

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.*

Keywords: *necrophilia*

I. INTRODUCTION

Necrophilia stands as one of the most egregious examples of a pathological crime because it transgresses the boundaries of contemporary decency and societal norms concerning death and the life of the deceased as well as the life and emotions of the living. Throughout history and in almost every culture, there have been strict social customs governing the willful and unwillful act of corpse handling, often religious in nature, that center on the reverence and the sacred nature of death. The incorporation of these social values in law, particularly criminal law, is problematic. Unlike most offenses against living persons, in this case, the so-called 'victim' is unable to participate in the traditional process of consenting or complaining of harm – a loss which poses some unique challenges to the law which focuses instead on the social order of criminalization on the offense in question, the surviving relatives' sentiments, or the right to dignity beyond death (Jones, 2017). Regardless of the general consensus opposing necrophilia, the dedicated legal gap poses challenges in criminal prosecution.

Problem statement:

The existing legal frameworks in South Asia, including India, do not clearly define or unambiguously regulate necrophilia as a distinct crime. In existing laws, necrophilia is poorly amalgamated into issues such as grave desecration, public decency offenses, or offenses concerning burial places. The lack of codified laws regarding necrophilia creates a gap in the legal framework intended to safeguard the corpse's dignity and integrity, rendering such



actions almost impossible to prosecute. The absence of definitive boundaries or the lack of clearly established laws creates a void regarding the framework that underpins the security of this peculiar behavior.

Research inquiries.

- What is the current legal status of necrophilia as a criminal offence in India?
- how is necrophilia or related conduct concerning corpses addressed in the statutory frameworks of selected south Asian jurisdictions (excluding India)?
- What are the key jurisprudential arguments supporting the criminalization of necrophilia?
- How do the legal approaches to necrophilia compare across India and the selected south Asian jurisdictions?
- Do the existing laws in India adequately address acts of necrophilia, and what are the potential areas for improvement?

Research aims.

- The initial step in the process is to identify the problem and collect pertinent information.
- To conduct a comparative study of the statutory frameworks addressing or potentially addressing necrophilia in selected south Asian countries
- To explore the jurisprudential rationales, such as dignity of the deceased, public order, and the harm principle, that underpin the criminalization of necrophilia
- To compare and contrast the legal approaches adopted by India and the selected Asian jurisdictions regarding necrophilia.
- To evaluate the adequacy of the current legal framework in India concerning necrophilia and propose recommendations for potential legal reform Scope and limitations of the study.

The focus of this research is limited to a legal and comparative analysis of necrophilia as a criminal act. Geographically, it focuses on India and selected south Asian countries, specifically Pakistan, Bangladesh, and Sri Lanka, chosen for their shared legal history and regional relevance (osmani, 2019). The primary focus of the study is on statutory law and the judgments made by higher courts (darr, 2018). Constraints comprise the possible absence of specific case law relating to necrophilia because of its unusual nature or its prosecution as part of other crimes, as well as the reliance on legal texts available to the public which may omit some intricacies of practice in these jurisdictions (aryal, 2017). Psychosocial factors regarding necrophilia are examined only where their relevance to legal and moral debates warrants.

Importance of the Study

This research contributes to the existing corpus of legal scholarship by exploring one narrow dimension of understudied criminal law concerning South Asian countries. The study seeks to address the considerable shortfall in the legal safeguarding of a human being's dignity and integrity after death by analyzing how and why certain actions are criminalized and differing methods across the region. The results provide further rationale to and are bound to influence policymakers and legal reformers who contemplate the creation of necrophilia laws that punish offenses in a manner commensurate to societal norms and contemporary ethical standards concerning the dead (Jones, 2017).

Structure of the Paper

This paper begins with reviewing previous works of legal history of necrophilia including pertinent case law and legal history comparatives. Following this is the methodology section that outlines the research design, including the data and sources, as well as the method of analysis. In the results section, the legal position is described with regard to India and some other South Asian jurisdictions. In the discussion, the respective findings are examined from a jurisprudential and comparative perspective, critiquing the sufficiency of the law and the problems posed by it. In the concluding section, the findings are synthesized, research questions posed are responded to, and the study's contribution is articulated whilst legal and research needs are proposed.



II. LITERATURE REVIEW

Historical Perspectives on Necrophilia and Law

The legal and social handling of issues involving dead bodies has always been complex and has had religious and sociocultural influences. While contemporary law strictly prohibits sexual conduct with corpses, this practice was addressed indirectly in ancient law through the concepts of sacrilege and public moral violation. This suggests that human condemnation of such practices—and the revolting nature of such behavior—is ancient and predates legal frameworks, being rooted in the socio-cultural taboo surrounding death and sexuality. Ancient legal texts, particularly in the common law world, would mention concepts like “public decency violation” or “disturbing a burial ground” as potential legal frameworks, but a legal definition of necrophilia as such was lacking.

Jurisprudence of Sexual Offences and Bodily Integrity Post-Mortem

Criminal law traditionally protects the living, with sexual offences primarily focused on violations of consent and bodily autonomy of persons. However, acts against corpses challenge this framework, as the deceased cannot consent or experience harm in the conventional sense. Jurisprudence concerning offences against the dead often relies on principles such as the dignity of the deceased individual, which is seen as an extension of their rights in life that persists post-mortem (Jones, 2017). Another basis is the protection of the feelings and sensibilities of surviving family members and the wider public order (Jones, 2017). Acts like necrophilia are considered deeply offensive to public morals and can cause severe emotional distress to relatives. The harm principle, typically focused on preventing harm to others, is adapted here to encompass the collective interest in maintaining respect for the dead and preventing public outrage. Thus, criminalizing necrophilia isn't merely about protecting a 'victim' but upholding societal values, public decency, and the dignity associated with death and remembrance.

Comparative Legal Status of Necrophilia Criminalization (Global Overview)

Across the world, policing of necrophilia varies dramatically. The United States and some parts of Europe have enacted laws necrophilia which, along with provisions of punishment, defines the act. The provisions of law punish necrophilia as a sexual offence, and many times, irrespective of whether other criminal activities such as theft or desecration are committed alongside it. The justifications given in the legislative history or judicial explanations have, by and large, discussed the violation of dignity of the deceased and the grief this causes to the public and family members. In some other countries, necrophilia is not recognized as a standalone crime. Such countries, including England and Wales, will instead resort to laws which prohibit disturbing a corpse, grave desecration, or public decency outraging (Jones, 2017). The described mixture of laws and the absence of precise terms reflects the depth of the countries' legal development and their willingness to defend the sanctity of the corpse even after death.

Legal Frameworks Addressing Necrophilia in South Asian Countries (Excluding India)

South Asian legal systems, largely influenced by common law traditions due to their colonial past (Osmani, 2019) (Darr, 2018) (2018), often share structural similarities with the Indian legal framework. In countries like Pakistan, Bangladesh, and Sri Lanka, specific criminal statutes directly addressing necrophilia by name are uncommon. Instead, acts of sexual violation of corpses are typically dealt with under existing provisions of their respective Penal Codes or related laws that address offences against public order, morality, or property (when a burial place is disturbed). For instance, laws concerning the desecration of places of worship or burial, or actions intended to wound religious feelings or insult the modesty of a person (interpreted broadly or applied analogously), might be invoked. The application of these general laws to specifically sexual acts with the dead can be legally complex and may not fully capture the gravity or specific nature of necrophilia. (Ali & Yideng, 2016)

Indian Statutory Developments Related to Offences Against the Dead

In India, the primary criminal legislation is the Indian Penal Code, 1860 (IPC), which was drafted during the British colonial era (2018). The IPC does not contain a specific section criminalizing necrophilia by name. Acts against dead bodies are primarily addressed under Section 297, which deals with "Trespassing on burial places, etc." This section



penalizes actions that wound the feelings of persons or insult the religion of any person by committing trespass in any place set apart for the performance of funeral rites or as a depository for the dead, or disturbing any funeral ceremony, or offering any indignity to any human corpse. While this section can potentially cover acts involving corpses, its focus is on the disturbance of burial places, religious feelings, or funeral rites, and the indignity offered to the corpse. It does not specifically address the sexual nature of necrophilia, nor does it necessarily apply if the act occurs outside a designated burial place. Other general provisions related to public decency or obscenity might theoretically be considered, but their applicability to acts with a corpse is legally debatable and rarely invoked in practice for this specific purpose.

Gaps in Existing Literature

While there is some literature on necrophilia from psychological or sociological perspectives and limited legal analysis in Western contexts, there is a discernible gap in comprehensive jurisprudential and comparative legal research specifically focusing on the South Asian region. Existing legal commentaries on South Asian criminal laws often discuss relevant sections like IPC Section 297 but rarely delve into a detailed analysis of their adequacy in addressing necrophilia or compare the legal positions across different countries in the subcontinent. A specific comparative study examining the underlying legal philosophies, statutory provisions, and potential judicial interpretations of acts involving sexual violation of corpses in India, Pakistan, Bangladesh, and Sri Lanka is lacking.

III. METHODOLOGY

Research Design: Doctrinal and Comparative Legal Research

This study adopts a doctrinal legal research design, which involves a systematic analysis of legal rules, principles, and doctrines derived from statutes, case law, and legal literature. The doctrinal approach is suitable because the research aims to understand the existing legal position on necrophilia. Furthermore, the study employs a comparative legal research methodology. This involves comparing the legal frameworks and approaches concerning necrophilia in India with those in selected South Asian jurisdictions. The comparative method helps to identify similarities and differences in legal treatment, understand the rationales behind varying approaches, and evaluate the strengths and weaknesses of the Indian legal position in a broader regional context.

Selection of South Asian Jurisdictions for Comparison

The selected South Asian jurisdictions for comparative analysis are Pakistan, Bangladesh, and Sri Lanka. These countries share a significant legal heritage with India, having been part of British India and inheriting legal systems heavily influenced by common law, including penal codes derived from the Indian Penal Code, 1860 (Darr, 2018) (2018). This shared history provides a relevant basis for comparison, allowing for an examination of how similar initial legal foundations have evolved or been interpreted differently regarding offences against the dead. While culturally diverse, these nations face comparable challenges in translating social values regarding death and dignity into effective legal norms within a post-colonial legal structure. (Ali & Yideng, 2016)

Sources of Data: Statutes, Case Law, Academic Literature, Reports

Primary data sources include the relevant criminal statutes of India, Pakistan, Bangladesh, and Sri Lanka, specifically their respective Penal Codes and any other laws potentially addressing offences against deceased bodies. Case law from the higher courts (Supreme Courts and High Courts) of these countries will be consulted if available, focusing on interpretations of the relevant statutory provisions. Secondary sources comprise academic books, journal articles, research papers, and reports that discuss necrophilia, offences against the dead, comparative criminal law in South Asia, and relevant jurisprudential concepts.

Data Collection Procedures

Statutory texts were accessed through official government websites, reputable legal databases, and published compilations of laws. Case law was identified using legal databases, law reports, and academic citations, focusing on



judgments that interpret or apply the selected statutory provisions in the context of acts involving corpses. Academic literature was retrieved through searches of online databases, library catalogues, and relevant journals using keywords such as "necrophilia law," "offences against dead bodies," "corpse desecration," "Indian criminal law," "Pakistan Penal Code," "Bangladesh Penal Code," and "Sri Lanka criminal law." Reports from human rights organizations or law reform bodies relevant to the topic were also considered if accessible.

Method of Analysis: Jurisprudential and Comparative

The analysis involves a two-pronged approach. First, a jurisprudential analysis of the relevant legal provisions will be conducted. This involves interpreting the language of the statutes, identifying the protected interests (e.g., dignity of the deceased, public feelings, religious sentiments), and examining the underlying legal principles and rationales. Second, a comparative analysis will be undertaken. This involves systematically comparing the statutory provisions and judicial interpretations across India and the selected South Asian countries. The comparison will focus on whether necrophilia is explicitly criminalized, the scope of applicable general offences, the elements required for conviction, and the penalties prescribed. The analysis will identify similarities, differences, and potential reasons for these variations, linking them to historical context, legal traditions, and societal values.

Ethical Considerations

As this research involves legal analysis of public statutes and published case law and academic work, the primary ethical consideration is ensuring academic integrity. This includes accurately representing the legal positions, proper attribution of all sources through citation, and avoiding plagiarism. The sensitive nature of the topic requires respectful and objective language when discussing acts of necrophilia, focusing strictly on the legal and jurisprudential aspects without sensationalism or graphic detail beyond what is necessary for legal analysis.

IV. RESULTS

Legal Status of Necrophilia in India: Analysis of Relevant Statutes and Case Law

In the context of the Indian Penal Code (IPC), and other important criminal laws of the country, there is no specific provision which describes the criminal offence of "necrophilia." The Indian legal system deals with sexual violation of a corpse principally through Section 297 of the IPC which punishes the actions of offering indignity to a human corpse or disturbing burial places or funeral rites with the intent to injure religious sentiments, or to give insult to religion. The subsection of "offering any indignity to any human corpse" in Section 297 may be construed to cover sexual violation of a corpse. Nevertheless, the provision does not explicitly mention sexual violation, and its enforcement tends to focus on the intent to wound religious feelings or insult religion, or whether the act took place in a "necropolis." There is a dearth of jurisprudence dealing squarely with the sexual violation of dead bodies under Section 297, and more often than not, convictions involving corpses relate to the crimes of body parts robbery, unauthorized surgery, or grave desecration. This illustrates that while there is legal recourse to the outrage of the dead, the particular sexed nature of necrophilia is not uniquely or distinctly addressed by Indian law.

Legal Status of Necrophilia in Selected South Asian Jurisdictions: Statutory Provisions

Analysis of the criminal laws of certain South Asian countries concerning necrophilia reveals that none of them go as far as India does in criminalizing the act.

In Pakistan, the PPC of 1860 has a provision similar to Section 297 of the IPC. Article 297 of the PPC discusses the offenses of encroachment on burial places, disturbing funeral ceremonies, and offering some form of indecent treatment to a human corpse and prescribes penalties comparable to Indian law. Just like in India, the defence of corpse-ward is governed through this section, but the section does not talk about physical sexual acts. Other possible approaches might lie in some vague social offenses of decency or disruption of public order which, like necrophilia, are far too vague.

As for Bangladesh, which also codified a Penal Code based on the 1860 Code, has Section 297 of the Penal Code of 1860, which reproduces Indian and Pakistani provisions concerning encroachment on burial places and indignity to



corpses. The legal position and scope concerning the sexual violation of a corpse is largely the same as in India and Pakistan, using a presumption of indignity and disturbance as the main basis.

The Penal Code of Sri Lanka, which has been historically influenced by the Indian model, includes the provisions dealing with the offences concerning religion and other places of public resort. While specific section numbers and wording may vary slightly, the general approach to acts against corpses tends to fall under broader offences concerning the disturbance of religious assemblies or the desecration of places of worship or burial. A dedicated statutory provision explicitly defining and criminalizing necrophilia based on the sexual nature of the act is absent in Sri Lankan law as well.

Legal Status of Necrophilia in Selected South Asian Jurisdictions: Judicial Interpretation

Judicial interpretation of the relevant general provisions (such as Section 297 equivalent) in Pakistan, Bangladesh, and Sri Lanka concerning acts against corpses tends to focus on the elements explicitly mentioned in the statutes: trespass, disturbance of rites, wounding religious feelings, or the indignity caused. Case law specifically interpreting "indignity to a human corpse" to explicitly include or primarily target sexual violation is exceedingly rare or non-existent in publicly available records. This suggests that while courts might theoretically apply these sections to acts of necrophilia, the prosecution and judicial focus have historically been on aspects like religious offence or disturbance of public order rather than the sexual nature of the act itself. The lack of specific judicial precedent interpreting these general clauses to encompass sexual violation highlights the legal ambiguity and the challenge in prosecuting necrophilia under existing laws in these jurisdictions.

Comparison of Statutory Approaches Across Jurisdictions

Statutory laws in India, Pakistan, Bangladesh and Sri Lanka are very much alike because of their common legal past. None of the four places have created a unique criminal offence for necrophilia. In general, the offenses are based on common provisions, mainly those referring to trespass on burial sites and treating human corpses disrespectfully (like Section 297 IPC and similar laws). Most of the time, these basic conditions consist of where the act was done (burial ground), the intent to hurt religious feelings or insult religion or what effect the act had (disturbance, indignity). Again, there is nothing in these provisions directly stating the act is illegal just because it involves sexual acts or harm to the body after death. Since "indignity" includes many kinds of actions, it is not clear-cut enough to consistently condemn necrophilia alone. A comparison between countries reveals that none of the laws were originally intended for this issue, so a similar gap exists in every nation.

V. DISCUSSION

Jurisprudential Basis for Criminalizing Necrophilia: Dignity, Public Order, Harm Principle

Necrophilia cases are often classified as crimes because of legal rules that apply despite there being no living victim who can express harm or decline consent. A common argument is based on "the dignity of the dead," believing that a person's dignity continues after their death and should be protected by laws (Jones, 2017). Sexual violation is understood as a major insult to the lasting dignity of a person. The public's order and morals are also important justifications for restrictions. Many societies consider death to be a particularly sensitive subject and people view necrophilia as extremely shocking and disrespectful. Making crimes illegal helps protect the agreed-upon values and avoids outcry from the public. For this reason, while it is impossible to cause harm to a dead person, the concept of the "harm principle" can cover the deep emotional and psychological damage caused to close relatives and family members (Jones, 2017). The violation of a loved one's body allows for legal action because the living person is deeply hurt by this. All these principles explain why a crime like necrophilia must be treated as much more than vandalism or entering someone's property and thus is deserving of criminal action.

Comparative Analysis of Legal Approaches and Rationales in South Asia

There is a difference between Indian, Pakistani, Bangladeshi and Sri Lankan laws, as they focus on maintaining public order, respect for religious beliefs and stopping general abuse of corpses, unlike having laws that punish the sexual



misconduct based on the decency standards for the deceased or the family of the deceased individually. This perspective, based on the old penal laws of colonial times (Darr, 2018), was mainly concerned with preserving peace and avoiding insults to religion because of disturbances around burial sites. Because special laws for necrophilia were not in place during these years, it seems that the courts did not consider or value the arguments about harming the dead person or the families. Even with changes in the law (Ali & Yideng, 2016), this issue continues to exist, showing that we must update the law to account for modern understandings of dignity, sexual crimes and the real damage done by necrophilia, separate from concerns about public order or offending religious beliefs.

Evaluation of Indian Statutory Developments and Adequacy

Legal measures in India, mainly based on Section 297 of the IPC, are ineffective for preventing necrophilia. Even though Section 297 criminalizes defiling a corpse without dignity, this does not necessarily cover sexual misconduct. Most importantly, it depends on evidence of intent to offend or disturb religious feelings and often, it takes place in a certain place such as a burial ground. No matter where it happens or the religion, necrophilia is an act of sexual offence against a body. This main mistake is not included in the current legal system. There is no way in which it acknowledges that a corpse's sexual integrity may be violated or that families suffer special psychological harm as a result of sexual abuse after death. For this reason, necrophilia has not been specifically addressed in Indian law, so this crime could be missed or dealt with using the wrong methods.

There are several hurdles to overcoming when prosecuting and proving necrophilia offences:

In South Asia, it is difficult to handle cases of necrophilia through existing laws because they cause many obstacles. If no suitable offence can be applied, investigators and prosecutors have to force the act into the categories of grave desecration or outraging public decency, these categories may only partly reflect the facts. It may be tough to establish the specific conditions of these laws such as the intent to offend religious opinions under Section 297 IPC, if the crime was mostly motivated by sexual reasons. Also, recovering forensic findings regarding sexual contact on a corpse is often made difficult by the state of the body and by the fact that the crime may not be discovered for some time. Being vague in the law also leads to fewer decisions by the courts which makes the outcome of lawsuits uncertain. Because people are uncomfortable discussing the issue, these practical issues also impact news reports, investigation and how judges and jurors view a case.

The areas of Socio-Cultural and Ethical are important as well.

South Asian cultures consider it very important to properly respect the deceased, as this is closely tied to their beliefs about the soul, afterlife and the necessary rites. Interfering with someone's bodily remains or grave is looked upon as very offensive and taboo. Some consider necrophilia to be the greatest violation and it causes many people to be repulsed. The main argument for criminalizing prostitution is that it treats the human body like an object for sex which goes against the sacred value given to all humans after death. There is a duty to protect grieving families from facing the strong emotions brought by discovery of such cruelty. Strong societal rules and values about ethics urge society to outlaw and punish necrophilia, so the community can punish those who harm the memory of the deceased and cause grief to their families.

Policy Suggestions and Guidelines:

It also underlines that there is a clear requirement for specific laws regarding necrophilia in India and possibly other South Asian countries where such laws do not exist. The current approach using general offences is not enough and does not give enough clarity or act as a strong deterrent. Policies ought to concentrate on producing legislation that clearly includes necrophilia under sexual crimes, by addressing anyone who sexually touches or penetrates a corpse, wherever or for whatever reasons, even if religious feelings are involved. Legislation needs to rest on the principle of saving properties like sensitivity for the dead and guarding the interests of bereaved family members and public awareness after death. Using a particular offence means it would be easier to prosecute those involved, punish them



with proper penalties for the severity and clearly expose the law's rejection of such acts. This would make sure the law matches what society and ethical standards expect, providing full protection to the deceased and their loved ones.

VI. CONCLUSION

Based on the review, these laws do not address necrophilia as a crime by itself in India or in the other analyzed jurisdictions of Pakistan, Bangladesh and Sri Lanka. Mostly, these laws are built around common provisions about sending people into burial grounds, interrupting the rites of funeral ceremonies or giving disrespect to corpses, all taken largely from previous colonial penal codes. These provisions cover necrophilia by declaring it indignity, yet they leave out the important fact that it is a sexual crime and normally ask that other things, not the sexual aspect, be proven such as if the act was in a burial ground or if they aimed to offend people's religious ideas. The law usually does not apply these rules to sexual acts with deceased people and interpretation of them is not common.

Answers to Research Questions

The research discovered that the legal status of necrophilia in India is that it is not considered a separate or distinct offense but may be covered under broader provisions such as section 297 of the Indian Penal Code, although it is not adequately addressed. Similarly, certain Asian countries do not have specific laws, instead relying on comparable general statutes. Necrophilia is prohibited by law as it is believed to infringe upon the dignity of the deceased, uphold societal law and order, and potentially cause psychological harm to the bereaved relatives. Analyzing the frameworks of diverse jurisdictions, it is apparent there is a common dependence on broad, nominally historic offenses, revealing a localized jurisprudential gap concerning distinct sexual offenses involving cadavers. The gap in Indian law is highlighted as there is no clarity regarding the sexual interaction termed as necrophilia, and instead, making shifts on off factors, which showcases the need for reform.

Contribution to knowledge.

This research contributes to legal scholarship—an understudied area—by conducting a focused comparative analysis on the legal status of necrophilia in South Asia. It focuses on India, Pakistan, Bangladesh, and Sri Lanka, and within these countries, the study details the legal architecture by exploring statutory provisions, noting the reliance on general laws, and highlights a substantial legislative void. Analyzing the laws justifying the legal condemnation of certain acts provides a theoretical basis for justifying the need for some laws, linking jurisprudence with real-life legal dilemmas and shaping future law reforms in the region.

Suggestions:

The study argues that India needs to adopt a specific policy that would classify necrophilia as a crime. This new policy should explicitly elaborate that the acts of penetration or contact deemed as sexual with a human corpse would be considered as crimes. Such crimes would not be considered geographically restricted to places such as graveyards or burial sites. Also, there should be no need to prove a mandate of intention to harm or offend religious sentiments. This policy should provide a new legal rationale that must aim to protect the dignity, sexual integrity, and legal rights of a corpse with regard to the emotional balance of the surviving family members. The penalties must be effectively calibrated to the magnitude of such violation. This policy change would achieve legal clarity, provide necessary and suitable penalties, and align with the Indian legal framework which required necessary condemnation and deterrence regarding acts of necrophilia (Jones, 2017).

Recommendations for Further Study

Further research could expand this inquiry by documenting the frequency of necrophilia cases, elucidating the hurdles faced by law enforcement and prosecutors in the application of extant statutory provisions. Concurrently, a systematic examination of ethical dilemmas arising in the forensic investigation and prosecution of such offence's merits attention. The psychological sequelae experienced by the families of deceased victims ought also to be investigated, as findings may furnish empirical grounding for advocacy directed at legislative reform. Comparative analysis of jurisdictions—



whether within South Asia or beyond, and especially those characterised by divergent legal frameworks—would deepen understanding of divergent doctrinal and procedural resolutions.

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