

Necrophilia as a Criminal Offence: A Jurisprudential and Comparative Analysis in South Asia with Reference to Indian Statutory Developments

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Abstract: *Despite widespread disapproval, the explicit criminalization of necrophilia is not yet universally recognized, which consequently resulting in legal gaps that create hurdle in the safeguarding of post-mortem bodily integrity and the dignity of the deceased. Hence, this research unfolds the act of necrophilia from the legal aspects, and analyzing the existing legal framework in south asia, with a particular focus on Indian statutory developments. This research utilizes a blend legal methodology namely doctrinal analysis and comparative study, focusing on statutes and judicial interpretations in India and selected South Asian countries such as Pakistan, Bangladesh, and Sri Lanka. The study delves into the legal foundations for criminalizing these actions, taking into account principles of dignity, public order, and the harm principle in the specific context of offenses against the deceased. The study uncovered diverse strategies, ranging from specific regulations in certain regions to the use of broader offenses such as grave desecration or outraging modesty in other jurisdictions, including India. The analysis points out the shortcomings of existing frameworks concerning the sexual dimension of necrophilia, highlighting a deficiency in protective legal measures and the need to revision the law to conform to reasonable social norms and values which protect individual's post-mortem.*

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