Burial Rights, Gram Sabha Resolutions & the Ethics of Religious Exclusion

Source issue: 7 October 2026



BARRING ENTRY OF PASTORS FOR RELIGIOUS ACTIVITIES AMONG NEW RULES IN CHHATTISGARH VILLAGE INTRODUCED 'BY MISUSING SC VERDICT' IN A BURIAL RIGHTS CASE IN FEBRUARY

Gram sabha resolution against giving land for Christian burials raises concern

Jayprakash S Naidu
Raipur, October 6

AT PUNPALLI, a village in Chhattisgarh's Sukma district, a new banner has come up prohibiting the entry of pastors for religious activities.

The notice further states that the village will not allow any event being held for the purpose of conversion or any other religious activity. The development follows 12 resolutions taken recently by the village panchayat.

However, it is the resolution not written in the banner that has become a source of greater worry for the Christian community of 2,000 in this village.

"It (one of the resolutions) says that the village will not give any land for burials to tribals, who follow Christianity," Madkam Bhima, a Janpat member elected from Punpalli village, said. Bhima said that till now, four villages have made such resolutions in Sukma, including Punpalli.

"It started from Errabore a few months ago followed by my village Polampalli. It will be done gradually in all villages," he said.

This village has only 21 families with 75 members who follow Christianity. If the resolution holds, the families will have to travel over 13 kilometers to Dhornapal for burials or to Sukma headquarters, which is over 40 kilometers away.

When asked if the diktat had a legal basis, Bhima said, "We are adhering to the PESA law."

During the October 2 meeting, the Punpalli Gram Sabha cited the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), as the village is covered under the Fifth Schedule of the Constitution of India.

The board that was put up soon after read: "According to PESA, the Gram Sabha has the right to protect its cultural identity, traditions, customs and social heritage. The villagers believe that activities related to religious conversion through inducement, pressure or any other means affect our traditional tribal culture, social unity and cultural identity. Therefore, it has been decided that any event related to religious conversion by outsiders, religious preaching whose objective is to convert people to another religion will not be acceptable..."

The decision was taken at a gram sabha meeting on October 2

However, advocate Sudeep Shrivastava, who has been raising such issues in the region, said, "The entry of any Indian citizen in a village cannot be prohibited. A person can profess his religion in any village. As far as others joining his prayers is concerned, the villagers have the right to voluntarily do so. If there is a resolution that says land will not be given for any person living in the village, who professes Christianity, for burials, it is unconstitutional."

Nukesh Baghel, vice president of Bastar District Rural Christian Service Committee, said, "This is at least the 10th village in Bastar region which is doing this."

Nukesh said some groups have been misusing the split verdict by the Supreme Court in a burial rights case earlier this year. "The Supreme Court, in February, had ordered an interim stay on forcible exhumation of tribal Christians. Following this, villagers are not allowing us to bury the bodies in the first place," Nukesh added.

In January 2025, a two-bench judge was deciding a case wherein Ramesh Baghel, son of a deceased Christian pastor from Chhattisgarh, was seeking to bury his father's body in his native village in Bastar district.

While Justice B V Nagarathna pulled up the gram panchayat authorities for denying the man a burial in the tribal-majority village, and allowed Ramesh to do so in his private agricultural land, Justice S C Sharma was of the view that the statutory rules did not permit this and said the burial should be conducted at a common designated burial ground designated for Christians of three-four villages in Karkapal. Baghel had to carry out the burial rites in Karkapal under heavy security.

"The right-wing workers are going to villages where tribes and tribal Christians are living in peace. They provoke the tribals and get them to pass such resolutions, misusing the split verdict," said Nukesh.

"Soon after the SC's interim relief in February, we wrote to the Chhattisgarh DGP, requesting implementation of the top court order that forcible exhumation of bodies should not happen but it still takes place. We will approach the court in the matter again," said advocate Degree Prasad Chouhan, convenor of Chhattisgarh Association for Justice and Equality.

Mukund Thakur, CEO Zilla Panchayat, Sukma District, said, "It was not in the agenda. If I receive a written complaint, I will take action after checking the legality of the matter..."

The Indian EXPRESS Wed, 07 October 2026 https://epaper.indianexpress.com/c/81225313

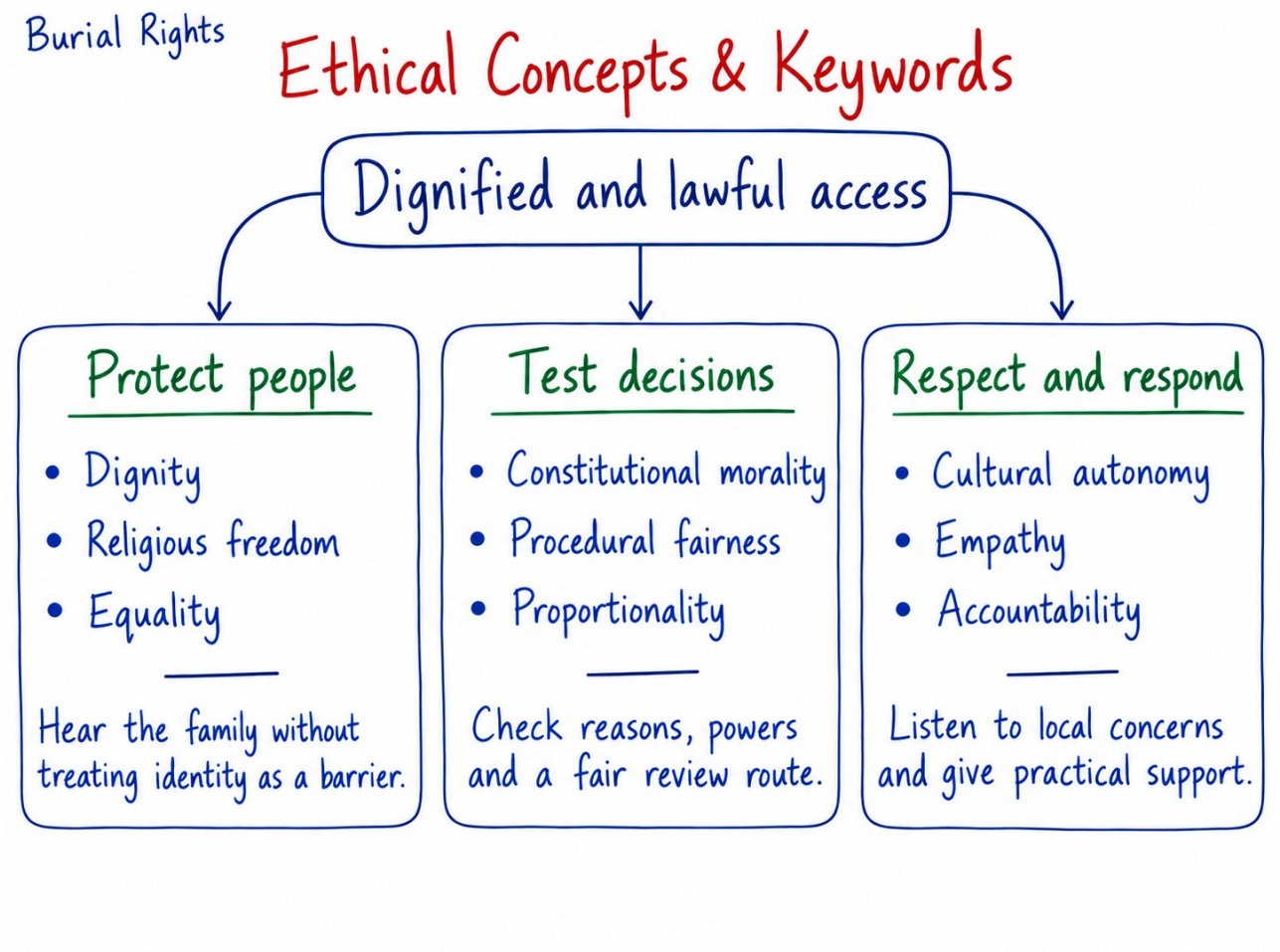
Source article supplied for this study

Gist of the Issue

An Indian Express report describes a Punpalli gram sabha resolution concerning land for Christian burials and restrictions on pastors' entry for religious activities. The village is in Sukma district, Chhattisgarh. The report identifies 21 Christian families comprising 75 people within a population of about 2,000. Local representatives invoke PESA and protection of tribal culture; community representatives and a lawyer question the restrictions. These are reported positions, not a judicial determination of this particular resolution's validity. [1]

The ethical question: How should an administrator protect dignity and equal treatment while respecting lawful local self-government, cultural identity and fair procedure?

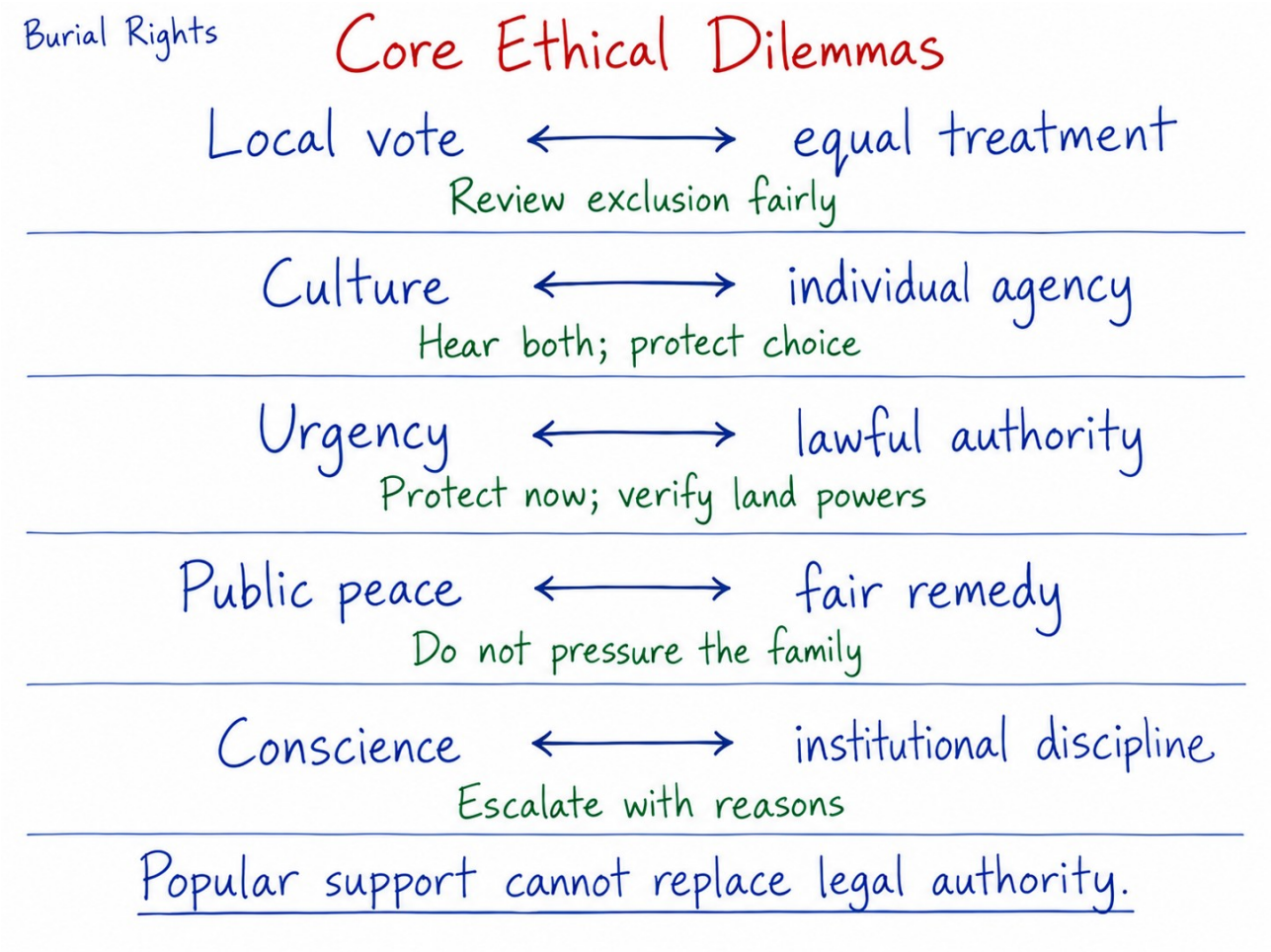
Ethical Concepts & Keywords



Value / concept	Application to the issue
Religious freedom	Respect conscience and lawful religious practice. Assess restrictions against applicable constitutional and statutory limits rather than majority preference alone.
Dignity in death	Ensure respectful treatment of the deceased and humane support for bereaved families. Do not turn grief into leverage in a community dispute.
Equality and non-discrimination	Ask whether access is denied because of identity, and whether any asserted restriction has a lawful, consistently applied basis.
Constitutional morality	Exercise public power through constitutional values, reasons and institutions, including when a popular decision appears exclusionary.
Cultural autonomy	Take tribal customs and community-resource responsibilities seriously without assuming they authorise every proposed restriction.
Proportionality	Match protective and public-order measures to actual risk. Avoid both neglect and unnecessarily coercive intervention.

Value / concept	Application to the issue
Procedural fairness	Examine the resolution, land status, affected parties' views and available review routes before making final findings.
Empathy and accountability	Address the family's immediate needs while recording decisions and following through on the dispute.

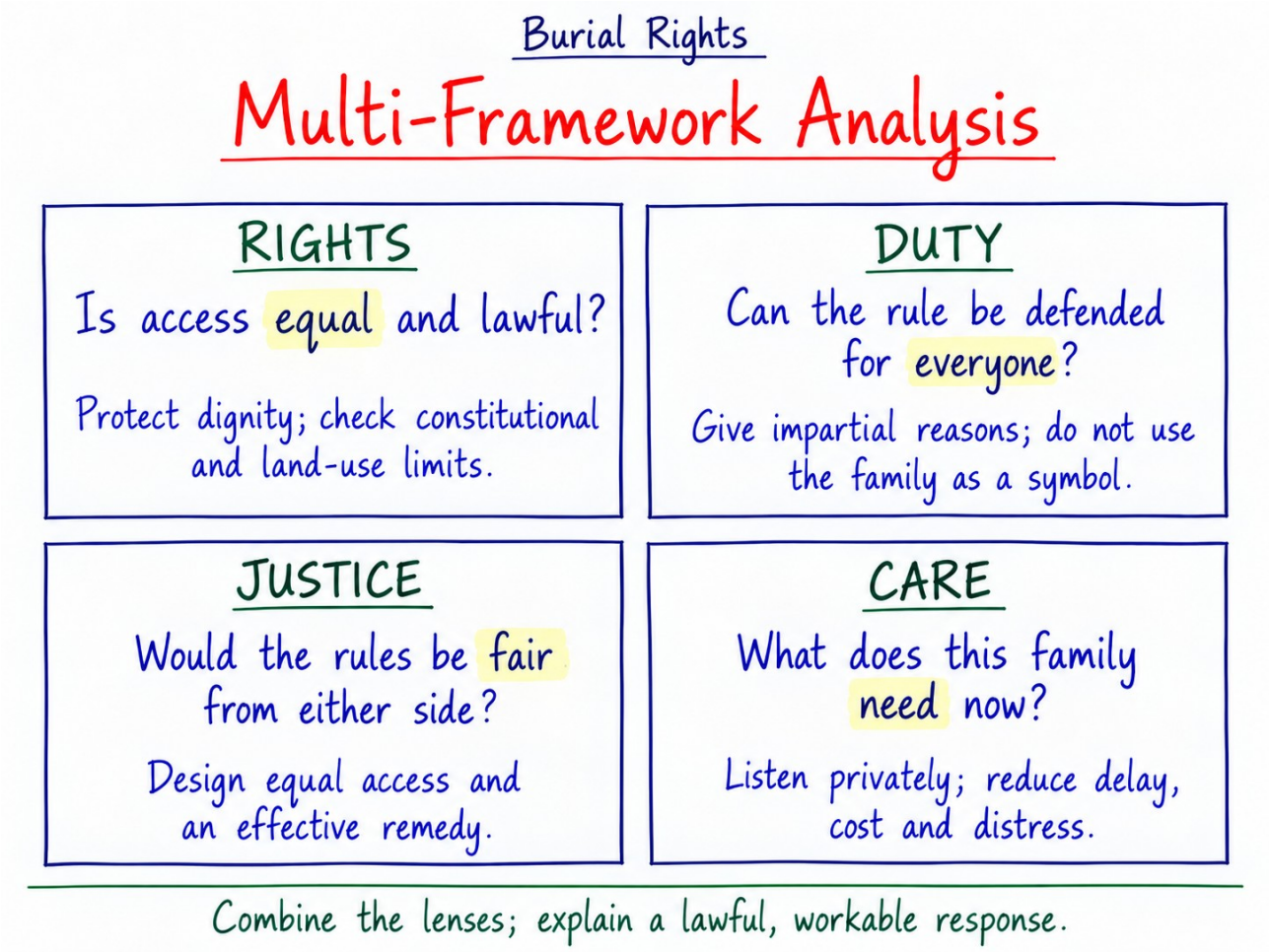
Core Ethical Dilemmas



- **Local decision-making and minority protection:** A procedurally valid vote can still raise serious questions about unequal treatment. How should that concern be reviewed without dismissing local institutions?
- **Cultural preservation and individual agency:** Community identity matters, but residents may hold different religious beliefs. The administrator must hear both without treating a vulnerable group's rights as a bargaining concession.
- **Urgent dignity and lawful authority:** A bereaved family needs prompt assistance. Urgency requires action, but it does not automatically create a power to allot any chosen parcel of land.
- **Peace and fairness:** An apparently convenient solution may shift the entire burden to the less powerful family. Conversely, a forceful symbolic decision may increase risk without resolving the legal dispute.

- **Conscience and institutional discipline:** Moral courage should guide the officer toward a lawful, reasoned response, including escalation when necessary. It should not become a substitute for evidence or jurisdiction.

Multi-Framework Analysis



Rights-based reasoning

Equal treatment, conscience and dignity provide the starting point. Article 25 protects religious freedom subject to its stated constitutional limits. An administrator should identify the right affected, the legal basis offered for a restriction, its necessity and whether it is being applied discriminatorily. The moral case against exclusion does not remove the need to examine lawful land-use requirements. A dignified burial and an unrestricted entitlement to any preferred plot are different propositions. [2-3]

Duty-based reasoning

A public official owes duties of impartiality, truthful explanation and lawful action. A rule that denies an otherwise available public service solely because a resident belongs to a minority is difficult to justify as a rule everyone could accept. The officer must also avoid using the family as a symbol in a political contest, or treating the majority as an undifferentiated hostile group. Each person deserves respect and a fair hearing.

Justice and the veil of ignorance

Imagine designing the burial-access process without knowing your religion, wealth or influence in the village. You would have reason to want clear rules, protection against identity-based exclusion and an accessible remedy. Rawls's equal-basic-liberties perspective is particularly useful here. The difference principle should not be used as a shortcut that labels every local minority the formally "least advantaged" group without analysis.

Care ethics

A grieving family may have little energy, money or bargaining power. Care requires listening privately, explaining available choices, protecting rituals and avoiding unnecessary delay or exposure. It also requires understanding the concerns of others sufficiently to find a durable, non-discriminatory arrangement. Dialogue is valuable when it preserves the family's agency.

Stakeholder Analysis

Burial Rights

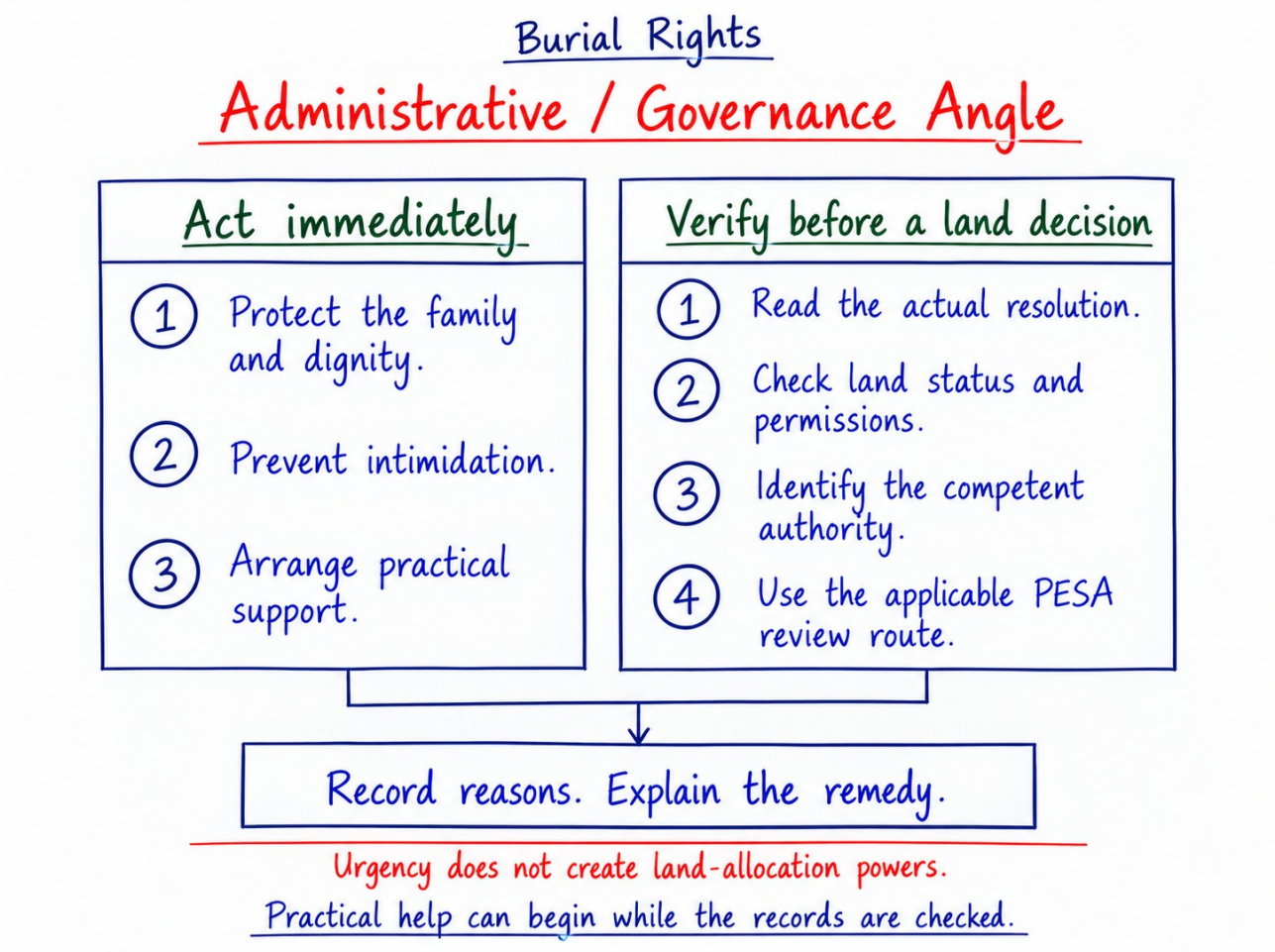
Stakeholder Analysis

Stakeholder	Administrative response
Bereaved family	Hear preferences; protect dignity
Gram sabha and residents	Examine reasons; explain legal limits
Elected representatives	Seek cooperation; serve all constituents
SDM and revenue authorities	Verify land status and competent power
Police and service providers	Prevent intimidation; support lawful arrangements
Legal-aid bodies and courts	Enable review; promise no outcome
Civil society and media	Share accurate facts; protect family privacy

Different responsibilities, one duty of fair treatment.

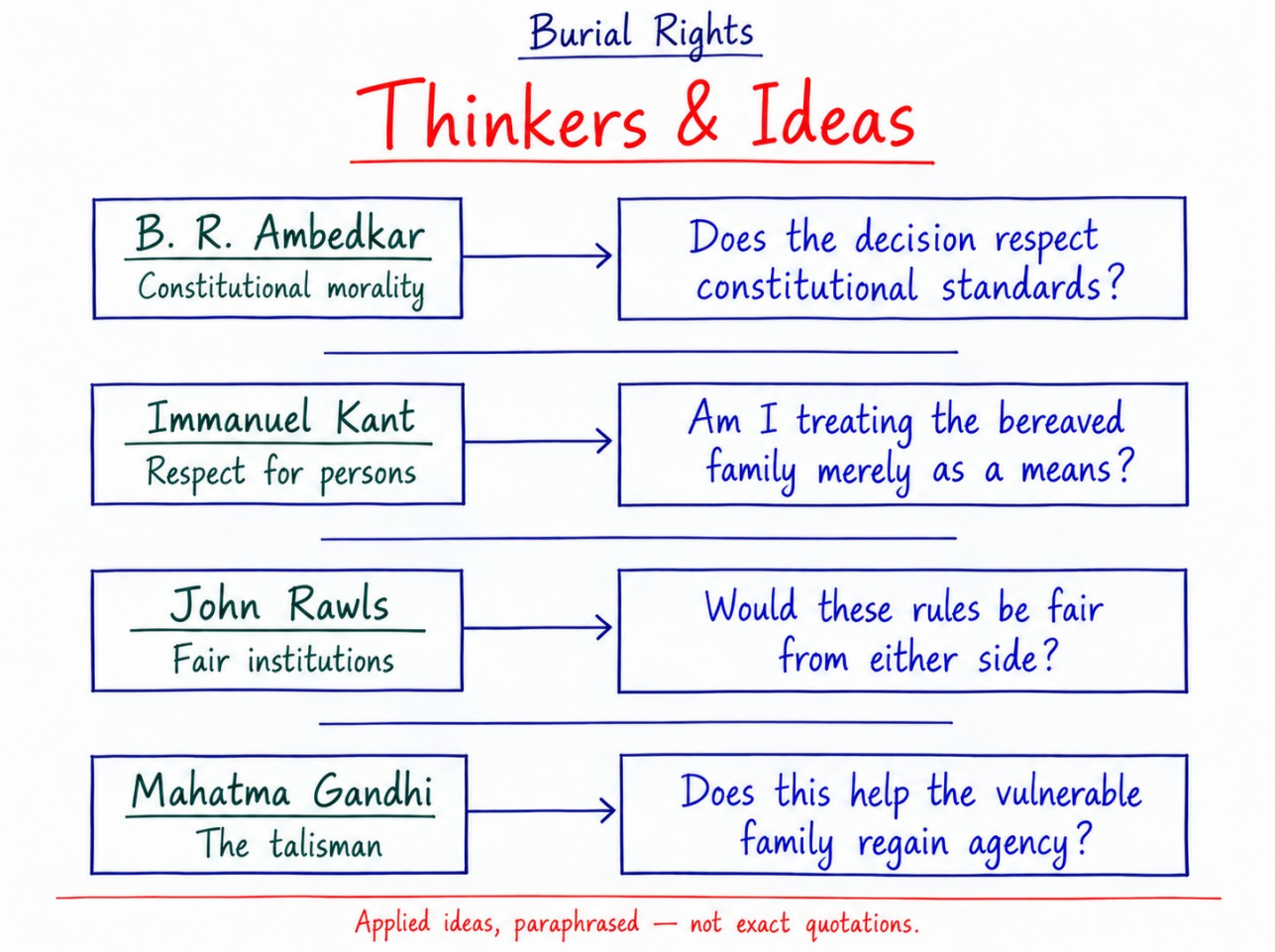
Stakeholder	Interest or vulnerability	Administrative response
Bereaved family and religious minority	Dignity, safety, religious practice, affordable access and an effective remedy	Hear their preferences, provide practical assistance and protect them against intimidation.
Gram sabha and other residents	Cultural identity, community resources, local participation and peace	Examine their resolution and reasons fairly; explain the legal limits and available review process.
Sarpanch and elected representatives	Responsibility to all constituents	Seek cooperation without treating electoral support as authority to discriminate.
SDM, Collector and revenue authorities	Lawful decision-making, public order and accountable administration	Identify the competent authority, land status and immediate protective measures; document decisions.
Police and service providers	Safety and orderly, respectful arrangements	Prevent intimidation and facilitate lawful arrangements with necessary, proportionate measures.
Legal-services institutions and courts	Accessible remedies and independent adjudication	Help affected persons use the proper review or legal-aid route without promising a predetermined outcome.
Civil society and media	Public scrutiny and community interests	Provide accurate, limited information; protect family privacy and avoid communal generalisations.

Administrative / Governance Angle



- **Read the actual resolution:** Separate its wording, legal basis and practical implementation from slogans or second-hand summaries. Establish whether it concerns common land, private land, designated burial grounds or entry into the village.
- **Respect the scope of PESA:** Section 4 recognises tribal customs, cultural identity and community resources. Those responsibilities must be understood within the wider constitutional and legal framework. [4]
- **Use existing review routes:** Chhattisgarh's PESA Rules 2022 provide a reconsideration and appeal framework under Rule 14. Identify the competent authority and applicable procedure rather than assuming a regulatory vacuum. [5]
- **Read judgments precisely:** In Ramesh Baghel, the judges differed on burial location. Their common January 2025 order arranged burial at Karkapal on the particular facts. It should be presented neither as unrestricted local-site entitlement nor as general permission for religious exclusion. [3]
- **Distinguish different proceedings:** Reporting on a later exhumation stay should not be treated as a ruling on every new burial-land dispute. This study makes no allegation of contempt and does not certify later case status.
- **Act urgently within authority:** Protection, communication, transport assistance and escalation can begin while land permissions and the resolution's legality are examined. A final allotment or suspension decision must rest on an identified power.

Thinkers & Ideas



The applications below are teaching interpretations. Paraphrases are labelled rather than presented as exact quotations.

Thinker	Idea	Use in an answer
B. R. Ambedkar	"Constitutional morality is not a natural sentiment. It has to be cultivated."	Explain why democratic procedure also requires respect for constitutional standards. The quotation is from the Constituent Assembly debate of 4 November 1948. [6]
Immanuel Kant	Paraphrase: act on principles you can defend generally and treat persons as ends.	Test identity-based exclusion and avoid instrumentalising a bereaved family for institutional or political ends.

Thinker	Idea	Use in an answer
John Rawls	Paraphrase: choose fair institutional terms without knowing your own social position.	Ask whether the same burial-access and review rules would be acceptable from either side of the dispute.
Mahatma Gandhi	Paraphrase of the talisman: assess a proposed step through its effect on a poor or powerless person.	Evaluate whether the remedy actually helps the vulnerable family regain agency, rather than merely ending visible conflict. [7]

Adapted Case Study

This is a fictional learning scenario inspired by the ethical issues above. The deaths, crowd, officials and timing below are not reported facts about Punpalli.

You are Arjun Nair, the SDM of a Scheduled Area subdivision in Chhattisgarh. Three weeks earlier, a village gram sabha passed a resolution opposing allotment of community land for burials of residents belonging to a minority religion. A death has now occurred. The family requests burial within the village and says the alternative designated ground is costly to reach. Relatives have gathered outside the panchayat office. Other residents also arrive, and the crowd grows to about 300. No violence has yet occurred, but arguments are becoming heated.

The sarpanch invokes PESA and community custom. The family's lawyer questions the resolution's legality. You have not yet examined the land records, the complete resolution or the permissions governing burial sites. The Collector is temporarily unavailable, but revenue staff, police officers and the district legal cell can be contacted. A local news crew is filming. You must protect the family and public peace, arrange a prompt dignified response, and avoid making a land decision beyond your authority.

- (a) What immediate and longer-term options are available?
- (b) Which ethical dilemmas must you address?
- (c) Evaluate the available options, including their practical and legal limits.
- (d) State your chosen course and the conditions governing it.
- (e) Suggest measures to prevent similar disputes.

Expanded Model Discussion

(a) Immediate options

The first task is to protect people and the dignity of the deceased, not to announce a final judgment before reading the facts. I would speak privately with the family, establish safe and respectful arrangements for the body, ask the police to prevent intimidation, and obtain the resolution and site records. In parallel, I would contact the competent revenue authority and legal cell. These steps need not wait for a final ruling on the resolution.

(b) Ethical dilemmas

I must reconcile prompt humane assistance with lawful authority; community participation with protection against discrimination; and de-escalation with the risk of pressuring the weaker party to surrender its claim. The family's preferences matter, but so do legitimate land-use and public-health requirements. The media's presence should not change the standard I apply. My explanation must remain neutral between faiths and clear about the duties of public administration.

(c) Evaluation of options

Option	Merits	Limits / risks
Facilitate a lawful local burial after urgent site and authority checks	May respect the family's preference and avoid unnecessary travel while resolving the immediate need.	Requires an available lawful site and the necessary permissions. "Common land" alone does not establish authority to use it.
Offer a designated alternative site with transport and support	Can provide a prompt dignified option while the underlying challenge continues.	Must not be imposed merely to placate pressure. Explain that practical acceptance need not amount to agreement with the disputed resolution. Obtain the family's informed agreement.
Seek an urgent competent administrative or judicial direction while making interim arrangements	Preserves legality when jurisdiction or site permission is disputed.	Delay can burden the family. Provide care, communication and practical support rather than leaving them to navigate the system alone.
Ignore the dispute or rely only on crowd dispersal	May appear administratively convenient.	Fails to address the family's needs and the exclusion complaint. Public-order powers cannot replace a substantive, humane response.

(d) Chosen course

I would combine immediate protection with urgent verification and a lawful burial arrangement. If an authorised local site is available, I would facilitate its use through the competent authority. If it is not presently available, I would explain the obstacle, seek an urgent direction, and offer a dignified alternative with transport and financial assistance through verified channels. I would not assume consent from silence or use police presence to force acceptance.

- Listen to the family privately and record their preferred arrangements without unnecessary publicity.
- Keep access safe, discourage inflammatory claims and use only lawful, necessary measures against an actual threat.

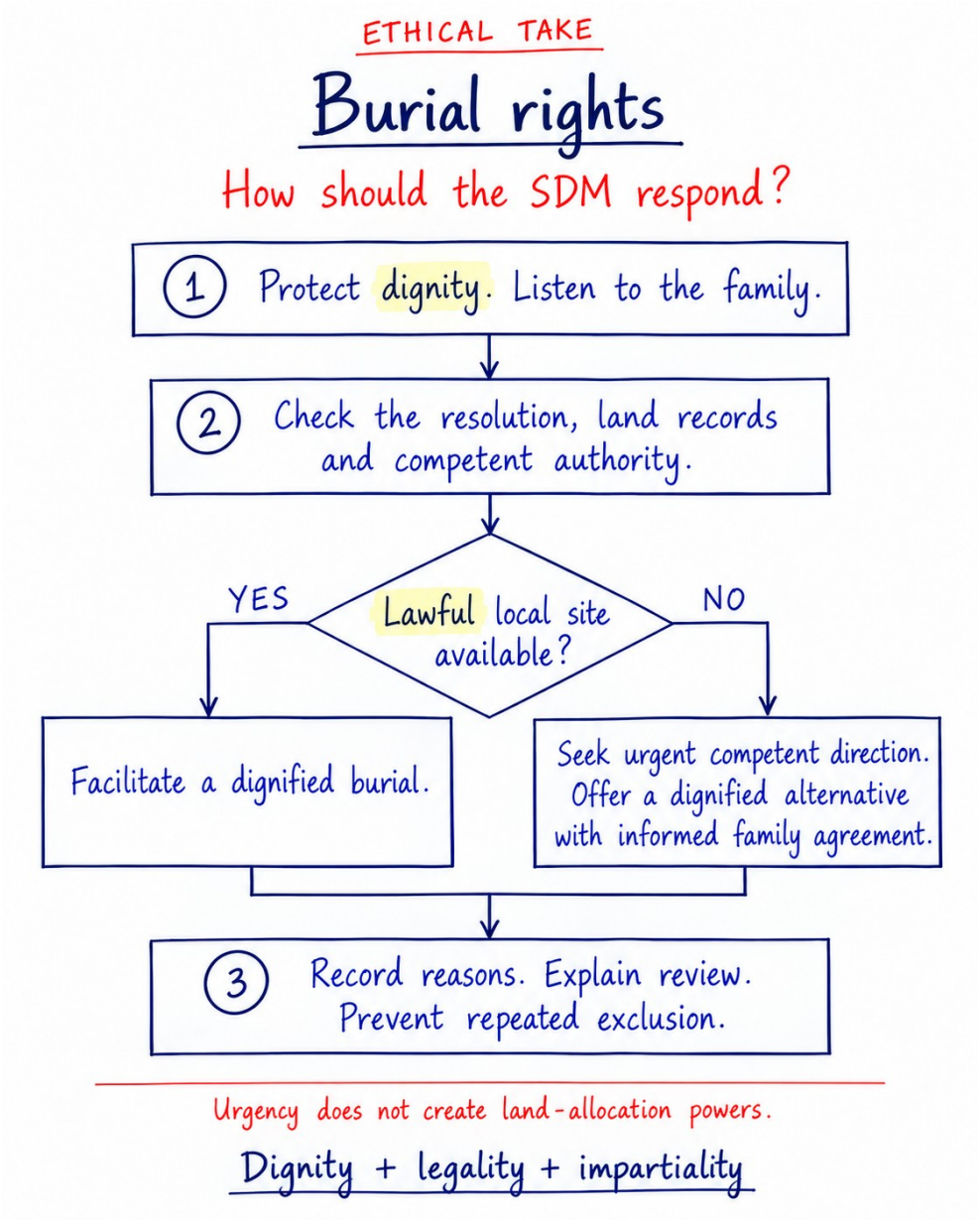
- Check site designation, ownership, permissions and the officer authorised to decide. Consult the legal cell promptly.
- Record the interim decision and reasons; inform the Collector and provide the family with a named contact and the correct review route.
- Explain to the community that cultural autonomy and equal treatment both matter. The decision rests on law and facts, not on numerical strength.
- Give the media a short factual account without exposing sensitive family details or prejudging the resolution's validity.

The defensible answer is a sequence, not a dramatic override: protect, verify, assist, decide within authority and ensure a remedy. Another answer may be reasonable if it secures the same safeguards and explains why its chosen route is lawful and workable.

(e) Prevention

- Publish accessible burial-site and transport information, including responsible contacts and an escalation process.
- Use existing review mechanisms effectively and provide clearer guidance on non-discrimination in local decisions.
- Train representatives and officials on PESA responsibilities, constitutional limits, consent and respectful communication.
- Consult all affected communities about adequate burial infrastructure; do not presume one administrative design fits every village.
- Provide legal-aid referrals, track unresolved complaints and review repeated barriers before they become emergencies.

Decision flow for quick revision



Practice Questions

- What is the difference between democratic legitimacy and constitutional morality? How should a civil servant navigate a conflict between them? (150 words)
  GS-IV: Laws, rules, regulations and conscience as sources of ethical guidance.
- Identify five ways in which the family shapes a child's attitude towards people of different religions and communities. How can such attitudes be reoriented towards pluralism? (150 words)
  GS-IV: Role of family, society and educational institutions in inculcating values; attitude.
- How does empathy improve ethical decision-making when a public servant is dealing with a bereaved or distressed family? Give suitable examples. (150 words)
  GS-IV: Empathy, tolerance and compassion.
- Suggest safeguards through which local self-government can protect cultural identity while preventing discrimination against minorities. (150 words)
  GS-IV: Accountability and ethical governance.

Sources & Reading Notes

1. Indian Express: Punpalli burial resolution, online report 6 October 2026; supplied print clipping dated 7 October
2. Constitution of India, Articles 25–26
3. Supreme Court: Ramesh Baghel, 27 January 2025, including common order
4. Ministry of Panchayati Raj: PESA Act
5. Chhattisgarh High Court: Rule 14 discussion, 28 October 2025
6. Constituent Assembly debate, 4 November 1948
7. Gandhi's talisman, This Was Bapu

The news summary is attributed to reporting. The case study is fictional, and the model discussion is a reasoned teaching approach rather than a court ruling on the Punpalli resolution. Legal remedies depend on the actual facts, applicable rules and any later orders.