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# EXISTENCE OF RIGHTS AFTER DEATH

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## **ABSTRACT**

Every person knows what the rights of a living person are. But what about the rights of a deceased human being? This is a question which our courts of law have time and again tried to answer. Our law doesn't recognize a dead person. The personality of a human being commences its existence on birth and ceases to exist at death. This is something that is followed in consonance to the jurisprudence related to dead persons. Wars, the refugee crisis, pandemics, etc. again and again test us and the people who pass the test are ones those survive. This doesn't mean that those who have succumbed to these unfortunate times must not be treated with respect and dignity. Every man has the right to a dignified burial and respectable treatment even after his death. And this just one of the rights available to a deceased amongst many others.

The fact that a series of rights are available and are paid attention to also signifies the vital importance of understanding the need to be aware of the current world. Rules related to disposal, treatment of the body, dignity of the dead person, transparency of facts about the dead are all dealt separately in several cases(as mentioned above). Following such ambiguity and misconceptions, the authorities have time and overlaid down clear guidelines for the same which are very well operative. We as a society must learn to respect a dead person as much as a living person. Respect and dignity should not be forgotten or crushed just because the person is not available to see it. Everything that a person earns in a lifetime serves as goodwill for his reputation and should be equally maintained.

The only thing that lacks in society today is the lack of knowledge. One important reason for this is also the deceptive and ambiguous availability of information on social media today that are rarely very accurate. The reliance on those sources should be minimized and more focus should be diverted towards gaining knowledge about sources like government websites and portals, blogs, articles, etc., where the actual authentic information is available.

It is high time that the urge to know about a lot of things that are persistent in recent times should be channeled positively and in the right direction. The absence of knowledge should not be confused to be the absence of laws and rules regarding respective matters. Hence, this research paper which aims to resolve the above-mentioned issues and give the reader a proper understanding of the topic.

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## **INTRODUCTION**

Since time immemorial, the dead have been given a farewell in the most respectable manner. This notion is so deeply rooted in humans that we even treat the bodies of our enemies gently and with the utmost care and also have numerous international and state-level statues and covenants to ensure the same. It was believed that every corpse had a right to rest undisturbed and unmolested<sup>1</sup>. For the very same reason, R.I.P (Requiescat in Peace) is inscribed on every tombstone. But in today's modern society people are having a tough time respecting the dead. With space crunches, unidentified bodies, wars, etc. the dead and their rights are being neglected again and again. The biggest and most recent example is that of Ecuador, where thousands of bodies have been left on the streets due to the recent Coronavirus pandemic.

It shall be noted that the dead have rights in two senses<sup>2</sup>:

1. Disposal of bodies;
2. Crimes against the dead.

A living person has been given a plethora of rights under Article 21 of the Indian Constitution. This particular article confers upon the citizens the very basic right of right to life and personal liberty. It also confers upon the citizens' various other rights such as the right to travel abroad, right to privacy, right against solitary confinement, right to legal aid, right to a speedy trial, right against handcuffing, right against delayed execution, right against custodial violence, right to health, etc.

In India rights conferred upon a dead person have not been explicitly stated anywhere but have been time and again enforced by the Hon'ble Supreme Court of India through its judicial decisions in cases like *S. Sethu Raja vs. The Chief Secretary*<sup>3</sup>, *Pt. Parmanand Katara Vs. Union of India*<sup>4</sup> and *Ashray Adhikar Abhiyan vs. Union of India*<sup>5</sup>.

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<sup>1</sup>Naseem A., Beena P., RIGHTS OF THE DEAD, *Ijmrr.com*, [http://ijmrr.com/admin/upload\\_data/journal\\_A.%20Nasim%20%202may15mrr.pdf](http://ijmrr.com/admin/upload_data/journal_A.%20Nasim%20%202may15mrr.pdf) (last visited Jun 26, 2020)

<sup>2</sup> *Ibid.*

<sup>3</sup> *S. Sethu Raja vs. The Chief Secretary* [2007 (5) MLJ 404]

<sup>4</sup>*Pt. ParmanandKatara Vs. Union of India*, (1995 (3) SCC 248)

<sup>5</sup>*Ashray Adhikar Abhiyan Vs. Union of India* (AIR 2002 SC 554)

## **WHO IS A PERSON?**

The Indian constitution guarantees the right to life and personal liberty under article 21. This article envisages a series of rights that are considered to be essential for the well-being and dignified existence of all persons. It includes areas like privacy, legal aid, solitary confinement, custodial violence, etc. All these areas are thought to be the crux of the quality life of a person and hence, are inherently available to every person.

Although the Constitution repeatedly uses the word ‘person’ for defining the ambit of the available rights, it nowhere defines it. The definition clause of the Constitution of India i.e. article 366 does not deal with the definition of a person. For understanding the proper meaning of person as used under the Indian law, recourse has to be taken to the General Clauses Act. Section 3(42) defines a person to include any company or association or body of individuals, whether incorporated or not. Such a person would be a legal entity that is recognized by law as a subject of rights and duties<sup>6</sup>. The Indian Penal Code also has the same essence in its definition under section 11.

The natural concept of an individual and the definitions given in the statute can be combined to divide the scope of the term ‘person’ into two broad categories:-

1. Natural person
2. Artificial person

Natural persons can be understood to God’s creation i.e. human beings who have instincts that are different from other living beings. An artificial person, however, includes the definition of the statutes and broadly includes the separate entities formed by humans.

In the context of the rights of a deceased person, the purview is limited to that of a natural person. This is because bringing down of entities is termed as dissolution of the entity and not death. The idea of death is therefore limited to entities with physical presence only i.e. human beings. Thus, all the rights included under the rights of the deceased are drafted with a view of the presence of a human body only.

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<sup>6</sup> Legislative.gov.in, <http://legislative.gov.in/sites/default/files/A1897-10.pdf> (last visited Jun 26, 2020)

## **DOES A PERSON HAS A RIGHT TO DIE?**

Before moving further, it is necessary to know whether a person has the right to die or not?

In *A.K. Gopalan vs. Union of India*<sup>7</sup>, the word ‘Deprivation’ was defined by the Hon’ble Supreme Court since it was construed in a very narrow sense. It was held that deprivation does not restrict the right to move freely which came under Article 19 (1) (d). Later on, in *Maneka Gandhi vs. Union of India*<sup>8</sup>, the Hon’ble Supreme Court has widened the scope of the words ‘Personal Liberty’ which is as follows;

*“The expression personal liberty in Article 21 is of widest nature and it covers a bundle of rights which go to constitute the personal liberty of man and some of them have raised to the status of distinct fundamental rights and given additional protection under Article 19.”*

The question of whether Article 21 includes the right to die or not has been answered by the Hon’ble Supreme Court through several cases. This was first taken up in the case of *State of Maharashtra vs. Maruti Sripati Dubal*<sup>9</sup> under which Bombay High Court held that Article 21 includes the right to die and struck down Section 309 of I.P.C which provided punishment for attempt to commit suicide. The next case which followed up was *P.Rathinam vs. Union of India*<sup>10</sup> which upheld the decision given in *State of Maharashtra vs. Maruti Sripati Dubal* and held Section 309 of IPC unconstitutional. The issue, for the last time, was raised in *Gian Kaur vs. State of Punjab*<sup>11</sup> in which the court overruled the decision laid down in *P.Rathinam vs. Union of India*<sup>12</sup> and held that right to life under Article 21 does not include the right to die and that section 309 is not unconstitutional. The court gave the difference between Euthanasia and attempt to commit suicide. Death due to termination of natural life is certain and imminent. Nothing can be equated as the right to die an unnatural death which curtails the lifespan of a person.

Therefore, a person has the right to die of natural causes because that lies within the ambit of Article 21 and its interpretation. Expediting the death of a person to relieve him/her of terminal illness or a permanent vegetative state is considered as expediting the natural cause of death to

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<sup>7</sup>A.K. Gopalan vs. Union of India, (AIR 1950 SC 27).

<sup>8</sup>Maneka Gandhi vs. Union of India, (978 SCR (2) 621).

<sup>9</sup>State of Maharashtra vs. Maruti Sripati Dubal, 1987 (1) BomCR 499.

<sup>10</sup>P.Rathinam vs. Union of India, 1994 SCC (3) 394.

<sup>11</sup>Gian Kaur vs. State of Punjab, 1996 SCC (2) 648.

<sup>12</sup> See, supra note 09.

give the person a dignified life. This is not a case of extinguishing life. On the other hand, any other reason for curtailing the life of a person will be regarded as an offense. Hence, no person has the right to die, and the right to die does not exist in harmony with the right to life.

### **CATEGORIES OF RIGHT OF A DECEASED PERSON**

It is evident from the series of facts and laws stated above that the deceased has a person who has been recognized in various laws and statutes all over the world. This brings us down to the point where it is vital to list down the category of rights that are available to the deceased person. This broad discussion of the available rights will help in giving clarity about the path that one needs to go through after someone dies.

However, the categories of these rights vary according to the respective case and religious needs. It is nearly impossible to incorporate and specify the exact framework because of the absence of one particular statute. Thus, the probably essential ones can be gathered from different statutes and case laws that have taken place over time.

Some of the broad categories worthy of notice are:-

1. Disposal of the body
2. Treatment of unclaimed body
3. Rights and obligations to human remains
4. Storage of dead body

#### **DISPOSAL OF THE BODY:**

Disposing of the dead body is one of the major requirements after a person is dead. It is important to pay attention to it and ensure proper disposal because of two major aspects-the dignity of that person and also the health point of view i.e. to avoid any kind of spread of infection from the dead body. The disposal of the body is majorly governed by the religious laws in India. Although the way of disposal is determined by the religion, the rules attached to it are governed by the BURIAL AND CREMATION ACT.

A dispute prevailed as to whether a dead body can be buried on the own property or not. It was clearly stated that the burial on own property is permitted unless and until it is according to

prescribed rules of the authority and according to the religion. The only restriction is that it should not be clandestine or against the guidelines of the authority.

The place where a body can be buried is supposed to be fixed by the authorities. In the case of Badi Masjid trust v State of Maharashtra<sup>13</sup>, by the perusal of Section 269, it was ruled that a grave or vault cannot be dug or any corpse cannot be disposed of at any place other than a place of disposal of the dead without written permission of the Commissioner.

In the case of Dalip Kumar Jha Puran Singh vs. the State of Punjab<sup>14</sup>, it was seen that the devotees thought it to be a right to retain the body of Godman because according to them he was in a state of samadhi and would ultimately wake up. It was ruled that this practice was not a part of their religion as under articles 25 and 26 of the Constitution of India. It was ruled that the body of the Godman would be disposed of with proper rites and rituals as per the religion because every person has the right to be treated with dignity as per article 21 of the Indian Constitution. It was finally concluded that during the interregnum period the body will be treated with dignity and the cremation will take place within 15 days under the proper supervision of the Committee consisting of District Magistrate, Jalandhar, SDM of the Area concerned, SSP, Jalandhar, Commissioner, Municipal Corporation, Jalandhar, Chief Medical Officer, Jalandhar.

### **TREATMENT OF UNCLAIMED DEAD BODIES:**

It is an important issue that needs to be addressed to ensure dignified disposal of dead bodies of not only identified persons but also those who do not have a group of people to ensure such disposal or cremation. The idea of a dignified cremation extends to every person and is not categorized according to the strength of the identifiers. If a body is not identified by anyone, it goes to the state. The state shall store the body for 30 days before disposing of it and within those days all necessary arrangements should be made for its identification.

The Hon'ble Supreme Court has stated proper disposal of unclaimed bodies after pieces of evidence were found of dead bodies thrown near railway tracks. The Hon'ble Supreme Court demanded a response from the Home Ministry as to the disposal of dead bodies found in public

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<sup>13</sup> Badi Masjid Trust v State of Maharashtra through its secretary and others, (2011) LNIND 2011 NGP (India)

<sup>14</sup> Dalip Kumar Jha Puran Singh Vs. State of Punjab, Etc. (LNIND 2014 PNH 97041)

places decently. A bench headed by Justice B S Chauhan asked the Ministry to file the response within four weeks after the railways virtually refused to act on the issue saying it is a government responsibility.

"Dead person must be given some respect," the bench said while asking the government to file the response.<sup>15</sup>

In the case of *Vikas Chandra Guddu Baba v State of Bihar and others*<sup>16</sup>, a PIL was filed by Vikas Chandra Guddu Baba in the Supreme Court of India regarding the bad treatment of unclaimed bodies by the authority. He said that the unclaimed bodies were allegedly dumped into rivers by authorities. He further pleaded the court to form guidelines for such disposal. In pursuance of the orders of the SC, a committee was constituted under directions of MHA. The purpose of this committee was to go through the problems being faced by the state authorities in the disposal of unclaimed bodies. After proper investigation, the most prominent problem was seen to be an outdated system. It was allegedly advised by the committee that there is a need to update the SOP and database of missing persons at the police station and hospitals. Another advice was for the technological up-gradation of the police stations. The conclusion was that after a proper record has been kept of the dead person and measures taken to scan the missing person record, the body should be decently disposed of. Also, after the disposal, there remains no scope of finding the identity of the person.

### **POST-MORTEM PRIVACY:-**

The process of post-mortem, also known as an autopsy, is done to solve mysteries and unanswered questions related to the unnatural death of a person. The autopsy report declares the reason for death or the method of killing a person when it cannot be perceived naturally. However, the post-mortem can be conducted by the medical professionals only on the written recommendation of the Magistrate/police. It is a must to have such an Inquest report before starting the procedure of autopsy. One more common misconception is regarding the urgency of the post-mortem report. A post-mortem is not an emergency procedure and if pushed in time

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<sup>15</sup> <https://economictimes.indiatimes.com/news/politics-and-nation/unclaimed-dead-bodies-be-given-decent-disposal-supreme-court/articleshow/26370200.cms>

<sup>16</sup> *Vikas Chandra Guddu Baba v State of Maharashtra and others*((DB)/226/2012)

can lead to wrong observations. The requirement of the medico-legal autopsy is mentioned under article 174 and 176 of the Code of Criminal Procedure.<sup>17</sup>

A common feeling that prevails in the society is regarding the autopsy report being public document. Especially when we talk of public figures, we expect that we are given all details about the autopsy report and also very adamantly start criticizing the authorities for not publishing the same. The society even goes to the extent of labeling them as corrupt. It is very important to understand the autopsy report is NOT a public document. It is available at the demand and recommendation of the authorities and the only purpose of the report is to act as a catalyst in the investigation. In the case of State v Gian Singh<sup>18</sup>, one of the two contentions was regarding the autopsy report being a public document. It was ruled by the court that a fair reading of section 74 of the Indian Evidence Act<sup>19</sup> will make it clear that an autopsy report is not a public document. The report is to be compiled with the police report and is primarily used for investigation purposes.

Thus at this stage by linking the right to privacy as well as the fact that a post-mortem report is not a public document, it can be easily figured out that no emphasis, force or pressure can be put upon the medical professionals or the authorities to make every detail of the report public.

## **RIGHTS OF A DEAD PERSON UNDER VARIOUS LEGISLATIONS**

### **INDIAN LEGISLATIONS**

#### **Constitution of India (Article 21)**

A living person enjoys a huge number of rights and these rights are day in and day out challenged in the court of law. But what about the rights of the deceased? Does his death cast a moral obligation upon the people of his society? Just the same way a living man has rights under Article 21, so does a deceased too. The rate at which the ambit of Article 21 is broadening is seen to be faster for living than the dead persons. However, the rights of the deceased are

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<sup>17</sup> Code of Criminal Procedure, 1973 [Indiacode.nic.in](http://Indiacode.nic.in),  
[https://www.indiacode.nic.in/handle/123456789/1611?sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/1611?sam_handle=123456789/1362)

<sup>18</sup> State v Gian Singh, ((2012) 10 SCC 303)

<sup>19</sup> Indian Evidence Act, 1872 [Indiacode.nic.in](http://Indiacode.nic.in),  
[https://www.indiacode.nic.in/handle/123456789/2188?sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/2188?sam_handle=123456789/1362)

widening with time and are seen to be prominent. The word ‘person’ as given under Article 21 includes ‘dead person’ in a limited sense and the right to live with human dignity too. There is an extended meaning to treat the dead body with the utmost respect that the person would have deserved if he/she would have been alive, subject to culture, tradition and the religion the dead person professed.<sup>20</sup>

Recently, in June of 2020, a doctor’s body was denied burial by various residents of neighboring areas citing that the doctor died of Coronavirus and his body would infect the rest of the people living in nearby areas. During the burial, the mob protested against it vehemently and according to reports, stones were pelted at the dead body. The body was taken to another burial ground under strict police supervision and was buried hurriedly. This is a stark example of taking away the rights of a person given to him under Article 21. This is not the only gut-wrenching incident in which a dead body has been used for other purposes other than bidding it farewell in a respectable manner.

In the case of *Kharak Singh vs. the State of U.P.*<sup>21</sup>, the Hon’ble Supreme Court held that the term ‘life’ as used in Article 21 means something more than mere animal existence and the inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed. In the case of *Sunil Batra vs. Delhi Administration*<sup>22</sup>, the Hon’ble Supreme Court upheld the decision given in *Kharak Singh* case and said that “right to life” includes the right to lead a healthy life. It would also include the right to protect a person’s tradition, culture, heritage, and all that which gives meaning to his/her life<sup>23</sup>. Therefore, it can be said that even after the death of a person, he/she should be treated in the same way and respect subject to the culture, tradition, and heritage he believed in and professed. In *Francis Coralie vs. Union Territory of Delhi*<sup>24</sup>, the court held "that any act which damages or injures or interferes with the use of any limb or faculty of a person, either permanently or temporarily, would be within the inhibition of Article 21"; this right also extends to the death and dignified disposal of dead

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<sup>20</sup>*Parmanand Katara, Advocate vs. Union of India*, (1995) 3 SCC 248

<sup>21</sup>*Kharak Singh vs. State of U.P.*, 1964 SCR (1) 332

<sup>22</sup> *Sunil Batra vs. Delhi Administration*, (1978) 4 SCC 409

<sup>23</sup> *Drishti*, Article 21 of the Constitution of India – Right to Life and Personal Liberty, Lawctopus.com, <https://www.lawctopus.com/academike/article-21-of-the-constitution-of-india-right-to-life-and-personal-liberty/> (last visited Jun 27, 2020).

<sup>24</sup> *Francis Coralie v. Union Territory of Delhi*, AIR 1981 SC 746



bodies<sup>25</sup>. The respect that is given while burying a body, the same should be given after the burial too. This is the meaning of the phrase, “dignified disposal”.

### **Indian Penal Code:**

The Indian Penal Code protests the act of showing irreverence to dead bodies.

- Section 297: Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of the sepulcher, or any place set apart from the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both<sup>26</sup>.

Under this section, trespass to burial places are held as a punishable offense

- Section 404: This section deals with dishonest misappropriation of a dead man’s property.
- Section 503: Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of anyone in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.<sup>27</sup>

The court while interpreting Section 392 of IPC in the case of Jamuna Das Paras Ram vs. State of Madhya Pradesh<sup>28</sup> held that the word person cannot be so naturally construed as to exclude

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<sup>25</sup>Anagha Nair, Rights of Deceased: Article 21 Thelawbrigade.com, <https://thelawbrigade.com/wp-content/uploads/2019/07/Anagha-Nair.pdf> (last visited Jun 27, 2020)

<sup>26</sup> 296, Indian Penal Code (1921)

<sup>27</sup> 503, Indian Penal Code, 1921

<sup>28</sup>Jamuna Das Paras Ram vs. State of Madhya Pradesh, AIR 1963 MP 106

the body of human being, i.e. the human body must be given the right, irrespective of being alive or dead.<sup>29</sup>

### **INTERNATIONAL COVENANTS:**

The rights of the deceased are protected everywhere and it does not depend upon the nationality of the person. Every human being should be treated with respect by his fellow human beings for we all are more or less the same. Keeping this in mind, many International legislations are there to govern the treatment given to internees, Prisoners of Wars (PoWs), refugees, etc. These legislations also include the treatment of their dead bodies.

According to Article 129 of Chapter XI of 4<sup>th</sup> Geneva Convention, 1949, the will of an internee shall be received by the appropriate authorities for safekeeping and the same should be honored as soon as possible he/she dies; the deaths have to be certified. Also, Article 130 of Chapter XI of the 4<sup>th</sup> Geneva Convention lays down the rules of the burial of the dead body of internees as follows:

1. The deceased internees shall be buried honorably and if possible, according to rules of the religion they professed.
2. The graves of the deceased should be properly respected, maintained, and marked to facilitate easy recognition.
3. Deceased internees shall be buried in separate graves and only under grave and unavoidable circumstances collective burial shall be allowed.

According to Article 3 of the 1990 Cairo Declaration of Human Rights in Islam, no one has the right to mutilate any dead body; Article 4 lays down that every human is entitled to inviolability and protection of his good name and honor during his life and after his death. State and society must protect and respect the remains and burial place of the deceased.

Australia's Defense force manual (1994) provides “ The remains of the dead, regardless of whether they are combatants, non- combatants, protected persons or civilians are to be

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<sup>29</sup>Anagha Nair, Rights of Deceased: Article 21 TheLawbrigade.com, <https://thelawbrigade.com/wp-content/uploads/2019/07/Anagha-Nair.pdf> (last visited Jun 27, 2020)

respected, in particular their honor, family rights, religious convictions and practices and manners and customs at all times they shall be humanely treated.<sup>30</sup>

It is pertinent to note that International Humanitarian Law has long protected the rights of the body of the deceased. One example of this can be Article 16, the Hague Convention of 1907.

When we talk about Jurisprudence of dead bodies, it is widely believed and accepted that a dead body is not a legal entity and has no rights whatsoever. Although there are no rights of the dead, the law recognizes and confers the desires and interests of the deceased when he/she was alive.

The refugee crisis in the Mediterranean Sea saw the United Nations pounce into action, the sole reason being maintaining the dignity of deceased refugees who met their unfortunate fate while crossing the Mediterranean Sea. According to the guidelines issued by the United Nations, where the dead bodies cannot be returned to the next of the kin, they should be disposed of respectfully and in a manner that would help their recovery and identification. Cremation of unidentified bodies needs to be avoided. They should be stored or buried somewhere temporarily, pending future identification and return to families. The religion of the deceased and local religious practices shall be taken into account.<sup>31</sup> This shows that even though the dead don't have any rights according to the jurisprudence being followed, they are still respected and deserve a dignified farewell.

Many military manuals like the US, UK, US Navy seals manuals prohibit the mutilation of dead bodies in times of war and under normal circumstances too. They also lay down rules for the decent and honorable burial of the dead.

## **CONCLUSION**

The right of a deceased person is considered to be as important as the right of a living person. Under article 21 of the Constitution of India, it is an important mention that the specific right applies to dead persons as well. For understanding the proper meaning of person as used under

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<sup>30</sup>Naseem A., Beena P., RIGHTS OF THE DEAD, Ijmrr.com, [http://ijmrr.com/admin/upload\\_data/journal\\_A.%20Nasim%](http://ijmrr.com/admin/upload_data/journal_A.%20Nasim%)

<sup>31</sup>Additional Protocol on Transplantation of Organs and Tissues of Human Origin, I.A.S.C Guidelines D.3.5, D.3.6 & D.3.7

the Indian law, recourse has to be taken to the General Clauses Act. Section 3(42) defines a person to include any company or association or body of individuals, whether incorporated or not. Such a person would be a legal entity that is recognized by law as a subject of rights and duties. The natural concept of an individual and the definitions given in the statute can be combined to divide the scope of the term 'person' into two categories, i.e., natural person and artificial person.

Article 21 serves to be an important reference that the aspects of privacy and life and dignity are all considered to be equally important for the deceased by our very own Constitution itself. Extending the arena to international history also, the importance of rights of the deceased is very well stated in many instances. So many important platforms like the Geneva Convention, Declaration of Human rights, International Humanitarian Law, United Nations, etc. have all considered this aspect to be of importance at some point or the other in international fields. The fact that a person has the right to die exists too, but in a limited sense, i.e., any given person has the right to die only due to natural causes and his death cannot be expedited or curtailed except in the case of Euthanasia.

The rights of a deceased have been categorized and the credit for the same goes to various legislations and judgments pronounced by our courts of law. The 4 main rights being; Disposal of the body; Treatment of unclaimed body; Rights and obligations to human remains and; Storage of dead body.

It is believed that there are three things which a living man expects to be given to him after his death are his body, his reputation, and his estate. Although a dead body has no rights criminal law secures a decent burial for a corpse and treats the violation of a grave as a punishable offense. Sections 297, 407, and 503 of IPC deal with the same and arrange for such rights to be enforced.

Keeping in mind the crimes against the dead, the treatment being given to them and incidents like the image of a celebrity's dead body circulating over social media, the Mediterranean Sea crisis, global pandemics only show the lack of knowledge that masses possess when it comes to this issue. Hence, this paper has covered and summarized the rights that a dead person has while substantiating the same with various case laws and legislations present around the world.

