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Necrophilia: A Depraved Act of Human Monstrosity

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This article delves into the rare and grim sexual anomaly of necrophilia, wherein an individual develops a sexual attraction toward corpses. The antiquity of necrophilia extends back to ancient civilizations, and its materialization has been well-documented throughout history. Although it is an uncommon form of paraphilia, necrophilia represents a feature of the perverse strategy that pervades all perversions. The development of self-awareness and the evolution of contemporary societies have engendered a greater comprehension of gender inclusivity and sexual orientation. Nevertheless, as societies have become more liberal, there has been an amplification in deviation from traditional biological norms, which can engender both favorable and unfavorable consequences. One form of sexual deviation is Necrophilia, which denotes the sexual attraction to corpses, this rare and macabre disorder encompasses an erotic attraction to death and corpses, reflecting a dehumanization and deadening of human desires. Researchers have conducted comprehensive investigations on this subject, utilizing a psychoanalytic approach to scrutinize the characteristics of individuals with necrophilia. The disorder manifests a dehumanization and deadening of human desires, with individuals engaging in sexual acts with corpses to subjugate and exert power over them. The examination of necrophilia provides insights into the somber facets of human psychology and accentuates the need for sustained research and intervention to prevent such heinousness.

Keywords: *necrophilia, sexual anomaly, sexual attraction.*

INTRODUCTION

In the year 1850, Belgian psychologists Joseph Guislain first coined the term 'Necrophilia' which is derived from the Greek word corpse 'Necrose' and Love 'Philia'. Thereby, in a broader term, it means finding pleasure from viewing the deceased to arousal from touching the deceased to intercourse with the dead. This abnormal fascination is undoubtedly frowned upon, absolutely illegal, and called 'indignity to a body' for a reason. Necrophilia has been documented throughout history, and much earlier than people think, Greek author Herodotus (484-425 BC) in ancient Egypt bodies of highly attractive were embalmed for three to four days post-mortem and the reason this is that it would prevent necrophilia after embalmer was caught after having sex with the female cadaver. Necrophilia is the ultimate eligibility paraphilia, because the partner has "no power to resist, and [is] therefore capable of subjugation.¹ It is frequently discovered that morticians and mortuary attendants indulge in necrophilia due to easy access to corpses as well as since they are isolated. Over time and as a result of necessity, legal systems and laws all around the world have evolved. Despite being well-structured, the Indian Constitution in some ways fell short of safeguarding the personal rights of the corpses who are subjected to necrophilia. While most nations have laws that make it illegal to have a bizarre psychopathic obsession with a corpse, necrophilia is only punishable in India under **IPC (Sections 297² and 377³)**. As a result, despite the atrocity associated with necrophilia, Indian law regarding the stringent punishment for such an act is entirely ambiguous.

CASES OF NECROPHILIA

In recent years, India has seen an upsurge in the cases of necrophilia, which is not just confined to places like morgues. There have been instances where people have unearthed buried bodies and even brutally murdered others for raping their corpses. Among the well-known cases, in the Nithari Case (2006)⁴, the most heinous Necrophilia case ever exposed, the accused and his

¹ Tyler T Ochoa and Christine Jones, 'Defiling the Dead: Necrophilia and the Law' (1997) Whittier Law Review <<https://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1099&context=facpubs>> accessed 20 August 2022

² Indian Penal Code 1860, s 297

³ Indian Penal Code 1860, s 377

⁴ *Surendra Koli & Anr v State of Uttar Pradesh* (2014) 16 SCC 494

servant were detained after it found that 19 girls had vanished after visiting the accused's house. Cannibalism, murder, rape, kidnapping, and sexual assault against children were among the charges brought against the defendant and his servant. According to the servant, the accused was accountable for the deaths of 16 people and admitted to the crimes. Before trying to rape them, he used to drag his victims' bodies upstairs to a bathroom after murdering them in the living room of the bungalow. He then chopped up the bodies into small pieces, cooked some of them, and threw the rest into the drainage system behind his bungalow.⁵

The Criminal Investigation Department of the Bangladeshi police discovered the repetitive matching of DNA profiles of male sperm retrieved from multiple female dead bodies aged between 12 and 20 in another incidence of necrophilia. Later on, a 20-year-old man employed as a morgue assistant at Shaheed Suhrawardy Medical College in Dhaka, Bangladesh, was found guilty of the crime of necrophilia on November 19, 2020.⁶ The most recent instance of necrophilia was committed by a 40-year-old widower in the state of Madhya Pradesh, who killed his teenage daughter. When the girl resisted his initial attempt at rape, he eventually admitted to having sex with her corpse after being questioned for a while.⁷ However, despite the number of cases of necrophilia in India yonks ago, the number of cases has been increasing recently. The worst facet of Indian law is that it does not have laws addressing specific crimes of Necrophilia.

The reprehensible act of necrophilia has been brought to light with the apprehension of two alleged perpetrators who are accused of murdering a 28-year-old woman and engaging in sexual activity with her corpse. The accused, Azad Ali alias Raju, 20, and Shyam alias Ghanashyam, 22, both hailing from Uttar Pradesh, were detained by the Subramanyapura police. The victim, Urmila Devi, was found deceased at her residence on Chunchaghatta Main Road near

⁵ 'Violating the dead: Is it Time India had a law dealing with necrophilia?' (*The News Minute*, 02 November 2015) <<https://www.thenewsminute.com/article/violating-dead-it-time-india-had-law-dealing-necrophilia-35631>> accessed 18 February 2023

⁶ Md Raibul Islam et al., 'The first necrophilia incident in a morgue of Bangladesh: Evidence from media reports' (2021) 2 *Current Research in Behavioral Sciences* <<https://doi.org/10.1016/j.crbeha.2021.100020>> accessed 06 December 2022

⁷ 'Madhya Pradesh man held for killing daughter, raping corpse' (*The Times of India*, 24 February 2022) <<https://timesofindia.indiatimes.com/city/bhopal/man-held-for-killing-daughter-raping-corpse/articleshow/89785383.cms>> accessed 06 December 2022

Konanakunte on August 15. Initially, her husband, Sanjayprasad Gupta, who had alerted the police, was suspected of being involved in the homicide. However, as the inquiry progressed, it was discovered that Raju had plotted to execute Gupta's wife and steal cash from their abode. Raju had formerly been employed by Gupta's restaurant, where he sold golgappas at Jayanagar's ninth block. Still, he had ceased working there a few months ago since Gupta had purportedly not remunerated his salary of Rs 7,500. Raju had demanded his money back, but Gupta had reprimanded him. Later, Raju began working with Gupta's brother, Sushil Gupta, who also sold golgappas. Raju then contacted his friend, Shyam, who agreed to aid him in the scheme. On August 15, the duo went to Gupta's residence when he was absent and purportedly strangled his wife. They then killed her by striking her face with a stone and a rake. After she perished, the two supposedly engaged in sexual activity with her corpse and stole Rs 24,500 in cash before absconding. The apprehension of the two accused has brought to light the alarming surge of such atrocious societal incidents in society. This occurrence accentuates the need for heightened awareness and education regarding the importance of respecting human life and dignity. The law should be enforced more rigorously to penalize those who commit such heinous acts and to provide justice to the victims and their families. Society as a whole should censure such acts and take measures to prevent them from materializing. The authorities should take necessary steps to ensure that people are cognizant of the consequences of such crimes, and adequate measures should be implemented to ensure the safety and security of every citizen.⁸

India is currently witnessing a mounting number of cases involving the vile crime of necrophilia. The country is plagued by a lack of appropriate legislation to manage this heinous wrongdoing. One of the key issues with such violations is that unless there is a specific law that deems such acts illegal, it can be challenging to hold perpetrators accountable. Violence is yet another major concern, with no studies indicating any data on sexual activity with animals in the nation. Most sexologists posit that such behavior is particularly prevalent in rural areas and among those who live near domesticated animals. Dead bodies, though undoubtedly human,

⁸ 'Bengaluru: 2 necrophiliacs murder 28-year-old woman, have sex with body' (*Deccan Chronicle*, 02 September 2016) <<https://www.deccanchronicle.com/nation/crime/020916/two-arrested-for-necrophilia-in-bengaluru.html>> accessed 09 March 2023

are no longer classified as individuals. Upon death, we become quasi-subjects in the eyes of the law. The legal status of a dead body frequently makes necrophilia even more difficult to comprehend, particularly when we consider the significance that many families attach to the body of a loved one - while the person may be deceased, they are still cherished friends or family members. In numerous cases of necrophilia, the law regards the dead body as a type of "property" belonging to the closest relative, a concept that is doubly disturbing to many individuals. In this sense, necrophilia becomes a desecration, rather than a sexual assault against an individual. Approving or punishing the mistreatment of a cadaver has been considered a crime, but 'greater punishments seem undoubtedly unfair because the harm involved is merely an affront to decency.' Violating the dignity of the deceased not only displays disregard for the dead but also for their bereaved families. The treatment of the deceased should be treated similarly to unusual practices among the living, and appropriate measures should be taken to ensure that the dignity and respect of the dead are preserved.⁹

UNCOVERING THE LEGAL LOOPHOLES: INDIA AND BEYOND

In India, the proliferation of Necrophilia-related incidents has recently amplified, and the absence of legislation to govern such misbehavior has rendered the act difficult to punish. A potential problem with such violations lies in the fact that even if specific laws were in place to declare such behavior illegal, meeting out appropriate punishment could remain a formidable challenge. Moreover, regarding sexual contact with animals, there is an alarming lack of adequate statistical data. Nevertheless, according to some sexologists, there appears to be a greater incidence of this behavior among rural communities and people who live close neared animals.

In the case of Necrophilia, while corpses are not regarded as individuals, they are still recognized as human entities. However, their legal status often presents a challenge in comprehending and addressing the issue, particularly when certain families view the deceased with sanctity. According to the law, in certain instances of Necrophilia, the corpse becomes the

⁹ Parveen Islam and Upasana Borah, 'A Conceptual Study to Necrophilia' (2020) 3(9) Scholars International Journal of Law, Crime and Justice <<http://dx.doi.org/10.36348/sijlcj.2020.v03i09.003>> accessed 11 March 2023

property of the nearest relative, a notion that may prove doubly distressing for some. In such cases, Necrophilia is considered a tragic event rather than a sexual attack on a person. While some states in the US have classified it as a crime, others deem it an offense.

In cases of corpse mistreatment, the act is considered a violation of decency, and determining an appropriate punishment can be challenging since the damage incurred is only a shock to morality. Nevertheless, such violations reflect a disregard for the deceased and their surviving family members. The treatment of the dead should receive the same respect as that accorded to unusual practices among the living.

In India, stringent legislation is deficient against necrophilia. A peculiar tradition of necrophilia exists in the country where a woman who died before her wedding had to be deflowered by her fiancé before being buried. Recently, there have been accusations of defiling corpses in India, but the country lacks legislation to prosecute such offenders. The only relevant legislation is **Section 297**¹⁰, which concerns intrusion on burial grounds. To be convicted under this section for necrophilia, a person must have intruded into the cemetery and defiled the corpse with the intent to dishonor the deceased.

Consequently, those who engage in necrophilia without trespassing on a burial site are not covered by Indian legislation. For instance, a Diener who engages in post-mortem sexual activity with a corpse may not be prosecuted for offering humiliation to the body because there is no law in the Indian Penal Code to penalize someone who defiles a dead body without trespassing on the cemetery.

The penalty for necrophilia is limited to a maximum of one year in prison or a fine, or both, which is insufficient for such a heinous act. This suggests that the lawmakers did not intend to punish necrophilia severely. In the Nithari Case, Mohinder Singh Pandher, a wealthy businessman, and his chef, Surendra Koli, were not paid for necrophilia because of this gap in the law.

¹⁰ Indian Penal Code 1860, s 297

Similarly, in Mumbai, a perpetrator battered a victim to death and then brutally raped the corpse. However, it was only charged with rape and murder, not necrophilia, as it is not a crime in India. **Section 377**¹¹ could be used in such situations, but the voluntary participation of the dead body makes it difficult to apply this section. Thus, the legal status of a corpse in India makes it challenging to comprehend necrophilia. A corpse is considered a form of property for the next of kin, which means that necrophilia is considered vandalism rather than a sexual assault against an individual. Therefore, India must revise its legislation regarding corpses and enact stricter laws to prevent such appalling crimes.

In examining the legal framework of other nations, let us initiate our analysis with the United States, where federal legislation concerning Necrophilia is absent, leaving individual states to assume responsibility for legislation governing such acts. Around forty out of fifty states in the United States have implemented legislation outlining the criminal actions associated with dead bodies. In contrast, the other thirty-six states have created legislation that alludes to Necrophilia and imposes varying sentences, ranging from one to twenty years of imprisonment, depending on the state's jurisdiction.

In Australia, the unlawful act of necrophilia is criminalized through the Criminal Code Act of 1995 (**Section 236**)¹² which stipulates that engaging in sexual intercourse with a deceased person is a severe criminal offense. Violators of this law may be sentenced to a maximum of ten years of imprisonment. Likewise, in Germany, a dead body through necrophilia is considered an illegal act that may result in up to three years of imprisonment. The prohibition of such actions is articulated in **Section 168**¹³ which expressly forbids the disruption of the peace of the dead.

In addition, **Section 250.10**¹⁴ delineates that any act that offends ordinary family sensitivities regarding the handling of dead bodies is deemed unlawful. Conversely, in the United Kingdom,

¹¹ Indian Penal Code 1860, s 377

¹² Criminal Code Act 1899, s 236

¹³ German Criminal Code, s 168

¹⁴ Model Penal Code (Official Draft, 1962), s 250.10

Section 70¹⁵ specifically criminalizes any deliberate or reckless sexual penetration of any part of a corpse's body, carrying a maximum sentence of imprisonment for six months, a fine, or both.

Although Necrophilia-related legislation exists, the UK courts may not have enforced it in every instance, as illustrated in a case where a perpetrator confessed to murdering his wife and engaging in sexual intercourse with her corpse during police interrogation but received punishment solely for the murder charge. Lastly, the Criminal Code of Canada of 1985 prohibits Necrophilia, without explicitly using the term Necrophilia or any sexual connotation, under **Section 182**¹⁶.

The legal framework in India about necrophilia appears to be weak and uncertain. One significant issue is the lack of clarity surrounding the legal status of a dead body. In light of the recognition of the scope of **Article 21**, which safeguards the right to dignity of an individual, the term 'person' within the Indian Penal Code (IPC) must include a human corpse. Moreover, given that this offense is inherently repugnant and involves non-natural circumstances, it should also be viewed in the context of unnatural offenses enumerated in **Section 377 of the IPC**. Thus, a pressing requirement for legislation that penalizes the abhorrent crime of necrophilia, which violates the dignity of a dead body, arises and must be addressed urgently.

CONCLUSION

Necrophilia, a phenomenon considered rare and poorly understood, has been hindered by the limited research and publications on the psychological aspects of necrophiliacs. To objectively study the attraction to the dead and classify behavior, an entirely new way of differentiating true necrophilia from fantasy necrophilia is needed, with the dividing line between what is consensual and what is non-consensual. Although it may be challenging to comprehend the extent to which necrophilic behavior can manifest, every human has the right to express themselves as long as they do not infringe upon others' rights. While necrophilia remains a rare and poorly understood phenomenon, it is crucial to address the potential harm that this

¹⁵ Sexual Offences Act 2003, s 70

¹⁶ Criminal Code of Canada, s 182

behavior can cause. Effective psychological interventions should be developed and available for individuals exhibiting necrophilic tendencies. Moreover, legal actions should be taken to protect the dignity and rights of deceased individuals. Laws and regulations should be strengthened and enforced to prevent the desecration of corpses and ensure that individuals who engage in non-consensual acts with the deceased are held accountable for their actions. Only through a combined effort of psychological treatment and legal action can we work towards preventing the harmful effects of necrophilia and safeguarding the dignity and respect owed to the dead.