate the maximum digging depth possible before reaching the separation barrier above the first chamber. The first deceased will be laid to rest closest to Qiblah side whilst the second de-ceased on the opposite side, further minimising the risk of disturbances whilst also maximising burial depth of the second deceased.</p>
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### METHOD 3: SHIQ TO SHIQ PLOTS

## Model 3

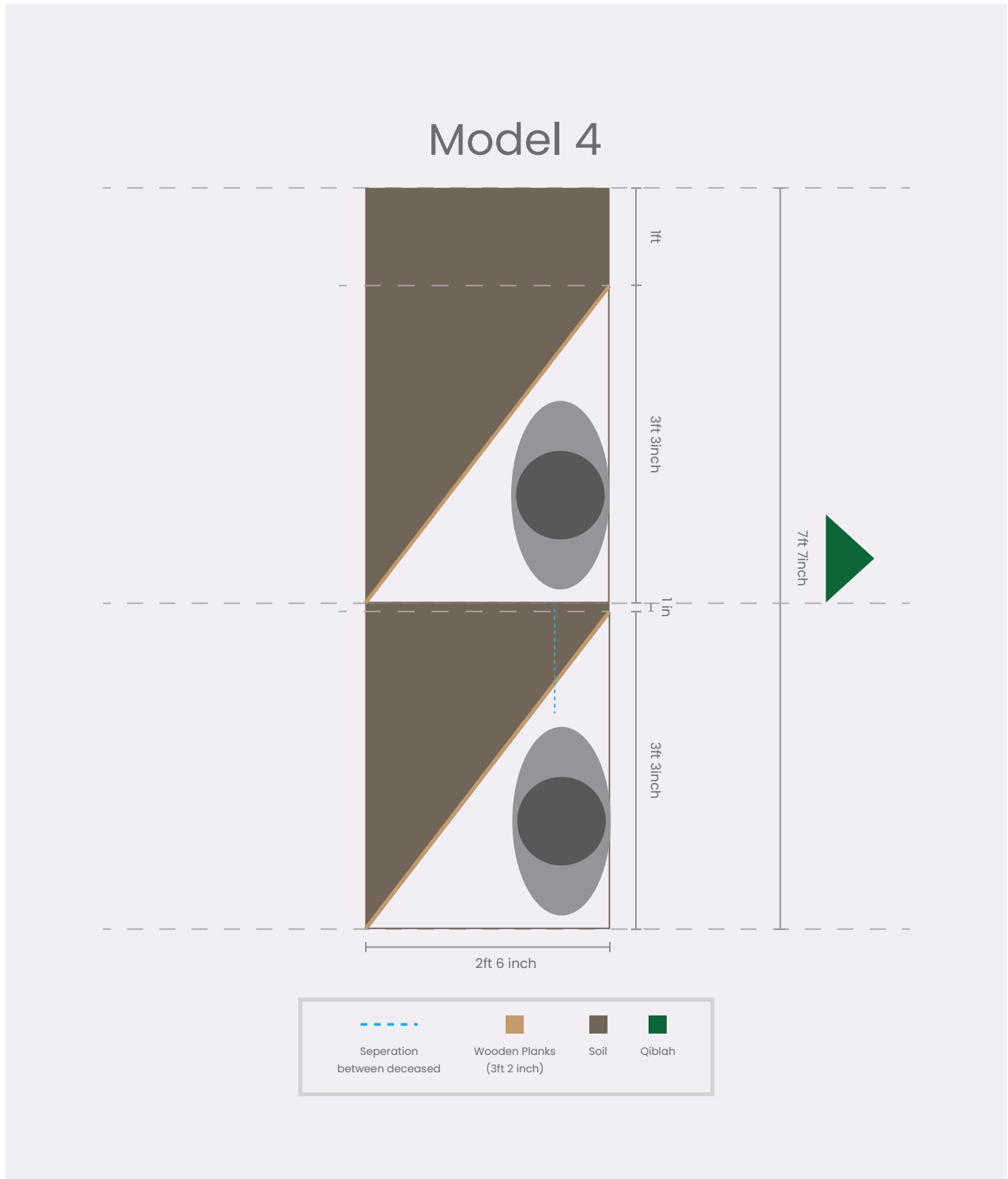


			
Seperation between deceased	Wooden Planks (3ft 2 inch)	Soil	Qiblah

	Method	Height	Separation barrier	Soil above	Body placement
Lower Chamber	Shiq	2ft, 6 inch	Greater than 6 inch. Depends on body width	6 inch	Closest to Qiblah (Propped up with soil)
Upper Chamber	Shiq	2ft, 6 inch	As above		Furthest wall to Qiblah (Supported by wall)
Total depth of both graves		6ft, 6 inch			

Notes	<p>The Shiq/Shiq method has not been preferred as it would require the 2ft of soil barrier to be formed in a vertical manner. This produced various practical issues as the depth of the entire area would have to be increased beyond 7ft. However, as long as some level of barrier is formed between the two graves which is deemed appropriate by the Ulama, then this would technically fulfil the requirements as the measure of separating soil has not been specified within any texts.</p> <p>Another practical issue was the difficulty in forming a natural soil ledge on the upper chamber. As it has already been dug to create the space for the lower chamber, the soil is no longer compact enough to rely on especially during damp and wet conditions.</p> <p>Again, the stability of the Shiq ledges which are formed from soil varies significantly even within the same grounds, thus not allowing a consistent and reliable method.</p> <p>This method may be used after identifying a reliable method of forming reliable ledges for the Shiq and where the plots can be dug wider to prevent overlap of both deceased from a vertical perspective.</p> <p>Disturbing the first chamber during digging for the second chamber will be prevented by utilising a probe to gauge the distance of the second chamber and the required digging depth.</p>
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### METHOD 4: DUAL LAHAD PLOTS – PARALLEL PLANKS



	Method	Height	Separation barrier	Soil above	Body placement
Lower Chamber	Lahad	3ft, 3 inch	1 inch	1 inch	Closest to Qiblah (Propped up with soil)
Upper Chamber	Lahad	3ft, 3 inch	As above		Closest to Qiblah (Propped up with soil)
Total depth of both graves		6ft, 6 inch			

**Notes**

The Dual Lahad with parallel planks was deemed the least preferred method due to a host of reasons.

- 1** Does not allow for the corpses to be staggered to prevent vertical alignment
- 2** The deceased in the upper chamber often sinks slightly result in a lesser barrier between the two
- 3** Only 1 inch of separation soil

However, this method is practically much easier and quicker.

Disturbing the first chamber during digging for the second chamber will be prevented by utilising a probe to gauge the distance of the second chamber and the required digging depth.

# Final Verdict

## FINAL VERDICT POST A PRACTICAL EVALUATION

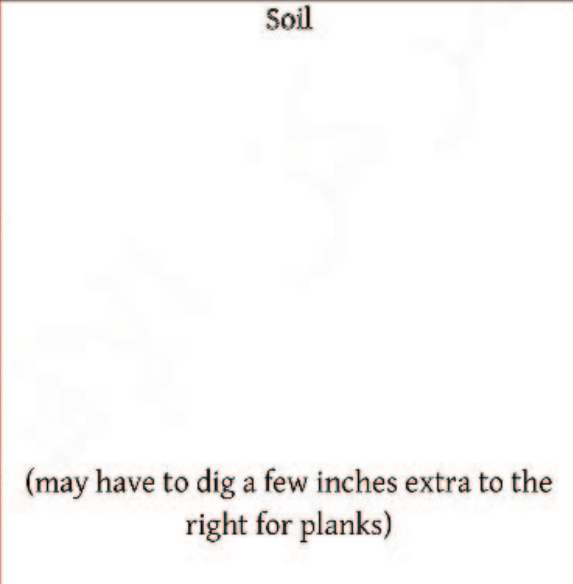

Following the re-evaluation of all previous data, Mufti Amjad Saheb concluded with the following verdict which was ratified by a practical review by or through a site visit:

### POINTS OF CONSIDERATION

In result of understanding the views of the Fuqahā and the interpretations of the contemporary scholars I propose the following approach, which will circumvent the matters of concern and likewise be practically minded.

- 1** The lease is offered to the family as a plot with the capacity of two burials. This will mean the previous grave is not being disturbed and therefore one does not have to wait for near complete decomposition, which would realistically take up to the length of the lease (~ 50 years). As it is a family plot then one is not specifically preparing their burial before their death, which is disliked within the sharī'a.
  - ▶ Following the site visit, can confirm this objective was met
- 2** They are considered as two separate graves and as a result there should be at least two feet of soil, planks inclusive, between the lower compartment and the upper compartment; this will overcome the issue when in places there is some overlap of compartments. The two separate graves will also overcome the permission sought from the lease holder if a non-family member takes the second compartment. Furthermore, this could facilitate in result having two leases for the separate graves, if as in point 1 above, a family decided not to take the complete plot. This will also deal with the issue of ghayr maḥram as the graves are separate, however it is preferable that the double plot has the same gender residing in both compartments.
  - ▶ A separating barrier of 2ft is confirmed between the two bodies even if not between the two compartments. Shari' texts refer to space between the bodies and thus this has been adopted as the position. This will be assessed further through data capture and a final verdict will be issued on this in Summer 2024. As up to this point, this objective is considered met.
- 3** The lower compartment must be to the extreme right of the grave and the upper compartment to the extreme left or vice versa. Each will have their own grave markers on the surface, level with each at the heads of the compartments and not one above the other along one compartment.
  - ▶ Objective met and confirmed
  - ▶ Recommendations have been given for adjustments to the grave markers to ensure families are clear that the plot consists of two separate graves. A review of the final solution will take place in Summer 2022
- 4** In terms of definition they should be referred to as Duo Graves rather than double burial/interment
  - ▶ Objective met and confirmed

Please see illustrations below to assist the understanding. Width of normal plot may require five inches of extra digging to the left of upper compartment to place the planks.

<b>Plaque</b>	<b>Plaque</b>
<b>Soil</b>  (may have to dig a few inches extra to the right for planks)	<b>Soil</b>    (may have to dig a few inches extra to the right for planks)
<b>Upper compartment</b>  Deceased lying on their right hand side facing qibla – width will be sufficient to lay a body on its side.	
<b>Soil</b>  Minimum two foot including planks	
<b>Soil</b>  	<b>Lower compartment</b>  Deceased lying on their right hand side facing qibla – width will be sufficient to lay a body on its side.

## FINAL VERDICT POST A PRACTICAL EVALUATION

Various practical constraints were raised based on the initial suggestions which were based on a theoretical review.

Issues such as the instability of ground conditions beyond 6ft played a key role in a review of the suggestion of having a minimal of 2ft separation barrier between both compartments.

It was discussed that the more space between the two compartments, that better that would be in aligning with the concept of two completely separate graves. However, it was also agreed that no specific amount of separating barrier has been mentioned within the texts and as such this is subjective. As such, any amount considered as sufficiently separating could potentially be adopted, however it must be emphasised the greater amount possible should be considered first and only reduced due to acceptable reasons and not just ease or financial gains.

## FRAMEWORK

ومن الضرورة المبيحة لجمع ميتين فصاعدا في قبر واحد - قلة الدافنين أو ضعفهم أو اشتغالهم بما هو أهم... | أَوْ تَعَدُّرِ حَافِرٍ .....

Establishing necessity for burying more than one body within one large grave.

Considerations:

- Increase of deaths
- Shortage of burial space
- Shortage of burial staff
- Speed of preparing graves
- Speed of burials
- Reducing backlog of bathed but unburied bodies

ويوجه إلى القبلة على جنبه الأيمن» بذلك أمر النبي صلى الله عليه وسلم .... | «ويوجه إلى القبلة» وجوبا كما في الدر أو استئنا كما في ابن أمير حاج عن الإمام...

The bodies to ideally be facing the Qiblah due to it being Sunnah

Yes  No

Note

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ويحجز بين كل اثنين بالتراب... | ويحجز بين كل اثنين بالتراب» ندبا إن أمكن... | و يجعل بين كل اثنين حاجز من تراب ان امكن..

The bodies to ideally have some form of barrier between one body and the next to render them as two individual graves

Yes  No

Note

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Men and women being buried separately where possible or at least separated by some form of barrier

Yes  No

Note

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وينصب سدا حاميا كيلا ينزل التراب على الميت....

Protecting the body from coming into direct contact with soil when filling the grave

Yes  No

Note

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أفضل ما يسند به اللين ثم اللوح ثم القرامند ثم الآجر ثم الحجارة ثم القصب، وكل ذلك أفضل من التراب، والتراب أفضل من التابوت.....

Using appropriate material for this purpose ( Preventing direct contact with soil)

Yes  No

Note

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Considering various methods of how this material should be placed over the bodies.

Yes  No

Note \_\_\_\_\_

Considering multi-level burials where each grave is separated from the next with soil

Yes  No

Note \_\_\_\_\_

### Other Considerations

Performing Salatul Janazah for the deceased whilst loaded in the van

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Restricting the number of attendees during these burials

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### Notes:

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Name: (To allow us to follow up on your suggestions if required)

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**حاشية الطحطاوي على مراقي الفلاح شرح نور الإيضاح (ص: ٦١٢)**

«ولا بأس بدفن أكثر من واحد» في قبر واحد «للضرورة» قال قاضيخان «ويحجز بين كل اثنين بالتراب ومن الضرورة المبيحة لجمع ميتين فصاعدا في قبر واحد ابتداء على ما ذكره ابن أمير حاج قلة الدافنين أو ضعفهم أو اشتغالهم بما هو أهم وليس منها دفن الرجل مع الرجل قريبه ولا ضيق محل الدفن في تلك المقبرة مع وجود غيرها وإن كانت تلك المقبرة مما يترك بالدفن فيها لمجاورة الصالحين فضلا عن هذه الأمور لما فيه من هتك حرمة الميت الأول وتفريق أجزائه فيمنع من ذلك اهـ»

**الموسوعة الفقهية الكويتية (١٨ / ٢١)**

لَا جِلَافَ بَيْنَ الْقَفَّاهِ فِي أَنَّهُ لَا يُدْفَنُ أَكْثَرُ مِنْ وَاحِدٍ فِي قَبْرِ وَاحِدٍ إِلَّا لِضُرُورَةٍ كَصِيْقِ مَكَانٍ، أَوْ تَعَدُّرِ حَافِرٍ، أَوْ تَرْتِبَةِ أُخْرَى

**حاشية الطحطاوي على مراقي الفلاح شرح نور الإيضاح (ص: ٦١٢)**

«ولا بأس بدفن أكثر من واحد» في قبر واحد «للضرورة» قال قاضيخان «ويحجز بين كل اثنين بالتراب» هكذا أمر رسول الله صلى الله عليه وسلم في بعض الغزوات «ويحجز بين كل اثنين بالتراب» ندبا إن أمكن كما في ابن أمير حاج ليكون في حكم قبرين كما في العيني على البخاري قوله: «هكذا أمر رسول الله صلى الله عليه وسلم في بعض الغزوات» قال بعض الأفاضل لم أجده فيما علمت وإنما هو قول العلماء حتى إن أشهب صاحب مالك أنكره وقال لا معنى له إلا التضييق على ما نقله عنه حلبة المجلي: و يكره ان يدفن في القبر الواحد اكثر من واحد الا لضرورة فان وجدت جازت الزيادة عليه ... و يجعل بين كل اثنين حاجز من تراب ان امكن

**البناءة شرح الهداية (٢٥٤ / ٢)**

ويسوى اللبن على اللحد، أي يسند اللحد من جهة القبر ويقام اللبن فيه. وفي « البندانع » ذكر شريح: وهو الإقامة، وفي « المفيد » وينصب سدا حاميا كيلا ينزل التراب على الميت

**البناءة شرح الهداية (٢٥٤ / ٢)**

ويسوى اللبن على اللحد، أي يسند اللحد من جهة القبر ويقام اللبن فيه. وفي « البندانع » ذكر شريح: وهو الإقامة، وفي « المفيد » وينصب سدا حاميا كيلا ينزل التراب على الميت، واستعمال اللبن فيه بإجماع، وقال ابن حبيب من المالكية أفضل ما يسند به اللبن ثم اللوح ثم القرامد ثم الأجر ثم الحجارة ثم القصب، وكل ذلك أفضل من التراب، والتراب أفضل من التابوت.

**حاشية الطحطاوي على مراقي الفلاح شرح نور الإيضاح (ص: ٦١٠)**

«وكره» وضع «الأجر» بالمد المحرق من اللبن «والخشب» محمول على وجود اللبن بلا كلفة وإلا فقد يكون الخشب والأجر موجودين ويقدم اللبن لأن الكراهة لكونهما للإحكام والزينة ولذا قال بعض مشايخنا إنما يكره الأجر إذا أريد به الزينة أما إذا أريد به دفع أذى السباع أو شيء آخر لا يكره وما قيل إنه لمس النار فليس بصحيح «وإلا فقد يكون الخ» أي وإن لم تحمل كراهة الأجر والخشب على حال وجود اللبن بل قلنا بالكراهة مطلقا يكون حرجا لأنه قد يكون اللبن معدوما ويوجدان والتكليف به حينئذ فيه حرج عظيم قوله: «لأن الكراهة الخ» علة لمحدوف أي فلا يكرهان حينئذ لأن الكراهة لكونهما للأحكام والزينة وهذا إنما يكون غالبا عند وجود غيرهما أما عند عدم فاستعمالهما للضرورة

**الموسوعة الفقهية الكويتية (١٨ / ٢١)**

ثُمَّ إِنْ شَاءَ سَوَى بَيْنَهُمْ، إِنْ شَاءَ حَفَرَ قَبْرًا طَوِيلًا، وَجَعَلَ رَأْسَ كُلِّ وَاحِدٍ مِنَ الْمَوْتَى عِنْدَ رِجْلِ الْأُخْرَى، وَبِهَذَا صُرِّحَ أَحْمَدٌ.

**حاشية الطحطاوي على مراقي الفلاح شرح نور الإيضاح (ص: ٦١٩)**

ندب زيارتها» من غير أن يطأ القبور «من غير أن يطأ القبور» ... وفي شرح المشكاة والوطء لحاجة كدفن الميت لا يكره وفي السراج فإن لم يكن له طريق إلا على القبر جاز له المشي عليه للضرورة ولا يكره المشي في المقابر بالنعيلين عندنا وكرهه أحمد ولنا قوله صلى الله عليه وسلم: «وإنه ليسمع خفق نعالهم إذا انصرفوا ويكره المبيت في المقابر لما فيه من الوحشة والأهوال»

**الدر المختار وحاشية ابن عابدين (رد المحتار) (٢٣٣ / ٢)**

وقال الزيلعي: ولو بلي الميت وصار ترابا جاز دفن غيره في قبره وزرعه والبناء عليه اهـ قال في الإمداد: وبخالفه ما في التتارخانية إذا صار الميت ترابا في القبر يكره دفن غيره في قبره لأن الحرمة باقية، وإن جمعوا عظما في ناحية ثم دفن غيره فيه تبركا بالجيران الصالحين، ويوجد موضع فارغ يكره ذلك. اهـ قلت: لكن في هذا مشقة عظيمة، فالأولى إناطة الجواز بالبلى إذ لا يمكن أن يعد لكل ميت قبر لا يدفن فيه غيره، وإن صار الأول ترابا لا سيما في الأمصار الكبيرة الجامعة، وإلا لزم أن تعم القبور السهل والوعر، على أن المنع من الحفر إلى أن يبقى عظم عسر جدا وإن أمكن ذلك لبعض الناس، لكن الكلام في جعله حكما عاما لكل أحد فتأمل.

**حاشية الطحطاوي على مراقي الفلاح شرح نور الإيضاح (ص: ٥٦٩)**

والمنتفخ الذي تعذر مسه يصب عليه الماء

**حاشية الطحطاوي على مراقي الفلاح شرح نور الإيضاح (ص: ٦٠٩)**

ويوجه إلى القبلة على جنبه الأيمن» بذلك أمر النبي صلى الله عليه وسلم «ويوجه إلى القبلة» وجوبا كما في الدر أو استئنا كما في ابن أمير حاج عن الإمام ... وإن أهالوا التراب لا ينهش القبر لأن ذلك سنة والنهش حرام

## رد المختار على الدر المختار : ابن عابدين – محمد أمين بن عمر بن عبد العزيز عابدين

من الجمع وتقديم الأفضل أفضل ( وإن جمع ) جاز ، ثم إن شاء جعل الجنائز ( أولى ) [ 219 :ص ] ( وإذا اجتمعت الجنائز فإفراد الصلاة ) على كل واحدة [ 218 :ص ] صفا واحدا وقام عند أفضلهم ، وإن شاء ( جعلها صفا مما يلي القبلة ) واحدا خلف واحد ( بحيث يكون صدر كل ) جنازة ( مما يلي الإمام ) ليقوم بحذاء صدر الكل وإن جعلها درجا فحسن لحصول المقصود ( وراعى الترتيب ) المعهود خلفه حالة الحياة ، فيقرب منه الأفضل فالأفضل الرجل مما يليه ؛ فالصبي فالخنثى فالبالغة فالمرهقة ؛ والصبي الحر يقدم على العبد ، والعبء على المرأة ؛ وأما ترتيبهم في قبر واحد لضرورة فبعكس هذا ، فيجعل الأفضل مما يلي القبلة فتح

( قوله لضرورة ) إنما قيد بما لأنه لا يدفن اثنان في قبر ما لم يصر الأول ترابا فيجوز حينئذ البناء عليه والزرع إلا لضرورة فيوضع بينهما تراب أو لبن ليصير كقبرين ويجعل الرجل مما يلي القبلة ثم الغلام ثم الخنثى ثم المرأة شرح الملتقى

## كتاب بدائع الصنائع في ترتيب الشرائع : [الكاساني]

وَلَا يُدْفَنُ الرَّجُلَانِ أَوْ أُخْتُ فِي قَبْرِ وَاحِدٍ هَكَذَا جَرَتْ السُّنَّةُ مِنْ لَدُنْ آدَمَ إِلَى يَوْمِنَا هَذَا، فَإِنْ اِخْتَلَجُوا إِلَى ذَلِكَ قَدَّمُوا أَفْضَلَهُمَا وَجَعَلُوا بَيْنَهُمَا حَاجِزًا مِنَ الصَّعِيدِ لِمَا رُوِيَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ أَمَرَ بِدَفْنِ قَتْلَى أُخْدٍ وَكَانَ يُدْفَنُ فِي الْقَبْرِ رَجُلَانِ، أَوْ ثَلَاثَةً، وَقَالَ: قَدِّمُوا أَكْثَرَهُمْ قُرْآنًا «وَأِنْ كَانَ رَجُلٌ وَامْرَأَةٌ قَدِمَ الرَّجُلُ يَمَّا يَلِي الْقَبِيلَةَ، وَالْمَرْأَةُ خَلْفَهُ اغْتَبَارًا بِحَالِ الْحَيَاةِ.

وَلَوْ اجْتَمَعَ رَجُلٌ وَامْرَأَةٌ، أَوْ صَبِيٌّ وَخُنْثَى وَصَبِيَّةٌ دُفِنَ الرَّجُلُ يَمَّا يَلِي الْقَبِيلَةَ، ثُمَّ الصَّبِيُّ خَلْفَهُ، ثُمَّ الخُنْثَى، ثُمَّ الْأُنْثَى، ثُمَّ الصَّبِيَّةُ؛ لِأَنَّهُمْ هَكَذَا يَصْطَلِفُونَ خَلْفَ الْإِمَامِ خَالَةَ الْحَيَاةِ، وَهَكَذَا تَوْضَعُ جَنَائِزُهُمْ عِنْدَ الصَّلَاةِ عَلَيْهَا فَكَذَا فِي الْقَبْرِ

## حاشية الطحطاوي على مراقبي الفلاح شرح نور الإيضاح (ص: 612)

ويكره الدفن في الفسافي" من وجوه الأول عدم اللحد الثاني دفن الجماعة لغير ضرورة الثالث اختلاط الرجال بالنساء من غير حاجز كما هو الواقع في كثير منها الرابع تخصيصها والبناء عليها

## الشرح المختصر على متن زاد المستقنع : شيخ صالح الفوزان

و يحرم فيه دفن اثنين فأكثر إلا لضرورة ، و يجعل بين كل اثنين حاجز من تراب

Burying two or more bodies in one grave is forbidden except in emergency cases. A partition of dust or soil is made separating the bodies.

“Burying two or more bodies in one grave is forbidden except in emergency cases”: Among the rules of burial is that each body is allotted a grave. The same spot should not be dug up again to bury another unless the previous corpse has totally disintegrated into the earth and there is nothing left of him. In this case, it is permissible to bury another body at that very spot. If however any parts of his skeleton are present, then no burial should be carried out at that spot. The general rule is that a grave should not be dug up expressly to bury another body. This will crush the corpse already in the grave and constricts his space. Since he is the predecessor, the grave is rightfully his. The grave is the abode of the deceased which was endowed to him. The as I is that only one body is buried in each grave as was the practice of the Prophet ﷺ when he carried out burials in the Baqi’ cemetery. He never buried two or more bodies in one grave at Baqi’. Doing so is forbidden unless there is a dire need to do so or in times of emergency. The Prophet ﷺ buried two or more bodies in one grave after the Battle of Uhud. Many Companions were martyred in that battle and there were countless wounded. Most of those who survived were too weak to dig up a separate hole for each martyred companion. Therefore, the Prophet ﷺ ordered them to place two or three of those who were martyred in a single grave<sup>26S</sup> so as to lift the burden from the Muslims. This was only due to the predicament they were in. In times of peace and security, he (S.A.W) did not bury more than one body in a grave.

“A partition of dust or soil is made separating the bodies”: When it becomes necessary to bury two or three bodies in one grave, they should not be placed in a manner where they come into contact with each other. Instead, a partition made of earth is made between them so that they are separated and confined to their own personal space.

### حاشية الدسوقي على الشرح الكبير

( و ) جاز ( جمع أموات بقبر ) واحد ( لضرورة ) كضيق مكان أو تعذر حافر ولو بأوقات فلا يجوز فتح قبر لدفن آخر فيه إلا لضرورة ذكورا أو إناثا أو البعض ولو أجنب ، ولا يجوز لم العظام ، وكره جمعهم في آن واحد لغير ضرورة ( وولي ) ندبا ( القبلة الأفضل ) وقدم الذكر على الأنثى والكبير على الصغير والحرف على العبد كما يأتي في الصلاة

### كتاب عمدة القاري شرح صحيح البخاري : [بدر الدين العيني]

(باب دُفن الرجلين والثلاثة في قبرٍ واحدٍ) - 37

النساء تبع . قلت . لو قال : باب دفن الشخصين والثلاثة ، لكان أحسن ليتناول النساء : هَذَا باب في بيان جواز دفن الرجلين الميتين والثلاثة من الرجال في قبرٍ واحدٍ ، قيل : أي للرجال في الأحكام ، إلا إذا خصصت بشيء منها

حدثنا سعيد بن سُلَيْمَانَ قَالَ حَدَّثَنَا اللَّيْثُ قَالَ حَدَّثَنَا ابْنُ شَهَابٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ كَعْبٍ أَنَّ جَابِرَ بْنَ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا أَخْبَرَهُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ - 5431 .. وَوَسَلَّمَ كَانَ يَجْمَعُ بَيْنَ الرَّجُلَيْنِ مِنْ قَتْلَى أُحُدٍ

الثلاثة ، وإنما ذكره على عادته بالإشارة إلى ما ورد من لفظ الثلاثة ، ولكنه لما لم يكن على شرطه : مطابقتها للترجمة في دفن الرجلين في قبرٍ واحدٍ ظاهرة ، وليس في حديث الباب لفظ أن رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مر على حمزة ، رضي الله ( عن ابن عباس ، وقد ذكرناه في الباب السابق ، وروى أبو داود من حديث أنس (سنه) لم يورده ، وهو ما رواه الكنجي في . (ثم يدفنون في قبرٍ واحدٍ) : زاد قُتَيْبَةَ (فكان الرجل والرجلان والثلاثة يكفنون في الثوب الواحد) : الحديث ، وفيه ( . . . تَعَالَى عَنْهُ ، وقد مثل به

ذكر الثلاثة بالقياس وفيه نظر لأنه لو كان بالقياس لكان يقول : باب دفن الرجلين وأكثر في قبرٍ واحدٍ : غريب ، وقيل : وأخرجه الترمذي وقال

باب الماء الذي يغسل به الشعر ، في كتاب الوضوء . واللَّيْثُ بن سعد ، وابن شَهَابٍ مُحَمَّدُ بن مُسْلِم : وهم خمسة : سعيد بن سُلَيْمَانَ الملقب بسعدويه البُرَّار ، مر في ذكر رجاله . التُّهْرِيُّ ، وعبد الرَّحْمَنِ ابن كَعْبٍ مر في أول الباب السابق

### كتاب فتاوى الشبكة الإسلامية : [مجموعة من المؤلفين]

، أن دفن الميتين في قبرٍ واحدٍ لغير ضرورة دائر بين الكراهة والحرمة عند 57977 : فإن كان السائل يعني أن قريته دفنت ودفن الطفل معها في قبرٍ واحدٍ فقد تقدم في الفتوى رقم أهل العلم

### كتاب فتاوى الشبكة الإسلامية : [مجموعة من المؤلفين]

[لا يجمع بين الرجل والمرأة في قبرٍ واحدٍ إلا لضرورة]

هل يجوز إنزال الميت الذكر على الأنثى في القبر سواء كان بينهم قرابه أم لا؟[؟]f

وفي حالة جواز الإنزال فهل هناك فترة زمنية معينة بين إنزال الميت الثاني على الميت الأول أم أنه يجوز ذلك حتى ولو كان الميت الأول قد مات قبل أيام قليلة؟[.]

الحمد لله والصلاة والسلام على رسول الله وعلى آله وصحبه أما بعد<sup>^</sup>

فلا خلاف بين الفقهاء في أنه لا يدفن أكثر من واحد ، في قبرٍ واحدٍ ، إلا لضرورة كضيق مكان ، أو تعذر وجود من يحفر القبور ، أو عدم وجود مقبرة أخرى للمسلمين ، كما هو كان يدفن كل ( : الحال في بلاد الكفر اليوم . ولا يجمع بين النساء والرجال في قبرٍ واحدٍ إلا عند تأكيد الضرورة ، هذا هو فعل الصحابة ومن بعدهم ، لأن النبي صلى الله عليه وسلم شكونا إلى رسول الله صلى الله عليه وسلم يوم أحد فقلنا : يا : وأما الدليل على أنه يجوز دفن أكثر من واحد في قبرٍ واحدٍ لضرورة فهو قول هشام بن عامر ، قال (ميت في قبرٍ واحدٍ ، قالوا فمن تقدم يا رسول "احفروا وأعمقوا ، وأحسنوا ، وادفنوا الاثنين والثلاثة في قبرٍ واحدٍ " فقال رسول الله صلى الله عليه وسلم . رسول الله الحفر علينا لكل إنسان شديد . حسن صحيح : رواه النسائي ، والترمذي وقال "قدموا أكثرهم قرآناً " : الله؟ قال

فإن اجتمع رجل وامرأة لضرورة فإنه يباعد بينهما قدر الإمكان ، كأن يوضع بينهما حاجز من تراب ، وإن كان معهما صبي قدم الرجل ، ثم الصبي ، ثم المرأة : قالوا

ذكروا منها: اختلاط الرجال بالنساء من الأموات بلا :ولذلك يكره الدفن في الفساقى: وهي كالبيت المبني يسع الجماعة قياماً، لمخالفته السنة من وجوه: وقال الفقهاء من الأحناف وما يفعله جهلة الحفارين من نبش القبور التي لم يبل أربابها، وإدخال أجانب عليهم فهو من المنكر الظاهر، وليس من الضرورة المبيحة :وقالوا .حاجز، وقد يكون فيها ميت لم يبل .لدفن أكثر من واحد في قبر واحد

أي يصير الميت الأول تراباً، إلا :رجلين كانا، أو رجلاً وامرأة، أو امرأتين، ما لم يبل الأول، ومعنى يبلئ :وإذا فقد أجمع الفقهاء على عدم جواز نبش القبر لدفن ميت آخر معه .لضرورة، بل إن منهم من منع دفن أكثر من ميت واحد في القبر الواحد حتى ولو صار الميت الأول تراباً، لبقاء حرمة الميت

.والله أعلم

**كتاب فتاوى نور على الدرب لابن باز بعناية الشويعر : [ابن باز]**

(1)هل يجوز دفن أكثر من جثة في قبر واحد؟ :س

إذا دعت الحاجة إلى ذلك لكثرة الموتى، فلا بأس أن يدفن الاثنان والثلاثة في قبر واحد، النبي صلى الله عليه وسلم يوم أحد دفن الاثنتين والثلاثة في قبر واحد؛ لكثرة القتلى :ج  
والمشقة في جعل كل واحد في قبر، فإذا حصل مصيبة وكثر الموتى فلا مانع أن يدفن الاثنان والثلاثة في قبر واحد، ويقدم الأفضل فالأفضل إلى القبلة، الأفضل فالأفضل إلى القبلة  
كما فعل النبي صلى الله عليه وسلم يوم أحد، كان يقدم أفضلهم للقبلة، أيهم أكثر قرآنا يقدمه في اللحد

## Appendix 2 Initial Question (Istiftaa)



### Double Interment at Eternal Gardens, Sidcup

In London we are facing great difficulties in regards to burial spaces for our Muslim community.

We have been using council run cemeteries with dedicated areas for Muslims and in recent years two dedicated Muslim cemeteries.

The problem we are face is that most council run cemeteries have or will run out of space soon which is resulting in the following issues:

#### 1) Prices are inflating significantly:

In the South West Muslims are paying in the region of £5000 or more to reuse non-Muslim graves. In the least problematic areas it is currently between £1000 – £3000 which will inflate greatly when spaces run out. These are just plot fees. The funeral services which consists of the collection from hospital, ghusl, takfeen etc are additional to this and range from £600 - £1500.

#### 2) Having to travel out of the local boroughs to bury in suitable facilities

Some members particularly in the south west and west of London are having to travel across London to suitable facilities, as other local alternatives charge an additional out of borough fee. As an example, if someone could not bury within their borough, they would incur additional charges to bury in the neighbouring borough. Often these additional charges are so high that it is worth traveling across London for alternatives.

#### 3) Many community members are struggling to fulfil these fees

All the above issues are affecting our community at this early stage of the burial space crisis and it is only anticipated that these issues will continue to get worse.

With the majority of non-Muslims opting for cremations, major property developments in London, rising land costs, the issue of providing new burial spaces for Muslims has become extremely neglected as it is of the least interest to most authorities.

Furthermore with the negative climate surrounding Muslims in the UK it is becoming more of a challenge upon the existing Muslim cemeteries to purchase further land or gain approval for muslim only burials.

In 2013 we at the Eternal Gardens joined the non-muslim company Kemnal Park to provide a dedicated Muslim cemetery to our community. Initially when we arrived, double burials were on offer, but due to a lack of knowledge on this issue and a lack of authorisation from Ulama I placed this method on hold.



Following visits from three Ulama who reviewed this method with further senior Ulama, we were given a verbal confirmation by all of them on the permissibility of the double burial method in regards to our context. Furthermore, I enquired personally with some Muftis across London and was responded to with the same answer, so the double burial method was reintroduced.

The purpose of providing the double burials was to extend the usability of the cemetery as much as possible which in turn is hoped to minimise the negative effects as much as possible that we as a community are facing. By offering the double burials, the cemetery space can almost be doubled, which also assists in maintaining lower burial fees and minimising yearly inflation.

Another benefit which was identified was the support we could offer to La-Warith cases. By double burials we could provide a dedicated area for such cases and utilise the double burials thus catering for double the cases.

We have recently joined hands with other Muslim burial service providers and cemeteries and it seems that although it is agreed that the double burial is a one of the most suitable steps to take to minimise the issues there exists a lack of confidence in the approval of this method as it was provided verbally only. For this reason other Muslim cemeteries in London are not implementing this method as of yet, which in turn means they are filling up faster.

As part of this initiative we formed an Ulama Shura Panel who have decided that we should get this issue as well as other burial related issues reviewed by Ulama from various madhaahib, across London so that they can review these masaa'il and can collate them all together to provide one final well-researched set of documents on burial related issues as guidance for Muslims burial organisations. Along with that it is anticipated that this will also provide governmental bodies with a unified and reliable opinion when discussing new initiatives insha'Allah.

For this reason, we are reaching out to Ulama like yourself across the UK and across the globe to review this and respond with your own personal judgment on the double burial method.

We strongly believe this is a sensible option to assist in overcoming part of the burial space challenge that we are facing in London and will play a significant role in minimising difficulties to our community in the near future.

This method has already been implemented in other parts of the UK but as it was not documented as a fatwa, we and other new facilities will face difficulties in being able to convince the community to utilise this method when required.



Please could you review our method below and provide your personal conclusion on this matter.

**Double interment Burials: (See diagram)**

- A 6.5ft. grave is purchased by an owner who has opted to utilise it as a double grave.
- The first person is buried as normal at the bottom of the grave at 6.5ft down in a shiq method with wooden planks laying flat upon a ridge to cover the body.
- The soil is replaced
- Later on when the second person passes away **only 4.5 ft** is re dug from the top of the same grave and the second person is buried above the space of the first.
- \* This method ensures that a barrier of wooden planks and at least a foot of soil separates the two interments.
- \* Under no circumstance is the first interment exposed or disturbed during this procedure as our digging team are aware of stopping at least one foot before they reach the soil of the first grave.
- \* The second person is buried with at least 2 foot of soil above them to ensure that the smell of decay is not detected by animals.
- \* Both bodies are staggered naturally due to the method. So they do not lay directly upon each other but rather one to the right and one to the left of the grave.

**Considerations taken by our Ulama we they decided on this issue:**

- Defining dharoorah (need) in relation to this issue (Increasing lack of burial space)
- Defining haraj (burden) in relation to burial costs
- Long term benefit to our community
- References regarding mass burials (Ghazwa Uhud) in one plot. Double burials have an actual partition between each burial, which lightens the case as they are not actually placed in one single grave and the first deceased is not disturbed at all by the second interment
- Sanctity of the grave being re-dug out weighed by the dharoorah (need)

**Our questions are:**

- Is this method permissible within the current context
- Is this method only permissible for the mahaarim relations or can two unrelated people be buried in this method. (This will provide a benefit for La-Warith cases as they would be unrelated).





- What are the main factors which will decide on whether this method will be permissible or impermissible.
- Any guidelines which will assist other cemeteries in London and the UK in assessing whether when this method should or should not be implemented would be of great benefit.

Jazakallhu Khairan

Mohammed Hilal

[Mohammed.hilal@kemnalpark.org](mailto:Mohammed.hilal@kemnalpark.org)

Kemnal Park Eternal Gardens

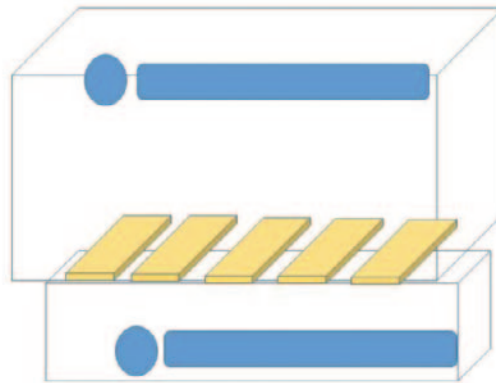
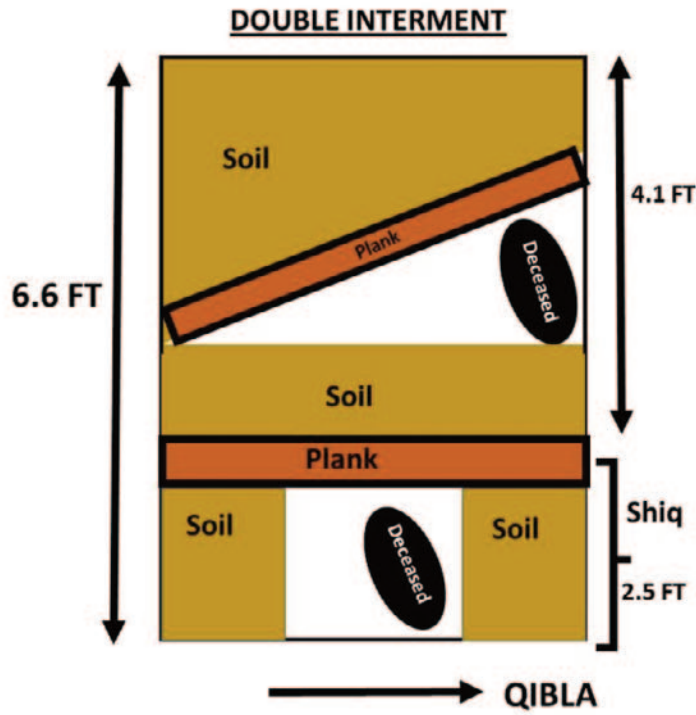
A20 Sidcup By-Pass

Chislehurst

BR7 6RR



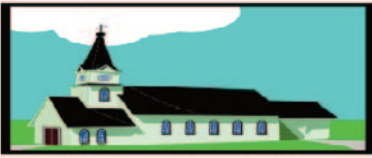
Appendix 1





Appendix 2

Croydon Council (London Borough of Croydon) [GB] | <https://www.croydon.gov.uk/sites/default/files/articles/downloads/Reclaimed-Graves16-17.pdf>



**LONDON BOROUGH OF CROYDON**

**MITCHAM ROAD  
&  
QUEENS ROAD  
CEMETERIES**

**RECLAIMED  
GRAVES**

ENQUIRIES TO: CEMETERY OFFICE  
MITCHAM ROAD,  
CROYDON CR9 3AT  
TEL: 020 8684 3877 FAX: 020 8689 7795  
EMAIL: bereavement@croydon.gov.uk

**BURIAL FACILITIES IN CROYDON**

Those who are bereaved with a preference for burial have a very limited choice of grave types within Croydon due to land shortages. There are no new graves available at either Mitcham Road or Queens Road cemeteries; now graves are available at Greenlawn Memorial Park in Waringham. This is a beautiful park setting with ground level bronze plaques on graves. To maintain this appearance it is important to be aware that no traditional memorials can be placed on the graves. Greenlawn's is also 10 miles from North Croydon and has poor public transport links. The Council realise that this cemetery is inconvenient for over a quarter of Croydon residents who do not possess their own transport (2001 Census data). The Council is also aware that many residents want to be interred within or close to their neighbourhood. This interments the deceased in a familiar setting and is convenient for family and friends to visit the grave. As a 'green' issue, it also reduces road travel for the funeral cortege and all subsequent grave visits, as well as reducing personal expense. To meet these important needs and expand choice for the bereaved, proposals have been agreed to reclaim unused space in old graves at Mitcham Road and Queens Road cemetery in North Croydon. This is part of a wider policy to create cemeteries that can be re-used perpetually. It will prevent Croydon's cemeteries becoming excessively large and progressively neglected as maintenance charges increase. As these charges are passed to the bereaved as part of the burial fees, re-using space will hold down fees and contribute to lower funeral costs for Croydon residents.

Appendix 3

These are just plot fees based on a 50 years lease period. The funeral services which consists of the collection from hospital, ghusl, takfeen etc are additional to this and range from £600 - £1500.

Borough	Type of plot	Other Fee			Non Resident	Link
		Plot Fee	Burial Fee (Maintanace)	Total		
Greenwich	Council: Muslim section	£1,992	£795	£2,961	£5,748	£11,293 <a href="http://www.royalgreenwich.gov.uk/info/200032/deaths_fu">http://www.royalgreenwich.gov.uk/info/200032/deaths_fu</a>
Croydon	Reused non muslim graves	£1,570	£1,015 ?		£2,585	£2,995 <a href="https://www.croydon.gov.uk/sites/default/files/articles/dc">https://www.croydon.gov.uk/sites/default/files/articles/dc</a>
Lambeth	Council mixed cemetery	£4,433	£1,268		£5,701	£8,908 <a href="https://www.lambeth.gov.uk/births-deaths-marriages-and-">https://www.lambeth.gov.uk/births-deaths-marriages-and-</a>
West Ham	Council: Muslim section	£1,905	£995	£70	£2,970	£4,875 <a href="https://www.newham.gov.uk/Pages/Services/Burials.aspx#">https://www.newham.gov.uk/Pages/Services/Burials.aspx#</a>
Ealing	Council: Muslim section	£2,955			£2,955	£5,910 <a href="http://www.southallfuneral.co.uk/new-page4/new-page11">http://www.southallfuneral.co.uk/new-page4/new-page11</a>

## Appendix Collation Of Responses To The Istiftaa And Related Fatwa



Fatwa No: 1442/70

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

هو الموفق

حامدا ومصليا ومسلما

الجواب ومنه الصواب

I will gather the fatāwā of the Dār al-Iftās that have responded to you then give my view in light of Eternal Gardens, Sidcup's situation and the views of the 'Ulamā. The fatāwā below have not been edited for spelling or grammatical errors.

### Views of the 'Ulamā

#### Are we allowed to bury more than just one body in a grave?

[Askimam.org](http://Askimam.org)

My question is about the refugees of Greece:

A lot of people are found dead in the sea as a result of the boats sinking. Sometimes it takes a long time to get buried which causes the body to get bloated, are we still allowed to do ghusl in such a case? We are asking this question as once the ghusl was done on a body like this and it burst open, inna lillahi wa inna ilahi radji'un.

Another question regarding this is, are we allowed to bury more than just one body in a grave. In Greece the ground needs to be bought and if we wait for the money, the bodies might stay out for too long. Alhamdulillah all the people helping are doing this voluntarily, and do not always have the money to buy the graves for everyone.

#### Answer

**In the Name of Allah, the Most Gracious, the Most Merciful.**

**As-salāmu 'alaykum wa-rahmatullāhi wa-barakātuh.**

1. If a person passed away on sea, he should be washed (ghusal), shrouded (kafan) and placed in the water. However, if the body is brought on land and has started to bloat, water should be poured over the body with due diligence ensuring that the body does not burst open after which the body will be shrouded. If there is fear that the body will



burst open by performing the sunnah shrouding, one may suffice on one piece of cloth .

2. If there are no other graves, and there is fear that the bodies will start to decompose if not placed in the grave, only then on will be excused for placing multiple bodies in one grave .

It should be noted that a barrier of soil should be place between the bodies to separate them from each other. See below the sequence of placing multiple bodies in a grave.

We advise that a fund is created to support those that don't have adequate means to purchase graves when necessary.

### And Allah Ta'āla Knows Best

Hafizurrahman Fatehmahomed

Student Darul Iftaa Netherlands Checked and Approved by Mufti Ebrahim Desai

(البنایة شرح الهدایة (۳/ ۱۸۷)

وان مات في سفينة غسل ولكن ثم يرمى في البحر. وذكره البيهقي عن الحسن البصري - زعمه الله - وان غرق وتفتح في الماء صب عليه الماء، وكذا ان احترق، ذكره في "الروضة"، والنية ليست بشرط عندنا، وفي "البنایع" يجرکه في الماء فيكون ذلك غسلًا له، ولم يشترط النية

(بدائع الصنائع في ترتيب الشرائع (۱/ ۳۰۹)

وَإِنْ نُبَسَّ بَعْدَمَا تَفْسَخَ وَأَخِذَ كَفَنُهُ كَفْنٌ فِي ثَوْبٍ وَاحِدٍ؛ لِأَنَّهُ إِذَا تَفْسَخَ خَرَجَ عَنْ حُكْمِ الْآدَمِيِّينَ أَلَّا تَرَى أَنَّهُ لَا يُصَلَّى عَلَيْهِ فَصَارَ كَالسَّقَطِ وَاللَّهُ أَعْلَمُ

(الفتاوى الهندية (۱/ ۱۵۸)

وَلَوْ كَانَ النِّبْتُ مُتَفَسِّخًا يَتَعَذَّرُ مَسْحُهُ كَفَى ضَبُّ الْمَاءِ عَلَيْهِ، كَذَا فِي التَّنَائِيخِيَّةِ تَأْوِيلًا عَنْ الْعَنَابِيِّ

(البحر الرائق شرح كنز الدقائق ومنحة الخالق وتكملة الطوري (۲/ ۱۸۷)

وتشك كلامه الباقي وأقتره عليه وأبده بما في المحيط لو وجد النبت في الماء لا بد من غسله؛ لأن الخطاب يتوجه إلى بني آدم، ولم يوجد منهم فعل. اهـ

(الفتاوى التارخانية، ج ۳، ص ۳۲)



و أما كونه مقتولا ظلما فهو شرط بلا خلاف، حتى أن من افترسه السبع، أو سقط عليه البناء، أو الحائط، أو تردي من جبل، أو غرق الماء و ما أشبه ذلك غسل كغيره من الموتي،

(الدر المختار وحاشية ابن عابدين (رد المختار) ٢٠٠ / ٢)

(أو وجد ميت في الماء فلا بد من غسله ثلاثا) لأننا أمرنا بالغسل فيخزك في الماء بنية الغسل ثلاثا فتح وتغلبه فييد أنهم لو ضلوا عليه بلا إعادة غسله صح، وإن لم ينسقط وجوه عنهم فتدبر

(الدر المختار وحاشية ابن عابدين (رد المختار) ٢٠٠ / ٢)

(قوله: فلا بد) أي في تحصيل الغسل المنسنون، وألا فالشروط مرة، وكأنه يشير بلا بد إلى أنه بوجوده في الماء لم ينسقط غسله المنسنون فضلا عن الشرط تأمل

(المحيط البرهاني في الفقه النعماني ١٥٩ / ٢)

وإذا غرق الرجل في الماء ومات أو وقع في بئر ومات فعن أبي يوسف رحمه الله أن ذلك لا ينوب عن الغسل وكذلك إذا أصاب الميت المطر لا ينوب ذلك عن الغسل.

فالحاصل أنه لا بد في إسقاط الواجب من الفعل، وأما النية فشروط لتحصيل الثواب؛ ولذا صح تعميل الذميمة زوحا كما سنأتي مع أن النية من شروطها الإسلام

حاشية الطحاوي على مراقي الفلاح شرح نور الايضاح (ص: ٥٦٩)

”والفرض قد سقط بالنية عند الإخراج قوله: “ثم وجد

(الدر المختار وحاشية ابن عابدين (رد المختار) ٢٠٥ / ٢)

(قوله لم يتسسخ) قيد به لأنه لو تسسخ يكفن في ثوب واحد كما صرح به بعده والظاهر أنه بيان للمراد من قوله طري كما تشهد به المقابلة بقوله وإن تسسخ (قوله كالأدي لم يذفن) أي يكفن في ثلاثة أثواب

(الدر المختار وحاشية ابن عابدين (رد المختار) ٢٠٥ / ٢)

(و) آدمي (منبوش طري) لم يتسسخ (يكفن كأدي لم يذفن) مرة بعد أخرى (وإن تسسخ كفن في ثوب واحد)

(فتح القدير للكمال ابن الهمام ١٤١ / ٢)

ولا يذفن اثنان في قبر واحد إلا لضرورة،

ملته الأبح (ص : ٢٧٦)



وَلَا يُدْفَنُ اِثْنَانِ فِي قَبْرِ إِلاَّ لِضُرُورَةٍ

(البحر الرائق شرح كنز الدقائق ومنحة الخالق وتكملة الطوري (٢/ ٢٠٩

وَلَا يُدْفَنُ اِثْنَانِ وَثَلَاثَةٌ فِي قَبْرِ وَاحِدٍ إِلاَّ عِنْدَ الْحَاجَةِ يُوضَعُ الرَّجُلُ مِمَّا يَلِي الْقَبِيلَةَ ثُمَّ الْغُلَامُ ثُمَّ خَلْفُهُ الْخُنْثَى ثُمَّ خَلْفُهُ الْمَرْأَةُ وَيُجْعَلُ بَيْنَ كُلِّ مَيِّتَيْنِ حَاجِزًا مِنْ التُّرَابِ لِيَصِيرَ فِي حَكْمِ قَبْرَيْنِ هَكَذَا «أَمَرَ النَّبِيُّ - صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ - فِي شَهْدَاءِ أُحُدٍ وَقَالَ قَدِمُوا أَكْثَرَهُمْ قُرْآنًا» اهـ

(جمع الأنهر في شرح ملتقى الأبحر (١/ ١٨٧

وَلَا يُدْفَنُ اِثْنَانِ فِي قَبْرِ وَاحِدٍ (إلاَّ لِضُرُورَةٍ) وَيُجْعَلُ بَيْنَهُمَا تَرَابٌ

(الدر المختار وحاشية ابن عابدين (رد المختار) (٢/ ٢١٩

قَوْلُهُ لِضُرُورَةٍ) إِذَا قَبِدَ بِهَا لِأَنَّهُ لَا يُدْفَنُ اِثْنَانِ فِي قَبْرِ مَا لَمْ يَصِرَ الْأَوَّلُ تَرَابًا فَيَجُوزُ حَيْثُ بَدَأَ عَلَيْهِ وَالزَّرْعُ إِلاَّ لِضُرُورَةٍ فَيُوضَعُ بَيْنَهُمَا تَرَابٌ أَوْ لِيَنْ لِيَصِيرَ كَقَبْرَيْنِ وَيُجْعَلُ الرَّجُلُ مِمَّا يَلِي الْقَبِيلَةَ ثُمَّ الْغُلَامُ ثُمَّ الْخُنْثَى ثُمَّ الْمَرْأَةُ شَرَحَ الْمُفَلِّسِيُّ

(الفتاوى الهندية (١/ ١٦٦

وَلَا يُدْفَنُ اِثْنَانِ أَوْ ثَلَاثَةٌ فِي قَبْرِ وَاحِدٍ إِلاَّ عِنْدَ الْحَاجَةِ فَيُوضَعُ الرَّجُلُ مِمَّا يَلِي الْقَبِيلَةَ ثُمَّ خَلْفُهُ الْغُلَامُ ثُمَّ خَلْفُهُ الْخُنْثَى ثُمَّ خَلْفُهُ الْمَرْأَةُ وَيُجْعَلُ بَيْنَ كُلِّ مَيِّتَيْنِ حَاجِزًا مِنْ التُّرَابِ، كُنَّا فِي مَحِيطِ السَّرْحَسِيِّ، وَإِنْ كَانَا رَجُلَيْنِ يَتَقَدَّمُ فِي اللَّحْدِ أَفْضَلُهُمَا، هَكَذَا فِي الْمَحِيطِ

Fatawa Rahimiyya, v5, pg34, 69

### Burying two Bodies in one Grave

Daruliftaa.com

Please could you clarify the position of a person in India who requested he be buried in the same grave as his spouse who died 9 years previously?

This was mutually agreed by the husband and wife and the request was carried out according to the wishes of the couple, did they act according to Shariah?

### ANSWER

In the name of Allah, Most Compassionate, Most Merciful,

The great Hanafi jurist (faqih), Imam Ibn Abidin (Allah have mercy on him) explains this very issue of “burying more than one body in the same grave”, in his brilliant supercommentary (hashiya) on Imam al-Haskafi’s Durr al-Mukhtar. The following is the Shariah ruling primarily based on Ibn Abidin’s explanation in his Radd al-Muhtar:



It is impermissible to bury two bodies together in one grave unless due to necessity (such as the shortage of graves, or a natural disaster causing many people to die, etc). It will also not be permissible to dig up a grave in order to bury another body unless one is certain that the earlier body has disintegrated, decomposed and transformed into soil.

If upon opening a grave, some bones are discovered, then they should be assembled and placed to one side and then the other body may be buried. One should make a barrier with the soil between the bones and the new body.

To bury more than one body in the same grave with the intention of burying the deceased with his relative, or due to the shortage of graves in that particular graveyard will not be considered a genuine need, even if the graveyard is a virtuous one, where pious people are buried, as long as another graveyard is available. This impermissibility is even more in the case of digging up a grave where a body has already been buried, for burying other bodies in the grave of one whose body has not as yet transformed into soil is dishonouring the sanctity of the first body. (See: Radd al-Muhtar ala al-Durr, 2/233)

Therefore, burying two bodies at once in one grave would be unlawful, and if one did make such a will, it will not be fulfilled. Similarly, to bury a second body in a grave where the previous body had not yet disintegrated or transformed into soil would also not be allowed. Thus, one should be certain of the body being transformed before intending to open up a grave. The duration of this would depend on the place and area one is in, and could be inquired from the experts.

With the above, the ruling with regards to your specific question becomes clear, in that if the will made by the deceased to be buried in the same grave as his/her spouse was such, that if it was implemented, it would entail opening up a grave in which the body of the earlier deceased was not transformed into soil, then this would be impermissible. However, if it was after a long period, in that one was certain of the earlier body being transformed into soil, then it would be permissible.

And Allah knows best

[Mufti] Muhammad ibn Adam

Darul Iftaa

Leicester , UK





email: darulifta@gmail.com | web: www.onlinefatawa.com | ph: +92 21 32570077 | fax: +92 21 32564586

مطلوب عمومی	نام محمد حلال	سیریل نمبر 29771
	پتہ لندن انگلینڈ	تاریخ 11/26/2016
	موضوع جنازہ	رابطہ نمبر
	کاتب سعید الرحمن	ای میل

بسم اللہ تعالیٰ ہی السلام علیکم ورحمہ اللہ وبرکاتہ محترم مکرم علامہ کرم: اللہ تعالیٰ ہی آپ کا وقت اور کوشش قبول فرما کرے! سوال: آپ کی خدمت میں ایک اہم سوال ارسال کیا جا رہا ہوں فی الحال ہمارے لندن شہر میں قبرستانوں کی جگہ کمی اور ختم ہو جا رہا ہے۔ دفن کرنے کی جگہ تلاش کرنا ہر سال زیادہ سے زیادہ مشکل ہوتے جا رہے ہیں۔ اب تک ہم کونسل کا قبرستان استعمال کیا جا رہا ہے اور آج تک شہر میں صرف مسلمانوں کا دو خاص قبرستان کھولے ہیں۔ مسئلہ یہ ہے کہ کونسل کے اکثر عیسائی بڑی حد تک بھر چکے ہیں اور اس کا نتیجہ یہ ہے کہ لندن شہر میں دفن کرنے کی قیمت ہر سال میں بیٹھی ہو جا رہی ہے۔ لندن کے بعض علاقہ میں ایک قبر کی قیمت £5000 تک پہنچ چکا ہے جو کہ عام مسلمانوں کیلئے سخت دشواری بلکہ ناممکن ہے۔ اور اس مشکلات میں جگہ کی کمی کے علاوہ موجودہ مسلمانوں کے ساتھ ہونے والے اسباب بھی دخل ہے۔ اسلئے ہم نے علامہ اور مفتی حضرات سے دعویٰ اور شرعی مفید مشورہ حاصل کرنے کے بعد اب قبر کو ادبیل ہیرل یعنی دو منزل والا قبر (ایک ہی جگہ میں منزل بنا کر دو شخص کیلئے دفن کرے) طریقہ اختیار کیا ہے جسے دینا مسلمانوں کیلئے استعمال کرنے میں مدد ملی اور اس مستقبل میں آنے والے مسلمانوں کیلئے آسان اور مفید ہو سکے ان شاء اللہ۔ الحمد للہ اس طریقے سے ہم نے لا وارث مسلمانوں کیلئے مدد کرنے میں بہت مفید پایا ہے۔ بہر حال اب مشکل یہ ہے کہ عوام الناس میں بعض لوگ اس طریقے کے بارے میں فکر مند ہیں اور اطمینان چاہتے ہیں کہ شرعی اعتبار سے آیا یہ صحیح ہے یا نہیں؟ جن حضرات علامہ کرام کو ہم نے مختلف موقع میں پیش کی ہیں اور ان علامہ اور مفتیان کرام کی طرف سے زبانی شرعی طور پر موجودہ حالت کو دیکھ کر جائز ہونے پر مطمئن ہیں طریقہ: ایک شخص دیکھے دفن (6.6) کی گہرائی قبر کو خریدتے ہیں اس طور پر کہ وہ مستقبل میں کسی اور کیلئے بھی استعمال کیا جائے گا۔ پہلا شخص کو (6.6) کی گہرائی میں عام طریقہ کے مطابق دفن کر کے قبر کی شکل میں ادب تک مٹی بر دیا جاتا ہے۔ جب دوسرا شخص کا کسی وقت انتقال ہو جائے تو اس قبر میں ہی صرف (4.5) تک کھودا جاتا ہے اور پھر دوسرا لاش کو اس میں دفنایا جاتا ہے۔ اور اس وقت پہلا لاش کی جگہ تک نہیں کھولا جاتا ہے نوٹ: ان دو لاشوں کے درمیان مٹی کی ایک پردہ رکاوٹ (barrier) تو ہر حال میں رہتا ہے اور دوسرا میت کو دفن کے بعد بھی اس کے ادب تک نہ آئے کہ تین دفن کا مٹی واہیں بھردی جاتی ہے اس لئے آپ علامہ کرام کی خدمت میں برائے کرم اس طریقہ پر مزید مفید مشورہ اور تحقیق چاہتے ہیں تاکہ ہر سب متفق طور پر مطمئن ہو جائے۔ فقط والسلام جزاک اللہ خیرا و احسن الجزاء

### الجواب حامدا ومصليا

دارالافتاء کے جواب میں کہ جب کوئی قبرستان اہل علاقہ کو کافی نہ ہو اور تنگ پڑ جائے حتیٰ کہ نئی قبرستان کی جگہ نہ ملے تو جو سب سے پہلے پرانی قبر ہو کہ جس کی حیثیت کے بارے میں یقین ہو کہ وہ اب ختم ہو کر مٹی ہو گئی ہوگی، اس قبر کو دوبارہ نئی تدفین کیلئے کھولا جائے۔ پھر اگر اس میں پہلی حیثیت کی ہڈیاں مل جائیں تو انکو الٹھی کر کے اسی قبر میں ایک طرف مٹی میں دبا دی جائیں، اسی طرح جسے تمام قبروں میں دو مرتبہ تدفین کا عمل ہو جائے تو نئے سرے سے پہلی قبر جس پر ان تک اتنا غصہ گزر گیا ہو گا کہ اس کی دوسری حیثیت مٹی ہو گئی ہوگی اسے تیسری تدفین کیلئے کھودا جائے



سپذا سوال میں ذکر کردہ تفکرات میں پیش کی ضرورت نہیں —  
 و فی الرد تحت (قولہ و حفر قبرہ) شروع فی مسائل الدفن (الی قولہ)  
 قال فی الفتح ولا یحفر قبر لدفن اخر الا ان باى الاول فلم یبق له عظم  
 الا ان لا یوجد فتضم عظام الاول و یجمل بینہما حاجز من تراب

(ج ۲ ص ۲۲۳) —

واللہ اعلم بالصواب  
 سعید الرحمن عفی عنہ  
 دار الافتاء جامعہ بنوریہ کراچی  
 ۲۲/۳/۲۰۲۸ھ

الحمد لله  
 بندہ نادر جان نثار  
 دارالافتاء جامعہ بنوریہ کراچی  
 ۲۲/۳/۲۰۲۸ھ



26/12/16





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بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ - مُحَمَّدٌ هُوَ الرَّسُوْلُ الَّذِیْ اَنْزَلَ عَلَیْهِ الْکِتٰبَ الْحَکِیْمَ  
 الجواب حامداً و معیناً و مسلماً و باللہ الترمذی:۔ ایک قبر میں ضرورت کے وقت ایک سے  
 زیادہ مردے دفن کرنا جائز ہے مگر آپ نے سوال میں جو صورت لکھی ہے ہمیں فقہ کی کتابوں میں  
 صراحت کوئی چیز نہیں اس طرح ترمذی کا نہیں ملا۔ ایک قبر میں ترمذی کا جو طریقہ کتب فقہ میں ہے  
 وہ یہ ہے کہ جتنے مردے ایک قبر میں ضرورت کی وجہ سے دفن کرنا ہیں اسکے بعد قبر کھودی جائے  
 اور قبلہ رخ سب سے آگے مرد کو بچھرائے پیچھے لڑکے کو، پھر اسکے پیچھے آگے کوئی شخصی ہونا کو بچھرائے آخر میں  
 عورت کو دفن کیا جائے اور ہر دو مردوں کے درمیان مٹی کی اڑ بنا لی جائے۔  
 فتاویٰ ہند یہ ہیں ہے: ولا یدفن اثنان او ثلاثة فی قبر واحد الا عند  
 الحاجة، فیوضع الرجل سماوی القبلة، ثم خلفه الخلام، ثم خلفه الخنثی، ثم خلفه  
 المرأة، ویجعل بین کل میتین حاجز من القراب (فتاویٰ ہندیہ ج ۱ ص ۲۲۸  
 الباب الحادی عشر من الفصول الساس، کتاب الصلوة، دار الفکر)

سوال میں جو صورت پیش کی گئی ہے اس میں اس ترتیب کی رعایت ناممکن ہے، بلکہ اگر  
 ہے کہ شیخ عورت کو اور اوپر مرد، یا اس کا عکس کر شیخ مرد کو اوپر عورت ہو  
 نیز سوال میں جو صورت پیش کی ہے اس میں ایک قباحت یہ ہے کہ دوسرا مردہ دفن  
 کرنے کے وقت شیخ والی قبر کو روندنا لازم آئے گا اور قبر کو روندنا، قبر پر چلنا، قبر پر  
 بیٹھنا، کھڑا ہونا مکروہ ہے۔ حدیث شریف میں ہے: عن ابی مؤثر الغنوی عنی ان اللہ عند قال  
 قال رسول اللہ صلی اللہ علیہ وسلم لا تجلسوا علی القبور ولا تمسوا البصا، (مسلم شریف  
 ص ۳۳ حدیث ۹۷۲، دار الکتب العلمیہ، بیروت)  
 فتاویٰ ہند یہ ہیں ہے: یکره ان یبني علی القبر او یفعد او ینام علیہ او یوطأ  
 علیہ ج ۱ ص ۲۲۷، دار الفکر)

نیز مذکورہ صورت میں جو آپ نے سوال میں لکھی ہے ایک قباحت یہ ہے کہ شیخ قبر میں جائے  
 بعد اس کا کوئی قریبی رشتہ دار (مثلاً شوہر، باپ، بیٹی وغیرہ) اوپر کی قبر کو اپنے  
 لئے محفوظ کرنے اور زنگی میں اپنے لئے قبر متعین کرنا مکروہ ہے، انسان کی موت کس جگہ آئی  
 وہ کسی کو معلوم نہیں، خزانہ مجید ہے وَمَا تَدْرِي لَنْفُسٍ يَأْتِي اَرْضَیْ تَمُوْتُ، اور ترمذی شیخ نہیں  
 جانتا کہ وہ کس زمین میں مرے گا اِنَّ اللّٰهَ عَلِیْمٌ خَبِیْرٌ ہے شرف اللہ تعالیٰ علم والا باخبر ہے  
 (سورہ لقمن، پارہ ۲۱)

الدر المختار میں ہے: والذی ینبغی ان لا یلرہ تحصیته نحو الذکن بخلاف القبر  
 > الدر المختار ص ۱۲۳ باب صلوة المنارة، دار الکتب العلمیہ <  
 خلاصہ یہ کہ ایک قبر میں چند میت دفن کرنا ضرورت اور حاجت کے وقت جائز  
 ہے مگر اس کا صحیح طریقہ وہ ہے جسکو فقہاء رحمہم اللہ نے بیان فرمایا ہے جو اوپر  
 ذکر کیا گیا، آپ نے جو طریقہ سوال میں ذکر فرمایا ہے وہ اسکے خلاف ہے لہذا اس  
 طریقہ کو اختیار کرنا اور اسکو رواج دینا فقہاء کے بیان کردہ طریقہ کے خلاف ہے اس  
 لئے یہ طریقہ اختیار نہ کیا جائے۔  
 < لقمہ ۱۸ >

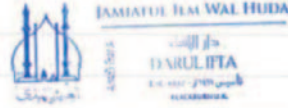


۶

اگر لندن شہر میں دفن کرنا مشکل ہو تو لندن سے باہر کسی جگہ نما انتخاب کیا جائے، کوشش کرنے پر انشاء اللہ کامیابی ہوگی۔ قرآن مجید میں ایک مقام پر اللہ سبحانہ و تعالیٰ کا ارشاد عالی ہے اَلْوَجْهُ الَّذِي كَفَانَا اَحْيَاءًا اَوْ اَمواتًا۔ کیا ہم نے زمین کو سمیٹنے والی تہیں بنا یا، زندوں اور مردوں کو ﴿سورہ المؤمنین ص ۶۹﴾

قبر مہنگی معلوم ہو اور میت لاوارث یا غریب ہے تو صاحبِ خیر مسلمان اس کی مدد کریں انشاء اللہ بہت عظیم اجر اللہ پاک عطا فرمائیں گے، فقط واللہ اعلم بالصواب  
جامعۃ المسلم والجمہری، بلیک برن  
۲۲ ربیع الاول ۱۴۳۹ھ  
(21.12.16)

شعبہ التعمیر و بناء  
المسجد  
محمد فاروق نجفی عمر  
المسجد اکرم النبی صلی اللہ علیہ وسلم



لئے آپ علماء کرام کی خدمت میں برائے کرم اس طریقہ پر مزید مفید مشورہ اور تحقیق چاہتے ہیں، تاکہ سب متفق طور پر مطمئن ہو جائے۔ جزاک اللہ خیرا و احسن الجزاء

Published on: Sep 30, 2017

جواب # ۱۴۶۳۵۴

بسم اللہ الرحمن الرحیم

Fatwa: 209-1460/L=1/1439



مردہ کی لاش جب تک ہوسیدہ ہوکر مٹی میں نہ مل جائے اس وقت تک اس کا احترام باقی رہتا ہے، ایسی صورت میں اس پر نیک لگانا، اس کو روندنا ممنوع ہے۔ عن جابر رضی اللہ عنہ قال: نہی رسول اللہ صلی اللہ علیہ وسلم أن یخصص القبر وأن یکتب علیہا وأن توطأ. (مشکوٰۃ: ۱۴۸) وعن عمرو بن حزم قال رأی النبی صلی اللہ علیہ وسلم متکناً علی قبر فقاتل لا تؤذ صاحب ہذا القبر أو لا تؤذہ. (مشکوٰۃ: ۱۴۹) اس لیے ایک مردے کو دفن کرنے کے بعد جب تک وہ ہوسیدہ ہوکر مٹی میں نہ مل جائے اس وقت تک اس کے اوپر کسی اور کو دفن کرنا کراہت سے خالی نہیں، میری رائے میں اس کی بہتر شکل یہ ہوسکتی ہے کہ قبرستان کے ایک کنارے سے تدفین کا سلسلہ شروع کیا جائے اور جب اخیر میں قبرستان بھر جائے تو امید یہی ہے کہ بالکل ابتداء میں دفن اموات کی لاشیں ہوسیدہ ہوکر مٹی میں مل گئی ہوں گی، لہذا پھر شروع سے تدفین کا سلسلہ جاری کر دیا جائے۔ اور قبروں کو بھختے ہوگئے نہ بنایا جائے۔

واللہ تعالیٰ اعلم

دارالافتاء، دارالعلوم دیوبند

Mohammed Hilal

From:

Sent: To: Subject:

Haamidani wa Musalliyan

Assalamu Alaikum wa Rahmatullahi wa Barakaatuh

It is permissible.

And Allah Ta'ala (سبحانہ) knows best.

mufti@muftionline.co.za on behalf of No-Reply Muftionline.co.za  
<noreply@muftionline.co.za> 20 August 2016 11:05 Mohammed Hilal Re: Muftionline.co.za  
QUESTION 26430

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Answered by: Mufti Ebrahim Salejee -- NOTE: Please do not respond to this email. Questions sent directly to this email address will not be attended to. If you have another question, please use the website. <http://muftionline.co.za> Jazakallah



Disclaimer: The answer hereby given is specifically based on the question asked and should be read together with the question asked. [Muftionline.co.za](http://Muftionline.co.za) bears no responsibility to any party who may or may not act on this answer. [Muftionline.co.za](http://Muftionline.co.za) being hereby exempted from loss or damage whatsoever caused. Should the question refer to a matter in dispute between two parties, this answer may not be used in the dispute in question by either party unless the question was jointly submitted by both parties with an acknowledgement by both parties that the question was correct and accurate. This answer may not be used as evidence in any court of Law without prior written consent from [Muftionline.co.za](http://Muftionline.co.za). On 17 August 2016 at 14:51, Mohammed Patel <[mohammed.hilal@kemnalpark.org](mailto:mohammed.hilal@kemnalpark.org)> wrote: Submitted on Wednesday, August 17, 2016 - 14:51 Submitted by user: Submitted values are: Name: Mohammed Patel Email: [mohammed.hilal@kemnalpark.org](mailto:mohammed.hilal@kemnalpark.org) Question:

السلام عليكم ورحمة الله وبركاته

In the UK and more specifically London we are facing great difficulties in securing further burial spaces for our Muslim community. Up to now our community has used a mix of council run cemeteries with dedicated areas for Muslims and in recent years we have had a two dedicated purpose built Muslim cemeteries. The problem we face in London is that the majority of council run cemeteries have now run out of space or are on the brink of running out of space. The result is that in parts of London the cost of a burial is around £5000 and rising yearly which is mostly unaffordable to most. As well as that, within the current climate of major property developments in London, rising land costs, and the current climate with Muslims in the UK it is becoming extremely difficult upon those current Muslim cemeteries to purchase further land. Our cemetery launched recently and after discussing with the local Ulama we concluded on providing “double depth burials” to ensure we extend the life of the cemetery as much as possible for future generations which will also assist in maintaining a lower price on burials. We are currently able to provide a burial for £2500 and by offering the option of double burials can extend the life of the cemetery by almost double. We have also been able to offer additional support for La-Warith cases due to this method. However, our community is majorly concerned with the validity of such an offering and are extremely reluctant to accept this solution at this moment until further approval. For this reason, we are reaching out to Ulama across the UK and across the globe to review this and respond as our personal experience with Ulama has told us that this is not an issue at all and actually a sensible approach to overcoming the challenge we are facing. This method has actually already been implemented in other parts of the UK but as it has not been documented as a fatwa we and other new facilities will face difficulties in being able to convince the community. We hope that this response from the Ulama at large will provide our community with ease and also be used by further cemeteries in this situation. Please could you review our method below and provide you conclusion on this matter. Double interment Burials: (See diagram) • A 6 ft. grave is purchased by an owner in agreement that it will be used in the future by a second individual. • The first person is buried as normal at the bottom of the grave 7 ft down in a shiq method with wooden planks laying flat upon a ridge to cover the body. • The soil is replaced • Later on when the second person passes away only 5 ft is re dug from the top of the same grave and the second person is buried above the space of the first. \* This method ensures that a barrier of wooden planks and at least a foot of soil separates the two



interments. \* Under no circumstance is the first interment exposed or disturbed during this procedure as our digging team are aware of stopping at least one foot before they reach the soil of the first grave. \* The second person is buried with at least 3 foot of soil above to ensure no animals or the smell of determination does not reach the surface.

Our verdict:

الحمد لله والصلاة والسلام على رسول الله وعلى آله وصحبه ومن تبعهم بإحسان إلى يوم الدين

All praise belongs to Allah and may Allah's peace and blessings be upon His messenger, his family, companions and followers until the last day.

#### 1. Double interment burial arrangement

In response to the aforementioned query, we deem this method of burial to be permissible on condition that the deceased involved in such burials are Muslims. This is due to the fact that we judge the reality of this method of burial to be two separate graves in close proximity of each other. The reason we consider the burial in this manner is due to the existence of barriers between the deceased which consists of sufficient amounts of soil and planks to be considered as such. Thus, it is the like of any two graves next to one another. As a result, we do not deem there to be an objection with *non-MaQrams* being in either of the two graves on the condition that they are both Muslims. It is also of great importance to note, that this method should not be used in any instance, where one of the two deceased is not Muslim. Therefore, when the condition that all the deceased being Muslim is not met, the verdict issued above would not be applicable.

#### 2. Single grave viewpoint



From the perspective where the aforementioned method of burial is deemed to be a single grave, the verdict would remain that of permissibility, in the cases of necessity, for *MaQrams*. The Prophet (ill) buried multiple people in the same grave after the Battle of *Ujūd* as can be seen from the narrations below:

عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ . رَضِيَ اللَّهُ عَنْهُمَا . قَالَ كَانَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَجْمَعُ بَيْنَ الرَّجُلَيْنِ مِنْ قَتْلَى أَحَدٍ فِي ثَوْبٍ وَاحِدٍ ثُمَّ يَقُولُ " أَيُّهُمَا أَكْثَرَ أَخْذًا لِلْقُرْآنِ " . فَإِذَا أُشِيرَ لَهُ إِلَى أَحَدِهِمَا قَدَّمَهُ فِي اللَّحْدِ

Narrated Jabir bin 'Abdullah: The Prophet (ill) collected every two martyrs of *Ujūd* in one piece of cloth, then he would ask, "Which of them knew more of the Qur'an?" When one of them was pointed out for him, he would put that one in the grave first and say, "I will be a witness for them on the Day of Resurrection." He ordered them to be buried with their blood on their bodies and they were neither washed nor was a funeral prayer offered for them. [al-Bukhari]

عَنْ هِشَامِ بْنِ عَامِرٍ، قَالَ شَكَيْتُ إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْجِرَاحَاتِ يَوْمَ أُحُدٍ فَقَالَ " اخْفِرُوا وَأَوْسِعُوا وَأَحْسِنُوا وَادْفِنُوا الْإِنْتِنِ وَالثَّلَاثَةَ فِي قَبْرِ وَاحِدٍ وَقَدِّمُوا أَكْثَرَهُمْ قُرْآنًا " . فَمَاتَ أَبِي فَقَدِمَ بَيْنَ يَدَيَّ رَجُلَيْنِ . قَالَ أَبُو عَيْسَى وَفِي الْبَابِ عَنْ حَبَابٍ وَجَابِرٍ وَأَنْسِ . وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ . وَرَوَى سُفْيَانُ الثَّوْرِيُّ وَغَيْرُهُ هَذَا الْحَدِيثَ عَنْ أَيُّوبَ عَنْ مُحَمَّدِ بْنِ هِلَالٍ عَنْ هِشَامِ بْنِ

Narrated Hisham bin 'Amr: "On the day of *Ubud*, the wounded complained to the Messenger of Allah (ﷺ), so he said: 'Dig, and make it wide, and appropriate, and bury two and three in one grave. And advance the one who knew the most Qur'an.' My father had







looking into solutions for the challenges faced. We pray that Allah(ﷻ) grants guidance and success to all those trying to facilitate acting in accordance to Islamic rulings in all matters.

May Allah's peace and blessings be upon the Messenger of Allah and all praise belongs to Allah.

وصلى الله وسلم على نبينا محمد، والحمد لله رب العالمين

Allah(ﷻ) knows best.

Shaykh Haitham al-Haddad

**Question:**

السلام عليكم ورحمة الله وبركاته

May Allah reward you greatly for your efforts and time for the ummah, Ameen.

In the UK and more specifically London we are facing great difficulties in securing further burial spaces for our Muslim community.

Up to now our community has used a mix of council run cemeteries with dedicated areas for Muslims and in recent years we have had a two dedicated purpose built Muslim cemeteries.

The problem we face in London is that the majority of council run cemeteries have now run out of space or are on the brink of running out of space. The result is that in parts of London the cost of a burial is around £5000 and rising yearly which is unaffordable to most.

As well as that, within the current climate of major property developments in London, rising land costs, and the current climate with Muslims in the UK it is becoming extremely difficult upon those current Muslim cemeteries to purchase further land.



Our cemetery launched recently and after discussing with the local Ulama we concluded on providing “double depth burials” to ensure we extend the life of the cemetery as much as possible for future generations which will also assist in maintaining a lower price on burials.

We are currently able to provide a burial for £2500 and by offering the option of double burials can extend the life of the cemetery by almost double. We have also been able to offer additional support for La-Warith cases due to this method.

However, our community is majorly concerned with the validity of such an offering and are extremely reluctant to accept this solution at this moment until further approval.

For this reason, we are reaching out to Ulama across the UK and across the globe to review this and respond as our personal experience with Ulama who have verified this are confident in its permissibility all and see it as a sensible approach to overcoming the challenge we are facing.

This method has actually already been implemented in other parts of the UK but as it has not been documented as a fatwa we and other new facilities will face difficulties in being able to convince the community. We hope that this response from the Ulama at large will provide our community with ease and also be used by further cemeteries in this situation. Please could you review our method below and provide you conclusion on this matter.

Double interment Burials:

- A 6 ft. grave is purchased by an owner in agreement that it will be used in the future by a second individual.
- The first person is buried as normal at the bottom of the grave 7 ft down in a shiq method with wooden planks laying flat upon a ridge to cover the body.
- The soil is replaced
- Later on when the second person passes away only 4.5 ft is re dug from the top of the same grave and the second person is buried above the interment of the first.

\* This method ensures that a barrier of wooden planks and at least a foot of soil separates the two interments.



\* Under no circumstance is the first interment exposed or disturbed during this procedure as our digging team are aware of stopping at least one foot before they reach the soil of the first grave.

\* The second person is buried with at least 3 foot of soil above to ensure no animals or the smell of decay does not reach the surface.

\* The second person is offset from the first person's body as the first body is in a shiq so placed in the centre and the second body is placed to one side.

Jazakallahu Khairan Wa ahsan al jazaa

Answer:

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

If there is a **genuine necessity** for burying more than one person in one grave such as shortage of space etc, it **will be permissible** to bury two bodies in one grave, after exhausting all other avenues in trying to locate an empty space. (Raddul Muhtar, Volume 3, Page 138, Darul Kutubul Ilmiyyah & Badai' As-Sanai, Volume 2, Page 357, Darul Kutubul Ilmiyyah)

It is **not necessary** to bury the body of the deceased in the closest or local cemetery where there may be no spaces available, rather other cemeteries within a radius 1 or 2 miles of the deceased can also be used where there are spaces available. (Raddul Muhtar, Volume 3, Page 146, Darul Kutubul Ilmiyyah)

It will also **not be permissible** to dig up a grave in order to bury another body in that grave until one is convinced that the body of the first person in the grave has decomposed and has turned in to soil. (Raddul Muhtar, Volume 3, Page 138, Darul Kutubul Ilmiyyah)

A barrier will need to be made between the two bodies using the soil etc. if they are buried in the same grave. (ibid)

**In conclusion**, the above mentioned method of 'double depth burials' will be **permissible** when there is an absolute need to do so and no other alternatives are available.

Only Allah knows best

Written by Eunus Ali

Checked and approved by Mufti Mohammed Tosir Miah  
Darul Ifta Birmingham



Respected Mufti Saab

Assalaamu alaykum wa rahmatullaahi wa barakatuh

With the current Corona Virus crisis, we need you to urgently give us the ruling regarding mass burials as follows.

1.) Are mass burials allowed?

*Answer*

In the name of Allah, the Inspirer of truth

Under normal circumstances burying more than one person in a grave is disliked. However, in cases of need it becomes permissible to have a mass grave where multiple people are buried within one grave.[1] From amongst the reasons which permit mass burials, one reason is not having enough people to bury the bodies.[2]

After contacting another cemetery in London, we learned the following information:

The current capacity for the local cemeteries is to bury approximately ten to fifteen bodies per day. This is the absolute maximum that can be done and can only be achieved if family attendance is removed and maximum pressure is placed on the burial teams. It would not be possible for the digging team to dig more graves per day. With the current Covid-19 situation the cemeteries are already reaching their maximum capacity and based on the current flow of burials and government trajectory this is only going to increase and the make the situation difficult. Along with the limited work force, some employees are having to remain in isolation and are not able to make themselves available for work.

As for extending the digging team, this is difficult for the following reasons. Firstly, in order to work the necessary equipment, a certain level of training and licencing is required which is difficult to acquire within such short notice. It is also difficult to hire trained individuals due to hiring companies either being closed or running a very limited work force due to self-isolation. As for the general public digging the graves without machinery, this would also be impractical due to the increasing number of deaths and the need to implement social distancing measures. As the pandemic hits its peak, death rates are expected to rise. This will cause problems for mortuaries who will soon run out of storage facilities and will result in more pressure on the Muslim cemeteries to speed up the burial process. If mass burial is adopted, each cemetery will be able to bury a minimum of 35 bodies per day and even more depending on which method of mass burial is adopted.

If the current pandemic situation results in circumstances similar to the above, where the burial team are unable to keep up with the amount of bodies coming in, then it would be permissible to carry out mass burials. Cemeteries may also want to consider multiple level burials which will be discussed under question six.



[1] البناية شرح الهداية (260 / 3)

ويكره أن يدفن رجلان في قبر واحد، وقال القدوري في شرحه، والسرخسي في "المبسوط"، والمرغيناني في "الذخيرة": إن وقعت الحاجة إلى الزيادة فلا بأس بأن يدفن الاثنان، والثلاثة في قبر واحد.

وفي "المرغيناني" أو خمسة، وهو إجماع. وفي "البدائع": ويقدم أفضلها ويجعل بين كل اثنين حاجر من التراب فيكون في حكم قبرين عمدة القاري شرح صحيح البخاري (154 / 8)

(عن ابن عباس، قال: شكوا إلى النبي صلى الله عليه وسلم الترح يوم أحد، فقال: أحضروا واجتمعوا في القبر الإثنين والثلاثة وقدموا أكثرهم قرآناً. (وقال القدوري في شرحه، والسرخسي في (المبسوط): إن وقعت الحاجة إلى الزيادة فلا بأس أن يدفن الاثنان والثلاثة في قبر واحد، وفي المرغيناني: أو خمسة، وهو إجماع، وفي (البدائع)...

الاختيار لتعليل المختار (1 / 96) ويكره أن يدفن اثنان في قبر واحد إلا لضرورة، ويجعل بينهما (تراب) ليصير كثيرين.

الدر المختار وحاشية ابن عابدين (رد المختار) (2 / 219) وأما ترتيبهم في قبر واحد لضرورة فبعكس هذا، فيجعل الأفضل مما يلي القبلة فصح

(قوله لضرورة) إنما قيد بها لأنه لا يدفن اثنان في قبر ما لم يصير الأول تراباً فيجوز حينئذ البناء عليه والزرع إلا لضرورة فيوضع بينهما تراب أو لبن ليصير كثيرين ويجعل الرجل مما يلي القبلة ثم الغلام ثم الحنثي ثم المرأة شرح الملتقى

[2] حاشية الطحطاوي على مراقي الفلاح شرح نور الإيضاح (ص: 112)

"ولا بأس بدفن أكثر من واحد" في قبر واحد "للضرورة" قال قاضيخان "ويحجر بين كل اثنين بالتراب"

ومن الضرورة المبيحة لجمع ميتين فصاعداً في قبر واحد ابتداء على ما ذكره ابن أمير حاج قلة الدافنين أو ضعفهم أو اشتغالهم بما هو أهم وليس منها دفن الرجل مع الرجل قريبه ولا ضيق محل الدفن في تلك المقبرة مع وجود غيرها وإن كانت تلك المقبرة مما يترك بالدفن فيها لجاورة الصالحين فضلاً عن هذه الأمور لما فيه من هتك حرمة الميت الأول وتفريق أجزائه فجمع من ذلك اهـ

الموسوعة الفقهية الكويتية (21 / 18) لا خلاف بين الفقهاء في أنه لا يدفن أكثر من واحد في قبر واحد إلا لضرورة كضمين مكان، أو تقصير حلقه، أو تزيئة أخرى

2.) If allowed what is the ruling regarding males, females and children in the same mass grave

Answer

The ideal scenario when burying in mass graves is to have separate mass graves for men and women. However, this may not be practical as it could result in bodies not being buried until there are enough of the same gender. In such a case the men, women and children can all be placed in the same mass grave. The men will be placed closest to the qiblah, followed by the children and then the women.[1] As far as possible, a small barrier of soil should be placed between one person and the next[2] so that it resembles separate graves.[3] However, if this is not possible, then as a last resort there should at least be a barrier of soil between the male and female graves so that it falls under the ruling of separate graves.[4]

[1] البحر الرائق شرح كثر الدقائق ومنحة الخالق وتكملة الطوري (2 / 209) وفي المنجيط وغيره، ولا يدفن اثنان وثلاثة في قبر واحد إلا عند الحاجة فوضع الرجل وما يلي القبلة ثم غلته الغلام ثم غلته الحنثي ثم غلته المرأة ويجعل بين كل متضمن حائجاً من التراب ليصير في حكم قبرين هكذا «أمر النبي - صلى الله عليه وسلم - في شهداء أحد وقال قديموا أكثرهم قرآناً» اهـ.



الدر المختار وحاشية ابن عابدين (رد المحتار) (٢/ ٢١٩) (قوله لضرورة) إنما قيد بها لأنه لا يدفن اثنان في قبر ما لم يصر الأول تراباً فيجوز حينئذ البناء عليه والزرع إلا لضرورة فيوضع بينهما تراب أو لبن ليصير كقبين ويصل الرجل مما يلي القبلة ثم الغلام ثم الحنثى ثم المرأة شرح الملتقى.

[2] حلبة المجلي و يكره ان يدفن في القبر الواحد أكثر من واحد الا لضرورة فان وجدت جازت الزيادة عليه ... و يجعل بين كل اثنين حاجز من تراب ان امكن

حاشية الطحطاوي على مراقي الفلاح شرح نور الإيضاح (ص: ٦١٢) "ولا بأس بدفن أكثر من واحد" في قبر واحد "للضرورة" قال قاضيخان "ويصح بين كل اثنين بالتراب" هكذا أمر رسول الله صلى الله عليه وسلم في بعض الغزوات

"ويصح بين كل اثنين بالتراب" ندبا إن أمكن كما في ابن أمير حاج ليكون في حكم قبرين كما في العيني على البخاري

قوله: "هكذا أمر رسول الله صلى الله عليه وسلم في بعض الغزوات" قال بعض الأفاضل لم أجده فيما علمت وإنما هو قول العلماء حتى إن أشهب صاحب مالك أنكروه وقال لا معنى له إلا التضييق على ما شله عنه

[3] البناية شرح الهداية (٣/ ٢٦٠) ويكره أن يدفن رجلان في قبر واحد، وقال القدوري في شرحه، والسرخسي في "المبسوط"، والمرغباني في "الذخيرة": إن وقعت الحاجة إلى الزيادة فلا بأس بأن يدفن الاثنان، والثلاثة في قبر واحد.

وفي "المرغباني" أو خمسة، وهو إجماع. وفي "البدائع": ويقدم أفضلها ويصل بين كل اثنين حاجز من التراب فيكون في حكم قبرين

البحر الرائق شرح كنز الدقائق ومنحة الخالق وتكملة الطوري (٢/ ٢٠٩) وفي المحيط وغيره، ولا يدفن اثنان وثلاثة في قبر واحد إلا عند الحاجة يوضع الرجل مما يلي القبلة ثم خلفه الغلام ثم خلفه الحنثى ثم خلفه المرأة ويصل بين كل ميتين حاجزاً من التراب ليصير في حكم قبرين هكذا «أمر النبي - صلى الله عليه وسلم - في شهداء أُخذ وقال قَدِمُوا أَكْثَرَهُمْ قَرَابَاتًا» اهـ.

الفتاوى الهندية (١/ ١٦٦) ولا يدفن اثنان أو ثلاثة في قبر واحد إلا عند الحاجة فيوضع الرجل مما يلي القبلة ثم خلفه الغلام ثم خلفه الحنثى ثم خلفه المرأة ويجعل بين كل ميتين حاجزاً من التراب، كذا في محيط السرخسي، وإن كانا رجلين تقدم في اللحد أفضلهما، هكذا في المحيط وكذا إذا كانتا امرأتين، هكذا في التتارخانية.

[4] البحر الرائق شرح كنز الدقائق ومنحة الخالق وتكملة الطوري (٢/ ٢٠٩) وفي فتح القدير وتكره الدفن في الأماكن التي تسمى فساقى اهـ.

وهي من وجوه: الأول عدم اللحد الثاني دفن الجماعة في قبر واحد يغير ضرورة الثالث اختلاط الرجال بالنساء من غير حاجز كما هو الواقع في كثير من بلاد التراب فخصيصاً والبناء عليها

6.) Can we do another row of burials above in each of the options above

Answer

Multiple level burials have not been discussed by the jurists. Based on our understanding there does not seem to be any reason to prohibit such burials for the following reasons:

1. Once the lower level graves have been filled, these lower graves are not opened nor disturbed when filling the graves above. Some may argue that when filling the graves above the burial team will be standing on top of the first grave. However, this should not be an issue as one is permitted to stand over a grave for the purpose of burying a body.[1] Jurists have also made a distinction between walking on a grave bare foot as



opposed to walking with footwear, with the former being permissible not the latter.[2] From this we understand that being over the grave in itself is not the reason for prohibition, rather, the disrespect caused by wearing footwear is. Similarly, having one grave over another, in a manner where they are separated by enough soil which stops one body from falling on the other, would not be problematic as it is not being done out of disrespect of the lower grave. This would be different to having a weak barrier where one body would end up falling on to the other as this is clearly disrespectful. In addition to this there are also narrations which mention instances where companions would sit or rest on graves. This further supports this argument.[3]

2. The jurists have mentioned that when soil is placed between bodies in a horizontal mass grave, it falls in the ruling of two separate graves.[4] Based on this, we can also consider multiple level vertical burials as separate graves as the bodies are separated by soil.
3. The jurists have allowed for a grave to be opened and reused once the body has decomposed.[5] The Hanafi jurist Ibn 'Abidin argues that in major cities there is a great need to re-use graves, and this would be permissible once the first body has decomposed.[6] If burying in the same grave after a body has decomposed is permissible and not considered to violate the sanctity of the first deceased, then burying a person in a separate grave above should also be permissible.
4. A final point to take into consideration is that many cities are suffering from extreme shortages of burial space. This has resulted in the price of one grave averaging around £4000 with some cemeteries charging up to £10,000 for bodies which are not from the





local area. Utilising the method of multiple level burials provides a solution to this shortage of space.

In the absence of clear juridical text prohibiting multi-level burial, and in light of the above-mentioned arguments, we do not see any reason to prohibit this type of burial method as long as there is no chance of the upper grave crushing the lower one.

[1] حاشية الطحطاوي على مراقي الفلاح شرح نور الإيضاح (ص: ٦١٩)

ندب زيارتها" من غير أن يبطأ القبور

"من غير أن يبطأ القبور" ... وفي شرح المشكاة والوطء الحاجة كدفن الميت لا يكره وفي السراج فإن لم يكن له طريق إلا على القبر جاز له المشي عليه للضرورة ولا يكره المشي في المقابر بالنملين عندنا وكرهه أحمد ولنا قوله صلى الله عليه وسلم: "وإنه ليسمخ خلق نعالم إذا انصرفوا ويكره الميت في المقابر لما فيه من الوحشة والأهوال"

الدر المختار وحاشية ابن عابدين (رد المختار) (2/ 245)

يكره المشي في طريق ظن أنه محدث حتى إذا لم يصل إلى قبره إلا بوطء قبر تركه.

(قوله يكره المشي إلخ) قال في الفتح: ويكره الجلوس على القبر، ووطؤه، وحينئذ فما يصنعه من دفنت حول آقاربه خلق من وطء تلك القبور إلى أن يصل إلى قبر قريبه مكروه، ويكره النوم عند القبر، وقضاء الحاجة بل أولى، وكل ما لم يعهد من السنة، والمعهود منها ليس إلا زيارتها والدعاء عندها قائما اهـ

قلت: وفي الأحكام عن الخلاصة وغيرها: لو وجد طريقاً إن وقع في قلبه أنه محدث لا يمشي عليه وإلا فلا بأس به. وفي خزانة الفتاوى وعن أبي حنيفة: لا يوطأ القبر إلا للضرورة، ويزار من بعيد ولا يقعد، وإن فعل يكره. وقال بعضهم: لا بأس بأن يبطأ القبور وهو يقرأ أو يسبح أو يدعو لهم. اهـ

[2] حاشية الطحطاوي على مراقي الفلاح شرح نور الإيضاح (ص: ٦١٩)

ندب زيارتها" من غير أن يبطأ القبور

"من غير أن يبطأ القبور" في شرعة الإسلام ومن السنة أن لا يبطأ القبور في نعليه ويستحب أن يمشي على القبور حافياً ويدعو الله تعالى لهم قال شارحها الظاهر من هذا أنه يجوز الوطء على المقابر إذا كان حافياً غير منتعل وهو يدعو لأهلها ويوافقه ما في الخزانة حيث نقل عن بعضهم أنه لا بأس أن يمر على المقبرة أو يطأها وهو قارئ القرآن أو مسبح أو داع لهم اهـ

[3] شرح معاني الآثار (٥١٧ / ١) عن أبي هريرة، رضي الله عنه أن النبي صلى الله عليه وسلم قال: «من قعد على قبر، فتعوط عليه أو بال، فكأنما قعد على حمزة» فتبث بذلك أن الجلوس العنبي عنه في الآثار الأول، هو هذا الجلوس، فأما الجلوس لغير ذلك، فلم يدخل في ذلك النبي. وهذا قول أبي حنيفة، وأبي يوسف، ومحمد بن زهير عن أبي هريرة رضي الله عنهم... حدثه أن مؤلف لآل علي رضي الله عنه حدثه: «أن علي بن أبي طالب رضي الله عنه كان يجلس على القبور» وقال المؤلف: كنت أبسط له في المقبرة، فبتوسد قبراً، ثم يظطجع... أن نافعاً، حدثه: «أن عبد الله بن عمر رضي الله عنهما كان يجلس على القبور»

[4] البناءية شرح الهداية (٢٦٠ / ٣) ويكره أن يدفن رجلان في قبر واحد، وقال القدوري في شرحه، والسرخسي في "المبسوط"، والمرغيناني في "الذخيرة": إن وقعت الحاجة إلى الزيادة فلا بأس بأن يدفن الاثنان، والثلاثة في قبر واحد.

وفي "المرغيناني" أو خمسة، وهو إجماع. وفي "البدائع": ويقدم أفضلها ويحعل بين كل اثنين حاجر من التراب فيكون في حكم قبرين

الاختيار لتعليل المختار (٩٦ / ١) ويكره أن يدفن اثنان في قبر واحد إلا للضرورة، ويجعل بينهما

تراب (لصير كقبرين).



## Appendix 4

### Initial Theoretical Verdict:



### Verdict

In result of understanding the views of the Fuqahā and the interpretations of the contemporary scholars I propose the following approach, which will circumvent the matters of concern and likewise be practically minded.

1. The lease is offered to the family as a plot with the capacity of two burials. This will mean the previous grave is not being disturbed and therefore one does not have to wait for near complete decomposition, which would realistically take up to the length of the lease (~ 50 years). As it is a family plot then one is not specifically preparing their burial before their death, which is disliked within the sharī'a.
2. They are considered as two separate graves and as a result there should be at least two feet of soil, planks inclusive, between the lower compartment and the upper compartment; this will overcome the issue when in places there is some overlap of compartments. The two separate graves will also overcome the permission sought from the lease holder if a non-family member takes the second compartment. Furthermore, this could facilitate in result having two leases for the separate graves, if as in point 1 above, a family decided not to take the complete plot. This will also deal with the issue of *ghayr mahram* as the graves are separate, however it is preferable that the double plot has the same gender residing in both compartments.
3. The lower compartment must be to the extreme right of the grave and and the upper compartment to the extreme left or vice versa. Each will have their own grave markers on the surface, level with each at the heads of the compartments and not one above the other along one compartment.
4. In terms of definition they should be referred to as 'double-plot' rather than double burial/interment.



Please see illustrations below to assist the understanding.

Width of normal plot may require five inches of extra digging to the left of upper compartment to place the planks.

Plaque	Plaque
Soil  (may have to dig a few inches extra to the right for planks)	Soil          (may have to dig a few inches extra to the right for planks)
<b>Upper compartment</b>  Deceased lying on their right hand side facing qibla – width will be sufficient to lay a body on its side.	
Soil  Minimum two foot including planks	
Soil	<b>Lower compartment</b>  Deceased lying on their right hand side facing qibla – width will be sufficient to lay a body on its side.



والله أعلم وعلمه أتم



أحمد محمود محمد عفا الله عنه

Amjad M Mohammed


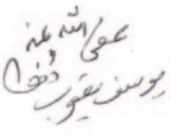
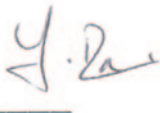
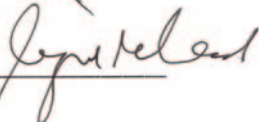
24<sup>th</sup> Dhu'l-Qa'da 1442/5<sup>th</sup> July 2021

A fatwā/qaḍā' is an explanation and clarification upon the request of the individual who wishes to practice a personal moral code based upon the classical understanding of Islam by traditional scholars. It is the individual's choice to act upon the fatwā/qaḍā'; they are not under any compulsion or duress to accept it or act upon it. This request to understand the position of classical scholars' view on matters within Islam is made at the behest of the individual. Markaz al-Iftā' wa'l-Qaḍā' does not take any responsibility for incorrect use of application of the fatwā/qaḍā' and as a result are exempted from any loss or damage. Markaz al-Iftā' wa'l-Qaḍā' does not advise, promote or condone the violation of any UK laws or any country in which the individual chooses to apply the fatwā/qaḍā'.

**Confirmation of satisfaction and confidence**

We/I have read and approved the Duo Graves Research Document and its conclusions for the Eternal Gardens Burial Park.






We/I apply our signatures below to confirm our confidence in the research and implementation of the Duo Graves Burial Method at Eternal Gardens, Sidcup in its adherence to Shari' requirements.

Title	Name	Organisation	Signature
Dr	Haitham Al-Haddad	Islamic Council of Europe	
Mufti	Yusuf Danka	Imam/Teacher	
Moulana	YUNUS DUDHWALA	HEAD OF CHAPLAINCY BARTS HEALTH NHS TRUST	
Mufti	Amjad Mohammed	Principal Imam Consultant MARKAZ AL-IFTA WAZ DA'WA	

# Contact And Further Information

Asif Hassanali

Eternal Gardens Group Relationship Manager

-  07795 325 446
-  [asif.hassanali@greenacresgroup.co.uk](mailto:asif.hassanali@greenacresgroup.co.uk)
-  0800 211 8569
-  [www.eternalgardens.org.uk](http://www.eternalgardens.org.uk)
-  Eternal Gardens,  
Kemnal Park Cemetery  
A20 Sidcup Bypass  
Chislehurst  
BR7 6RR



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Eternal Gardens  
Kemnal Park Cemetery,  
A20 Sidcup Bypass,  
Chislehurst, BR7 6RR, UK