

Burial Rights and Religious Freedom in India: A Constitutional Analysis of *Ramesh Baghel v. State of Chhattisgarh* |

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I. Introduction

Through the ruling lately delivered by the Supreme Court in [Ramesh Baghel v. State of Chhattisgarh](#), a rather gloomy picture has been painted of India's unfinished territory of secularism, especially regarding religious freedom. Burial rights, an aspect of constitutional equality and fundamental human necessity, were at stake in *Ramesh Baghel*. What ensued, however, was to be a saga of religious exclusion, bureaucratic obstinacy, and judicial restraint.

Ramesh Baghel originally belonged to a community classified as the Scheduled Caste. He, along with his family, converted to Christianity three generations back. The family had never lived segregated from their native village of Chhindwada in Basta, nor had it stopped burying its dead in the lineage graveyard in the family's private agricultural land in village Chhindwada. However, after his father's death, pursuant to the objections at the end of the villagers, Ramesh [applied](#) to the Gram Panchayat for permission to bury his father at their family graveyard. That

application was turned down by the Panchayat on the grounds of religious conversion, and it was insisted that burial would be only in designated cemeteries for Christians, which were situated 20-25 kilometres away.

The Chhattisgarh High Court concurred with the Panchayat and ordered the burial to take place in a Christian burial site about 25 km from the deceased, using the Chhattisgarh Panchayat Rules concerning the disposal of corpses. Hence, Ramesh made his appeal to the Supreme Court, which gave a split [verdict](#) on the matter. Justice B.V. Nagarathna specified that secular values and human dignity should be upheld and suggested that, where burial in the ancestral site was not possible, burial on private land should be considered. Justice Satish Chandra Sharma upheld the order of the High Court and emphasised public order and procedural propriety. The Court later directed the state to demarcate separate Christian burial grounds.

Although granting immediate relief, the decision left a few other questions unanswered. Is burial a constitutional right? Is religion grounds for exclusion from an ancestral geographical entity? Do administrative rules hold precedence over dignity in death? This case thus assumes enormous significance while interpreting the Indian Constitution and assessing the Indian commitment to secularism in real practice.

II. Constitutional and Doctrinal Analysis: Is Burial a Constitutional Right?

The denial of burial rights on ancestral land to Christian converts, in the view of the petitioners, was arbitrary and hostile discrimination. On the very ancestral land, the Hindu residents were permitted to bury their dead; the same right was denied to Christian families for no other reason than their religion. This was a violation of the right to equal treatment conferred by [Article 14](#) of the Indian Constitution. Furthermore, discrimination on the grounds of religion, race, caste, sex, or place of birth is forbidden by [Article 15](#) of the Indian Constitution. Even the approach adopted by the administration was illegal. If the burial rights were denied for geographical, administrative or public health reasons, then it might be a different matter. However, the only reason that was ascribed to the denial was the fact that the family had converted to Christianity, thus making this case a textbook case of religious discrimination.

[See also Judicial Appointments and Speculations: Fresh Critique of the Fourth Judges' \(NJAC\) Case](#)

The Supreme Court has recognised, over the years, that the right to life encompasses within it the right to live and die with dignity. The petitioner contended that the denial of burial rights to any person amounted to a grave affront against human dignity and a violation of [Article 21](#) of the Indian Constitution; such burial was, after all, a burial of the person, in which the religious and ancestral customs of their family were utilised to put such a person to rest. Denial of the opportunity to the petitioner to carry out these rites in a space traditionally associated with the family was a direct interference with his freedom of religion.

[Parmanand Kataria v. Union of India](#) established that Article 21 includes rights related to the treatment of a deceased person's body, affirming that dignity must be accorded even after death. The Supreme Court has observed that dignity must be extended beyond the existence of life by recognising the right to die with dignity in [Common Cause v. Union of India](#). Furthermore, in [Ashray Adhikar Abhiyan v. Union of India](#), the Court held that even a homeless person deserves a decent burial or cremation, according to the religious customs to which one belongs to. More recently in 2023, the Apex Court, in [Rangaraju @ Vajapeyi v. State of Karnataka](#), reiterated that socio-economic or religious status cannot be justified for denying such burial rights. Even though dignity in death has been read into the judicial interpretation of Article 21, the right to burial does not find mention in the Constitution itself. However, in [Mohammad Latief Magrey v. Union Territory of Jammu and Kashmir](#), the Supreme Court clarified that the right to decent burial of the dead body as per the religious belief is a right guaranteed by the Constitution itself. These precedents, thus, make it very clear that burial is not just a customary practice; it is, in fact, a right, in constitutional terms, deriving from the inherent value of human dignity. Therefore, in *Ramesh Baghel*, the Court's failure to authorise burial in the ancestral land presents a sharp diversion from the path that the Supreme Court itself has taken.

[See also Bihar Electoral Roll Revision is a recipe for voter exclusion?](#)

Discriminatory Application of Panchayat Rules

In *Ramesh Baghel*, both the State and the Panchayat presented three principal defences. First, it would create communal problems if Muslims were allowed to bury their dead in primarily Hindu graveyards. *Second*, Rules 3, 4, and 5 under the Chhattisgarh Panchayat Rules provide for burial to take place only in designated burial grounds. Rule 3 mandates disposal within 24 hours. Rule 4 gives discretionary powers to the Panchayat, and it relied on this power to deprive the burial and Rule 5 permits burial only in designated places. This means that the official will be deciding on an immediate basis. *Lastly*, there was another Christian graveyard that was available, though rather far away. These reasons, however, did not outweigh the importance of the fundamental rights in question. The Panchayat Rules in question were neutral but were [applied](#) in a discriminatory way. While Hindu residents were able to be buried in the village ground, Christian residents were denied this access. This amounts to indirect discrimination through the rules that are neutral on their face but have a disproportionate adverse impact on a minority group.

Split Verdict in *Ramesh Baghel* and Its Implications

Justice Nagarathna argued for secularism and fraternity as [expressed](#) in the Preamble. She leans in favour of allowing Christians to be buried in private lands or in the ancestral property to provide dignity and religious freedom. This is a progressive and rights-based reading of the Constitution. Justice Sharma, on the other hand, was primarily concerned with compliance from a public unrest perspective. The learned judge found a procedural legality in the Panchayat's order. The division bench reached a compromise by burial in a graveyard thousands of miles

away, while ordering the allocation of new burial grounds for Christians. This is at most a short-term relief because it does not cure the fundamental constitutional wrong: the denial of equal access to ancestral burial land purely on religious grounds.

Unintended Consequences: Segregation or Accommodation?

The ordering of [separate](#) Christian burial grounds may at the face of it appear to be furthering administrative convenience. However, looking at it closely would make one realise that it, in fact, threatens to reinforce a model of religious segregation in public life. Instead of asserting the preferential use of shared ancestral spaces by all communities, upholding the principle of non-discrimination, the decision appeared to endorse the notion that varied religious groups deserve varied spaces even after their death. This goes against the very conception of secularism in India, which is not about alienating groups but about coexistence and equality.

[See also Is India's 'Operation Sindoor' legal under International Law?](#)

Ramesh Baghel was definitely a missed chance to fortify the rights of minorities. There was a unique opportunity for the Supreme Court to send a strong message against the vilification of a person's religious conversion through social exclusion and penalty. Instead, the conflicting opinion allows administrative discretion over constitutional rights, which sets a dangerous precedent. Additionally, in affirming the Panchayat's powers under vague rules, the judgment could potentially embolden local bodies to pass discriminatory orders. It is optimal that the State governments should lay down guidelines to develop legal anti-discrimination measures, preventing local bodies from denying access to public or ancestral burial sites based on religion. There should not be any severing of the tie between a family and ancestral land by reason of conversion.

III. Conclusion

Ramesh Baghel's concerns are not just one person's struggle to bury his father as per their customary practices; it is a mirror to the larger struggle of India's religious minorities for dignity, equality, and inclusion. The Court's order provided for burial at a distant burial ground but did not provide justice. It stopped at administrative accommodation rather than upholding constitutional protection. Burial, like every other right, cannot be accorded fact without regard to religion, and thus secularism, as promised in India, should be fulfilled. After all, how a nation treats its dead, especially the marginalised class, says a lot about how it values the living.

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[When Even Death Isn't an Equalizer: A Critique of Ramesh Baghel v. State of Chhattisgarh – Law School Policy Review](#)

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