



INTERNATIONAL LAW  
JOURNAL

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**WHITE BLACK  
LEGAL LAW  
JOURNAL  
ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

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# **A STUDY ON SOCIO LEGAL PROBLEM OF NECROPHILIA IN INDIA**

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## **ABSTRACT:**

Necrophilia which means abnormal fascination that crosses a spectrum of acts with the dead, more precisely, the individual's desire to voluntarily indulge in sexual intercourse or sexual activities with the corpse and is also known as necromania or necrophilism. Necrophilia is a very bizarre paraphilic disorder with varied medicolegal implications where the offender gets sexual pleasure by sexual intercourse with dead body. The act of necrophilia is against the nature. It is an unnatural sex with dead bodies. Necrophiles frequently they pick jobs that require them to interact with corpses. Necrophilia is not necessarily associated with insanity, mental impairment, or sadism. Possession of an unresisting and unrejecting companion is usually the most typical reason for engaging in necrophilia. To find out whether People are aware about necrophilia. Empirical research and simple random sampling method has been used. Sample size is 215. It was found that most of the people are unaware of necrophilia. This necrophilia has adverse effect on the society. People felt that it is a crime. Finally I conclude there is a need of amendment to the existing provision of IPC Section 297 and the offender has to be treated with more due care.

**Keyword:** Necrophilia, Corpses, People, Dead, Offender.

## **INTRODUCTION:**

The *term 'Necrophilia' originates* from the Greek word, Necro which means 'death' or 'corpse', and philia which means 'love' or 'affection' was first coined by the Belgian psychiatrist Joseph Guislain. Necrophilia can be simply defined as the abnormal fascination that crosses a spectrum of acts with the dead, more precisely, the individual's desire to

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voluntarily indulge in sexual intercourse or sexual activities with the corpse and is also known as necromania or necrophilism. Necrophilia has been around for centuries, but it is unspoken evil. An act of evil that no human should be engaging with. Necrophilia can almost always be categorised as an act that is against nature.

**Government initiatives:** Section 297 of IPC Trespassing on burial places: Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted 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, or causes disturbance 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. Article 21 Right to dignity which provides protection to human corpses, Right against sexual misconduct, Section 377 of IPC deals with unnatural sex: Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with 1 [imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Factors affecting** :Psychological conditions, intense fear of interacting with potential living partners, Desire for comfort to overcome feelings of isolation, Corpsescannot reject disagree manipulate or abuse them, Seeking self system by expressing power over corpses, Sexual attraction to date people , Even watching pornographic videos likely to commit necrophilia.

**Current trend:** Aghoris they believed that sex with dead bodies can give rise to supernatural powers. So, aghoris clans unite in the dead bodies in the night in a cemetery to perform this kind of rituals. Even aghoris they will eat the brains of corpses. In order to impress goddess they find a suitable corpses to have a sexual intercourse. **Comparison between different countries:** In U. K Section 70 of the Sexual Offences Act, 2003 criminalizes the act of sexual penetration to a corpse and prescribes a punishment of imprisonment for a term which should not exceed two years. But as per the records, there are no prosecutions in the particular offence till now. In the United States they do not have any Federal Laws related to necrophilia but they have left it to individual states to decide in this regard. In India there is no law in India to rebuff such guilty parties. The main law identified with cadavers in India in section 297 of IPC named

as illegal entering internment places. **The main aim is to find out whether people are aware about necrophilia.**

### **OBJECTIVES:**

- 1) To find out whether People are aware about necrophilia
- 2) To find out necrophilia's effect on society and what kind of changes can be brought in law to deal with necrophilia offences.
- 3) To examine whether having sex with human corpses it amounts to crime.
- 4) To analyse during covid Period whether Indian People have witnessed any rising number of necrophilia cases.

### **REVIEW OF LITERATURE:**

The author made a case-file review of 211 sexual homicides in which he identified 16 cases of necrophilia. The findings suggest that the offender's desire to have an sexual intercourse with dead bodies. Because such offender need an unresisting partner to have an sexual intercourse but it may not always be applicable in cases where this rare paraphilia is connected to sexual murder (**Stein et al 2010**). Boureghda he made a case study on a 40-year-old German man who was convicted for disturbing the dead. He performed heterosexual necrophilic acts. His actions ranged from visiting cemeteries to dissecting bodies and taking the body parts home with him for sexual purposes. It was found that the perpetrator displayed no signs of other psychiatric illnesses (**Boureghda et al 2011**). The author studied a case of a young man legally convicted twice on a charge of defiling the dead. All necrophilic acts were committed over a period of around 15 years. The examination results revealed a purely female-fixated necrophilia. In three cases, the perpetrator skinned the trunk of the corpses, placed the skin on his naked body and stimulated himself sexually. In several cases, he also used burial clothes that he had removed from the coffins and kept at home. The perpetrator had a long record of psychiatric treatment for his sexual (**Ehrlich et al 2000**). Necrophilia is a sexual attraction or sexual act involving corpses. Most necrophiles identify as heterosexual males and fall between the ages of twenty and fifty, but there are also cases of homosexual and/or female necrophiles (**Aggrawal2010**).

Opportunistic, experimental, preferential & sadistic are the four different patterns of necrophilia in sexual homicide; it was explored by the authors in their studies. Data collected from 109members. (**Chopin and Beauregard 2021**). Necrophilia is the most serious

psychological disorder. Such kind of offender has to be treated with due care. Necrophilia is a taboo in a society. That has to be treated very carefully (**Kalra 2013**). Necrophiles often choose occupations that put them in contact with the corpses. Some necrophiles who had occupational access to corpses committed homicide nevertheless. The most common motive for necrophilia is a possession of an unresisting and unrejecting partner (**Rosman and Resnick 1989**). Author made a study about US necrophilia laws that human corpses and the laws that govern the use of dead bodies are uniquely positioned to cause precisely these legal discrepancies since the dead body is a quasi-subject before the law.

Specifically, it is argued that the ambiguous juridical standing of the human corpse in necrophilia cases compounds the sexual monstrosity of the necrophiliac and of necrophilic acts. None of the men could be charged with attempted necrophilia, since the state of Wisconsin has no law making necrophilia illegal (**Troyer 2008**).

The author examines sexual behaviours that are clearly abnormal in our society. While several of these described behaviors are not specifically deemed as being criminal in a statutory sense, it is emphasized that sex offenders tend to be diverse in their deviant practices and often graduate into practicing increasingly dangerous perversions. Also emphasized some of the methods employed by sex offenders in locating and victimizing their targets (**Peak 1996**). The findings from this exploratory study are reported in terms of the descriptive background characteristics of 36 sexual murderers, their behaviors and experiences in connection with their developmental stages, and the central role of sadistic fantasy and critical cognitive structures that support the act of sexual murder. A five-phase motivational model is presented: ineffective social environment, formative events, critical personal traits and cognitive mapping process, action toward others and self, and feedback filter (**Burgess et al 1986**). An individual's arousal and attraction to fantasies or actual sexual contact with dead people. The necrophile may indulge with the corpse in many ways such as oral sex, penile-vaginal intercourse to anal intercourse, or masturbation in the presence of a body. The lawmakers and experts consider necrophilia nonconsensual as the deceased individuals cannot give consent. Cognitive Therapy, use of sex-drive reducing medications, assistance to improving social and sexual relations can be helpful in the management for the person suffering from the necrophilia (**Mellor et al 2016**). Necrophilia consists of erotic fantasies sexual contact with the dead. Unfortunately, research into the world of necrophiles is hampered by the secrecy of their desires and difficulties in detecting their activities (**Sharpless 2016**).



Necrophilia is the erotic attraction to or a sexual interest in corpses. It is a rare sexual perversion that is seldom reported. It usually involves people who work with cadavers at mortuaries and funeral parlors (**Dubasi and Fosseus 1995**). The authors describe a case of necrophilia in which the corpse of a young girl was disinterred. No lesions were observed on the genitals and breasts, but the aspect of the anus suggested that some object had been introduced in it (**Torre and Varetto 1987**). Regular necrophilia refers to the sexually motivated abuse of corpses and is not considered as severe crime in many western countries. However, the risk of “switching” to necrophilic homicides, i. e., committing a homicide to obtain a dead body, has to be assessed by forensic experts (**Bauer et al 2007**). It is true that the majority of persons with Autism are highly moral, nevertheless a small minority are highly dangerous. They show gross lack of empathy, are dangerously perverse and get enormous pleasure from serial killing and necrophilia. For some the only sexual interest they have is in relation to dead bodies (**Fitzgerald 2011**). The possibility of necrophilic actions should always be excluded in homicidal dead bodies when it is indicated by the examining pathologist. The possible necrophilic acts that could occur at the hands of funeral directors should also not be overlooked. Making amendments to the Sri Lankan law should be considered to encompass this Kind of necrophilia offence (**Ariyaratna and Ariyaratna 2016**). Necrophilia is an issue that has not been the subject of legal statute in the United Kingdom to date, although this issue is currently under consideration by the Home Office in proposals to reform the law on sexual offences (**Cook and James 2002**). Author found sexually motivated homicide combined the perpetrator's obliteration of his victim's identity along with his attempt at concealment of the corpse and sexual gratification following ligature strangulation of a young unidentified female from a minority Indian state. Sexual bondage was evident with characteristic body tying in a typical posture to fuel the killer's sexual arousal and gratification before, during and then after strangling his victim with a scarf (**Chauhan et al 2017**). The psychoanalytic on somnophilia and necrophilic fantasies and the acts is indeed sparse. Regardless of these distinctions, however, the underlying dynamics commonly involve reunion with the mother, an inability to mourn, fear of the female, and an attempt at mastering and transcending the fear of death (**Knafo 2015**).

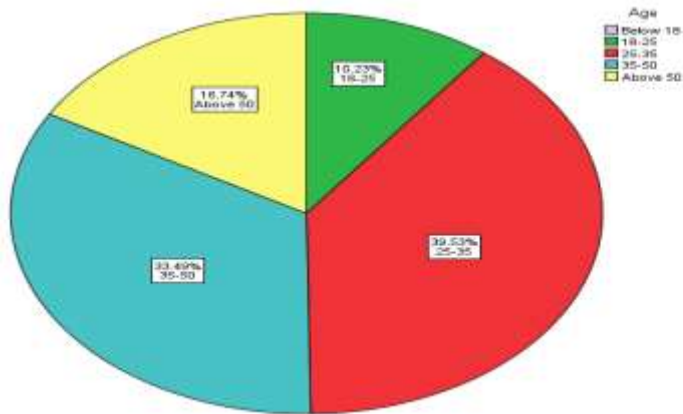
### **METHODOLOGY:**

The research method followed by the researcher is empirical research method. Simple random sampling. Total sample size is 215. The sample frame taken in Chennai. Independent variables

are age, gender and residential status of the respondents. The dependent variables are people's awareness about necrophilia, causes of necrophilia. Statistics tool used by the researcher is Chi square, Pie chart and bar graph.

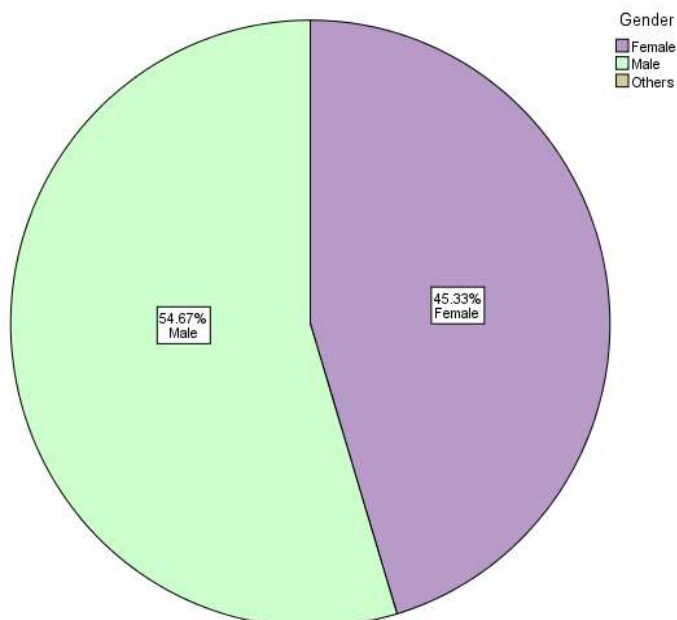
**ANALYSIS:**

Fig 1:



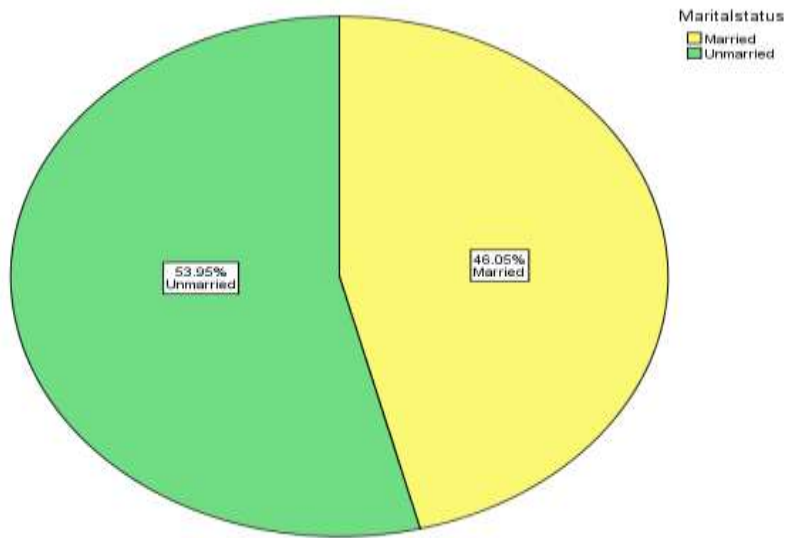
Legend: Fig 1 represents the age of the respondents.

Fig 2:



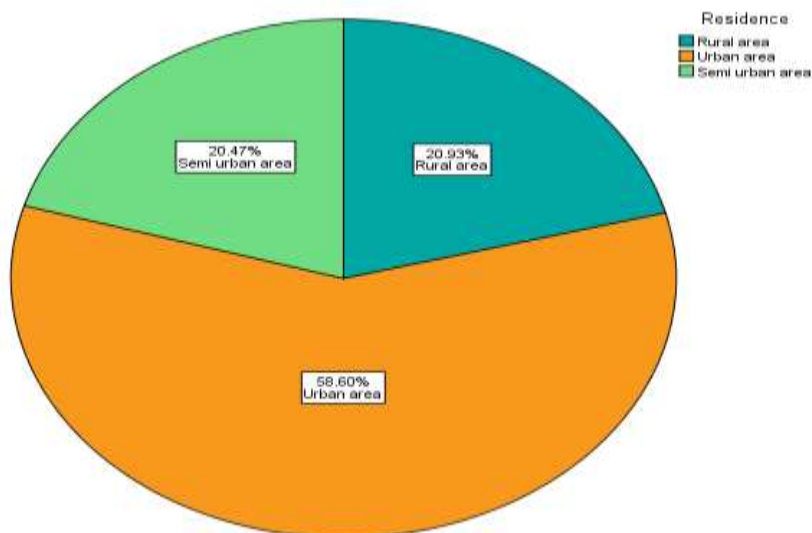
Legend: Fig 2 represents the gender of the respondents

Fig 3:



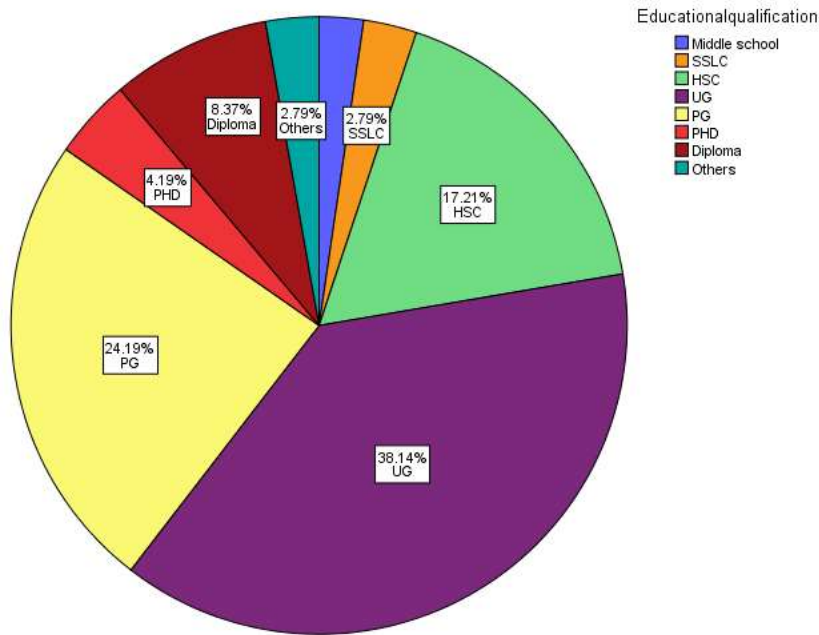
Legend: Fig 3 represents the marital status of the respondents.

Fig 4:



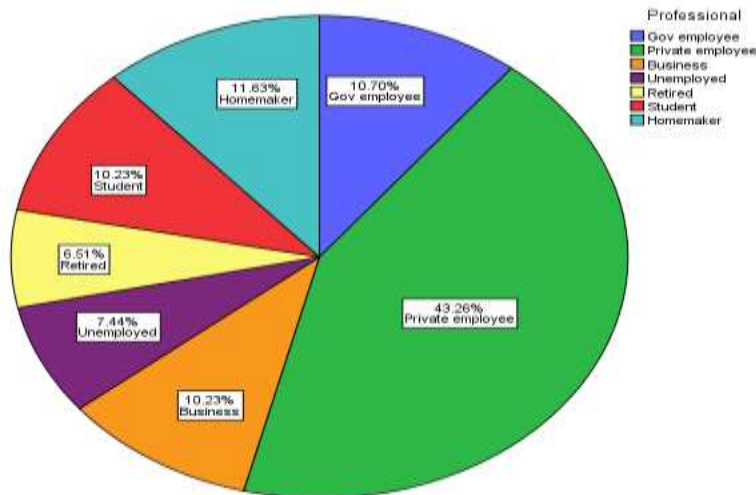
Legend: Fig 4 represents the residential status of the respondents.

Fig 5:



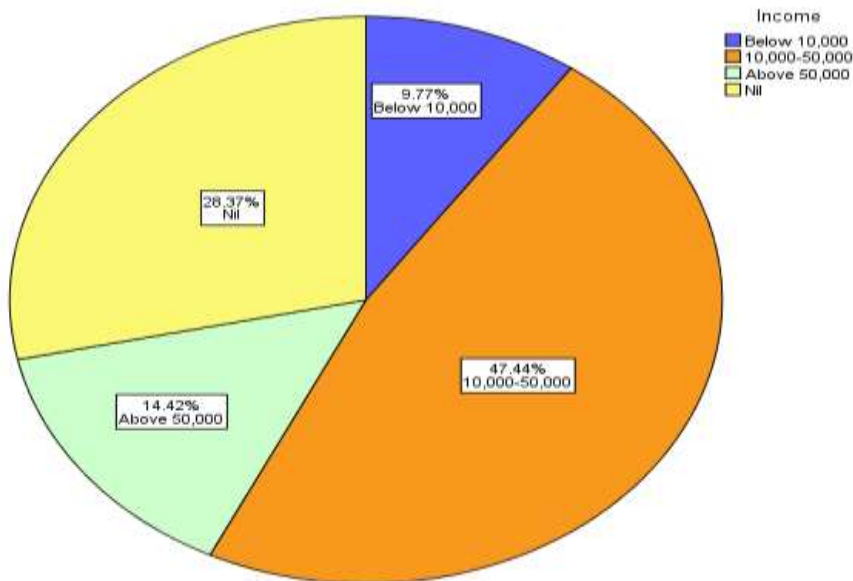
Legend: Fig 5 represents the educational qualification of the respondents.

Fig 6:



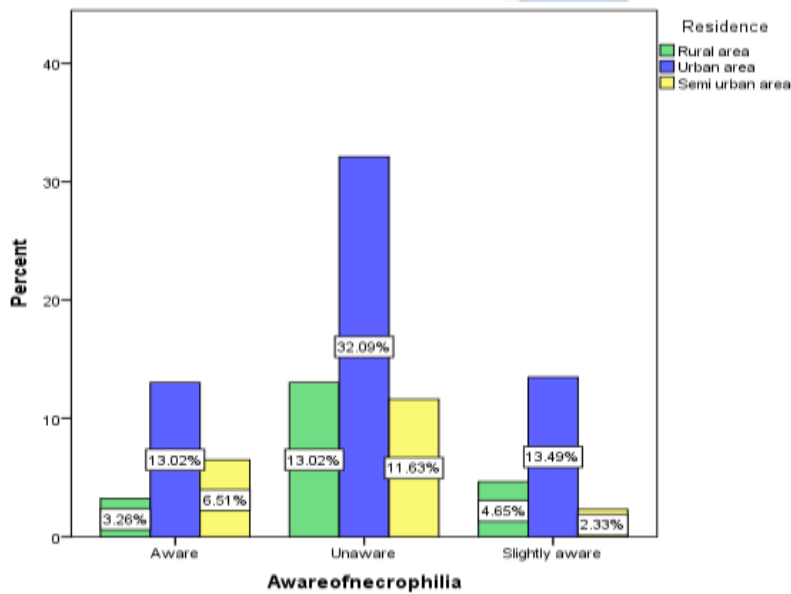
Legend: Fig 6 represents the Professional status of the respondents.

Fig 7:



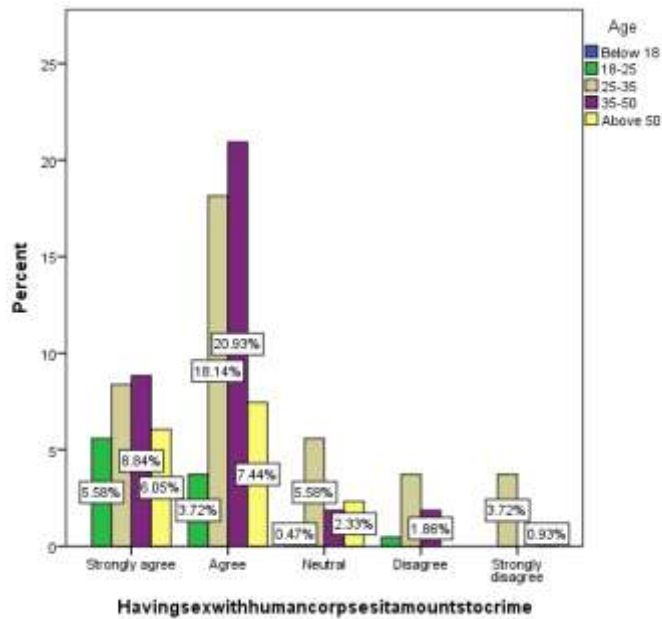
Legend: Fig 7 represents the income status of the respondents.

Fig 8:



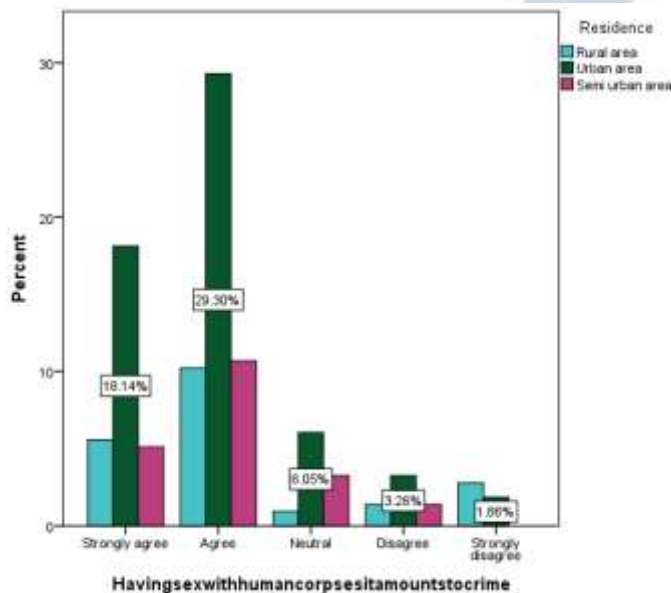
Legend: Fig 8 represents awareness of necrophilia and the residential status of the respondents.

Fig 9:



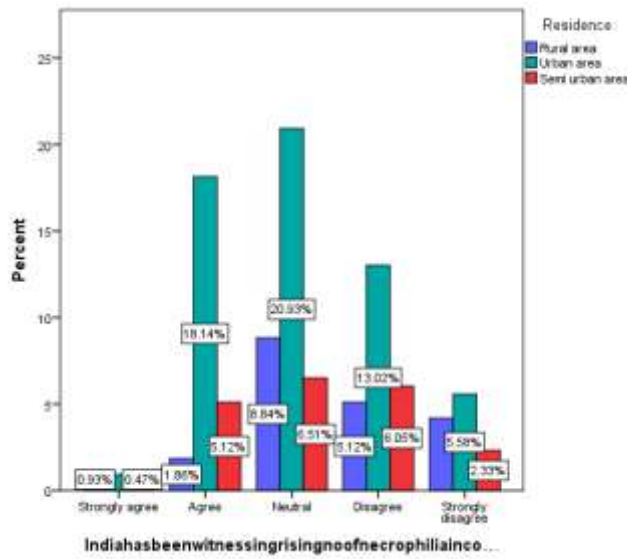
Legend: Fig 9 represents having sex with necrophilia amounts to crime and age of the respondents.

Fig 10:



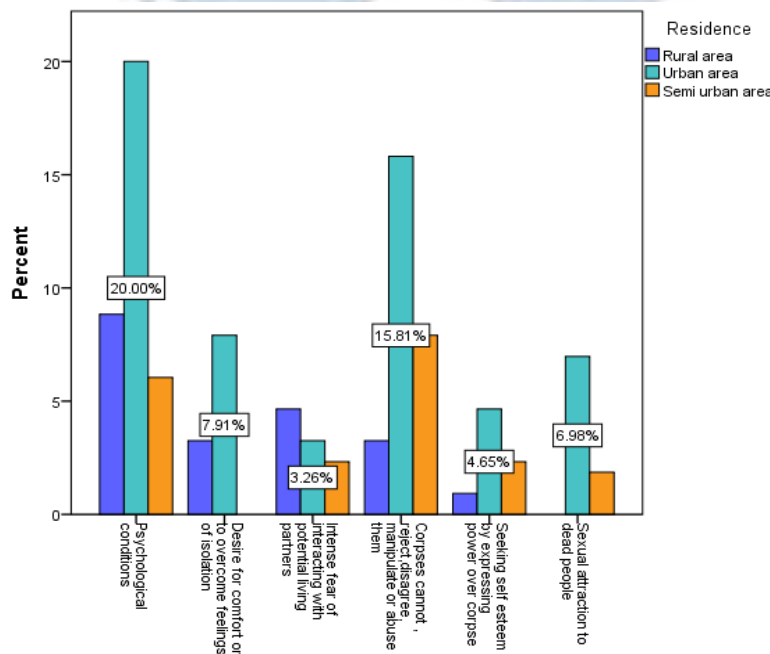
Legend: Fig 10 represents having sex with necrophilia amounts to crime and residential status of the respondents.

Fig 11:



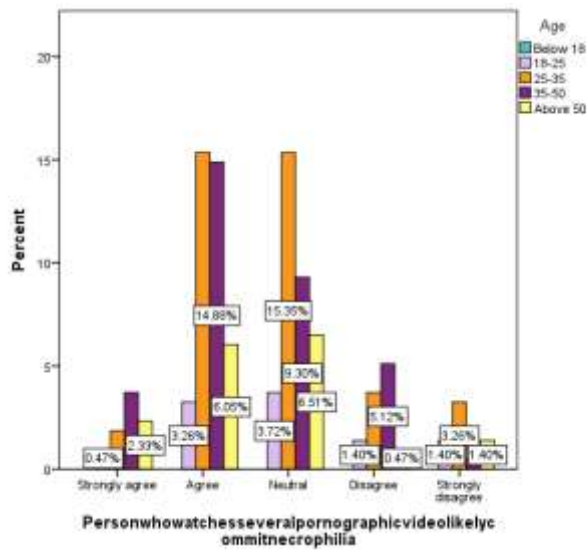
Legend: Fig 11 represents India has been witnessing a rising number of necrophilia and residential status of the respondents.

Fig 12:



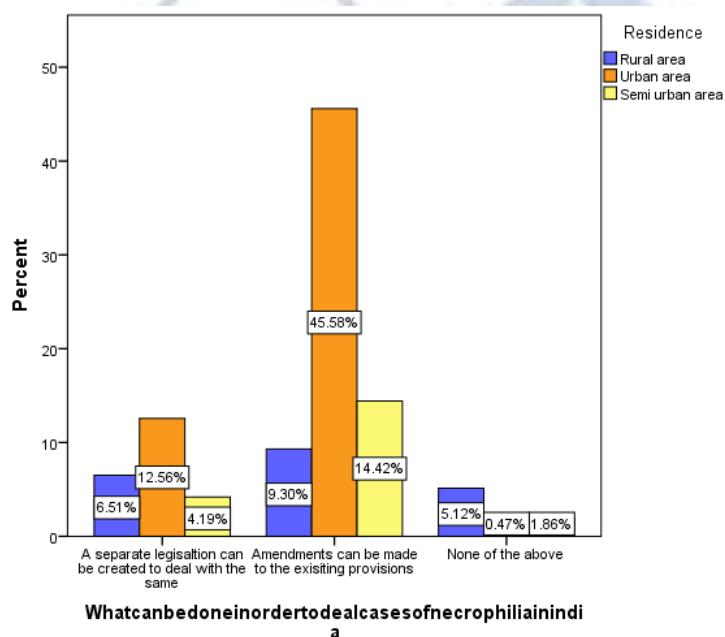
Legend: Fig 12 represents the reason for necrophilia and residential status of the respondents.

Fig 13:



Legend: Fig 13 represents person who watches several pornographic videos likely to commit necrophilia and age of the respondents.

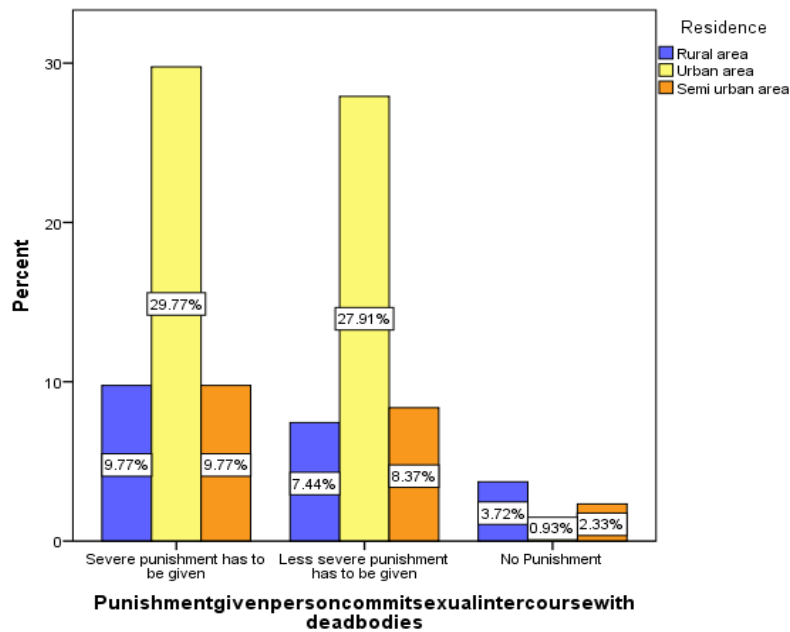
Fig 4:



Legend: Fig 4 deals with what can be done in order to deal with cases of necrophilia and the residential status of the respondents.



Fig 15:



Legend: Fig 15 represents the punishment for a person who commits necrophilia and residential status of the respondents.

Table 1:

**Crosstab**

Count		Breakdown of social norms, ethics and family					Total
		Strongly agree	Agree	Neutral	Disagree	Strongly disagree	
Residence	Rural area	18	13	5	5	4	45
	Urban area	62	59	3	2	0	126
	Semi urban area	11	27	2	4	0	44
Total		91	99	10	11	4	215

**Chi-Square Tests**

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	37.855 <sup>a</sup>	8	.000
Likelihood Ratio	35.208	8	.000
Linear-by-Linear Association	1.471	1	.225
N of Valid Cases	215		

a. 7 cells (46.7%) have expected count less than 5. The minimum expected count is .82.

Legend: Table 1 represents breakdown of society norms, ethics and family and residential status of the respondents.

NULL HYPOTHESIS: There is no significant association between residential status and breakdown of society norms, ethics and family.

ALTERNATIVE HYPOTHESIS: There is a significant association between residential status and breakdown of society norms, ethics and family.

Table 2:

**Crosstab**

Count

		Increasing criminal offences					Total
		Strongly agree	Agree	Neutral	Disagree	Strongly disagree	
Residence	Rural area	14	17	4	8	2	45
	Urban area	42	78	4	1	1	126
	Semi urban area	10	28	2	4	0	44
Total		66	123	10	13	3	215

**Chi-Square Tests**

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	27.906 <sup>a</sup>	8	.000
Likelihood Ratio	27.435	8	.001
Linear-by-Linear Association	2.301	1	.129
N of Valid Cases	215		

a. 7 cells (46.7%) have expected count less than 5. The minimum expected count is .61.

Legend: Table 2 represents increasing criminal offences and residential status of the respondents.

NULL HYPOTHESIS: There is no significant association between residential status and increasing criminal offences

ALTERNATIVE HYPOTHESIS: There is a significant association between residential status and increasing criminal offences.

### RESULT:

Majority of the respondents belong to the age group 25-35(39. 53%) and the least respondents belong to the age group 18-25(10. 23%) (**Fig 1**). Majority of the respondents are male 54. 67% and the least respondents are female 45. 33%. (**Fig 2**). Majority of the respondents are

unmarried 53. 95% and the least respondents are married 46. 05% **(Fig 3)**. Majority of the respondents belong to urban areas 58. 60% and the least respondents belong to semi urban areas 20. 47%. **(Fig 4)**. Majority of the respondents are IG Graduates 38. 14% and the least respondents completed middle school, SSLC , HSC and some did not study (2. 79%)**(Fig 5)**. Majority of the respondents who are private employees 43. 26% and the least respondents who got retired 6. 51%. **(Fig 6)**. Majority of the respondents earn 10, 000-50, 000(47. 44%) and the least respondents earn below 10, 000(9. 77%). **(Fig 7)**.

Majority of the respondents who belong to urban areas say they are unaware 32. 09% and the least respondents who belong to semi urban areas say slightly aware 2. 33% about necrophilia. **(Fig 8)**. Majority of the respondents who belong to the age group 35-50 yrs say agree 20. 93% and the least respondents disagree 1. 86% having sex with necrophilia amounts to crime **(Fig 9)**. Majority of the respondents who belong to urban areas agree 29. 30% and the least respondents who belong to urban area strongly disagree 1. 86% having sex with necrophilia amounts to crime. **(Fig 10)**.

Majority of the respondents who belong to urban areas agree 18. 14% and the least respondents who belong to rural areas agree (1. 86%) India has been witnessing a rising number of necrophilia. **(Fig 11)**. Majority of the respondents who belong to urban areas say psychological conditions 20%. and the least respondents who belong to urban areas say intense fear of interaction with potential living partners 3. 26%. India has been witnessing a rising number of necrophilia **(Fig 12)**. Majority of the respondents who belong to the age group 25-35 says neutral (15. 35%) and the least respondents who belong to the age group 18-25 and above 50 yrs strongly disagree (1. 40%) person who watches several pornographic videos likely to commit necrophilia **(Fig 13)**. Majority of the respondents who belong to urban areas say amendments can be made to the existing provisions 45. 58% and the least respondents who belong to semi urban areas say none of the above 1. 86% can be done in necrophilia related provisions **(Fig 14)**.

Majority of the respondents who belong to urban areas say less severe punishment has to be given 27. 91% and the least respondents who belong to semi urban areas say 2. 33% no punishment for a person who commits necrophilia. **(Fig 15)**.

In the **Table 1**,  $P=0.05$  the chi-square value is .000 it is less than P value here null hypothesis

is rejected. There is a significant association between residential status and breakdown of society norms, ethics and family. In the **Table 2**,  $P=0.05$  the chi-square value is .000 it is less than  $P$  value here null hypothesis is rejected. There is a significant association between residential status and increasing criminal offences.

### DISCUSSION:

Most of the respondents who belong to urban areas didn't even heard about necrophilia. Because people didn't even know that such kind of issues are prevailing in india. Necrophilia related offences are new to them so they are unaware about necrophilia (**Fig 8**). Most of the respondents who belong to the age group 35-50 yrs they feel that having sex with dead bodies it amounts to crime. Incase of living person without consent of that person having sex is considered as rape. Likewise respect should be given to the dead bodies. Such kind of acts are considered as a evil (**Fig 9**). Most of the urban area people they say act like necrophilia has to be condemned seriously. Though dead bodies they cannot fight back so offender is doing such kind of evil act it spoil the dignity of a dead bodies. People feel such act is a crime (**Fig 10**). Most of the urban people they say yes in the north india such kind of offences are serious in nature so there are chances during covid 19 india would have witnessed a rising number of necrophilia cases maybe(**Fig 11**). Most of the people feel that the offender is psychopath. He is psychologically affected so he commit such kind of offences and the offender was keen on having sex with dead bodies. (**Fig 12**). Most of the people feel that the person who watches several pornographic videos likely to commit necrophilia kind of offences it may also influence the person to do such kind of offences. There is a chance (**Fig 13**). Most of the people they say amendment can be made to the existing provisions to deal necrophilia related cases no need of separate legislation (**Fig 14**). Most of the people they say less severe punishment has to be given to a offender. Because of his mental disorder offender commit such kind of offences. (**Fig 15**).

Most of the people they say necrophilia offences which breakdown the society norms, ethics and sentiment of the deceased persons family so such act has to deal carefully (**Table 1**). Most of the people they say necrophilia offences incase if it is not treated then their will be increasing criminal offences with respect to dead bodies (**Table 2**)

## CONCLUSION & SUGGESTIONS:

The term 'Necrophilia' originates from the Greek language, Necro means 'death' or 'corpse', and philia which means 'love' or 'affection'. Necrophilia is defined as the abnormal fascination that crosses a spectrum of acts with the dead, more precisely, the individual's desire to voluntarily indulge in sexual intercourse or sexual activities with the corpse and is also known as necromania or necrophilism. To find out whether People are aware about necrophilia. . It was found that most of the people are unaware necrophilia. This necrophilia has adverse effect on the society. People felt that it is a crime. There should be more awareness in the society regarding necrophilia and to create awareness among the people regarding rights of the dead person. They have right to decent burial. Finally I conclude there is a need for amendment in the existing provision of IPC Section 297 and the offender has to be treated with more due care.

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