



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA
Law (Legislation-E) Department
NOTIFICATION

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

7th January, 2020
Dated, Thiruvananthapuram, 22nd Dhanu, 1195
17th Pousha, 1941.

The following Ordinance promulgated by the Governor of Kerala on the 6th day of January, 2020 is hereby published for general information.

By order of the Governor,
ARAVINTHA BABU. P. K.,
Law Secretary.



ORDINANCE No. 1 OF 2020**THE KERALA CHRISTIAN CEMETERIES (RIGHT TO BURIAL OF
CORPSE) ORDINANCE, 2020**

Promulgated by the Governor of Kerala in the Seventieth Year of the Republic of India.

AN

ORDINANCE

to provide for the burial of corpse and funeral services of Christians 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 and for matters connected therewith or incidental thereto;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Christian Cemeteries (Right to Burial of Corpse) Ordinance, 2020.

(2) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) “cemetery” means a place set apart for burial of the dead bodies of parishioners whether the dead body remains as corpse or converted into ashes through cremation process for internment either in a concrete cell or pit made in the ground;

(b) “Christian” means and includes any person who believes in the Bible and accept Jesus Christ as the only begotten Son of God and has been baptized;

(c) “Government” means the Government of Kerala;

(d) “parish” means the 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 Ordinance.



3. *Right to burial.*—(1) All members of the families belonging to a parish shall have the right to be buried in the cemetery where their ancestors are 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.

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 Ordinance shall be cognizable, bailable and compoundable by the family members of the deceased.

6. *Maintenance of register.*—The Vicar of the parish shall maintain a separate register as may be prescribed for the burial 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.

Explanation.—“Vicar” includes priest, pastor or a person who performs the rituals of burial.

7. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules to carry out the purposes of this Ordinance.

(2) Every rule made under this Ordinance, 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.

ARIF MOHAMMED KHAN,
GOVERNOR.

