

### Performing the Eid salaah in a Vacant Area of the Graveyard

Q: Salaah-547: We are experiencing a conflict here and require your verdict. We have a very large graveyard here and our committee want to make an Eid Gah out of an unused part of it. They have however not done anything because the area has been made Waqaf for a graveyard and they do not know the ruling. After consultation with the committee, some young people of the community have decided to have the Eid salaah performed this Eidul Adhaa at the large and vacant portion of the graveyard without officially making it the Eid Gah. Some people have however objected and say that the Eid salaah will not be valid if the place has not been converted to an Eid Gah. They say that the rewards for following the Sunnah will not be attained.

They therefore insist that the Eid salaah be performed in the Masjid and also insist that the Imaam of the Masjid lead the salaah there. The committee have however stated that they cannot force the Imaam to lead the salaah in the Masjid and that they would have to find their own Imaam to lead the salaah for them. They then found an Imaam and performed the salaah in the Masjid.

We wish to query the following:

1. Is it better to perform the Eid salaah in the Masjid or at an Eid Gah?
2. Will the rewards of an Eid Gah be attained if it was performed on an open field or municipal grounds without officially making it an Eid Gah?
3. Will the Eid salaah be valid if performed on the vacant and unused area of the graveyard? Will the rewards of an Eid Gah be attained?
4. The graveyard is Waqaf property and so large that it will not be filled for a hundred or two hundred years. Can this vacant land be made into an Eid Gah? If not made into an Eid Gah, the fear is that it would not remain safe from the evil eye of the government.
5. It is the law of the French government here that if a piece of land has no owner, is left vacant for thirty years and attended to by the neighbour, the government will hand over the land to the neighbour if he asks for it after the thirty year period. It is because of this law that the graveyard received the adjoining piece of land. Can the Eid salaah be performed on this land?
6. Will it be Makrooh for people to perform the Eid salaah in the Masjid if an Eid Gah has been arranged?

Answer: It is necessary for every town to have an Eid Gah. It is Sunnah to Perform the Eid salaah at the Eid Gah since Rasulullaah SAW left the Masjid to perform the Eid salaah at the Eid Gah. This clearly highlights the importance of the Eid Gah. This has already been discussed in a previous Fatwa of Fataawaa Raheemiyah.

As long as there is a designated area for the Eid Gah, a piece of land may be used with the permission of the owner or government if applicable. There will be no harm in temporarily performing the Eid Gah in the unused area of the graveyard where there are no graves or from where the graves are far or separated by a wall. In fact, you will Inshaa Allaah be rewarded greatly if you are doing so with the intention of displaying the grandeur of Islaam in having a large gathering and to foster the fervour of performing the Eid salaah amongst the people. In the meantime, you must also be making an effort to secure an exclusive area for the Eid Gah.

It will however not be permissible to make a Waqaf area of the graveyard into an Eid Gah. However, if the unused area is large, when it will not be used for graves in a very long time and when there is the fear of the Muslims losing the land to the government if left unused, it will be permissible to convert it into an Eid Gah. When a piece of land does not belong to anyone and the government reserves the right to allocate it for religious purposes, it will be regarded as Waqaf property if the government gave it for a graveyard. It will be permissible to perform salaah in such a land. The above will suffice to reply to your queries.

May Allaah grant you all sincerity and unity. Aameen. And Allaah knows best what is most correct.

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