

GOVERNMENT OF KERALA
Law (Legislation-E) Department

NOTIFICATION

No. 62/Leg.E1/2020/Law.

*Dated, Thiruvananthapuram, 18th February, 2020
5th Kumbham, 1195
29th Magha, 1941.*

In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor of Kerala is pleased to authorise the publication in the Gazette of the following translation in English language of the Kerala Right to Burial of Corpse in Christian (Malankara Orthodox-Jacobite) Cemeteries Act, 2020 (1 of 2020).

By order of the Governor,

ARAVINTHA BABU P. K.,
Law Secretary.



[Translation in English of “2020-ലെ കേരള ക്രിസ്ത്യൻ (മലങ്കര ഓർത്തോഡക്സ്-യാക്കോബായ) സെമിത്തേരികളിൽ മൃതദേഹം അടക്കം ചെയ്യുന്നതിനുള്ള അവകാശം ആക്റ്റ്” published under the authority of the Governor.]

ACT 1 OF 2020

THE KERALA RIGHT TO BURIAL OF CORPSE IN CHRISTIAN (MALANKARA ORTHODOX-JACOBITE) CEMETERIES ACT, 2020.

An Act to provide for the burial of corpse and funeral services of Christians belonging to Malankara Orthodox-Jacobite denominations 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 belonging to Malankara Orthodox-Jacobite denominations 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 Right to Burial of Corpse in Christian (Malankara Orthodox-Jacobite) Cemeteries Act, 2020.

(2) It shall be deemed to have come into force on the 7th 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 corpses of parishioners in a concrete cell or pit made in the ground;

(b) “Christian” means any person belonging to the Orthodox-Jacobite denominations of Malankara Christian Church who believes in the Bible and accepts 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 of corpse.*—(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 but shall not include those who



have left the faith of Orthodox-Jacobite Church and have embraced other denominations of Christian Church or other religions.

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 of corpse 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.

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.

