



Critical Analysis on why human cannibalism : An offence against humanity with legal provisions

Aditi Ashwini Dangi

4th Year Law Student ; Jagran Lakecity University, Bhopal , MP

Abstract

Cannibalism being a very critical concept which is even not known by several person in society . It is a term which needs more importance and measures and steps in order to prevent our society from such henious offence which is totally against humanity . The main objective of this paper is to let the society know what is cannibalism , it's issues , suggestions to prevent cannibalism more practically . This paper forwards some key suggestions to prevent the practice of Human Cannibalism and the main purpose is to know why people practice human cannibalism .

Methodology

To fulfill this objectives researcher adopted is a doctrinal form and the author has referred to the secondary sources in doing the analyzation .

Keywords

Cannibalism , Anthropophagy , Vampirism , Souvenirs , Paraphilia , Placentophagy , Psychosis , enlightenment , pathological , Necrophilia , Henious , Psychopathic Disorders , Schizophrenia , Carnibal .

Introduction

Cannibalism is derived from the Spanish name i.e. (caribales or canibales) for the Carib , a well known tribe which is famous for its practice of consuming human flesh . Cannibalism is also known as Anthropophagy . It is a concept where people consumes and practices of eating flesh of humans in order to satisfy their own desires . It is generally referred as consumption of an individual (human flesh).

The practice of cannibalism is wide spread in animal groups such as in insects , fish , birds , mammals for their survival and their behavior is normal response to environmental factors but when it comes to eating human flesh , it is not considered to be a normal response . There's a widespread custom going back to early human history where this practice has been sound among people such as in tribes . There is

not a single reason for the practice of cannibalism, several people or groups have different perspective while consuming or eating flesh. The impact of modernization, globalization and education resulted in the prohibition of such practices.

Education has a wide impact, it make it realizing the people that this practice is heinous in nature and no more acceptable in society and it is totally the concept which is against humanity and moral principles.

The characteristic features of cannibalism include finding of admixed fragments of human bones, which typically signs towards butchery. It includes removal of attached tendons and soft tissues and peeling the bending of long bones and includes chop marks while smashing of bones, limbs, ribs. This are the features indicate the practice of cannibalism.

It is a highly anti – social concept which states highly impulsive and abnormal behaviour nowadays. There are not much cases like this but of course this practice is practicable in several countries especially in USA, India and it is likely found in Delhi, Calcutta etc.

★ Why human cannibalism ?

Ritual Cannibalism

(1) There is not a single reason for practicing human cannibalism there are multiple factors which resulted in practice of human cannibalism several people including different tribes, communities etc have their religious beliefs or own mental perspective such as if we talk about people in Calcutta which are famous for Black Magic. Their belief requires a human sacrifice to be done for the good sake of another person which sometimes resulted in murder of a person which is an offence. It is done for some good to be done (Mannat) to the person. It may believe by killing someone, some good to be done to opposite person, it sometimes revealed that after killing they may eat the flesh from the dead body.

(2) Mental illness / psychiatric illness

Human cannibalism can be traced from mental illness. Generally the people who suffers mental illness or are mentally ill suffers from severe mental problems commits cannibalism. They are not normal in nature and are unable to think as a normal prudent person think, this may resulted in abnormal activities such as killing a person after consuming his flesh may sometimes gives satisfaction to the accused and he has no guilt.

(3) Serial Killers and Vampirism

Serial killers are the persons who can be easily associate with cannibalism. An old case held in USA, and widely spread where a serial killer named 'Jeffrey Dahmer' who committed 17 murders between 1978 and 1991. He was found to engage in

consuming parts of victims and keeping skulls and body parts as souvenirs . These persons are generally suffering from significant paraphilia . The same applies in case of clinical vampirism where they drink human blood usually from a dead body or dying victim . Sometimes the victims include family members also , it is usually when the preparation is suffering from more serious psychiatric illness .

(4) Self Cannibalism

Self cannibalism is also known as Autosarcophagy . The cases of self - consumption are very rare but still done and associated with psychosis . It is generally associated with eating of the placenta which is actually part of the infant known as placentophagy . This practice is increasingly practiced in USA where placenta may be eaten raw or roasted , dehydrated or consumed in smoothies .

(5) Aghori Tribes for (Ritual Purposes)

The Aghori tribes are a small group of ascetic shaiva sadhus who engage in this practice . These Aghori's have a huge faith in ritual practices and oftenly live among India's cremation sites . They often dwell charnel grounds , smear cremation ashes on their bodies and also uses bones from human corpses for crafting kapals and their jewellery . The Aghori's collect remains from the dwell ground and use them for spiritual purposes and enlightenment .

Aghori's feasting on human flesh ; and also drink from human skulls and chew the head off live animals they believe that this may give them enlightenment and consumes it generally for nutritional purposes and for ritual and pathological reasons .

(6) Famine – Induced cannibalism - A necessity (For Nutritional Purposes)

Historical examples of nutritional cannibalism have included survivors of ship wreck who either fed on the bodies of those who had died , so called Necro – Cannibalism or who killed other survivors for food (homicidal cannibalism) . Nutritional cannibalism by necessity may progress to cannibalism by choice .

(7) Medicinal Cannibalism

It is stated that the consumption of human tissues and blood has been promoted for medical purposes , it is also a reason for why cannibalism .

A very famous Landmark Case →

(1) R v. Dudley and Stephens (1884) which involved survival cannibalism at sea after a ship wreck and established the principle that necessity is not a defence to murder . The case concerned , the yacht , Mignonette sank including the four – man crew adrift in a lifeboat . After weeks at sea , the three remaining crew members ; Tom Dudley ,

Edwin Stephens and Edmund Brooks , decided to kill the youngest and weakest , the cabin boy Richard Parker to eat his flesh in order to survive .

Dudley and Stephens were later rescued and brought to trial . In trial they were found convicted of murder , and their defense of necessity was rejected by the court , setting a precedent that necessity cannot justify murder .

Although sentenced to death , their sentences were reduced to 6 months in prison due to public sympathy tell me in order to survive , will you kill a person ? Or eat his flesh , is it not against humanity or morality ? The question is Yes , It is totally against humanity , one cannot eat another's flesh in order to survive and claim a defense of necessity , it is cannibalism .

Japanese troops after World War II were found guilty of eating both prisoners of war and civilians . There were evidence of cannibalism in records of famines in Moldova in 1940s and in China during the great leap forward 1959 – 1961 .

(2) Nithari Case

On December 29 , 2006 , sector 31 of Noida in Nithari village , a house was found where in skeletal of 8 children , a few of women was discovered from the drain of a house in a heinous position . More skeletons of women and children were discovered the next day and it is stated by the facts that everyday a number of people meeting up brutality and brought up in kitchen cauldron and be flushed out of drains .

The two people found the owner of the house Moninder Singh Pandher and Surinder Koli , his domestic helper found in practicing the activity of cannibalism .

During investigation , the accused , the domestic helper Surinder Koli in the presence of magistrate confesses that his matter , Moninder Singh Pandher used to bring prostitutes to the house , as he watch them come and go and also cooked meals for them , he was taken over by a powerful desire for sex and for cutting up human bodies . The man being in his fourties had no crime history before he committed , in his own admission , a series of murders in 2005 and 2006 .

He further stated that he lured his victims , children into the house and in every case he make the victim unconscious , attempted sex dismembered them and then disposed them usually in the drains .

A committee commissioned by the Ministry of women and child development has found the police version of why and how Koli committed such heinous , ambiguous crimes . The committee wonders about how a person can so easily disposed the body parts into the drains especially in a metropolitan area , without being noticed by anyone ?

Furthermore , the case was registered against them under various sections of IPC i.e. BNS including Rape , Murder , Kidnapping and Criminal Conspiracy .

Later on , the CBI had a tough time in charging Moninder and Surinder Koli with necrophilia as there were no codified laws in the country to deal with the heinous crime of cannibalism years later we still are lacking behind .

Cannibalism was a strong contention in this case and remains associated with this case

Classification of Cannibalism into 2 categories -:

- Exo Cannibalism
- Endo Cannibalism

(1) Exo Cannibalism - In this type of cannibalism , the victim is selected from outside the social group or community . The reasons for this may simply be nutritional in that outsiders are being hunted as a source of food and for cannibalistic rituals .

(2) Endo Cannibalism - In this type of endo cannibalism the victims derived from the same social group . The motive may be simply nutritional or ritual . The victim is generally be selected among their own groups .

★ Legal Position

In India , we do not have any specific law against cannibalism , necrophilia or any activity related to desecrate a dead body .

In other countries , cannibals face charges of outraging public decency if they caught engaging in the activity publicly .

Section 297 of IPC → BNS → 301

Section. 300 of IPC → BNS → 101

Section 302 of IPC → BNS → 103 (1)

• In cases like Nithari (2006) case , involves the accused killing the victim first and then committing the crime , it would completely rule out section . 297 that made the accused trespassing on a burial place of a crime but section 297 of IPC , did not specifically refer to act of cannibalism , as it did not apply in case when a person gets human flesh outside a place of burial .

So , it is very necessary and important to have specific laws against cannibalism in India .

Suggestion

(1) It is must that government should establish clear legal framework regarding cannibalism .

(2) Enhancing Public Awareness and Education government need to take steps in combatting superstitious practices and rituals which involve practices which are against

humanity and morality and promote rational thinking to prevent the spread of irrational , superstitious belief that could lead such heinous acts .

(3) Mental health support - Improve access to mental health support systems in each and every area where people can get access easily and address potential underlying issues that might create to extreme behaviours and address issues such as mental illness and mental problems like schizophrenia , psychopathic disorders etc .

(4) Increasing of social volunteering in the field of Anti – Cannibalism and formation of volunteers may spread awareness by organizing programmes related to anti – cannibalism and can also form a committee and keep a check on people and report if they found any person indulging in the activity which is against humanity and leads to any cannibalistic nature of activity .

(5) Addressing extreme circumstances .

Recognize that cannibalism in humans can be due to severe societal issues like impending starvation , extreme cultural practices , rituals , requiring broader societal interventions beyond individual prevention measures .

Conclusion

In India , we do not have specific law for the offence of cannibalism or human cannibalism . Although we have laws related to petty matters but does not have any specific law which is need of greater importance even several Indian people are not aware about the concept of human cannibalism , but now since 2015 , the cases are at coming forward related with consuming human flesh , sometimes it is just for ritual purposes , or sometimes it is just the cause of psychopathic disorders , several Aghori tribes do so , in order to consume nutritional values from human flesh for superstitious practices , can you answer me , how by eating of human flesh, one can get nutrition , don't you think these practices are imbecility in nature . But still these are in practice by Aghori's or cannibals because we are lacking laws in this field . I still have no answer why we do not have specific laws for this kind of terrible or ghostly practice of human cannibalism .