

**Fourteenth Kerala legislative Assembly**

**Bill No. 243**

---

---

**THE KERALA CHRISTIAN CEMETERIES (RIGHT TO BURIAL  
OF CORPSE) BILL, 2020**

---

---

©

**Kerala Legislature Secretariat**

**2020**

**KERALA NIYAMASABHA PRINTING PRESS.**

Published on 03-02-2020

Fourteenth Kerala Legislative Assembly

Bill No. 243

**THE KERALA CHRISTIAN CEMETERIES (RIGHT TO BURIAL  
OF CORPSE) BILL, 2020**

[Translation in English of “2020-ലെ കേരള ക്രിസ്ത്യൻ സെമിത്തേറികൾ (ശവം അടക്കം ചെയ്യുന്നതിനുള്ള അവകാശം) ബിൽ” published under the authority of the Governor.]

THE KERALA CHRISTIAN CEMETERIES (RIGHT TO BURIAL  
OF CORPSE) BILL, 2020

A

BILL

*to provide for the burial of corpse and funeral services of Christians and for matters connected therewith or incidental thereto.*

*Preamble.*—WHEREAS, it is expedient to provide for the burial of corpse and funeral services of Christians and for matters connected therewith or incidental thereto;

BE it enacted in the Seventy First 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, 2020.

(2) It shall be deemed to have come into force on the 7<sup>th</sup> day of January, 2020.

2. *Definitions.*—In this Act, unless the context otherwise requires,-

(a) “cemetery” means a place set apart for burial of the dead bodies of parishioners whether the dead body remains as corpse or converted into ashes through cremation process for internment 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 a group of Christian families having a church or prayer hall for its members to offer worship;

(e) "prescribed" means prescribed by rules made under this Act.

3. *Right to burial.*—(1) All members of the families belonging to a parish shall have the right to be buried in the cemetery where their ancestors were buried.

(2) The relatives of the deceased member of a parish may forego funeral services in church or its cemetery or opt for funeral services at any other premises by a priest of their choice.

*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 or attempts or abets to prevent 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 ten thousand rupees or with both.

5. *Offences shall be cognizable, bailable and compoundable.*—The offences under this Act shall be cognizable, bailable and compoundable by the family members of the deceased.

6. *Maintenance of registers.*—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 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 fees as may be prescribed.

*Explanation.*—"Vicar" includes priest, pastor or a person who performs the rituals of burial.

7. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules to carry out the purposes 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 fourteen 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 thereafter 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.

8. *Repeal and saving.*—(1) The Kerala Christian Cemeteries (Right to burial of corpse) Ordinance, 2020 (1 of 2020) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

#### STATEMENT OF OBJECTS AND REASONS

Government have noticed that among Christian communities in the State certain difficulties being faced for the decent and timely burial of corpse in some cemeteries. Due to this, the family members are forced to preserve the corpse indefinitely in morgues which affect the funeral services. If it continues, it will cause grave social and religious impact in the society. Therefore the Government considers that, it is necessary to bring a legislation which provides that all members of the families belonging to a parish shall have the right to be buried in the cemetery where their ancestors were buried.

As the Legislative Assembly of the State of Kerala was not in session and the above proposals had to be given effect to immediately, the Kerala Christian Cemeteries (Right to burial of corpse) Ordinance, 2020 was promulgated by the Governor of Kerala on the 6<sup>th</sup> day of January, 2020 and the same was published as Ordinance No.1 of 2020 in the Kerala Gazette Extraordinary No.59 dated 7<sup>th</sup> January, 2020.

The Bill seeks to replace Ordinance No. 1 of 2020 by an Act of the State Legislature.

### FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Government to make rules prescribing register for burial in the cemetery and fees for certificate.

2. Clause 7 of the Bill empowers the Government to make rules by notification for the purpose of carrying out the provisions of this Act.

3. Matters in respect of which rules may be made are regarding matters of procedure and are of routine or administrative in nature. Further the rules so made, are subject to the scrutiny by the Legislative Assembly. The delegation of legislative power is, therefore, of a normal character.

PINARAYI VIJAYAN