

## Repatriation Of Dead Bodies: Draft Guidelines Submitted Before Madras High Court In Pudukkottai Fisherman's Case

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The draft guidelines for repatriation of dead bodies have been prepared by Advocate Henri Tiphagne, counsel for the petitioner wife in the case pertaining to the demise of Pudukkottai fisherman in a collision with Sri Lankan Navy Vessel.

The respondents including the Ministry of External Affairs have also been served with copies of the draft guidelines. A single-judge bench of **Justice G.R Swaminathan** has adjourned the matter to 12<sup>th</sup> January, 2022.

When the matter was taken up by the court, it expressed dissatisfaction over the erstwhile submissions about the fisherman being fired upon by the Srilankan Navy. The court noted that the re postmortem report has proved the previous submission in the petitioner's affidavit as wrong. It indicates that the death occurred from drowning in the sea post-collision with the Sri Lankan Vessel.

The counsel for the petitioner clarified that it was not his intention to mislead the court. The re postmortem by two forensic experts was ordered by the court itself via an order dated 16<sup>th</sup> November, 2021. According to the counsel, the re postmortem, gave clarity that there were no ante mortem injuries on the body which allayed the apprehension of the petitioner wife. More importantly, it also unearthed details about the haphazard manner in which the dead body was handled by Jaffna Medical College, Sri Lanka.

Advocate Henry Tiphagne also added that the re-postmortem report revealed that the body was handed over by Srilankan authorities without resuturing the incisions made. In utter violation of the right to dignity of the dead, it was merely wrapped in an old bedsheet and placed inside a coffin which was not shown to the petitioner wife, submitted the counsel.

*"All of these material facts came to the knowledge of public because of the re postmortem order by Your Lordship. We are trying to enhance the scope of this issue to another stage. Because Your Lordship pursued the matter with the order, an opportunity*

has come to look into the bigger picture based on our own NHRC Guidelines", clarified the counsel.

On the last occasion, Madras High Court had suo motu impleaded the Ministry of External Affairs (MEA) and the Consulate General of India (Jaffna) to get response on the guidelines followed for repatriation of dead bodies to India. At that time, the court also allowed the counsel to prepare the draft guidelines for the repatriation of dead bodies

On 26<sup>th</sup> November, the court was also apprised by Advocate Henri Tipaghne that the deplorable manner in which the dead bodies are handled is not restricted to the case at hand; it's quite common when the dead bodies of Tamil fishermen are delivered after such incidents, especially from Sri Lanka.

**Case Title: Brundha. R v. The Principal Secretary & Ors.**

**Case No: WP(MD)/20440/2021 (Gen. Crim.)**

<https://www.livelaw.in/news-updates/madras-high-court-repatriation-of-deadbodies-draft-guidelines-submitted-pudukottai-fisherman-death-sri-lankan-navy-188038?infinitemscroll=1>