

# **Kerala Christian Cemeteries (Right to Burial of Corpse) Bill, 2019**

**A**

***BILL***

*to enact a law relating to burial of Corpse of Christians in the State of Kerala.*

*Preamble:* Whereas it is necessary and expedient to enact a law relating to burial of Corpse of Christians in the State of Kerala.

Be it enacted in the Seventieth year of the Republic of India as follows:-

1. ***Short title and commencement.***-(1) This Act may be called The Kerala Christian Cemeteries (Right to Burial of Corpse) Act, 2019.  
(2) It shall come into force at once.
2. ***Definitions.***- In this Act, unless the context otherwise requires,-
  - a) “Cemetery” means a place set apart for burial of the dead bodies of Parishners whether the dead body remains as corpse or converted into ashes through cremation process for its interment either in a concrete cell or pit made in the ground.
  - b) “Christian” means and includes any person who believes in the Bible and accept Jesus Christ as the only begotten Son of God and has been baptized.
  - c) “Government” means the Government of Kerala.
  - d) “Parish” means the group of Christian families having a church or prayer hall for its members to offer worship.
3. ***Right to burial.***- (1) All members of the families belonging to a Parish shall have the right to be buried in the cemetery which belongs to the Parish.  
(2) The members of the family shall have the right to choose the person to perform the rituals of the burial.

***Explanation :-*** For the purpose of this section, member of a family belonging to a Parish includes descendants of all persons who have been buried in that cemetery.

4. ***Penalty.***- Whoever prevents the burial of corpse in violation of the provisions contained in section 3 shall, on conviction, be sentenced to imprisonment for a term which may extend to one year or with fine which may extend to Rupees 10,000/- or with both.
5. ***Maintenance of Register.***- The Vicar of the Parish shall maintain a separate register as may be prescribed for the burial conducted in the cemetery under section 3. The Vicar shall maintain such a register as a permanent record in his office and he shall issue certificate in this behalf to any person on application made to him upon the receipt of a fee as may be prescribed.

***Explanation:-*** “Vicar” includes priest, pastor or a person who performs the rituals of burial.

6. ***Power to make Rules.***-(1) The State Government may, by notification in the Official Gazette make rules for carrying out the provisions of this Act.  
(2) Every Rule made under this Act shall be laid as soon as may be after it is made, before the Legislative Assembly, while it is in session, for a total period of 14 days, which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the Rule or decides that the Rule should not be made, the Rule shall therefore have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Rule.

## STATEMENT OF OBJECTS AND REASONS

In the State of Kerala recently some cases are reported with respect to delay and obstruction in decent and timely burial of corpse in some cemeteries of Christians. The issue was raised with respect to the control and administration of certain churches by various Parishes in the State. Accordingly some administrators of a few churches refused and prevented the decent and timely burial of corpse in the church cemeteries belongs to the deceased. It causes severe social and religious impact in the society and resulted in the denial of human rights of the deceased. Thus the family members are forced to preserve the corpse of the deceased person indefinitely in some morgue which affects the rites, custom and rituals of burial of the faithful Christians. If this scenario is allowed to continue it becomes a grave social and religious impact and causes resentment among some sections of Christians. Hence Government have decided to enact a new legislation to provide a right to burial of corpse in the cemetery which belongs to the deceased member of Parish includes descendants of all persons who have been buried in their respective cemeteries.

This Bill is intended to achieve the above object. Hence this Bill.