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Asia Action for Freedom of Religion or Belief

FACTSHEET

Burial Rites of Religious Minority Groups in Nepal

Burial rites are religious and cultural practices through which communities honour the deceased by burying them in the soil. In Nepal, burial rites hold great significance, especially for the religious minorities of Christians, Muslims, and Kirats as it signifies the independence to exercise their basic rights as citizens different from the majority community of Hindus who cremate their dead. However, the increasing scarcity of land available for burial practices has been affecting the basic rights of the minority religious groups.[1] Moreover, the minority religious groups are often forced to bury their deceased in the remote forests, private graves or riverbanks and are also forced to travel hundreds of kilometres to another district to bury the body of the deceased.[2]

Burial practices reflect religious minorities' right to express and practise their religion and culture independently. Articles 26 and 32 of the Constitution of Nepal 2015 guarantee every citizen the right to practise and protect their religion according to their beliefs, and to preserve and promote their cultural practices. However, despite Nepal's declaration as a secular nation that respects all religions, the state has continued to act in discriminatory ways and deny basic access to burial sites to citizens belonging to religious minorities.[3] The government's negligence towards minority religious groups was clearly reflected when it prohibited the use of Mrigasthali forest near Kathmandu's famous Pashupatinath Temple for burying the deceased of minority religious groups, citing concerns that the practice violated the religious rights of the Hindu community.[4]

Challenges Faced by Religious Minority Groups in Practising Burial Rites

Although religious minority groups were historically able to perform the last rites of their deceased peacefully, the situation has changed in recent years because of limited burial grounds, restrictions imposed by the Government of Nepal and the rise of majoritarian attitudes.[5] This section highlights the key challenges faced by minority religious groups in exercising their burial rights, and examines the growing administrative, social and legal barriers that threaten their ability to practise their burial rites freely.

Unequal Access to Burial Spaces

Religious minority groups in Nepal continue to face significant challenges because of the unequal availability and inadequate provision of burial grounds. The limited allocation of land for burial purposes and the lack of designated

burial grounds by the Government of Nepal have, in some cases, required members of minority religious groups to travel hundreds of kilometres to bury their deceased. For instance, in Tikapur in the western Tarai, members of Muslim communities were compelled to go great distances to bury their dead because there was no nearby Muslim graveyard.[6] In Kathmandu, the shortage of burial grounds has led some members of Christian communities to reuse existing graves by exhuming remains from graves more than 20 years old, after notifying the concerned families, and placing the remains in bags to make space for new burials.[7] Likewise, following the government's ban on burying the deceased in Mrigasthali forest near the Pashupati area, members of the Kirati community and other religious minority groups had to use electric cremation facilities, even though cremation is not part of their funeral rituals.[8] These examples demonstrate how inadequate and unequal access to burial spaces can restrict members of minority religious groups from practising their religious and cultural traditions in accordance with their beliefs.

Administrative Barriers and Local Governance Gaps

The challenges faced by religious minority groups in relation to burial rites are further intensified by administrative barriers and inadequate responses from local governments to the shortage of burial spaces. The failure of the three-tier of government to protect designated burial grounds from encroachment, together with the lack of suitable alternatives, has significantly restricted the ability of minority religious groups to practise their burial rites in accordance with their religious and cultural beliefs. For instance, after the Government of Nepal banned the use of Mrigasthali forest as a burial ground in 2011, the Kathmandu Spiritual Church purchased about a hectare of land in another part of the Kathmandu Valley for burial purposes.[9] However, due to the protests by villagers from the non-Christian community, the church was not able to make use of the land for burial.[10] Likewise, members of the Kirati community have expressed dissatisfaction with all three levels of government for failing to provide alternative burial grounds, as promised, following the ban on burying their dead in the Mrigasthali forest.[11] In Tikapur, land designated as burial ground for the Muslim community has reportedly been encroached upon by squatters as well as unorganised settlers and converted into private and commercial property, limiting access to burial sites.[12]

Discrimination and Unequal Treatment

Alongside unequal access to burial land, people from religious minority groups in Nepal also face discrimination and unequal treatment from members of majority groups while exercising their burial rites. Such discrimination may take the form of harassment, social opposition to the use of burial grounds and the prioritisation of majority groups in matters relating to religious infrastructure. These forms of discrimination create additional barriers for religious minority groups and limit their ability to practise their burial rites freely in accordance with their religious and cultural beliefs. For instance, local authorities in some municipalities have reportedly prioritised funding for Hindu temples while remaining silent on the encroachment of properties belonging to religious minority communities.[13] Similarly, in Rajahar in south-central Nepal, because of the lack of a graveyard, people from the Muslim community have reportedly faced harassment from local residents over the use of land for burial purposes.[14] Moreover, despite having purchased land in Lele for burial purposes, members of the Christian community have reportedly faced continuous protests and restrictions that have prevented them from conducting funeral rituals on those sites.

Impacts of Restrictions on Burial Rites on Religious Minority Groups

Restrictions on burial rites do more than limit only the basic rights of religious minority groups; they also create psychological, financial and logistical burdens for affected communities. This section examines these impacts and shows how the lack of accessible burial grounds can undermine the dignity, religious freedom and cultural identity of affected religious minorities.

Psychological and Religious Impacts

> *If he were buried, he would have turned into a pod and later a beautiful tree—that's the value of burial in our community.*
>
> — female, Kirati[15]

Limited access to burial spaces can prevent members of religious minority groups from fully practising their burial rites in accordance with their cultural and religious beliefs. The inability to perform funeral rituals according to their beliefs can cause emotional and spiritual distress among affected individuals and communities, particularly when burial is considered an important part of honouring the deceased. Moreover, for religious minority groups, burial rites hold religious and cultural meanings that extend beyond the physical disposal of the deceased.

Socio-Community Impacts

> *We don't have any designated space for burial. We have buried our dead on a plot that belongs to a Hindu temple but we often face resistance from locals and temple authorities.*
>
> — male, Christian[16]

Restrictions and conflicts over burial practices can also increase tensions between religious communities. Members of religious minority groups may face humiliation, opposition or obstruction when performing burial rites, especially where access to burial land is contested. Moreover, in some cases, these disputes become serious enough to require intervention by local representatives, civil society actors or other external stakeholders.

Economic Impacts

> *We could not find a vehicle to take the body there. So, there was no alternative to chartering a bus by paying a hefty sum. A total of around Rs 100,000 was spent to take the body to the burial ground and return home.*
>
> —male, Muslim[17]

The shortage of burial spaces within or near minority communities also creates financial and logistical burdens. Members of Christian, Muslim and Kirati communities have reported having to transport the bodies of deceased family members to distant locations when suitable burial spaces are unavailable locally. The costs of transport, accommodation and related arrangements can place a heavy financial burden on bereaved families.

Conclusion

Despite Nepal's commitment to secularism and the protection of cultural and religious rights, religious minority groups such as Muslims, Christians, and Kirats continue to face unequal access to burial spaces, administrative neglect and social discrimination. These barriers limit their ability to perform burial rites in accordance with their religious and cultural beliefs and reveal a gap between constitutionally guarantees and their implementation in practice. It also creates psychological and economic consequences for affected communities. To address these gaps, all three tiers of government should work in coordination with each other. The local and provincial governments, in consultation with minority religious groups such as Muslims, Christians and Kirats, should take steps to identify and designate appropriate burial spaces. Similarly, the federal government should form a

clear legal framework recognising the rights of religious minority groups to perform burial rites and also introduce subsidies so that even people of low financial background could afford to buy the land for the construction of cemeteries. Furthermore, the federal government should establish clear legal penalties for encroachment on designated burial grounds, and both the local and provincial governments should conduct periodic monitoring of the land to ensure that the designated burial ground remains protected from encroachment by authorities, private actors or local communities.

Notes

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