

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 6 | Issue 5

2023

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Case Comment: Rangaraju @ Vajapeyi vs State of Karnataka

ANIMESH JHA¹ AND HIMANSHU RANJAN²

ABSTRACT

Necrophilia, the sexual attraction, obsession, or engagement with deceased human bodies, remains a profoundly unsettling and morally contentious subject in human history. Despite its disturbing nature, various religious texts emphasize the importance of treating the deceased with utmost reverence, acknowledging their spiritual journey beyond mortality. In this context, Hinduism views the dead body as more than just mortal remains, representing the departure of the soul on its spiritual journey housed temporarily in the “atman,” an eternal connection to divine cosmic energy. Christianity, on the other hand, emphasizes the resurrection of the body, highlighting the sanctity of the deceased and the divine restoration of life after death. Islam strictly condemns necrophilia as a desecration of the body and a violation of religious principles.

Recently, the Karnataka High Court's ruling in the case of Rangaraju @ Vajapeyi vs State of Karnataka ignited significant controversy when it acquitted the defendant on charges of raping a deceased victim due to the lack of specific provisions in the Indian Penal Code (IPC). This article critically analyzes the High Court's judgment, arguing that a purposive interpretation of Sections 375/377 of the IPC, aimed at protecting the dignity and rights of individuals, would have been more appropriate. Such an approach would extend the protection of these provisions to include deceased individuals, aligning the law with its moral and just intent and fostering a more compassionate and humane legal system.

Keywords: *Necrophilia, Rape, Right to life.*

I. INTRODUCTION

In the intricate tapestry of human history, few subjects have been as profoundly unsettling and morally contentious as necrophilia. Necrophilia, derived from the Greek words “*nekros*” (dead) and “*philia*” (love), refers to the sexual attraction, obsession, or engagement with deceased human bodies.³ Despite its revolting nature, the subject has been subject to speculative contemplation in various religious texts, where the dignity of the dead body takes centre stage.

¹ Author is an Assistant Professor at Dharmashashtra National Law University, Jabalpur, India.

² Author is a student at National Law University, Jodhpur, India.

³ Rosman, J. P., & Resnick, P. J. *Sexual attraction to corpses: A psychiatric review of necrophilia*, 17(2), JOURNAL OF THE AMERICAN ACADEMY OF PSYCHIATRY AND THE LAW ONLINE, 153-163 (1989).

For instance, numerous belief systems emphasize the importance of treating the deceased with utmost reverence, acknowledging the spiritual journey that lies ahead beyond the veil of mortality. In Hinduism, the dead body represents more than just mortal remains. It symbolizes the soul's departure for its spiritual journey, housed temporarily in a transient vessel called the “*atman*.”⁴ This soul is eternal and connected to divine cosmic energy. Christianity emphasizes the resurrection of the body, showing the sanctity of the deceased and the divine restoration of life after death. Islam treats the dead with utmost respect, strictly condemning necrophilia as a desecration of the body and a violation of religious principles.

This disturbing phenomenon, often veiled in darkness and seldom spoken of in public discourse, raises unsettling questions about the boundaries of human dignity, religious beliefs, and the role of the law in safeguarding the sanctity of the deceased. Recently, the Karnataka High Court’s [hereinafter Karnataka HC] ruling in the case of *Rangaraju @ Vajapeyi and State of Karnataka*⁵ ignited significant controversy. The accused faced charges under Section 376 of the Indian Penal Code [hereinafter IPC] for committing the rape on the victim-dead body, but the court ultimately acquitted the defendant, citing a lack of specific provisions in the IPC to address such an offense. Through this case comment, we intend to critically analyse the judgement of the Karnataka HC and put forth the flaw in the reasoning of the Court in coming to such conclusion. It must be noted that we are only concerned with the issue whether rape on dead body of a woman attracts an offence punishable under the provisions of Section 376 of the Indian Penal Code, in the peculiar facts and circumstances of the case.

II. FACTS OF THE CASE & JUDGEMENT OF THE TRIAL COURT

The case revolves around a tragic incident that occurred in Javanahalli, Kasaba Hobli, Tumakuru District, involving the brutal murder and sexual assault of Rathamma, a 21-year-old woman pursuing computer classes in Badavanahalli. The prosecution, led by Nagesh, the victim’s brother, brought forth compelling evidence and witness testimonies to present a harrowing account of the events that unfolded on 25th June 2015.⁶

According to the prosecution’s version of events, Rathamma attended her computer class on the fateful day at 10:30 am as usual. However, when she failed to return home by 3:30 pm, her family grew concerned. Nagesh, her brother, received distressing news later in the day while working at the village Dairy. Locals had discovered the lifeless body of a young girl with her

⁴ Bodewitz, Henk. *The Hindu doctrine of transmigration: Its origin and background in Vedic Cosmology and Ethics*, BRILL, 3-19 (2019)

⁵ *Rangaraju @ Vajapeyi vs State of Karnataka* 2023 SCC Online Kar 23.

⁶ See *Rangaraju* ¶ 2.

throat slit in Doddahalla, situated alongside the road from Gulagenahalli to Javanahalli.⁷

Tragically, the deceased girl was identified as Rathamma. Distraught and devastated, Nagesh rushed to the scene with his uncle's son, Prasanna Kumar. There, they found Rathamma's clothing – chutidar pant, underwear, and veil – discarded in the bushes, indicating signs of sexual assault. The culprits had also murdered her to prevent her from disclosing the horrifying incident. Her school bag, which she carried daily, was also discovered nearby.⁸

Subsequently, the Investigating Officer filed a Charge Sheet detailing the charges under Sections 302 (murder) and 376 (rape) of the Indian Penal Code. After the case was committed to the learned Sessions Judge, a formal Charge was framed against the accused, who pleaded not guilty and opted for a trial.⁹

The learned Sessions Judge, after considering the evidence, found the accused guilty of murdering the complainant's sister by slitting her neck on 25th June 2015. He was also found guilty of raping her. Accordingly, the accused was sentenced to life imprisonment for murder, with a fine of Rs.50,000/- or two years of simple imprisonment as an alternative. For the rape conviction, he received a ten-year rigorous imprisonment sentence, with a fine of Rs.25,000/- or one year of simple imprisonment as an alternative. Dissatisfied, the accused filed an appeal seeking a review of the judgment and sentence. The appeal will follow legal procedures, allowing the court to examine the appellant's grounds for appeal.¹⁰

III. RATIO OF THE JUDGEMENT OF THE HIGH COURT AND THE UNDERLYING RATIONALE

After hearing the arguments of both sides and assessing the evidence on record, the Karnataka HC confirmed the order of the Sessions judge on the charge of murder, i.e., under Section 302 IPC but reversed the finding on the charge of Section 376.¹¹

The rationale behind the decision of the High Court revolves around the literal interpretation of the relevant provisions of the IPC. The High Court observed that Sections 375 and 377 of the IPC, which deal with offenses related to rape and unnatural offenses, respectively, do not encompass acts committed on a deceased body. In other words, the court emphasized that *a dead body cannot be considered a human or a person*¹², and thus, the provisions of Sections

⁷ See Rangaraju ¶ 2.

⁸ See Rangaraju ¶ 4.

⁹ See Rangaraju ¶ 5.

¹⁰ See Rangaraju ¶ 7.

¹¹ See Rangaraju ¶ 68.

¹² See Rangaraju ¶ 51.

375 or 377 of the IPC, which are meant to protect living individuals from sexual offenses, do not apply to a lifeless body. Therefore, the court concluded that the offense of rape, which requires non-consensual sexual intercourse against a person's will, cannot be established when the victim is deceased.¹³

Later in the judgement, the High Court called upon the Central Government to address this legal gap by either amending Section 377 of the IPC to include the dead bodies of men, women, or animals within the purview of unnatural offenses or by introducing a new provision targeting sadism or necrophilia specifically.¹⁴

IV. UNRAVELLING THE HIGH COURT'S MISGUIDED AFFAIR IN THE JUDGEMENT WITH LITERAL INTERPRETATION: A CRITICAL ANALYSIS

It is very apparent that the Karnataka HC was obsessively 'romanticised' with the literal interpretation approach while concluding that a dead body cannot be considered a human or a person within the meaning of IPC. However, we fear that even the romance of the High Court with literal interpretation was half-hearted and like a callous lover.

Section 375 of the IPC says, if a man indulges in sexual intercourse with a woman against her will or without her consent commits rape. Section 377 punishes carnal intercourse of a person against the order of nature with any man, woman, or animal. Now, as per the Court, the dead body of the deceased cannot be termed as 'woman' within the meaning of Section 375/377. Importantly, Section 10 of the IPC defines 'Man', 'Woman' and it says that the word 'man' denotes a male human being of any age; the word 'woman' denotes a female human being of any age. Inferentially, even the literal interpretation of these provisions do not suggest that a dead woman or man cannot be termed as man/ woman within the ambit of IPC. The reason being that the underlying wording of the provision does not make the definition of man/woman contingent on them being alive. Even the term 'of any age' cannot be stretched out so far to say that a dead woman/man cannot be included within the ambit of Section 10.

V. THE NECESSITY OF PURPOSIVE INTERPRETATION FOR SECTIONS 375/377: SAFEGUARDING DIGNITY BEYOND LIFE

It is now a well-settled principle that Courts resort more often to the purposive interpretation of the Statute. When courts interpret a statute, their primary aim should be to determine the legislative intent behind its enactment.¹⁵ It becomes the court's responsibility to adopt an

¹³ See Rangaraju ¶ 53.

¹⁴ See Rangaraju ¶ 67.

¹⁵ J.P Bansal v. State of Rajasthan, (2003) 5 SCC 134.

interpretation that furthers the purpose of the legislation and prevents any potential misuse.¹⁶ A statute represents the official decree of the legislature. The fundamental principle guiding the interpretation of a statute is to discern the *mens or sententia legis*, which refers to the true intention or meaning intended by the legislature.¹⁷

The scheme of the IPC indicates that the draftsman intended to safeguard the rights of the deceased person. Section 297 provides that anyone who intentionally commits a trespass in a place of worship, a burial site, a location designated for funeral rites, or a repository for human remains, or shows disrespect towards a deceased person's body, or disrupts individuals gathered for funeral ceremonies, shall be punished.¹⁸ Further, Section 404 posits that anyone who dishonestly misappropriates or converts property for their own use, knowing that such property was in the possession of a deceased person at the time of their death and has not been legally possessed by anyone else since then, shall be punished.¹⁹ Similarly, explanation 1 of Section 499 contemplates that an offence of defamation can be committed against the deceased persons.²⁰ Likewise, Section 503 provides that a threat to injure the reputation of any deceased person may constitute the offence of criminal intimidation.²¹

Interestingly, the Court considers these provisions of the IPC in the judgement in addition to taking note of various judgements of the Supreme Court on right to dignity of dead persons under Article 21 of the Constitution of India.²² However, the Court's strict adherence to the literal interpretation neglected the application of a purposive approach. The authors believe that a purposive interpretation, which looks beyond the exact wording of the law to achieve its intended purpose, would have been more appropriate in this case. Such an approach would have considered the broader objective of protecting the dignity and rights of the deceased, which might have led to a different conclusion.

VI. UNVEILING THE JURISPRUDENTIAL RATIONALE: RECOGNIZING OFFENSES AGAINST THE DECEASED BODY UNDER SECTIONS 375/377 IPC

The jurisprudential rationale for constructing violation of the rights of the deceased body as offenses under Section 375/377 of the Indian Penal Code (IPC) can be based on the purposive theory of law propounded by Lon Fuller. According to the purposive theory, laws should be

¹⁶ Balram Kumawat v. Union of India (2003) 7 SCC 628.

¹⁷ R.S. Raghunath v. State of Karnataka (1992) 1 SCC 335.

¹⁸ Indian Penal Code § 297.

¹⁹ Indian Penal Code § 404.

²⁰ Indian Penal Code § 499.

²¹ Indian Penal Code § 503.

²² See Rangaraju ¶ 58.

interpreted and applied in a way that fulfils their purpose or intent.²³

In the context of Section 375/377 of the IPC, the primary purpose of these provisions is to protect the dignity and rights of individuals, including their bodily autonomy, privacy, and freedom from harm. While the original drafting of these sections may not explicitly mention the deceased, a purposive approach requires the courts to consider the broader objectives of the law and adapt its application to changing societal needs and norms.

Under the purposive theory, the law is seen to achieve social order, justice, and the common good.²⁴ In cases involving offenses against the deceased body, the law aims to prevent acts that not only harm the deceased but also inflict emotional distress on their surviving loved ones and society. Moreover, such violations can be seen as a desecration of human remains and a disregard for the sanctity of life and the cultural and religious beliefs surrounding death and burial.

The notion that a person's entire personality is extinguished as soon as they die is profoundly misplaced. While human civilizations may have varied and conflicting beliefs about religion, the concept of God, and life after death, there is unanimity among them that human consciousness transcends physical death. Indic belief systems uniformly hold that death is not the end, and human consciousness continues to exist in various forms of energy. Similarly, Abrahamic faiths such as Islam and Christianity emphasize the crucial disassociation between the human body and soul upon death, firmly believing that the body and soul will reunite on the day of judgment. The expression "*Rest in Peace*" used in connection with the deceased person reflects this belief.

Thus, classifying Necrophilia solely as an offense against the dead body contradicts the universal belief in the continuity of human consciousness after death. Violating the body of a deceased person might have consequences beyond ordinary comprehension, given the understanding that human consciousness persists beyond physical life.

By interpreting Sections 375/377 purposively, the authors are of the view that the Courts can extend the protection of these provisions to include deceased individuals. This ensures that the law serves its intended purpose of safeguarding the dignity and rights of all individuals, even after their death. Such an approach aligns with Fuller's view that the law should be guided by moral principles and a sense of justice, and it promotes a more compassionate and humane legal system.

²³ Fuller, Lon L. 71 *Positivism and fidelity to law-A reply to Professor Hart*. HARV. L. REV. (1957).

²⁴ Fuller, Lon L. 53.22 *Human Purpose and Natural Law* THE JOURNAL OF PHILOSOPHY, 697-705. (1956)

VII. CONCLUSION

The authors are of the view that a dead body of a woman is not a piece of lifeless rock. A so-called medically dead woman is completely and absolutely a woman but for her breathing faculty, and she deserves all the dignity and bodily integrity as she enjoyed when she was living. To put forth an argument that a so-called medically dead woman cannot be legally 'raped' only because she is not verbally able to protest is betraying their common sense. In all such cases, there must be construed an irrebuttable presumption of lack of consent.

The authors are of the view that the Karnataka HC was incorrect in holding that a dead woman is not legally a woman within the framework of Sec 375/377. A purposive approach, rooted in Lon Fuller's purposive theory of law, would recognize that acts violating the sanctity of the deceased body inflict emotional distress on the surviving loved ones and disrespect cultural and religious beliefs surrounding death. Construing Sections 375/377 to include deceased individuals would align the law with its moral and just intent, fostering a compassionate and humane legal system.
