

**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*

L.D.O. 66/2024

AN ACT 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.

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

1. This Act may be cited as the Burial and Cremation Rights Act, No      of 2024 .

Short title  
and date of  
operation

5      (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* .

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

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

Right to  
make a  
decision on  
the manner  
of disposal of  
the body

20      (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  
shall be done subject to the provisions of that written law.

3. The expressed consent of the deceased referred to in  
section 2, is valid, only if such consent -

Expressed  
consent of  
the deceased

- (a) is expressed in writing and signed by the deceased in the presence of at least two competent witnesses who shall attest such signature;
- 5 (b) bears the thumb impression of the deceased placed 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.

10 **4.** (1) On the death of a person who has not expressed consent under subsection (1) of section 2, as to the manner of disposal of his body after death, the next of kin of such 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 .

Decision by  
the next of  
kin

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.

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

A person  
shall not be  
compelled to  
act contrary  
to the  
decision of  
the deceased  
&c.

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

Offences and  
penalties

(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.

7. (1) The Minister may make regulations on any matter Regulations  
5 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 from the date of such disapproval but without prejudice to anything previously done thereunder..

(4) Notification of the date, on which any regulation is so  
15 disapproved, shall be published in the *Gazette*.

8. For the purposes of this Act -

Interpretation

20 “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 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;

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;

“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 -

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

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

**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

