

HC: No automatic burial rights in other local bodies

Madras High Court ruled on burial/cremation rights in different local bodies, unless based on fundamental or customary rights.

This ruling clarifies the legal standing of residents seeking burial or cremation rights in areas outside their own local body jurisdiction.

KEY EXAM POINTS

- The **Madurai Bench** of the **Madras High Court** delivered a significant ruling on **July 17, 2026**.
- The court held that residents of one **local body** cannot claim **burial or cremation rights** in another **local body's** ground.
- This right is enforceable only if it is a **fundamental right** under **Article 25** of the **Constitution**.
- Alternatively, the right can be enforced if it partakes the character of a **customary right**.
- The **Division Bench** comprised Justices **G.R. Swaminathan** and **K.K. Ramakrishnan**.
- The court was hearing a petition filed by residents of **Bommaiahgoundanpatti**, part of **Theni-Allinagaram Municipality**.

STATICS & SYLLABUS FOCUS

Article 25 of the Indian Constitution guarantees **freedom of conscience** and the right to freely profess, practice, and **propagate religion**.

The **Madras High Court**, one of the three **oldest High Courts** in India, was established in **1862**.

The **Madurai Bench** of the Madras High Court was established in **2004** to cater to the needs of the **southern districts of Tamil Nadu**.

Local self-government in India is primarily governed by the **73rd and 74th Constitutional Amendment Acts, 1992**.

The **73rd Amendment Act** deals with **Panchayats** (rural local bodies), adding **Part IX** and the **Eleventh Schedule** to the Constitution.

The **74th Amendment Act** deals with **Municipalities** (urban local bodies), adding **Part IXA** and the **Twelfth Schedule** to the Constitution.

Fundamental Rights are enshrined in **Part III** of the Indian Constitution, from **Articles 12 to 35**.

REVISION FLASHCARD

Madras HC ruled against automatic burial rights in other local bodies, enforceable only if based on Article 25 or customary rights.

Syllabus Relevance: High

Free School Books

Read and study school textbooks for free on the ESSAAR Academy platform.

School Books: essaaracademy.in/school-books