**THE GAZETTE OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**   
**SRI LANKA**

**Part II of September 06, 2024**

**SUPPLEMENT**

(*Issued on 11.09.2024*)



**BURIAL AND CREMATION RIGHTS**

**A**

**BILL**

**to make provisions to confer a right to every person to make a decision on**

**the manner of disposing the body of such person after death; and for**

**matters connected therewith or incidental thereto**

*Ordered to be published by the Minister of Justice, Prison Affairs and*

*Constitutional Reforms*

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| *Burial and Cremation Rights* | 1 |

L.D.O. 66/2024

AN ACTTOMAKEPROVISIONSTOCONFERARIGHTTOEVERYPERSONTO

MAKEADECISIONONTHEMANNEROFDISPOSINGTHEBODYOFSUCH PERSONAFTERDEATH; ANDFORMATTERSCONNECTEDTHEREWITHOR INCIDENTALTHERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows: -

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| 5 | **1**. This Act may be cited as the Burial and Cremation | Short title |
| Rights Act, No of 2024 . | and date of |
| operation |
| (2) The provisions of this Act other than the provisions |

of this section shall come into operation on such date as the Minister may appoint by Order published in the *Gazette* .

(3) The provisions of this section shall come into operation on the date on which the Bill becomes an Act of

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| --- | --- | --- |
| 10 | Parliament. | Right to |
| **2**. (1) Every person who is not less than eighteen years of |
| 15 | age, shall have the right to make a decision, to have upon | make a |
| decision on |
| his death, his body buried or cremated, in accordance with |
| the manner |
| the expressed consent of such person (hereinafter referred to | of disposal of |
| the body |
| as the “deceased”) given during his lifetime. |

(2) Where any deceased has given consent for the donation of his body in accordance with any other written law after the date of the expression of the consent in terms of subsection (1), the disposition of the body of the deceased

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| 20 | shall be done subject to the provisions of that written law. | Expressed |
| **3**. The expressed consent of the deceased referred to in |
| section 2, is valid, only if such consent - | consent of |
| the deceased |

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| 2 | (*a*) | *Burial and Cremation Rights* |
| is expressed in writing and signed by the deceased |

in the presence of at least two competent witnesses   
who shall attest such signature;

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| --- | --- | --- | --- |
| 5 | (*b*) | bears the thumb impression of the deceased placed | Decision by |
| in the presence of at least two competent witnesses | |
| who shall attest such thumb impression; or | |
| (*c*) | is expressed in the will of the deceased. |
| **4**. (1) On the death of a person who has not expressed | |
| 10 | consent under subsection (1) of section 2, as to the manner | | the next of |
| of disposal of his body after death, the next of kin of such | | kin |

person shall have the right to decide whether the body of such person shall be buried or cremated, giving due consideration to the known preferences and religious, cultural or personal beliefs of the deceased .

15 (2) Notwithstanding the provisions of subsection (1), the next of kin of a person referred to in subsection (1) shall have the right to make a decision to donate the body of such person in terms of the provisions of any other written law, for the time being in force.

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| 20 | **5.** Save as provided for in any other written law for the | A person |
| time being in force, a person shall not be compelled to dispose | shall not be |
| compelled to |
| the body of a deceased in a manner contrary to the decision |
| act contrary |
| of the deceased or the next of kin of the deceased, as the |
| to the |
| case may be. | decision of |
| the deceased |

&c.

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| --- | --- | --- |
| 25 | **6.** (1) Any person who acts against the expressed consent | Offences and |
| of the deceased or against the decision of the next of kin, as | penalties |

the case may be, other than a person acting in terms of any other written law for the time being in force as referred to in section 5, commits an offence and shall upon conviction 30 before a Magistrate be liable to a penalty not exceeding one hundred thousand rupees.

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(2) For the purpose of subsection (1), “person who acts against the expressed consent of the deceased” shall not include a next of kin of the deceased.

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| 5 | **7.** (1)The Minister may make regulations on any matter | Regulations |
| in respect of which regulations are authorized by this Act to |

be made or required by this Act to be prescribed.

(2) Every regulation made by the Minister shall, within three months after its publication in the *Gazette,*  be brought before Parliament for approval.

10 (3) Any regulation which is not so approved shall be deemed to be rescinded as form the date of such disapproval but without prejudice to anything previously done thereunder..

(4) Notification of the date, on which any regulation is so

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| 15 | disapproved, shall be published in the *Gazette.* | Interpretation |
| **8.** For the purposes of this Act - |

“body” means the body of a deceased person or a still-born child and includes any part or remains of such body but does not include 20 any part of the body of a deceased person removed from his body during his lifetime in the course of a surgical operation by a registered medical practitioner;

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| 25 | “burial” means burial in earth, interment or any other form of sepulture of a body of the |

deceased person;

“competent witness” means a witness not less than   
 eighteen years of age;

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“cremate” means the act of reducing a deceased   
body to ashes by burning and the words  
“cremation” and “cremated” shall be   
construed accordingly;

5“Minister” means the Minister assigned the function of administering this Act under Article 44 or 45 of the Constitution;

“next of kin” respectively in the following order   
 means -

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| --- | --- | --- |
| 10 | (*a*) | the surviving spouse; |
| 15 | (*b*) | the eldest surviving child; |
| (*c*) | father; |
| (*d*) | mother; |
| (*e*) | eldest surviving brother or sister; or |
| (*f*) | any surviving further descendant; |

“will” means a will within the meaning of the Wills   
 Ordinance (Chapter 60).

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| **9**. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | Sinhala text to prevail in case of |

inconsistency

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