

Influence of Buddhism in the Constitution of Nepal, 2015

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Abstract

This article explores the influence of Buddhism on the Constitution of Nepal. It examines how Buddhist philosophy, with its core emphasis on equality, non-violence, moral rectitude, self-examination, kindness and the 'Right View' has shaped the legal and political framework of Nepal's Constitution 2015. The constitution-writing process undertaken by the Constituent Assembly incorporated key Buddhist ideas, which significantly influenced the formation of Nepal's post-2015 secular democratic republic. The document adopts several core elements such as fundamental rights, governance structures, and Buddhist-oriented welfare policies. These show clear parallels with the Indian Constitution drafted by Dr. B. R. Ambedkar, which was similarly shaped by Buddhist-influenced constitutional thought. Buddhist ethics closely align with the constitution's social justice-oriented clauses. These clauses promote secularism and non-discriminatory principles rooted in respect for human dignity under international law. Nepal's Constitution embodies an indigenous legal philosophy grounded in Buddhism's principles of selfless concern and self-reliance. This deep integration makes it difficult to separate the constitution from foreign legal traditions that appear to have been adopted from externally constructed templates. Historical expressions of Buddhist influence find clear contemporary counterparts throughout the constitution. Ultimately, the constitution reflects an autonomous Buddhist jurisprudence that addresses the perceived lack of sovereign legitimacy in conventional rule of law.

Keywords: Buddhism, Constitution of Nepal, *Dhamma*, Non-violence, Secularism, Dharma, Rights and Duties

Introduction

The promulgation of the Constitution of Nepal in September 2015 marked a transformative epoch in the nation's history, signaling a definitive transition from a unitary monarchy to a federal democratic secular republic. While contemporary constitutionalism is often viewed through the lens of Western legal templates, the 2015 charter is profoundly rooted in an indigenous philosophical heritage that predates modern political theory. Central to this heritage is Buddhism, a tradition envisioned by Gautama Buddha, the 'fountain of compassion and peace' born in the lap of the Nepalese Himalayas. This research explores how Buddhist philosophy, far from being a mere relic of the past, serves as a vital cornerstone for Nepal's contemporary legal and political framework, providing a unique 'autonomous Buddhist jurisprudence' that informs the state's commitment to social justice and human dignity.

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Buddhism offers a comprehensive code of conduct that transcends simple religious dogma, emphasizing personal responsibility, moral rectitude and the interconnectedness of all beings. As noted by Damien Keown, Buddhist ethics are characterized by a concern for the ‘flourishing of all sentient beings,’ a principle that finds a modern parallel in the constitutional guarantees of fundamental rights and inclusive governance (12). The 2015 Constitution reflects this by integrating key elements such as non-violence (*Ahimsa*), compassion (*Karunā*) and equality, aligning them with international human rights standards (*Constitution of Nepal* art. 18, sec. 1). This synergy suggests that the Nepalese legal system does not merely adopt foreign templates but rather adapts them to fit a ‘Right View’ (*Sammā Ditṭhi*), an unbiased perspective of reality that promotes equity and justice.

Furthermore, the influence of Buddhism on South Asian constitutional thought is historically significant. The researcher observes that Nepal’s adoption of welfare-oriented policies and non-discriminatory principles draws a clear parallel with the Indian Constitution, which was heavily influenced by Dr. B. R. Ambedkar’s engagement with Buddhist thought. Ambedkar viewed the Buddhist *Dhamma* as a necessary moral foundation for democracy, arguing that ‘liberty, equality and fraternity’ were not merely political concepts but essential spiritual values (45). In Nepal, this influence is visible in the Directive Principles of State Policy, which mirror the Noble Eightfold Path by directing the state toward ethical governance and the ‘welfare and happiness of the many’ (*Constitution of Nepal* art. 50, sec. 1).

This article provides a comprehensive analysis of the Buddhist undercurrents within the Nepalese Constitution. It examines how Article 4(1) redefines secularism not as a rejection of religion, but as the protection of ancient cultural heritages and the promotion of tolerance. It further elaborates on how the Sangha model, an ancient democratic tradition based on consensus and shared leadership informs Nepal’s federal structure and inclusive representation. Ultimately, this study demonstrates that by grounding its modern legal identity in Buddhist values, Nepal has created a blueprint for a just society that balances historical wisdom with the demands of modernity.

Review of Literature

This Review of Literature examines scholarly perspectives on the intersection of Buddhist philosophy and constitutional law, specifically focusing on the evolution of Nepal’s legal framework. The scholarly discourse surrounding the Constitution of Nepal (2015) highlights a significant shift from a unitary monarchy to a secular democratic republic, deeply informed by indigenous philosophical traditions. The researcher argues that the 2015 charter represents an ‘autonomous Buddhist jurisprudence’ that provides a moral and ethical foundation for the state. It is identified that key constitutional pillars

such as secularism (*Dhamma Nirapekshata*), the right to equality and social justice are direct reflections of the Buddhist principles of *Sammā Ditṭhi* (Right View) and *Karuṇā* (Compassion). The constitution serves as a ‘blueprint for a just society’ by harmonizing ancient wisdom with modern human rights standards.

The conceptual foundation of Buddhist democracy is often traced back to the work of B.R. Ambedkar. In his seminal text, *The Buddha and His Dhamma*, Ambedkar contends that the Buddhist *Dhamma* offers a more robust moral framework for democracy than Western secularism alone (45). He further argues that the values of liberty, equality and fraternity are not merely political constructs but are inherent in the Buddhist rejection of caste and hierarchy (52). This perspective is echoed in the sources, which suggest that Nepal’s adoption of non-discriminatory principles draws a parallel to Ambedkar’s Buddhist-influenced constitutional thought.

From a historical perspective, Slusser et al. document the long-standing integration of Buddhist values within Nepalese society, particularly during the Licchavi and Malla dynasties. Their research into the ‘Nepalese Caitya’ and monastic architecture illustrates how Buddhist institutions (Viharas) functioned as early centers of law and ethics, influencing the social fabric long before modern codification (154). This historical depth supports the claim in the sources that the Sangha model of governance characterized by consensus and shared leadership provided an early template for the participatory democracy now enshrined in Nepal’s federal structure. Gautama Buddha, born in the 6th century BCE in Lumbini, Nepal, introduced teachings that critiqued the prevailing Hindu caste hierarchies and social inequalities, advocating instead for equality, personal responsibility, and the cessation of suffering through ethical living and nirvana. This egalitarian philosophy profoundly shaped Nepalese society, law, and politics. Buddhism flourished under the Licchavi dynasty (400–750 CE), where royal patronage supported the construction of stupas, viharas, and monasteries that served as centers of ethics, law, and education. The Malla dynasty (12th–18th century) continued this legacy, marking a golden age of Buddhist art and culture while integrating principles of compassion and justice into governance (Slusser et al. 154).

In the realm of ethics and jurisprudence, Damien Keown provides a theoretical basis for understanding ‘Buddhist Ethics’ as a universal moral law. Keown argues that Buddhist morality is teleological, aimed at the flourishing of all sentient beings, which aligns with modern concepts of the ‘welfare state’ (12). This is reflected in the sources’ analysis of Nepal’s Directive Principles of State Policy, which mirror the Noble Eightfold Path by prioritizing the collective happiness and welfare of the many which is very close to Buddha’s ‘*Bahujan Hitaya Bahujan Sukhaya*’.

Sallie B. King explores the political application of these values in her study of *Socially Engaged Buddhism*. King notes that modern Buddhist movements often translate

the principle of *Ahimsa* (non-violence) into constitutional protections against state-sponsored cruelty and torture (22). The researcher specifically links this to Article 16 of the Nepalese Constitution, which guarantees the right to life and dignity as a modern legal manifestation of *Ahimsa* (*Constitution of Nepal* art. 16, sec. 1). Finally, S. K. Naidu examines the specific evolution of *Buddhism in Nepal*, highlighting its role in nurturing religious tolerance. Naidu argues that the non-dogmatic nature of Buddhism allows for a unique form of secularism that protects all faiths rather than excluding them (102). This supports the interpretation of Article 4(1) of the Constitution, which defines secularism not as the absence of religion, but as the protection of ancient cultural heritages and religious diversity (*Constitution of Nepal*).

Statement of Problems

The primary problem addressed by this study is the prevailing misconception that Nepal's 2015 Constitution is merely an 'externally constructed template' of Western legal traditions, which undermines its sovereign legitimacy by neglecting the nation's profound indigenous roots in Buddhist philosophy. Academic research is therefore essential to bridge the gap between modern democratic structures and ancient ethical frameworks, establishing a 'blueprint for a just society' that reflects Nepal's unique cultural identity. While previous scholarship often focuses on broad political transitions, this study's unique point of departure lies in its detailed analysis of how core principles like *Ahimsa* and *Karuṇā* are functionally integrated into modern rights and how the ancient Sangha model, characterized by consensus and shared leadership, serves as the foundational precursor to Nepal's contemporary federalism and inclusive representation. The following research questions have sought answers to address the problems:

Research Questions

1. What specific Buddhist influences define the 2015 Constitution as an indigenous framework rather than a foreign template?
2. Why are Buddhist roots essential to the sovereign legitimacy and unique identity of Nepal's modern law?
3. How are Buddhist principles practically integrated into constitutional provisions and governance models?

Objective

- a. To identify how Buddhist philosophy in the 2015 Constitution establishes an autonomous Nepalese legal identity.
- b. To examine how Buddhist foundations provide sovereign legitimacy and distinguish Nepal's legal framework from foreign models.
- c. To evaluate the functional application of Buddhist principles within constitutional provisions and governance.

Research Methodology

This study utilizes a qualitative and exploratory research design, employing a doctrinal approach to examine the philosophical and ethical foundations of contemporary legal frameworks. Nepal is selected as the primary study area because it is the birthplace of Gautama Buddha and its 2015 Constitution serves as a unique case study for a transition to a secular democratic republic that claims to embody an ‘autonomous Buddhist jurisprudence’ rooted in indigenous history. Data is collected through secondary research methods, involving a comprehensive review of the 2015 Constitution of Nepal, historical records of the Licchavi and Malla dynasties and scholarly literature concerning Buddhist ethics, the Noble Eightfold Path and international human rights standards. The analysis is conducted using thematic and comparative processes, systematically mapping Buddhist principles such as *Ahimsa* (non-violence) and the Sangha model of consensus against specific constitutional articles to demonstrate how ancient wisdom is functionally integrated into modern governance and social justice clauses.

Delimitation

The study is strictly delimited to the functional influence of Buddhist philosophy on the Constitution of Nepal 2015, specifically exploring the ‘autonomous Buddhist jurisprudence’ that characterizes the nation’s transition into a federal democratic secular republic. Geographically focused on Nepal, the research narrows its thematic scope to the integration of core principles such as *Ahimsa* (non-violence), *Karuṇā* (compassion) and *Sammā Diṭṭhi* (Right View) within specific legal provisions, including the redefinition of secularism in Article 4(1) as *Dhamma Nirapekshata* and the alignment of Fundamental Rights (Articles 16, 17, 18, 26, 38 and 40) with Buddhist ethics. Furthermore, the analysis is confined to evaluating the Directive Principles of State Policy as a reflection of the Noble Eightfold Path, environmental protections in Articles 30 and 51(g) and the Sangha model of governance as a historical precursor to contemporary federalism and inclusive representation. While the study draws on historical precedents from the Licchavi and Malla dynasties to establish philosophical continuity, it excludes a comprehensive history of Nepalese law or comparative analyses of other religious traditions beyond Buddhism to maintain its specific focus (Wright 400).

Textual Analysis

This analysis evaluates the intersection of Buddhist philosophy and the 2015 Constitution of Nepal, addressing the research objectives through an intellectual synthesis of the provided source and scholarly perspectives. The first objective seeks to identify the Buddhist keystones of the Nepalese charter. The primary source posits that the 2015 Constitution is not merely a political document but a reflection of an ‘autonomous Buddhist jurisprudence’ rooted in the ‘Right View’ (*Sammā Diṭṭhi*) and compassion

(*Karuṇā*) providing a broader South Asian legal context for how Buddhism becomes ‘constitutionalized’ (Schonthal 112). This jurisprudence manifests most prominently in Article 4(1), which defines secularism (*Constitution of Nepal*). Unlike Western models that often advocate for a strict ‘wall of separation’ between religion and state, Nepal’s secularism is interpreted as *Dhamma Nirapekshata*, a commitment to protecting ancient cultural and religious heritages.

By grounding secularism in the Buddhist value of tolerance, the constitution avoids the ‘aggressive secularism’ of the West, opting instead for a pluralistic framework that accords equal respect to all faiths. Article 4(1) declares Nepal a secular state that protects and promotes ancient religions and cultures without favoring any single faith. This conception of secularism as *Dhamma Nirapekshata* aligns with Buddhism’s non-dogmatic, non-theistic emphasis on tolerance, compassion, and peaceful coexistence, differing from Western models of strict separation. The approach echoes the tolerant governance practiced during the Licchavi and Malla dynasties and supports Nepal’s commitment to cultural diversity and equal respect for all religions (Naidu 102). This aligns with what Keown describes as the teleological nature of Buddhist ethics, where the goal is the flourishing of all sentient beings through moral rectitude rather than just the absence of religious influence (12). Strengthening the argument that Nepal’s secularism is a unique cultural adaptation rather than a Western import (Gellner 45). Thus, the finding for the first objective is that the constitution successfully internalizes Buddhist ethics to create a legal identity that is uniquely indigenous.

The second objective investigates the role of these philosophical roots in establishing sovereign legitimacy. The source argues that viewing the constitution as a product of ‘externally constructed templates’ creates a perceived lack of legitimacy. By tracing legal concepts back to the birthplace of the Buddha, the state anchors its authority in a historical and moral continuity that predates modern political theory. This ‘indigenous legal philosophy’ provides a psychological and cultural link between the state and its citizens. However, critics might argue that universal human rights standards are global, not local. In response, one must look at the parallel influence of Dr. B.R. Ambedkar on the Indian Constitution. Ambedkar famously argued that democracy is not merely a political structure but a ‘mode of associated living,’ which he found most purely expressed in the Buddhist *Dhamma* (45). Similarly, the Nepalese source suggests that by framing Fundamental Rights (Articles 16-18) as modern legal manifestations of *Ahimsa* (non-violence) and equality, the state gains a deeper moral mandate (*Constitution of Nepal*).

The Constitution’s Fundamental Rights (Articles 16, 17, 18, 26, 38 and 40) directly embody core Buddhist ethics. The Right to Equality (Article 18) reflects *Sammā Ditṭhi* by prohibiting caste or sex-based discrimination, mirroring the Buddha’s rejection of hierarchy. Freedom of speech, assembly, and movement (Article 17) corresponds to

Sammā Vācā (Right Speech) and *Sammā Kammanta* (Right Action). The Right to Life and dignity (Article 16) manifests *Ahimsa*, reinforced by *Karuṇā* and *Mettā*. Freedom of religion (Article 26) upholds Buddhism's emphasis on personal inquiry and tolerance, while social justice clauses (Articles 38 and 40) advance equality for marginalized groups. As the Buddha noted in the *Mahāparinibbāna Sutta*, his teachings remain open to critical examination and adaptation to changing circumstances (Keown 12). The finding for the second objective is that the integration of Buddhist values acts as a 'decolonizing' agent, transforming a modern legal framework into a culturally authentic 'blueprint for a just society'.

The third objective analyzes the functional integration of specific Buddhist models into modern governance. The analysis reveals a striking synergy between Part 4 (Directive Principles of State Policy) and the Noble Eightfold Path. Part 4 of the Constitution (Directive Principles of State Policy) mirrors the Noble Eightfold Path as a guide for ethical governance. *Sammā Diṭṭhi* (Right View) underpins policies of equality and non-discrimination; *Sammā Saṅkappa* (Right Intention) drives compassionate welfare measures; *Sammā Vācā* and *Sammā Kammanta* promote integrity and justice; *Sammā Ājīva* supports fair livelihoods; *Sammā Vāyāma* ensures persistent social improvement; *Sammā Sati* fosters accountability; and *Sammā Samādhi* directs sustainable development. This framework is unified by the Buddhist ideal *Bahujan Hitaya Bahujan Sukhaya* ("for the welfare and happiness of the many"), echoing Ambedkar's view of the *Dhamma* as democracy's moral foundation (Ambedkar 45).

The state's commitment to 'the welfare and happiness of the many' (*Bahujan Hitāya Bahujan Sukhāya*) mirrors the Buddhist goal of reducing universal suffering. Furthermore, the study identifies the Sangha model, an ancient monastic tradition characterized by consensus, shared leadership and voting, as the historical precursor to Nepal's modern federalism and inclusive representation. The Buddhist Sangha, founded by the Buddha in the 6th century BCE, pioneered democratic principles through consensus decision-making, voting, shared leadership, and adherence to the *Vinaya* code of moral conduct. Nepal's federal Constitution operationalizes this legacy via decentralized power-sharing, inclusive representation of marginalized groups, and proportional participation. These mechanisms promote accountability, equality, and ethical governance, making the ancient Sangha model a direct historical precursor to contemporary federalism and participatory democracy.

Although the 2015 Constitution does not explicitly list Fundamental Duties (unlike India's), civic responsibilities, promoting national unity, protecting the environment, preserving cultural heritage and supporting public welfare, are implicitly embedded in its provisions and societal norms. These duties align with Buddhist *Sīla* (moral conduct), *Ahimsā* and *Karuṇā*. Respect for diversity reflects *Sammā Diṭṭhi*'s egalitarianism;

environmental stewardship embodies non-harm to the interconnected web of life; heritage preservation honors historical wisdom and public welfare manifests collective compassion under *Bahujan Hitāya*.

A critical debate in this area concerns the non-binding nature of the Directive Principles. While they are not legally enforceable, their alignment with Right Action (*Sammā Kammanta*) and Right Mindfulness (*Sammā Sati*) provides a moral ‘North Star’ for the government. This is further reinforced by Articles 30 and 51(g), which treat environmental protection as a moral duty rooted in the Buddhist principle of interdependence (*Constitution of Nepal*). Articles 30 and 51(g) guarantee every citizen the right to a clean and healthy environment and direct the state to protect wildlife, conserve forests, and promote sustainable development. These clauses embody Buddhist environmental ethics of interdependence, *Ahimsā* (non-violence toward all beings), and *Karuṇā* (compassion for the natural world). By treating environmental protection as a moral duty rooted in *Dhamma*, the Constitution translates ancient wisdom into modern ecological responsibility. The finding for the final objective is that the 2015 Constitution successfully translates abstract ethical imperatives into functional governance structures, ranging from environmental conservation to the proportional participation of marginalized groups.

Conclusion

The 2015 Constitution of Nepal represents a significant departure from Western legal templates by establishing an autonomous Buddhist jurisprudence that serves as the moral and ethical foundation for the modern state. Regarding the first objective of identifying a unique legal identity, the research finds that the constitution successfully internalizes Buddhist ethics through provisions like Article 4(1), which redefines secularism as *Dhamma Nirapekshata*. Unlike Western models of strict separation, Nepal’s approach emphasizes the protection of ancient cultural heritages and promotes religious pluralism, reflecting the non-dogmatic and tolerant nature of Buddhist philosophy to create a legal identity that is uniquely indigenous.

In addressing the second objective concerning sovereign legitimacy, the study concludes that these Buddhist foundations act as a ‘decolonizing’ agent by anchoring state authority in a historical and moral continuity that predates modern political theory. By tracing legal concepts back to the birthplace of the Buddha, the state establishes a profound cultural and psychological link with its citizens that distinguishes its framework from externally constructed models. This integration provides a deep moral mandate for Fundamental Rights, such as the rights to equality and dignity, by framing them as modern legal manifestations of *Ahimsa* (non-violence) and *Karuṇā* (compassion).

Finally, in evaluating the functional application of these ethics, the research finds

that the constitution translates abstract Buddhist principles into practical governance structures. The Directive Principles of State Policy directly mirror the Noble Eightfold Path, guiding the government toward the 'welfare and happiness of the many' (*Bahujan Hitaya Bahujan Sukhaya*). Furthermore, the ancient Sangha model of consensus and shared leadership is identified as the historical precursor to Nepal's contemporary federalism and its commitment to the proportional representation of marginalized groups. This functional integration extends to environmental protections in Articles 30 and 51(g), which treat ecological stewardship as a moral duty rooted in the Buddhist principle of interdependence, ultimately creating a comprehensive blueprint for a just society.

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