

Building Shops on the Land of the Graveyard in Aid of the Graveyard

Q: Janaa'iz-101: We have a very old graveyard that it also very large. There is a wall only on one side that is adjacent to a busy road. Building walls on the three remaining sides would be very costly and extremely difficult to raise funds for. The caretakers of the graveyard intend building shops on the 4 metre wide side of the graveyard adjacent to the road where there are no graves. The rental from the shops will easily pay for the wall. Is it permissible to build shops on the graveyard premises for this purpose? The wall will prevent people from occupying the land. In fact, some people have also tried to do so, but certain by-laws prevented them from doing so. Please clarify.

Answer: The graveyard has been designated for burying people and it is not at all permissible to use the graveyard premises to build shops. A collection will have to be made and if sufficient money is not found locally, an effort needs to be made to collect elsewhere. It is however necessary to make a concerted effort to collect. It is only when people become despondent of raising the money after making extensive efforts that they will be permitted to build shops without any disrespect being shown to the graves. These shops may stand only for the duration it takes to raise sufficient funds, after which they need to be demolished and the ground cleared. This is because the primary purpose of the graveyard is to bury the dead. And Allaah knows best what is most correct.

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