

Corona Virus And the Rights of The Dead

Running Title: -Corona Virus

Garima Jairwan^{1*}

Research Scholar, Department of Law, Uttaranchal University, Dehradun

***Corresponding Author: Garima Jairwan**

Research Scholar, Department of Law, Uttaranchal University, Dehradun

And

Mr. Mayank Singh

Associate professor, Department of Law, Uttaranchal University, Dehradun

“The Covid-19 epidemic has taught us a lot about us and our civilization. It reminds us, first of all, of the deep human vulnerability in a world that has done everything to forget it. Our lifestyles and our economic system are based on a form of excess, of omnipotence, consecutive to the forgetting of our corporeality. This is not the only fact of having a body and being mortal, but it means taking into account the materiality of our existence and our dependence on the biological, environmental and social conditions of our existence; health is the condition of our freedom.”

----- *Philosopher Corine Pelluchon*

Abstract:

With the deadly coronavirus taking lives of nearly 1.3 lakhs lives till the November 2020 in India itself is a very apposite question that arises which is- is it illegal in India to deny the last rites of burial? Many guidelines have been issued by the World Health Organization and also the Ministry of Health and Family Welfare have almost failed to address the issue. Innumerable reports have surfaced of doing inhumane treatment to the dead and their corpse has raised a question and concerns among various activists and the Courts in India where it was addressed that the right of decent funeral have been enshrined under Article 21 of the Constitution of India. This paper tends to superscribe to the issue that what are the various rights that are available to the dead and their next of kins with regard to decent burial to the right in the property. International covenants and their judicial pronouncement.

Introduction

The world has been left stranded due to the global pandemic that took the world over on the month of December 2019. It's been about 3 years and we have still not overcome the worst phase that we suffered due to the pandemic. With its origin in China the illness has taken about lakhs of lives in India and the world. The Indian Government was time and again berated for the measures taken to control the cases. However, with the increasing number of cases and deaths the question that mainly arose was the *rights available to the dead*.

Another aspect regarding the Covid Pandemic was the social isolation that people suffered due to which psychological consequences also ensued and crept in. They included depression, anxiety, panic attacks, losing of jobs, obsessive compulsive disorder and the list is endless. There have been various incidents where there are people who follow some gross activities like having a sexual intercourse with a dead corpse. Such heinous activities raise the question about who actually is a person? To be more precise who actually is a dead person. There have been cases in the past where a women's dead body was taken out of her grave and gang raped in Ghaziabad, Uttar Pradesh. The corpse of the woman was found naked about twenty feet's away from where she was buried. There was yet another incident where in 2006 a rich businessman along with his accomplice committed rape on the dead corpses of women and children.

Many countries globally have well recognized law on assaulters who try to commit such offences and treat the dead bodies with indignity, especially sexual offences. For example, the country New Zealand provides a section prescribing a period of two years of imprisonment to assaulters who treat the corpses with indignity whether they have been buried or not. United Kingdom's Sexual Offences Act 2003 deals specifically with people who commit sexual offences on the dead bodies. Same is done by section 14 of the South African Law.

The definition of person can be found out in many statutes but the question raised is whether it includes an unborn child and a dead body also?

With the advent of time The Covid-19 has created a lot of problems regarding the dead body. There have been various incidents where there has been mishandling of the bodies. Since the commencement of the lockdown period there have been several incidences of families not willing to accept corpses of coronavirus affected patients fearing contamination - cemeteries denying the burials and people attacking the vehicles carrying dead bodies and protesting against last rite. A similar incident took place in Chennai where friends and family of Dr. Simon Hercules, a 55-year-old doctor who died due to COVID- 19 was attacked by a mob when they took his body to a burial ground center because of which he had to be buried late at night without any family members present.

India spends about 1.25% of its gross domestic product on health, which is quite low than that the most countries in the world even the ones that are poorer than us. However, this data also seems to be inflated and the real figure has been estimated to be more likely to 0.34%.

There was also a Kumbh Mela which was organized by Uttarakhand where millions of Hindus could gather and crowd together to bathe in the ganges and spread the virus to other healthy devotees.

Definition of the term Person:

The word person has been derived from the Latin term *Persona*, meaning the masks which are worn by the persons. Till the 16th century it was used as a role that was played by a man on stage. It was only later that the term started to mean someone who has rights, duties and liabilities. Interestingly many jurists have limited the meaning of the term personality with human beings itself. However, in legal terms a juristic person may include idols, gods, company etc. having the rights of a person. The Hindu law affirms idols as persons too.

According to great Jurist Salmond a person can be anyone who is in law capable to have and acquire the rights and duties. While there are certain rights and duties that are to be fulfilled by persons, but when we take up the matter closely, we find that the rights and duties are different at different levels and are completely dependent on the entities one deals with. If a person's legal right has been violated, we can approach the courts and similarly we can make a person do his legal obligations or duties in case that person has defaulted.

The term person includes two kinds- Natural and legal or artificial person.

A natural person includes every living human being deemed as human. Person having a legal personality is termed as a person in the legal sense in the subject jurisprudence. In ancient times the slaves were not allowed to have any privileges or rights that were bestowed upon a human being. They were only considered as humans or natural persons. There are various laws that are guaranteed only to natural persons or human beings like the power to sue and be sued, having fundamental rights, fundamental duties, right to vote, right to life, right to travel, right to practice and profess any religion, right to work, right to follow any profession, his right to reputation and not being defamed etc. All these rights and duties can be performed only by a human or a living being or a natural person and are hence relevant to them. When a person dies his dead body is honored first and then later his property and possessions are considered.

On the other hand, a legal or artificial person is someone who can sue and be sued in his/her name. With the passage of time the meaning of person and its scope widened and it included states, idols, companies etc. There arose a situation where such entities could be sued thereby making the matter more complex due to which the concept of legal or artificial person had to be introduced.

It can be summed up that all natural persons are legal entities but all legal persons are not natural persons. Thus, if a person is living in Dehradun, it will be considered as a natural person and if he is carrying on his business or his profession from some other part of the country that shall be considered as the legal entity. Legal entity is not merely restricted to the business it also extends to the position that person holds. Thus, presidentship is a position given to a person and is a legal position. Disregarding of who exactly holds the position the duties to be fulfilled shall be same. The concept of corporate personality was also created by the law and comparatively they have more rights and duties as compared to other legal entities.

It is important for a person to be living in order to claim his rights. But the question arises about the unborn child and the dead. According to the law a child if he/she is in the womb is considered to be a person and is proficient of acquiring certain rights and property, the sole question arises whether the person is born alive or not. An unborn child is contemplated to be a person during partition of the property and he can also claim damages in case of any discrepancy.

It is to be noted that the deceased dead body is not to be considered as a property in the eyes of law. However, for burial when a person dies his body becomes a quasi-property in the hands of law and the rights are then possessed by the spouse or next of kin.

In case of *Bogert v. City of Indianapolis* there is a dictum that dead bodies belong as a property to the relatives surviving and there is an order of the inheritance and they have the right of disposing of the same. It is nowhere mentioned by the law that the rights of the dead body have gained such a character commercial in nature. To say that a piece of dead body is a piece of property is a shock to the senses of an average man. The common law however did not regard it in such a manner and its still not regarded as such today. Still the relatives surviving before the burial of the dead body have some sort of rights which the law will protect and that is an undeniable right.

In *Larson v. Chase* the question that arose was the right of wife for determining the recovery of damages for the dissection of the husband which was unlawful before the burial arose. The difficulty that arose was the nature of right that has been infringed. The court in following the doctrine of *Larson v. Chase* declared that a wife living is entitled to possession of the dead body of the dead husband in the same condition it was when the death took place, for giving it a proper burial and care.

Rights of the Dead persons:

The question that still remains unanswered is-as to who is a dead person and what are their rights. Article 21 of the Indian constitution reach out to the living as well as dead persons. Rights like right to life, fair treatment, right to live

with dignity, right to die with dignity all originate from Article 21. The National Human Rights Commission hereinafter referred to as NHRC is mandated from the protection of Human Rights Act, 1993, to protect and promote the human rights of all human beings in the country.

With an increasing number of death toll during the second wave of the coronavirus the commission issued an “advisory for upholding the Dignity and Protecting the Rights of the dead”. The states and the union territories were requested for the implementation of the recommendations made and also to report the action taken by the various government within a period of 4 weeks from the publication to the commission.

As of 9th May 2021, globally 32,96,841 people lost their lives on account of the coronavirus pandemic while in India alone the death toll being 2,42,398 to abide by the safety protocols and also to manage the dead bodies, their burial and cremation rights and transportation became a huge hue and cry for the government. It literally became a challenge for the government while there were disturbing facts that surfaced through the reports of the media reporting mismanagement and mishandling of COVID-19 dead bodies and in lowering the dignity.

In cases where the death has been caused by natural or unnatural means like suicide, accident, homicide, etc. it is the duty of the state to ensure that the dead persons right is protected and there should be no crime over the dead body. It is also required that the states and the union territories shall all come together and make a standard of protocol in consultation with all the stakeholders so that the dignity of the dead is assured and their rights are also protected. These include the Municipal Corporation, Hospital Administration, District Administration, Civil Society Groups and above all the citizens.

Salmond the jurist was of the view that the personality of a man starts off from his birth and ends with his death thus, any rights or interest vested with the deceased ceases upon his death. But on the other hand, if a will is made by a person upon his death that will, will only be enforceable against the living persons. If the exemplification does not provide for the bequeathing of the property to a living person it cannot be legally enforceable. When death occurs, the persons are curtailed off of any right or duty and they also cannot be punished. Hence after death they do not enjoy the status of legal persons or a juristic person yet there are some rights which need to be provided to the dead.

There has been ambiguity in the statutes but the Apex court and various other High courts have made it pellucid that there are rights which even extend to people after their death. The deceased persons do have rights which cannot be detached from them. In *P. Rathinam & v. Union of India* the decision held Section 309 as Unconstitutional and the scope of article 21 of the Indian constitution was widened. The court quoted that the Right to die with dignity is equally important as a right to live with dignity which means a meaningful life and a life of not merely of an animal like existence and extending to the dead person too.

More petitions were filed in the courts and many litigations regarding the safe management of jettisoning of covid-19 infected dead bodies were questioned. One petitioner even went a step further demanding a stay on the burials near his residential area citing unprecedented health risks and the fear of the spread of the coronavirus directly through the soil.

In *Ramji Singh @ Mujeeb Bhai v. State of U. P* the Apex court had explained that a person has a right to the protection of his dead body, the body that is to be mangled, wasted or its organs to be taken out, except only by the consent of the person, when he was alive, or on the consent of his next kith and kin or the state if body is unclaimed. The state, mentioned under Article 21 of the Constitution of India for dumping of a dead body for an appropriate and dignified/decorous cremation/ burial in accordance with the religion beliefs the man kept professed or purported to. It also included Allahabad High courts contention that person's dead body has the right to be equally treated with dignity and give the same respect if he were alive. The medical authorities should resort to postmortem only and only if it is a necessity.

The covid-19 Guidelines on Dead Body Management which were issued by the Ministry of Health, were those religious rituals such as reading from religious scripts, sprinkling holy water and any other last rites that do not require touching of the body could be allowed. Bathing, kissing, hugging, etc. of the dead body should not be allowed. As the ash does not give rise to any risk and can be collected to perform and dispatch the last rites. Large congregation at the crematorium/ burial ground should be avoided as a social distancing measure as it is possible that close family contacts may be symptomatic and/ or shedding the virus.

In *Ashray Adhikar Abhayan v. Union of India* the Supreme Court while examining the rights of homeless deceased-unclaimed dead bodies to include the right of a decent burial cremation. The Supreme Court found that Delhi is taking all possible steps to provide decent burial or cremation of dead bodies in electric crematorium, to have an extended meaning to treat the dead body with respect, according to the religious customs to which he belongs to and also a cremation which he would have deserved and warranted to, had he been alive subject to his tradition culture.

According to a report by “Navbharat Times” published on July 16, recently, there were rumors of organ trafficking in Gorai area of northwest Mumbai. It was being said that even people who are not infected by Covid-19 were being declared positive. Such persons were being forcefully admitted in the hospitals and their vital organs extracted. The rumors of organ trading under the garb of covid-19 were becoming viral. This rumor had scared people so much that municipal health workers were attacked by the locals being mistaken for organ traders. Multiple social media users claimed that organs were missing from the dead body of a patient who died of COVID-19 in Mumbai. On July there were reports that a person from Gorai area in Mumbai was forcefully admitted to a hospital after he exhibited symptoms

such as mild fever, cold and cough. As per reports, he passed away and when his family checked the corpse during cremation, they found that a few organs were missing. Since then, for over about a week, multiple videos got viral that show a group of people arguing with various government officials, which were sharing with the claim of “organ trading”. There was a video from Manori Village where people were protesting against false cases of coronavirus. When the villagers forcefully inspected the dead body of a corona positive patient, they found that the organs were missing because of which the villagers decided not to allow anybody to be taken from the village even though he was Covid positive.

The THOTA that regulates the storage, transplantation and the removal of human organs and tissues for therapeutic purposes for preventing commercial dealings in human organs and tissues as well as matters connected therewith or incidental thereto. THOTA guarantees a deceased person the right to protect and preserve the human organs or tissues or both of the dead body from being harvested without his/her consent or the consent of the near relatives.

Judicial Approach

Whenever “right to decent burial” is violated, it can be said that “right to death with dignity” is impaired too. In the case of *Vikash Chandra v Union of India* the petitioner when initially presented was primarily concerned with the demeaning disposal of the dead bodies coming to Patna Medical college and hospital particularly, about the disposal and discarding of such dead bodies which have been subject to the post mortem were thrown into the Ganges without even stitching post mortem operation after opening and certain incidental reliefs, which is not only against the dignity of the dead but was a vital threat to public health. To this the court ordered that it is expected of the Hospital officials to see that the disposal of the unclaimed and unidentified dead bodies is done in accordance with law with utmost respect to the dead and in case it is verifiable the last rites may be in conformity with known faith of the person being lamented upon.

In *S. Sethu Raja v. The Chief Secretary*- The fundamental right to life and personal liberty guaranteed under Article 21 of the Indian Constitution, the right to life has been held to include the right to live with human dignity. By our tradition and culture, the same human dignity (if not more), with which a living human being is expected to be treated, should also be extended to a person who is deceased. The madras High Court while passing a judgement ordered that the dead body of the person should be brought from Malaysia so that the process of burial can be done properly according to the traditions and customs.

While doing so, the Supreme court held in the said case namely, *Pt. Parmanand Katara V. Union of India* as follows: “We agree with the petitioner that 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.” The supreme court also laid down the importance of giving dignity to dead persons.

The apex court issued a suo motu writ petition with regard to the deficiencies and shortcomings on the part of the government of National Capital Territory of Delhi and other states. There have been various affidavits filed by the states to the apex court bench. It also gives detail about the guidelines that have been issued by the union government regarding proper treatment of the covid 19 affected patients and the handling of the dead bodies in a dignified manner by the hospital management.

In another suo motu writ petition which was taken by the supreme court regarding the basis of the news that surfaced from the LNJP hospital in Delhi made for the management of the covid patients. The news that surfaced was about how the covid 19 patients and the dead bodies of the covid patients were kept in the same ward indicating a pathetic and deplorable condition of the ward where dead bodies can be spotted also in the waiting area and the lobby.

Mr. Tushar Mehta the additional solicitor general appearing from the union of India indicates that despite of covid 19 guidelines on the management of the dead bodies has been elucidated we have noticed that no proper following and adherence of the guidelines have been done by the state and due care is not given to the dead bodies. The relatives of the patient are also informed about the death after several days and details regarding the cremation and burial of the dead bodies is not given to the close relatives due to which they are unable to attend the last rituals of the dead.

International perspective of the rights of the Dead:

Australia’s Defence Force Manual 1994 states, “The remains of the dead, regardless of whether they are combatants, non-combatants, protected persons or civilians are to be respected, in particular their honor, family rights, religions convictions and practices and manners and customs at all times they shall be humanely treated.

At the core of international framework lies the core of human dignity. Some of the international laws and international covenants are described:

The UK Military Manual, 1958 states that the dead must be protected against maltreatment.

The United Nations Commission on Human Rights: The 2005 resolution on human rights and forensic science underlined the importance of dignified handling of human remains, including their proper management and disposal as well as of respect for the needs of families.

Article 16 (II paragraph) of Geneva Convention provides that as far as the dead that have been killed are seen each party to the conflict shall facilitate steps to be ensured against ill treatment.

The United Nations Inter Agency Standing committee recommends that measures should be taken accordingly in order to facilitate the return of remains to the next of Kin, also measures should be taken that there should be a possibility for the recovery of the remains of the human for future references and identification and there should be a reburial if required.

International Humanitarian Law refer those states to assure that the graves would be respected, will be properly maintained and shall be marked in such a way that it shall always be recognized.

Cairo Declaration on Human Rights in Islam provides that in the case of armed conflict or use of forces it is completely prohibited to mutilate the dead bodies.

Property rights of the dead bodies:

The plaintiff initiated an action against the defendant which was an insurance company for the damages by unjustly refusing to give the desired death certificate of his child there forth fending off the proper and decent burial of the son. It was apparent that the son's wife was not present and had nothing to be done with the custody of the deceased body. It was held for the plaintiff that there is no property with dead bodies in the commercial sense.

It was also held that a dead body cannot be treated like "personal goods and chattels" in the sense that it may be maintained against a person who has the custody of the deceased in order to secure the payment of the charges against him.

It has been held in America generally that despite of the old ministerial courts of England in contradiction holds that there is an amount of certain quasi property that exists for proper burial and after burial the proper care. Also, if there is any interference it gives rise to action for damages. Any unwarranted interference with the right to burial or the unfair and illegal holding of a dead body from those who have the right to the possession for the purpose of entombment is considered as an actionable wrong. The penultimate right for such tort vests with the spouse that is surviving. This right does not pass on to the next kin unless completely abandoned, lost or waived. Else it rests with the next of the kin.

Whether mental anguish is an element for damages there have been conflicting views. In Virginia it was held that any interference that is wrongful with the right of the dead's relatives to the maintaining of a proper burial is a tort, but that mental anguish purely in not considered in assessing the damages.

There have been various sections under the Indian Penal Code allowing rights the dead:

Dishonest misappropriation of property possessed by deceased person at the time of his death.—Whoever dishonestly misappropriates or converts to his own use property, knowing that such property was in the possession of a dead person at the time of that person's death, and has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine or both; ***Defamation*** Explanation 1 includes defamation to impute anything to a person who is deceased, if the imputation would harm the stature of that person if living, and is intentional to be hurtful to the feelings of his family or other near relatives. ***Trespassing on burial places, etc.***—Whoever, with the intention of wounding and hurting the feelings of any person, or of insulting and demeaning the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded or affected, or that the religion of any person is likely to be offended thereby, commits any trespass in any place of worship or on any place of sepulchre, or any place set apart from the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse and the deceased, or causes disturbance or rukus to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. ***Criminal intimidation:*** Explanation included threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

The **Karnataka high court** on 27th of July 2020 directed that the state and the civic bodies should issue guidelines on the dignity of the dead and also directed the state to ensure proper burial and cremation rights to the dead bodies, following which the Karnataka government released the guidelines on 29th of July 2020 for the management and proper burial of the dead bodies.

In the case of ***Vineet Ruia v. The Principal Secretary, Department of Health and Family welfare, Government of West Bengal and Others*** the Calcutta high Court was of a determined view that under article 21 of the constitution of India right to dignity and fair treatment is not only available to the living beings but also to his mortal remains after his death. The disposing of human body, whether a person died due to coronavirus or not and whether needs burial or cremation should be done with proper solemnity and with due respect.

In the case of ***R. Sameer Ahmed v. State of Telengana and others*** the Telengana High court held that the dead are piling up due to the scarcity of space and paucity of manpower and non-availability of proper facilities due to which the dead are not getting the dignity they deserve. The court directed the state to give a proper account and submit details of the capacity and number of the cremations.

Once the body is buried on public property it is directly to be taken care of by the law and remains in its custody. Thus, such bodies should not be disturbed or treated with disrespect. The court acts as a guardian against any disturbance or disinterment of such dead bodies. It basically protects the sanctity of the dead and it should not be disturbed unless under special circumstances the court orders to do so.

Conclusion

I would like to conclude by quoting *Common Cause v. Union of India*, where the Apex court while dealing with the case of euthanasia mainly passive euthanasia, set the stage for acknowledgement of constitutional right to die with dignity. It was contended that right to die with dignity is inseparable facet of right to life with dignity. While paying heed to the situation of a dying man who is in a persistent vegetative state, the Judges pointed out that his process of natural death had already begun and since the death is imminent and certain, he has a right to die with dignity. In this regard court held that right to die with dignity is a fundamental right and thus, an integral part of Article 21.

The Constitution Bench further explained that the said conception also includes the right to a dignified life up to the point of death including a dignified procedure of death or, in other words, it may include the right of a dying man to also die with dignity when his life is ebbing out.

Suggestions:

Some basic principles can be to assure that the dead body is properly handled and preserved without paying heed to what caste, creed, gender, race or religion that person belonged to.

- There should be no kind of physical exploitation as it immediately violates the right of the dead person.
- The dead should have the right to receive proper and timely justice in case of the death has been caused by any kind of crime.
- The will of the deceased person should be respected and moved accordingly.
- Even the dead person is entitled to right of privacy and that should not be violated in any case that includes dissemination of important information related to the deceased.
- There should be no kind of defamation done to the reputation of the deceased person in respect of any statement made against him or visible representation published or made with the intent to harm the reputation.
- Citizens should not use dead bodies as bait for any kind of benefit to be extracted by them.
- It should be the duty of every citizen to inform the authorities of any kind of incident immediately to an emergency number or the nearest police station or any legal or administrative authority whichever can be resorted to.
- If there is any unclaimed body(ies) then they should be preserved well in order to avoid decay and damage of any kind.
- The clothing of the deceased by the hospital authorities should be examined and properly sealed and preserved and if need be, should be sent forward to the forensic science laboratory.

References

1. By Philosopher Corine Pelluchon published on 23rd March in Le Monde
2. The Rights of the Dead and their rights to have dignity in the last rites- HarikumarPallathadka.
3. Barth, J.S., Schneider, S., and Von Kamel, R. (2010). Lack of support in the etiology and prognosis of coronary heart disease: a systematic review and meta analysis.
4. <http://www.frontiersin.org/articles/10.3389/fpsyg.2020.02201/full>.
5. [http:// www.ncbi.nlm.nih.gov/pmc/articles](http://www.ncbi.nlm.nih.gov/pmc/articles).
6. <http://www.india.com/news/india>.
7. The Crimes Act, 1961.
8. Section 70 of United Kingdom Sexual Offences Act, 2003.
9. <http://www.legalserviceindia.com/articles/jud.htm>.
10. <http://www.ndtv.com/India-news/coronavirus-impact>.
11. "We are witnessing a crime against humanity" Arundhati Roy on India's Covid catastrophe.
12. Studies in Jurisprudence and Legal Theory by N. V. Paranjape
13. <http://www.legalserviceindia.com/legal/article-3203-legal-status-of-unborn-dead-person-and-animal.html>.
14. Jurisprudence and Legal Theory, by Vidhya Dhar Mahajan.
15. 13 Ind. 134 Harvard Law Review Volume 10, Number 1.
16. Supreme Court of Minnesota published on November 10, 1891.
17. 47 Minn. 307 commented on in 5 Harvard Law Review 285.
18. Nature of the Rights in a dead body, Harvard Law Review Volume 10, No. 1
19. [https:// www.who.int](https://www.who.int)
20. 1994 SCC (3) 394.
21. PIL no. 38985 of 2004.

22. Guidelines on Dead Body Management by the ministry of Health.
23. Government of India Ministry of Health and Family Welfare.
24. (2002) 2 SCC 27/ AIR 2002 SC 554.
25. <http://indiatoday.in/fact-check/story/fact-check-rumours-of-organ-trade-under-the-garb-of-covid-19-go-viral-1703651-2020-07-23>.
26. Transplantation of Human Organs and Tissues Act, 1994.
27. <http://www.casemine.com>.
28. W.P No. 388 of 2007.
29. 1995 (3) SCC 248.
30. (2020) 7 SCC 145
31. (2020) 5 SCC 304.
32. Proper treatment of covid patients and dignified handling of the dead bodies in the hospitals etc., IN RE suo motu writ petition (C) No. 7 of 2020 decided on June 12th 2020.
33. United Nation Commission on Human Rights in a resolution adopted in 2005.
34. Article 16 of Geneva Convention 1949 IV.
35. The United Nations Inter Agency Standing Committee's Operational Guidelines on Human Rights and Natural disasters.
36. Article 130(1) of the fourth Geneva Convention
37. Article 3 (a) of the 1990 Cairo Declaration
38. Dead Bodies, Property Rights therein. Interference with Burial Right held Tortious.
39. Sothern Life Insurance Company v. Morgan (Ala. 1925), 105 So. 161
40. Weld v. Walker (1881), 130 Mass. 422
41. Keyes v. Konkel (1899), 119 Mich. 550.
42. Larson v. Chase (1891) 47 Minn. 307.
43. Renihan v. Wright (1890), 125 Ind. 536.
44. Thompsan v. Pierce (1914).
45. Bogert v. City of Indianapolis (1859), 13 Ind. 134.
46. Summerfield v Telegraph company (1894), 87 Wis 1.
47. Awtrey v. Norfolk and Western Railway company. (1917), 121 Va. 284.
48. Section 404 of the Indian Penal Code (Act No. 45 of 1860).
49. Section 499 of the Indian Penal Code (Act No. 45 of 1860).
50. Section 297 of the Indian Penal Code (Act No. 45 of 1860).
51. Section 503 of the Indian Penal Code (Act No. 45 of 1860).
52. W.P. No. 5479 (W) of 2020.
53. W.P. (PIL) No. 56 and 58 of 2020.
54. (2018) 5 SCC 1.