

# SOL PLAATJE LOCAL MUNICIPALITY



## INDIGENT BURIAL POLICY

*Originally adopted by Council on the 26<sup>th</sup> October 2022  
in terms of Resolution C155/10/22.*

*Final Reviewed version of May 2026*

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## 1. DEFINITIONS

**1.1. Indigents** – Indigents are defined as those people, who due to a number of factors, are unable to make monetary contribution towards basic services, no matter how small the amounts seem to be. It broadly refers to:

- (a) Unemployed persons;
- (b) State pensioners;
- (c) Disabled persons who are unemployed and getting state grant;
- (d) Single parent in receipt of a child support grant, with no other form of income;
- (e) Persons with temporary, casual, contract and seasonal employment.
- (f) Persons who died being diagnosed HIV positive, being unemployed and leaving children uncared for.
- (g) In the case of consumers qualifying for social welfare pensions, the equivalent of two social welfare grants.

### 1.2. Indigent Burial

- (a) Means a process to undertaken by the Municipality to assist with the burial of their loved ones in circumstances where they are unable to in part or wholly afford the burial costs.
- (b) In undertaking an indigent burial, the Municipality negotiates with funeral undertakers (registered on the Municipality's supply chain database) for a suitable and affordable price to conduct the burial.

**1.3. Indigent Data Base** means a database that the Municipality have established to register and monitor all households that are categorized as Indigents in accordance with the determined threshold and financial definition of an indigent.

### 1.4. Definition of Indigent

The definition of an indigent is derived from the Indigent Management Policy. Accordingly, any household qualifying for Indigent burial must meet the following criteria

- (a) The combined income of all occupants in the household over the age of 18 years, including rental income derived from any dwelling on the property. This income must not exceed the financial threshold for Indigents as determined by the Budget and Treasury Office and the Indigent Management Department of the Municipality. This financial threshold is approved by Council from time to time.
- (b) There may also be exceptional circumstances that would require an indigent burial other than as defined in terms of the financial threshold. This may include deaths from old age homes and prisoners as an example.

1.5. **Municipality** means the Sol Plaatje Local Municipality.

1.6. **West End Cemeteries Office** means the recognized office of the Municipality that manages cemeteries for the Municipality. This office is responsible for the allocation of graves.

## **2. INTRODUCTION**

- 2.1 The Constitution of the Republic of South Africa declares the founding values of our society to be human dignity, the achievement of equality and the advancement of human rights and freedoms. Therefore, human dignity; freedom and equality are amongst the founding values of our society that are denied to those who do not have food, clothing and shelter.
- 2.2 The Municipal Council recognises that it must give priority to the basic needs of the community, promote the social and economic development of the community and ensure that all residents and communities in the municipality have access to at least the minimum level of basic municipal services in terms of Section 152(1) (b) and 153(b) of the Constitution.
- 2.3 Section 48 of the Health Act section 48 provides that the removal and burial of a dead body within the jurisdiction of the municipality is the responsibility of the municipality, subject to other applicable legislation such as the Inquest Act, and the said Births, Marriages and Deaths registration Act.
- 2.4 It further provides that the responsibility for the removal and burial of a dead body which is unclaimed or which no family undertook to bury; shall devolve upon the local or district municipality in which the dead body found.
- 2.5 Furthermore, due to the fact that South Africa feels the wrath and impact of the HIV/AIDS / the legacy of the COVID-19 pandemic; these factors together with retrenchments, inter alia, have culminated in high unemployment, joblessness and poverty.
- 2.6** Accordingly, there are households which are unable to pay the normal tariffs for municipal services and are incapable to provide a proper burial for their families;
- 2.7** The Municipality therefore adopts this Policy to ensure that these households are provided with the minimum service level for the provision of a decent and dignified burial for their families.

### **3. PROBLEM STATEMENT**

- 3.1 More and more people are dying as a result of the scourge of the TB, HIV/AIDS, and the legacy of COVID-19. This often leaves behind child headed households, orphans and people who are often ill and unemployed. The high cost of living prevents the bereaved from burying their loved ones, which often leaves the bodies at the hands of the private undertakers, adding to the already high costs.
- 3.2 The Municipality has a population of approximately above 301 600 people (Statistics South Africa). Available censuses' statistics show that the Municipality has an unemployment rate of 27.4.9% and a youth unemployment rate of 41.7%. Low-income levels are indicative of low affordability levels for basic services, housing and medical services (Statistics South Africa).
- 3.3 According to Statistics SA and Quantec, 68% of employed persons earn R 3 200 and less per month, while 28% earn between R3 201 and R12 800. A mere 4% earn above R12 800 per month this indicates that the population is severely affected by poverty.
- 3.4 It is important to note that the Indigent Burial Policy differs in many respects from a Pauper Burial Policy which is not dealt with in this policy.

### **4. LEGISLATIVE FRAMEWORK**

- Births, Marriages and Deaths registration Act (Act No. 81 of 1963)
- Constitution of the Republic of South Africa, 1996.
- Local Government: Municipal Structures Act (Act No. 117 of 1998).
- Local Government: Municipal Systems Act (Act No. 32 of 2000 as amended).

- Municipal Finance Management Act (Act No. 56 of 2003).
- Regulations relating to the Management of Human Remains (No. 363 of May 2013) enacted in accordance with the National Health Act (Act No. 61 of 2003)
- The Health Act (Act No 63 Of 1977),
- the Inquest Act, (Act No. 58 of 1959)

## **5. SCOPE OF THE POLICY**

- (a) This policy will apply to all people who are residents and their relatives who at the time of death were within the boundaries of the Municipality.
- (b) This policy also applies to all those who qualify in terms of the definition and criteria of the Municipality with regard to indigents.

## **6. OBJECTIVES OF THE POLICY**

- (a) To assist the indigent families in the burial of their deceased persons.
- (b) To implement the strategy and procedure to bury the indigents within the jurisdiction of the Municipality.
- (c) To ensure that resources are allocated for the carrying out of the policy

## **7. GUIDING PRINCIPLES**

This policy will be guided by the following principles:

- (a) Transparency
- (b) Loyalty
- (c) Confidentiality
- (d) Ownership

## 8. ASSUMPTIONS

The policy implementation will be based on the following assumptions:

- (a) Commitment to ethical governance and support for the poor.
- (b) Availability of Funds / Budget for indigent burials.
- (c) Active participation of stakeholders affected by indigent burials.
- (d) Resources allocation is based on the need rather than equitable distribution.
- (e) There is regular progress monitoring and reporting to Council on the management of indigent burials
- (f) This Indigent Burial Policy and other associated policies and procedures are communicated and known by the community

## 9. PROCEDURE TO ASSIST FAMILIES ON INDIGENT BURIALS

Requirements and process for a relative, social worker or any other person or organization involved in the indigent burial process:

- (a) The Municipality will arrange indigent burials when evidence provided proves that the affected people are bona fide residents of the Municipality.
- (b) The Municipality will consider the burial of any person or immediate family member of such person, if she/he is registered as indigents on the Municipality's Indigent database or qualifies to be registered as an indigent on the database.
- (c) The family requesting assistance with indigent burial must provide the following documents to the relevant Indigent Burial Section of the Municipality:
  - (g) An **Affidavit**, stating the relationship of the applicant and the deceased, the reasons for the request, confirmation that the family or relatives are not in a position or do not have resources to pay for the burial, and that the Municipality is requested to assist.

- (ii) A **Certified copy of the death certificate.**
  - (iii) **An Invoice from the undertaker** indicating the costs of the burial???
  - (iv) **Official letter from a Ward Councillor.** *(The letter should declare the family of the deceased as an indigent and refers the family to Social Services for further assistance, e. g food parcels.)*
- (d) After fulfilling the above requirements, the Speaker's Office will provide the family with a letter for a free grave.
  - (e) The family must take the letter issued by the Speaker's office and a receipt from the Social Development Unit to the Funeral Undertaker.
  - (f) If the body was found outside the area of jurisdiction of the Municipality, the request for an indigent burial must be referred to the relevant municipality where the person was a Bonafide resident of.
  - (g) All undertakers are to be advised that all indigent burial be conducted during the week as graves are cheaper during week-days.
  - (h) Indigent burials are conducted preferably within 7 days of the date of death to limits increases on storage costs.
  - (i) All cemeteries in the jurisdiction of the Municipality will be considered for indigent burials and reopening (of old graves).

## **10. REQUIREMENTS FOR INDIGENTS**

The following criteria apply for Indigents applying for assistance:

- (a) The household and family must be unemployed and be recipients of social grants.
- (b) The funding must not be used to top up the cost or to be used as a deposit for a more expensive burial.
- (c) That the funding be used solely for the burial of the deceased and no other expenses incurred relating to the funeral per se.

- (d) The relevant Ward Councillor informs the Social Development Unit in writing that the household has been inspected.
- (e) The Ward Councillor should ensure that the requests are submitted in advance to allow the officials to ensure proper procedures are followed. It will not be acceptable to submit a request for indigent burial at short notice or after the burial itself has taken place.
- (f) The Social Development Unit shall verify and conduct inspections that the household qualifies as indigents.
- (g) All requests for indigent burials must be referred and considered by the appointed official at the Social Development Unit.
- (h) The appointed official must ensure that all the above-mentioned procedures and requirements are met before an order could be placed at the funeral undertaker appointed by the municipality to bury the deceased person.

## **11. IMPORTANT NOTES REGARDING THE INDIGENT BURIALS**

- (a) A funeral service can be arranged with the Undertaker and the ceremony shall be held as per the Undertaker's discretion, in consultation with the bereaved family.
- (b) The Municipality pays the appointed funeral undertaker, relatives and/or friends do not have any claim whatsoever.
- (c) As indigent status is subject to economic change, the family and/or relatives of the deceased buried as indigent will be allowed to erect a tombstone on the grave at any time in the future. The family does have the right if they have resources (at their cost) to apply for exhumation of the deceased and rebury the deceased in the area of their choice.

- (d) The municipal official responsible for Indigent burial will be the manager; Social Development Unit, or any other official delegated by the Municipal Manager or his delegate to perform the function.

## **12. MONITORING AND ACCOUNTING PROCEDURES**

- (a) The responsible official shall open a file and maintain an indigent register for all requests for burials.
- (b) The file should contain the following relevant documents of the burial:
  - (i) Affidavit
  - (ii) Invoice
  - (iii) Death Certificate
  - (iv) Letter from Ward councillor

## **13. POLICY MONITORING**

- (a) The Municipal Manager or his delegate will monitor the implementation of this policy.
- (b) Continuous monitoring and reporting of all Indigent burials will be submitted to the relevant committee and to Council.

## **14. POLICY ADOPTION AND REVIEW**

- (a) This Policy will be reviewed annually or as there are changes to policy and legislation.
- (b) This Policy Framework will come into effect from the date of Council resolution.

## ANNEXURE A - PROCESS FLOW FOR INDIGENT BURIALS

