

Necrophilia: Exploring the Pernicious Crime in India

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Abstract

The significant changes in human civilisation remain one of the most interesting and important issues facing mankind. Society was created to benefit the individual, and as a result, laws were established to make people aware of their actions and to control their behaviour. However, in the 21st century, the complex and deeply disturbing phenomenon of necrophilia continues to challenge our understanding of human psychology. The notion of necrophilia is a complex and sensitive issue that touches upon moral, legal, and psychological considerations. While there is currently no legislation on this matter, it is important for the judiciary to carefully and thoughtfully consider how to ensure justice and balance in society. In this article, significant light has been shed on the judgment given by the Karnataka High Court, in Rangaraju vs. the State of Karnataka, which urges the parliament and Governments to frame laws and orders for treating necrophilia in India in all possible ways.

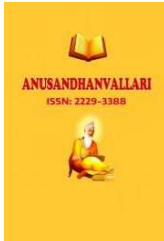
Keywords: crime, corpus, judiciary, law, dignity, health, safety, psychology

Introduction

Necrophilia is a condition characterised by an individual's attraction towards a deceased body. The term originated from the Greek words "nekro" and "philios," which respectively translate to dead body and love or attraction. Though the subject matter is unsettling, necrophilia is classified under the category of paraphilias, about sexual desires or fantasies that are unusual or abnormal. The World Health Organization, the Diagnostic and Statistical Manual of Mental Health Disorders, as well as the International Classification of Diseases, recognize necrophilia as a paraphilic disorder.

Necrophilia may be influenced by specific mental shortcomings or belief systems. These could involve a fascination with death, a conviction that the deceased had spiritual ties with existence, or a connection between the afterlife and sex. It is essential to note that while these factors may provide some understanding, necrophilia remains a complex and uncommon phenomenon. It is crucial to approach the topic with sensitivity, and some reasons are still untouched or combine one or more above-mentioned causes.

The reasons behind necrophilia, a rare and heavily stigmatized behaviour, are not well understood. Nonetheless, there are a few theories that try to explain the potential factors that contribute to such inclinations. It is essential to note that these theories are speculative and not universally accepted. Individuals who are dealing with psychological conditions such as psychosis, paraphilic disorders, or antisocial personality syndrome may engage in necrophilic behaviour. These conditions can make it incredibly difficult for people to form healthy sexual connections and can fuel complex and often erroneous imaginations. Those who have a preference for necrophilia may find it challenging to form feelings or intimate relationships with living individuals, and as a result, they establish a perceived emotional connection with the deceased. This bond is formed without any complications of a romantic relationship, as the deceased is considered non-threatening and non-responsive.



Necrophilia, the act of engaging in sexual activity with a deceased individual, is often associated with a desire for control, authority, or objectification. The perpetrator may feel a sense of power or domination due to the inability of the deceased person to object or resist. A position of power. There is a belief that certain individuals may have tendencies towards necrophilia, which involves sexual fantasies or patterns that revolve around non-living objects or the deceased. These fantasies may develop due to various factors, such as early life experiences, exposure to specific stimuli or psychological trauma, among others. Necrophilia, an attraction to corpses, may be influenced by mental disorders or belief systems. These factors include a fascination with death, spiritual ties to the deceased, or a connection between sex and the afterlife. In India, several cases of necrophilia have been reported. However, due to a lack of a legal framework, it remains unclear how such offences are dealt with.

Causes of Necrophilia, viz, psychological aspects

It has been observed that necrophilia, which is the sexual attraction towards a corpse, is often driven by a desire to own a sexual partner or object that cannot resist or reject the individual. In his book "Studies in the Psychology of Sex," Ellis (1903) noted that there is a correlation between necrophilia and algolagnia, which is the sexual pleasure derived from pain, especially in erogenous areas. Both acts involve transforming negative emotions such as fear and disgust into feelings of arousal and desire. In 1989, Rosman and Resnick conducted a study that is considered a significant contribution to our understanding of necrophilia.

The study of necrophilia explored the circumstances that led people to develop such an attraction. One finding of this research is that people with low self-esteem may engage in necrophilia as they enjoy being with someone who cannot reject them. Additionally, fear of death and the dead may contribute to this behaviour. However, it's important to note that people can use defence mechanisms such as reaction formation to cope with anxieties and fears. By recognizing these underlying factors, individuals struggling with necrophilia can seek support to overcome these challenges and lead fulfilling lives.

Other motives for necrophilia exist beyond the more prominent and common ones. These may include fear of the opposite gender, experiencing command hallucinations, and desiring complete power. According to Erich Fromm, necrophilia results from an individual's attempt to compensate for the absence of self-identity and to overcome the lack of authenticity.

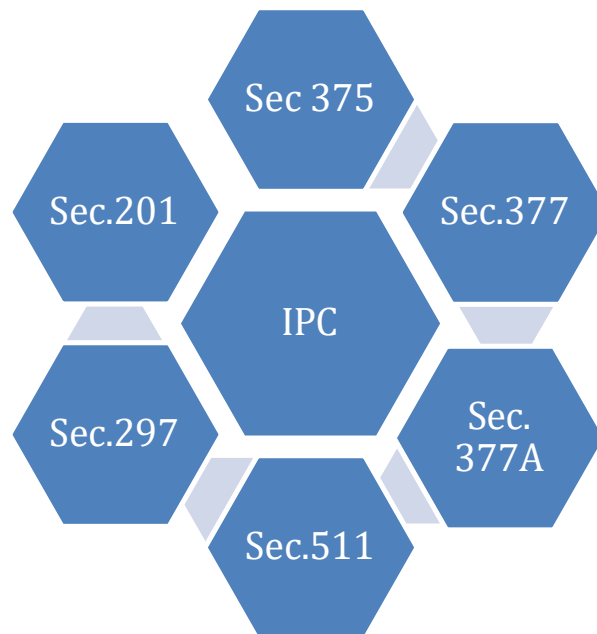
Position in India

To effectively tackle any societal and ethical problems, we must establish strong legal foundations, rely on significant judicial interpretation, and foster a healthy mindset. These can be discussed in the following manner.

1. Existing legal frameworks and Necrophilia:

Indian Penal Code, 1860

Necrophilia, a deeply disturbing and morally abhorrent act, has increasingly drawn attention within India's legal and societal discourse. Although it stands as a grave violation of human dignity, India's legal framework does not yet provide for an explicit criminalization of necrophilia. With the enactment of the **Bharatiya Nyaya Sanhita (BNS), 2023**, which replaced the Indian Penal Code (IPC), there is still no specific provision that defines or penalises necrophilia as a standalone offence. Instead, certain general criminal provisions are often invoked to address acts that may amount to necrophilia, albeit indirectly.



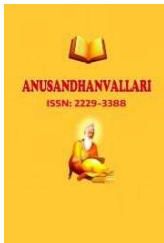
Provisions under Indian Penal Code, 1860 in relation with Necrophilia

Section 375: Section 375 of the Indian Penal Code (IPC) outlines the legal definition of rape in India, stating that a man can be charged with "rape" if he participates in sexual intercourse with a woman under specific conditions, such as against her will, without her consent, or with her consent obtained through coercion, fraud, or misrepresentation. Nevertheless, the section also includes exceptions and explanations. Conversely, necrophilia involves a disturbing attraction to corpses, often involving sexual activities with the deceased. In many jurisdictions, including India, necrophilia is deemed a criminal offence, even if not explicitly mentioned in the law. Instead, it may be prosecuted under laws concerning the desecration of corpses, public decency, or other relevant statutes. In the context of India, engaging in sexual acts with a corpse could potentially breach laws related to outraging the modesty of a woman or be viewed as an act of grave desecration. However, the specific legal ramifications would hinge on the circumstances of the case and the interpretation and application of the law by the courts.

Section 297: Trespassing on burial places: This section covers disturbing the remains of the deceased or trespassing on an area used for burial. It can be used to charge those who commit acts of necrophilia.

Section 377A: Carnal intercourse against the order of nature (amended): A modification to Section 377A was adopted to specifically make sexual actions with animals and corpses illegal after the Supreme Court's decision in *Navtej Singh Johar v. Union of India*, which invalidated Section 377 to the extent that it criminalized consenting same-sex relationships.

Section 201: Causing disappearance of evidence of an offence or giving false information to screen offender: If someone undertakes an effort to hide or eliminate evidence of necrophilic actions, gives false information to safeguard themselves or individuals involved, or both, these clauses may be applicable.



Section 511: Section 511 of the Indian Penal Code is not specifically designed to address necrophilia; it may still be applied in such cases. This section penalizes attempts to commit offences and focuses on the 'moral guilt' or criminal intent (*mens rea*) of the perpetrator, even when the act itself is not completed. Therefore, while necrophilia is not explicitly punishable under current law, the intent behind committing such an act can be taken into account, allowing the offender to be punished for their moral culpability.

However, a key issue with applying Section 511 to necrophilia lies in the punishment it prescribes. The section allows for imprisonment up to half the maximum term of the intended offence or a fine, or both. But since necrophilia is not defined as a crime under existing laws, there is no corresponding punishment to base this on. As a result, even if someone is prosecuted under Section 511 for attempting necrophilia, the absence of a defined offence means no clear sentence can be imposed.

One such provision is **Section 301 of the BNS**, which pertains to trespass on burial grounds. While this section may apply if the offence occurs at a burial site, it does not extend to cases where necrophilia is committed in mortuaries, hospitals, or other non-cemetery settings. Furthermore, the purpose of this section is more aligned with protecting the sanctity of graveyards than addressing sexual abuse of corpses. Thus, it fails to cover the full range of scenarios in which necrophilia may be committed.

Bharatiya Nyaya Sanhita: There are no specific provisions against necrophilia in the current Bharatiya Nyaya Sanhita. The practice of having sex with a deceased person, known as necrophilia, is illegal in many places, including India. There are laws against desecration of corpses, crimes against morality, and crimes against decency, but none that specifically address necrophilia.

The BNS's lack of specific provisions regarding necrophilia makes it difficult to successfully prosecute these cases. In order to prosecute offenders, prosecutors frequently rely on more general legal theories and interpretations because the law does not specifically address this particular act. Necrophilia, for example, might be prosecuted under sections pertaining to acts meant to offend a woman's modesty, which cover a broad range of sexual offenses.

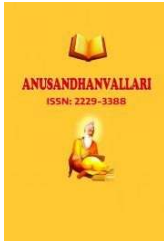
But because necrophilia is not specifically covered by the law, cases involving this horrible act may have trouble getting the law interpreted and applied correctly. Courts may find it difficult to decide on the proper charges and sentencing guidelines, which could result in inconsistent decisions and possibly light sentences for offenders.

Furthermore, the lack of specific legislation pertaining to necrophilia indicates a weakness in the legal system's capacity to adjust to changing social mores and new types of criminal activity. In order to effectively handle new and emerging challenges, legal systems must continuously update and improve their laws as societies change.

In order to close this disparity, efforts could be directed toward supporting legislative changes that would clearly criminalize necrophilia and establish precise standards for handling cases involving it. In order to guide future changes to the Indian legal system, academics studying law and policymakers could also investigate precedents and best practices from other countries.

The BNS presently lacks specific provisions addressing necrophilia, despite covering a wide range of criminal offenses, including those about sexual misconduct and crimes against decency. This disparity makes it difficult to prosecute offenders and emphasises the necessity of extensive legal reforms to adequately handle newly emerging forms of criminal behaviour.

Together, these cases signify a growing judicial recognition of the rights and dignity of the dead. However, they also underscore a glaring gap in statutory law, especially in the context of necrophilia. Without clear legislative intervention, such heinous acts continue to fall through the cracks of India's legal system. An explicit provision



criminalising necrophilia is not only necessary for legal clarity but also essential for upholding the dignity of the deceased and deterring such inhuman acts.

2. Judicial Interpretation and Necrophilia:

The gaps in the law became starkly evident in the **Rangaraju v. State of Karnataka** case. In this case, the accused murdered a 21-year-old woman and subsequently raped her corpse. While the trial court convicted him of both murder and rape, the High Court, upon appeal, upheld the murder conviction but overturned the rape charge. The court ruled that since the victim was deceased at the time of the sexual act, the provisions under Section 376 IPC did not apply. The judgment brought attention to the urgent need for legal reform, as it clearly highlighted that a human corpse is not recognized as a 'person' under existing rape laws.

Since necrophilia is not specifically addressed by law in India, judicial interpretation of the crime involves applying pre-existing legal frameworks to cases involving sexual acts with corpses. When deciding cases involving necrophilic acts, courts usually refer to sections of the Indian Penal Code (IPC) that deal with sexual offenses like rape, outraging modesty, and desecration of corpses.

A crucial facet of judicial interpretation in cases involving necrophilia is ascertaining the suitable legal charge or charges. For example, depending on the specifics of the case, the act of having non-consensual sexual relations with a corpse may be prosecuted under Section 377 (unnatural offenses) or Section 376 (rape) of the IPC.

Evaluating the intent and mental state of the offender is another facet of judicial interpretation. To ascertain whether a person acted with complete knowledge and understanding of their actions or if they were influenced by mental illness or other factors, courts may take into account psychiatric evaluations and expert testimony.

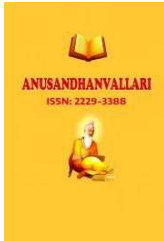
The protection of life and dignity is not limited to living people but also extends to the dead. This has been brought to focus and defended by the Supreme Court in many instances like in the case of **Paramanand Katara v Union of India** 1989 AIR 2039 and also in the case of **Ashray Adhikar Abhiyan v Union of India** AIR (2000) SC 554 the apex court again ruled in favour of the rights of the dignity of the dead.

As can be seen by many judicial judgments such as in the case of **State of Kerala v Ravi** 978 KLT 777 and **Ramedin v State of MP** 1966 Cr.L.J. 370 8(MP) (DB) where the judiciary held that it would not fall under the ambit of exemption under section 84 of the IPC just because the crime was committed on a sudden impulse. Hence, due to the various reasons stated above, the act of necrophilia cannot be exempted under section 84 of the IPC.

In the case of **Bapu @ Gajraj Singh v State of Rajasthan**, the Supreme Court held that there is a necessity to make a distinction between legal and medical insanity, and the law should only be concerned with the aspect of legal insanity and not medical. It was also held that medical insanity is a case where there exist sufficient medical reasons to hold that the person is suffering from insanity.

A similar legal conundrum arose in the **Moninder Singh Pandher and Surendra Koli v. State of Uttar Pradesh** case (Citation2014), widely known as the Nithari killings. The case involved horrific crimes, including sexual assault on corpses. Despite substantial evidence of necrophilic acts, the Central Bureau of Investigation (CBI) found it challenging to prosecute them specifically for necrophilia, owing to the absence of statutory provisions addressing such offences.

Nonetheless, India's judiciary has shown a willingness to extend constitutional protections to the deceased under **Article 21 of the Constitution**, which guarantees the right to life and dignity. In the landmark case of **Paramanand Katara v. Union of India** (AIR 1995), the Supreme Court ruled that the right to dignity extends



beyond death. The Court found that the practice of keeping a hanged convict's body suspended for thirty minutes post-execution violated this right, thereby affirming that dignified treatment is owed to the dead.

Further reinforcing this perspective, the **Allahabad High Court in Ramji Singh @ Mujeeb Bhai v. State of U.P.** (AIR 2009) clarified that the deceased are entitled to respectful treatment of their remains in line with the traditions, customs, and religious beliefs they adhered to during their lifetime. The Court emphasised that the interpretation of "person" under Article 21 includes a deceased individual to a limited extent.

Other aspects of Necrophilia

Necrophilia, the sexual attraction towards deceased bodies, encompasses a multifaceted range of psychological, social, and legal dimensions that extend beyond its inherent morbidity. In addition to the instinctive repulsion it elicits, necrophilia prompts profound investigations into the complexities of human psychology, societal norms, and the boundaries set by legal and ethical frameworks. From a psychological standpoint, necrophilia is often perceived as a manifestation of various underlying pathologies, such as paraphilias, antisocial personality disorder, or severe trauma. Gaining an understanding of the psychological foundations of necrophilia is essential in formulating effective strategies for prevention and intervention, as well as providing appropriate treatment for individuals who exhibit such behaviors.

Societal perspectives on necrophilia exhibit a wide range of attitudes influenced by cultural, religious, and moral beliefs. While the majority of societies view necrophilic behaviour as repugnant and forbidden, certain cultures have engaged in rituals involving the deceased, adding complexity to the ethical debate on the subject. The discussion surrounding necrophilia necessitates careful consideration of the delicate balance between personal liberties, societal standards, and cultural sensibilities.

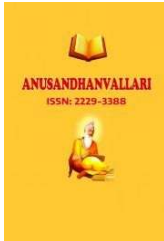
From a legal perspective, necrophilia presents distinct challenges due to the lack of specific legislation in numerous jurisdictions. In some instances, acts of necrophilia may be prosecuted under more general laws pertaining to sexual assault or the desecration of corpses. Nevertheless, the absence of dedicated laws addressing necrophilia directly raises concerns regarding legal clarity, consistency, and effectiveness in addressing such transgressions.

Furthermore, the evolution of technology and media has brought forth new aspects to the discourse, raising concerns regarding the spread of necrophilic material on the internet and its potential influence on societal norms and behaviours. Tackling these emerging issues necessitates a comprehensive approach that involves the implementation of laws, enforcement strategies, and educational programs designed to raise awareness and promote ethical behaviour in online environments.

Necrophilia goes beyond mere morbidity to encompass intricate psychological, social, and legal dimensions. Dealing with necrophilia demands a collaborative effort across disciplines, an understanding of cultural nuances, and a dedication to upholding ethical principles and human dignity in the midst of significant moral and legal dilemmas.

Justification for the legal enforcement in India

Necessity for respecting dead bodies: Respecting dead bodies is rooted in fundamental principles of human dignity, cultural norms, and ethical considerations.



Human dignity: Recognising the intrinsic value and dignity of every human person, even in death, requires treating the departed with respect. It is understood that the person in question was once alive and deserving of respect and remembrance is acknowledged.

Cultural and religious beliefs: In many cultures and religions, certain rituals and practices are associated with caring for the departed. Respecting dead bodies is usually a crucial part of these rituals as a way to pay tribute to the dead and bring an end to the process of grieving.

Public health and safety: For the sake of the public's health and safety, deceased remains must be handled carefully. It protects the public at large as well as those involved in handling deceased individuals while helping prevent the spread of sickness.

Legal obligations: For the correct treatment, burial, or cremation of deceased remains, laws and regulations are in place in many countries. Maintaining order, public health, and the dignity of the departed are all assisted by maintaining these legal requirements.

International guidelines and Necrophilia

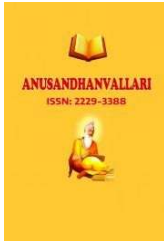
International Humanitarian Law (IHL), also known as the law of war or the law of armed conflict, has two main objectives. The first objective is to regulate the way armed conflicts are fought, and the second objective is to protect those who are directly affected by these conflicts. IHL consists of guidelines and rules that must be followed, and even though it doesn't explicitly mention necrophilia, it does require that the deceased be treated with respect.

Under IHL, parties to a conflict are obligated to respect and protect the dignity of the dead. This includes the following core principles:

- Parties to a conflict are required to show respect for the dead, regardless of their nationality or affiliation. They must take all necessary steps to prevent the desecration or mistreatment of the deceased in any manner.
- IHL calls for proper identification, recording, and burial of the dead. All Parties are expected to facilitate the return of bodies to their families, ensure appropriate identification procedures, and maintain records for future investigations or potential repatriation. The nations need to maintain harmony with each other.
- Burial sites and cemeteries must be respected by all parties to a conflict. They should make efforts to avoid desecration or damaging these places and refrain from using them as targets or for military purposes.

The principles mentioned above try to maintain the dignity, cultural beliefs, and mental well-being of those impacted by armed conflicts, even though necrophilia itself may not be directly addressed according to IHL. They place a strong emphasis on the necessity of treating the departed with respect, identifying them, and treating them properly. They also stress the obligation of protecting cemeteries and facilitating the repatriation of remains to their relatives.

Lois McMaster Bujold once remarked, "The dead cannot cry out for justice; it is the duty of the living to do so for them," emphasizing our moral responsibility to uphold the dignity of those who can no longer speak for themselves. Necrophilia is a vile and deeply disturbing act that violates this duty and shows a blatant disregard for the deceased. International legal frameworks have acknowledged the seriousness of this issue, placing strong emphasis on the respectful treatment of the dead. For instance, *Article 130(1) of the Fourth Geneva Convention* highlights the importance of honouring the deceased, stating that, wherever possible, states must ensure a



respectful burial that aligns with the individual's cultural and religious customs. Geneva Convention (IV) on Civilians, 1949, art.130(1).

In a 2005 decision, the United Nations Commission on Human Rights underscored the importance of treating human remains with dignity. This includes proper handling, respectful disposal, and consideration of the wishes and needs of the deceased's family. V. Venkatesan, *By Issuing Guidelines to Protect the Rights of the Dead, Has NHRC Rediscovered Its Potential?* THE WIRE (16 May 2021). Similarly, *Article 3(a)* of the 1990 *Cairo Declaration on Human Rights in Islam* states that during the use of force or in situations of armed conflict, mutilation of dead bodies is strictly prohibited.

Position in other countries

Laws regarding necrophilia vary from country to country, and in many jurisdictions, it is considered a criminal offence.

United Kingdom: The act of engaging in sexual activities on a dead body is prohibited in the United Kingdom. It is punishable by several laws, including those that deal with sexual offences, disrespect for the dead, and outraging public decency. According to the Sexual Offences Act 2003, the maximum sentence for the crime of necrophilia is two years' imprisonment. Additionally, the Public Health (Control of Disease) Act 1984 provides guidance relevant to the burial and cremation of bodies. The Act includes the "wishes of the deceased" and assigns the responsibility of bodies to local authorities in cases where there are no adequate arrangements for disposal. It is worth noting, however, that the Act only applies to burial and cremation procedures and does not address the issue of the rights and desires of the deceased beyond these procedures.

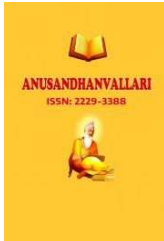
United States of America: The majority of states in the United States have laws against necrophilia. Typically, it is dealt with under laws relating to sexual assault, abuse of a corpse, or destruction of a body. States might differ in terms of the severity of the offence and the repercussions that apply.

Brazil: By Art 212 of the Brazilian Penal Code lays down the penal provisions such as detention and fine.

Canada: A person can be prosecuted under laws related to sexual assault, indecent acts, or committing an indignity to a dead body. Punishments can vary depending on the specific circumstances, applicable laws in each province or territory and relevant evidence. The Canadian Criminal Code of 1985 includes a provision that criminalises necrophilia, although the use of any sexually explicit language or terminology is deliberately avoided. Specifically, Section 182 of Part V of the statute states that anyone who behaves indecently or improperly with respect to a deceased body or its remains, or who offers any indignity to it, is committing a criminal offence. The penalty for this offence is imprisonment for a period not exceeding five years.

Australia: In Australia, committing necrophilic activities is frequently viewed as a crime. Such behaviours may be prosecuted under laws that address sexual offences, mutilation of a corpse, or acts of indecency. In New South Wales, Australia, it is considered a criminal offence to indecently interfere with a corpse, according to section 81c of the Criminal Act 199. The court has interpreted this offence as potentially falling under section 297, which deals with causing "indignity to any human corpse" when someone trespasses into a place where funeral rites are being performed or the remains of the deceased are being stored. For an act to be considered an offence under section 297, it must be accompanied by an intention to hurt someone's feelings or insult their religion.

Germany: It is important to note that engaging in necrophilia is strictly prohibited by law in Germany. The severity of the offence determines the penalty, which may include imprisonment or financial penalties. It is crucial to adhere to the laws and regulations set forth by the government to maintain a safe and respectful society.



France: France stands out for its unusual approach to necrophilia. The French recognize a practice known as "ghost marriage," which allows a living person to marry someone who is deceased—a tradition said to predate even the Magna Carta. This form of union, referred to as necrogamy or posthumous marriage, is legally permitted under Article 171 of the French Civil Code.

South Africa: In contrast, South Africa explicitly criminalizes necrophilia under Section 14 of its Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.

Suggestions & Conclusion

Necrophilia, which involves engaging in sexual activities with a deceased person, is a deeply unsettling and morally complex issue that has received limited attention in India's legal landscape. Although it violates the principle of human dignity, the Indian legal system lacks direct provisions to address such behaviour. This legislative gap presents serious challenges in pursuing justice and highlights a broader shortcoming in upholding the sanctity of the deceased, a principle rooted deeply in Indian cultural and spiritual traditions.

India's multifaceted cultural heritage places great importance on the respectful handling of the dead. Numerous religious and traditional beliefs emphasize the need to treat human remains with honour and dignity. Yet, without explicit legal recognition of necrophilia as a crime, such acts are often dealt with under unrelated charges like general sexual offences or property damage. This patchwork approach weakens the effectiveness of the justice system and diminishes its ability to act as a deterrent.

Establishing a specific statute to criminalize necrophilia in India would effectively address this gap, introducing consistency and clarity in legal proceedings related to such offenses. The legislation should include a precise definition of necrophilia, clearly separating it from other crimes involving mishandling of corpses, such as illegal autopsies or grave violations. The definition should cover a broad range of sexually deviant actions involving deceased persons to ensure the law is both clear and enforceable (Kannabiran & Singh, 2008).

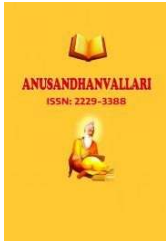
Additionally, the new law should outline a well-structured penalty system that corresponds with the severity of the crime. The penalties might vary based on the specifics of the act, including any aggravating elements or repeat offences. These could include heavy fines, lengthy prison terms, or even life imprisonment in extreme cases. This tiered system would serve both punitive and preventive roles.

India could also take guidance from international legal frameworks. Several countries, including the U.S. and various European states, have criminalized necrophilia through dedicated laws, offering insight into how moral boundaries can be reinforced through legislation (Hahn, 2022). By adapting these models to the Indian context, lawmakers can create regulations that reflect the nation's values and gain public acceptance.

However, legal reform alone is not enough—successful implementation is key. This involves building the necessary legal and institutional infrastructure, such as specialized training for police, legal authorities, and forensic professionals to handle necrophilia cases with competence and sensitivity. This is particularly important given the distressing nature of the crime for victims' families.

Raising public awareness and fostering community engagement are essential components of an effective legal response. Educational initiatives, supported by religious institutions, NGOs, and community leaders, can help inform the public about the criminality and ethical violations involved in necrophilia. These efforts would not only reinforce legal norms but also encourage a cultural shift towards greater respect for the deceased.

To ensure that incidents are reported, the legal framework should also include provisions for anonymous and secure reporting. People such as hospital staff, mortuary workers, or community members must be able to report



suspicious behaviour without fear of retaliation. Establishing safe reporting avenues and sensitive investigative procedures will enhance public cooperation and ensure that cases are handled with the necessary discretion and seriousness (Ackerman,1997).

Recognizing necrophilia as a specific offence would also provide a broader societal benefit by closing a major gap in the Indian criminal justice system. It would reaffirm the government's commitment to human dignity and align with Article 21 of the Indian Constitution, which ensures the right to life and dignity for every individual, including, as the judiciary has acknowledged, those who are deceased.

Lastly, the legal framework should be mindful of India's religious and cultural diversity. Laws must honour the various traditions that surround death and burial rites, reinforcing the societal value placed on the respectful treatment of the dead (Thomas,2020). Doing so would not only enhance the law's effectiveness but also its legitimacy in the eyes of the public.

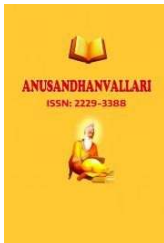
In conclusion, enacting a dedicated, culturally sensitive law against necrophilia is both a legal necessity and a moral duty. Such legislation would provide clear accountability, protect societal values, and reinforce India's enduring commitment to honouring human life, even in death (Glogar, 2023).

a. Comprehensive laws: To create a just and orderly society, comprehensive laws that address all aspects of the law, including public safety, individual rights, and societal standards, are required. Citizens benefit from such laws because they give clarity, advice, and protection, instilling confidence in the legal system. They serve as the foundation for a just and equitable society, encouraging accountability and discouraging criminal behaviour. Comprehensive laws adapt to societal changes and technology breakthroughs, addressing growing difficulties and ensuring justice is administered in an ever-changing environment.

b. Security in Morgue: Maintaining security at mortuaries is critical for preserving the dignity of the departed and ensuring the safety of workers and visitors. Proper security measures, such as limited access, surveillance systems, and trained people, can assist in preventing unauthorised entrance, theft, and evidence tampering. Furthermore, establishing rules for managing sensitive material and keeping secrets is critical to preserving trust and professionalism. By prioritising mortuary security, we preserve ethical norms, defend the rights of the deceased and their relatives, and help to ensure the integrity of forensic investigations.

c. Identify the weird behavioral pattern and early detection of necrophilic behaviours: Early detection of necrophilic behaviour is critical for avoiding harm and safeguarding the safety of persons and communities. This necessitates a thorough awareness of the psychological and behavioural signs linked with necrophilia, including a preoccupation with death, a lack of empathy, and recurring thoughts or dreams about corpses. By teaching healthcare professionals, law enforcement, and mental health providers about these warning indicators, we can increase detection and intervention efforts. Furthermore, supporting open communication and destigmatising talks about atypical behaviours might encourage people to seek help and support before engaging in dangerous behaviour. We may seek to detect and manage necrophilic behaviours early on, eventually protecting public safety and well-being.

d. No delay in post-mortem: Timely post-mortem investigations are critical for acquiring critical forensic evidence, identifying the cause of death, and expediting the legal proceedings. Delays in post-mortem procedures can stymie investigations, jeopardise the integrity of evidence, and prolong the pain of mourning families. By prioritising resources, simplifying processes, and encouraging collaboration between forensic professionals and law enforcement agencies, we can reduce delays and guarantee that post-mortem tests are completed quickly and efficiently. This not only allows for faster administration of justice, but it also brings closure to loved ones and boosts public trust in the judicial system.



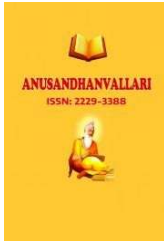
e. Efficient mechanism: Implementing an effective method for handling post-mortem operations is critical for optimising resources, lowering processing times, and increasing the quality of forensic investigation. This includes developing explicit rules, leveraging technology for data storage and analysis, and encouraging multidisciplinary collaboration among forensic specialists, law enforcement agencies, and healthcare providers. Standardising protocols, improving training programmes, and investing in infrastructure can help to simplify operations, reduce mistakes, and improve the overall efficiency of post-mortem exams. Furthermore, the system is continuously evaluated and adapted in response to feedback and new best practices to ensure that it stays successful and responsive to changing demands. An efficient method not only increases the quality and reliability of forensic investigations, but it also boosts public faith in the judicial system.

Conclusion

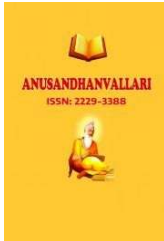
Necrophilia cases are often underreported and difficult to document, making it challenging to research and find effective treatment. To treat necrophilia, clinicians follow the same approach as any other paraphilic disorder. It is crucial for the clinician to first establish if the individual is genuinely suffering from necrophilia or not, based on the available information. It is undoubtedly a fact that rape is itself a heinous crime in India where rape with a dead body shows the brutal face of the wrongdoer. Rape with a dead body is easier for a person who cannot resist. Hence, it is the need of the hour to place rigorous punishment and proceed accordingly.

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