

THE HARYANA HONOURABLE DISPOSAL OF DEAD BODY  
BILL, 2024

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BILL

to uphold the basic human rights of dead body and for the decent final disposal of dead body in the State of Haryana and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Seventy-fifth Year of the Republic of India, as follows:-

- Short title and commencement. 1. (1) This Act may be called the Haryana Honourable Disposal of Dead Body Act, 2024.
- (2) It shall come into force on the date of its publication in the Official Gazette.
- Definitions. 2. (1) In this Act, unless the context otherwise requires,-
- (a) “dead body” means the body of a dead human being refused to be taken by any family member for last rites or after taking is used for the purpose of remonstrations;
  - (b) “family member” includes father, mother, wife, brother, son, daughter or any person who is related to the deceased by marriage or adoption or any family member living together in a joint family;
  - (c) “genetic data” means personal data related to inherited or acquired genetic characteristics of a dead body acquired through analysis of DNA or RNA;
  - (d) “Government” means the Government of the State of Haryana in the administrative department;
  - (e) “last rites” means the disposal of dead body, as per the tradition or custom of the community or religion to which the deceased belonged;
  - (f) “prescribed” means prescribed by the rules made under this Act;
  - (g) “remonstration” means raising demands or baiting for pursuing any demands by way of any protest, disobedience or agitation to prevent the last rites of a dead body;

(h) "State" means the State of Haryana.

(2) Words and expressions used herein and not defined but defined in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the Indian Penal Code, 1860 (Central Act 45 of 1860), the Haryana Police Act, 2007 (25 of 2008) and the Haryana Anatomy Act, 1974 (24 of 1974) shall have the meaning respectively assigned to them in those Codes/Acts.

Right to last rites. 3. Without prejudice of any other law for the time being in force, every dead body shall have the right of an honourable and timely last rites.

Family member to take possession of dead body. 4. It shall be duty of the family member to take possession of the dead body and to ensure that the last rites are performed when handed over by the police or the Executive Magistrate or hospital administration, after due compliance of legal procedure provided under this Act or any other law for the time being in force:

Provided that in the event of refusal by family member to take the dead body thereby depriving it of last rites, the Executive Magistrate shall ensure that the last rites are performed immediately:

Provided further that in the event of breaking out of an epidemic or occurrence of any calamity, where the dead body of the person cannot be handed over to the family member, the Government shall issue guidelines for disposal of such dead body.

Dead body not to be used for remonstrations. 5. No family member shall himself use or allow the dead body to be used or instigate or give consent to any other person or group of persons to use the dead body for remonstrations of any kind.

Power of police officer to take possession of dead body. 6. (1) Whenever, an officer-in-charge of the Police Station has reason to believe from personal knowledge or otherwise, to be recorded in writing, that any dead body is likely to be used by any family member or a group of persons or is being so used, for remonstrations, he shall take possession of the dead body and immediately send information to this effect to the District Superintendent of Police and the Executive Magistrate concerned.

(2) After taking possession of the dead body, the officer-in-charge of the Police Station shall send the dead body immediately for postmortem.

Power of Executive Magistrate. 7. (1) The Executive Magistrate concerned, after receiving the information under section 6, shall give a notice to a family member of the deceased for taking custody of the dead body and to perform the last rites of the dead body.

(2) Whenever, an Executive Magistrate is satisfied on a report of a police

officer or the response received to the notice issued under sub-section (1) that the family member is not willing to perform the last rites of the dead body, he shall issue an order to the family member to perform the last rites of the dead body within such time, as mentioned in the order which shall not be later than twelve hours, and also to remove the unlawful obstruction, if any, from public place with immediate effect:

Provided that the Executive Magistrate may, if unlawful obstruction is removed, extend the time to perform the last rites of the dead body, if he is satisfied that the family member has sufficient cause for the same:

Provided further that if the family member does not perform the last rites of the dead body within the specified period or the extended period, the Executive Magistrate shall direct any officer of the Urban Local Body or Gram Panchayat concerned or any other officer, as he deems fit, to perform the last rites within the next twelve hours.

(3) The order made by the Executive Magistrate under sub-section (2) shall not be called in question in any court of law.

Storage of dead body.	8. The hospital administration shall- (a) store the dead body under safe conditions in the deep freezer to prevent any decay or damage; and (b) ensure that the dead body is segregated based on gender and is kept in a dignified manner.
Videography and photography of postmortem.	9. In every case of dead body, photographs of the deceased shall be taken and postmortem of the deceased shall be video-graphed by the hospital administration.
Protection of genetic data information.	10. The genetic data information of dead body shall be obtained through DNA or RNA profiling and shall be handled carefully and confidentially. The information shall be maintained in such manner and for such period, as may be prescribed.
Confidentiality of information.	11. No person shall disclose any information of clinical records related to the deceased to prevent stigmatization and social criticism unless required by the law or it is in the interest of deceased.
Disposal of unclaimed dead body.	12. If a dead body remains unclaimed, the disposal shall be made in accordance with the provisions of the Haryana Anatomy Act, 1974 (24 of 1974).
Punishment for remonstrance.	13. Any person who uses a dead body for remonstrance shall be punishable with imprisonment for a term which shall not be less than six

months but which may extend to five years and shall also be liable to fine upto one lakh rupees.

Punishment for disclosure of genetic data information and confidentiality of information.

14. Any person, who is not authorized by law or who is so authorized but who without following due procedure or authorized by law, discloses any kind of genetic data information and confidentiality of information, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to ten years and shall also be liable to fine upto one lakh rupees.

Punishment for abetment, attempt or conspiracy.

15. Whoever abets, attempts or conspires to commit an offence under this Act shall be punished in the same manner as if he had himself committed that offence.

Cognizable and non-bailable.

16. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), all the offences under this Act shall be cognizable and non-bailable and no police officer below the rank of Sub-Inspector shall be competent to investigate the case under this Act.

Protection of action taken in good faith.

17. No suit, prosecution or other legal proceedings shall lie against the State or any officer of the Government for anything which is in good faith done or intended to be done in pursuance of this Act or rules made there under.

Power to make rules.

18. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall, as soon as possible, after it is made, be laid before the State Legislature.

Power to remove difficulties.

19. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that no order under this section shall be made after expiry of a period of three years from the date of the commencement of this Act.

(2) Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before the State Legislature.

## **STATEMENT OF OBJECTS AND REASONS**

Whereas, 'Right to Life' as enshrined under Article 21 of the Constitution of India includes within its ambit, 'the rights and dignity of the dead'. The right to dignity and fair treatment under Article 21 of the Constitution of India is not only available to a living man but also to his body after his death. Honor and respect for the dead is recognition of human dignity. Keeping in view the right and dignity of a dead person, nobody should be allowed to raise any demand or bait for pursuing any demands by way of any protest or agitation by not performing the timely last rites of a dead body. It has become necessary to ensure that no person himself uses or allows the use of a dead body for remonstrance of any kind.

A legislation i.e. 'The Haryana Honourable Disposal of Dead Body Bill, 2024' to provide for decent and timely last rites of a dead body and, in case of family members disowning a dead body and thereby depriving it of last rites, performance of last rites by the public authority and for matters connected therewith or incidental thereto, is required. Hence, this Bill.

(Anil Vij)  
Home Minister, Haryana

## **NOTICE OF MOTION RELATING TO PUBLIC BUSINESS**

I give notice of the following motion in respect of the Haryana Honourable Disposal of Dead Body Bill, 2024;

- (i) to move to introduce the Haryana Honourable Disposal of Dead Body Bill 2024;
- (ii) to move that the Bill be taken into consideration at once;
- (iii) to move that the Bill be passed.

(Anil Vij)  
Home Minister, Haryana

## **MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 18 of the Haryana Honourable Disposal of Dead Body Bill, 2024 provides the Government may, by notification in the official gazette make rules for carrying out the purposes of this act and every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislation. Hence, the memorandum regarding delegated legislation as required under Rule 126 of the Rule of the Procedure and Conduct of Business in the Haryana Legislative Assembly.

(Anil Vij)  
Home Minister, Haryana