
THE INVISIBLE OFFENCE: LEGAL SILENCE ON CANNIBALISM IN THE INDIAN CRIMINAL JUSTICE SYSTEM

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ABSTRACT

While cannibalism, or anthropophagy, is universally regarded as a profound violation of the human collective conscience, it remains a "legal ghost" within modern criminal statutes. This research argues that society's deep-seated moral revulsion has led to a state of psychological denial, causing a significant gap in legal codification despite the persistent emergence of such cases from the global controversies of the Epstein files to the harrowing, forgotten details of the Nithari killings. History demonstrates that the law often begins in silence; grave offenses such as slavery, human trafficking, and domestic violence were once legally unrecognised or insufficiently regulated until their horrific reality forced a statutory evolution.

This article contends that cannibalism is currently at a similar jurisprudential crossroads. By exploring the complex etiology of the act—ranging from structural neurobiology to pathological and situational triggers—the study highlights the dangerous inadequacy of current laws that fail to recognize cannibalism as a distinct felony. The author asserts that humankind must move beyond its "mental unreadiness" to define this horror, advocating for the explicit criminalisation of anthropophagy with a focus on deterrent punishment. Furthermore, the paper proposes a preventive ecosystem rooted in psychological assessment and counseling to mitigate the social alienation that drives such deviance. Ultimately, this research calls for a structured legal transition to ensure that these extreme violations of human dignity are met with the accountability and protection they demand.

INTRODUCTION

A crime that has been silently infiltrating society, subtle yet deeply disturbing, is cannibalism. Unlike many conventional offences, it exists in a grey area where law, morality, and psychology intersect, and modern civilisation appears inadequately equipped to fully comprehend or regulate it. Before examining its broader social and legal implications, it is important to first understand what cannibalism truly means.

The term cannibal is believed to have originated from the word *Caníbales*, a name used by Spanish explorers to refer to certain indigenous tribes in the Caribbean, who were alleged to have engaged in the practice of consuming human flesh. In its simplest sense, cannibalism refers to the act of consuming the flesh of one's own species.¹ Since the present discussion is confined to human cannibalism, the focus will remain solely on its human dimensions. Human cannibalism, therefore, means the act of one human being consuming the flesh of another human being, also called **Anthropophagy**.

When we speak of accepting diverse cultural practices in a pluralistic society, a difficult question inevitably arises: to what extent can tolerance be stretched before it collides with fundamental moral and legal boundaries? Every civilisation prides itself on openness, yet certain acts challenge the very foundation of human dignity and social order.

In recent years, this silent and deeply disturbing felony has surfaced in shocking ways. One such instance was the infamous Nithari killings, which shook the conscience of the nation.

During the initial investigation, the primary accused, Surendra Koli, reportedly confessed to luring children into the bungalow at D-5, Sector 31, Noida, sexually assaulting them, and subsequently murdering them. His alleged confession contained horrifying details, including acts of cannibalism. He claimed to have dismembered the bodies, cooked certain parts—such as portions of the chest and organs like the liver—and consumed them. He also confessed to engaging in necrophilia.

Another deeply disturbing instance that brought the issue back into public discourse was the

¹ Roger W. Byard, "Cannibalism—overview and medicolegal issues", 19(2) *Forensic Science, Medicine and Pathology* 281-287 (2023).

Kolhapur matricide case.

In this case, a man from Kolhapur, Maharashtra, was alleged to have murdered his own mother and consumed several parts of her body. The incident reportedly came to light after neighbours sensed something unusual and informed the authorities. Upon investigation, the police discovered gruesome details suggesting not only matricide but also acts of cannibalism.²

When examining the phenomenon of one human being consuming another, it becomes necessary to travel back in time and explore its historical dimensions. Cannibalism, though today regarded as abhorrent, has appeared in various forms across different civilisations.

During the medieval period, particularly around the 12th century and later, parts of Europe witnessed what is often described as medicinal cannibalism. It became common in certain European societies to consume powdered remains of Egyptian mummies. It was believed to possess curative properties and was prescribed for ailments. The practice was rooted more in superstition and flawed medical theories than in ritualistic intent.³ Similarly, in ancient Rome, there are historical accounts suggesting that the blood of fallen gladiators was consumed by some spectators, particularly those suffering from epilepsy, under the belief that it carried vitality or healing power.⁴

In India, the Aghori sect is often associated with extreme ascetic practices, including alleged acts of ritual cannibalism. Aghoris are Shaivite sadhus who dwell in cremation grounds, smear cremation ashes on their bodies, and engage in post-mortem rituals as part of their non-dualistic philosophy that rejects distinctions between purity and impurity. While there is no evidence of killings for cannibalistic purposes, some anthropological accounts suggest that a few Aghoris may ritually consume small portions of flesh from already deceased bodies found at cremation ghats.⁵

² “The Kolhapur cannibal: Man who killed and ate mother's body parts gets death sentence from Bombay HC”, *Deccan Herald*, Oct. 1, 2024, available at: <https://www.deccanherald.com/india/maharashtra/the-kolhapur-cannibal-man-who-killed-and-ate-mothers-bodyparts-gets-death-sentence-from-bombay-hc> (last visited on March 7, 2026).

³ Terry Madenholm, “A Brief History of Cannibalism: Not Just a Matter of Taste”, *Haaretz*, Dec. 14, 2022, available at: <https://www.haaretz.com/archaeology/2022-12-14/ty-article/a-brief-history-of-cannibalism-not-just-a-matter-of-taste> (last visited on March 7, 2026).

⁴ “Medical cannibalism”, *Wikipedia*, available at: https://en.wikipedia.org/wiki/Medical_cannibalism (last visited on March 7, 2026).

⁵ “Aghori”, *Wikipedia*, available at: <https://en.wikipedia.org/wiki/Aghori> (last visited on March 7, 2026).

Thus, it can be understood that cannibalism is not a phenomenon that has suddenly emerged in modern times; rather, it has appeared in different forms throughout history, whether in survival situations, medicinal practices, ritual contexts, or extreme ascetic traditions.

However, the truly spine-chilling concern arises when cannibalism is not incidental to death but is preceded by it. The moral and legal gravity intensifies when a person kills another human being with the premeditated intention of consuming their flesh. In such a scenario, the act is no longer confined to historical, ritualistic, or survival explanations; it becomes an instance of intentional homicide accompanied by post-mortem desecration.

ETIOLOGY OF ANTHROPOPHAGY:

In the contemporary context, the act of anthropophagy often emerges from a complex interplay of pathological impulses, ritualistic traditions, and extreme psychological deviations, as reflected in the following factors:

Psychopathology: Clinically, modern cannibalism is often a symptom of **Paranoid Schizophrenia** or **Paraphilic Disorders**. In schizophrenia, the act is typically "disorganised" and driven by command hallucinations—internal voices that order the person to consume flesh to gain power or protect themselves. Conversely, in paraphilic cases (such as **Vorarephilia**), the act is "organised" and premeditated, serving a fantasy of ultimate sexual dominance or a desire to "incorporate" the victim so they can never leave.⁶

Defensive Evidence Destruction: One of the most disturbing motives behind cannibalism is the calculated attempt to destroy forensic evidence. When an offender realizes that the existence of a corpse directly connects them to a grave crime, they may consume the remains in an effort to eliminate the corpus delicti, the very body that proves the offense. By literally absorbing the evidence, the perpetrator assumes that the crime will become unprovable and, therefore, untraceable.⁷

Ritualistic behaviour: Ritualistic practice stands as one of the most culturally intricate motivations behind cannibalism. In such societies, the act is seldom driven by hunger; rather,

⁶ Sophie Raymond, Anne-Sophie Léger, and Ivan Gasman, "The Psychopathological Profile of Cannibalism: A Review of Five Cases", 64(5) Journal of Forensic Sciences 1568-1573 (2019).

⁷https://www.sciencedirect.com/science/article/pii/S2589871X25000440?__cf_chl_tk=WKU_skzgES4xoPYooo0i uCM7VmtZPUonmzCWBWmf1S.w-1772428364-1.0.1.1-PxS7KJGFopA9tirI8GkCDBLMnW0uLQJuQrpBDu q_fe0

it is embedded in beliefs relating to social unity, spiritual transformation, or warfare. Endocannibalism: the consumption of deceased members of one's own community, was often performed as a funerary rite, symbolizing reverence and the desire to preserve the spirit of the departed within the living. In contrast, exocannibalism involved consuming enemies as a demonstration of dominance, a commemoration of victory, or a symbolic attempt to appropriate the bravery and strength of the vanquished warrior.⁸

Issues in brain nerves : Beyond specific psychiatric conditions, cannibalistic behavior may, in rare instances, be connected to structural problems in the brain, particularly a disruption between the prefrontal cortex and the limbic system. The prefrontal cortex acts as the brain's executive control center. It is responsible for impulse control, moral reasoning, and socially appropriate behavior. When this area becomes underactive or is damaged due to Traumatic Brain Injury (TBI), tumors, or degenerative diseases, the brain's natural "braking system" weakens. As a result, disturbing or violent thoughts that would normally be suppressed may no longer be effectively controlled and can translate into action. At the same time, abnormalities in the limbic system, especially in the amygdala, which regulates emotions, can heighten aggression or predatory instincts. If the amygdala becomes overactive and the frontal lobe fails to regulate it, emotional impulses may override rational judgment. This imbalance disrupts the brain circuits responsible for empathy, fear, and self-restraint, leading to what neuroscientists call executive dysfunction. A related concept is the Frontal Lobe Paradox, where a person may appear intelligent, speak normally, and perform well on cognitive tests, yet struggle severely with impulse control, moral judgment, and adherence to social norms due to localized brain damage.⁹

Survival Necessities: Survival cannibalism is an extremely rare occurrence that arises only in situations of absolute desperation, when individuals are on the brink of death from starvation and no alternative source of food exists. In such life-threatening conditions, the body's instinct for survival, regulated by the hypothalamus, can overpower deeply ingrained social, cultural, and moral prohibitions. This response is not motivated by desire but by a biological drive to stay alive, typically in circumstances of extreme isolation, such as being stranded after an

⁸ "Aghori", *Wikipedia*, available at: <https://en.wikipedia.org/wiki/Aghori> (last visited on March 7, 2026).

⁹ Adrian Raine, *The Anatomy of Violence: The Biological Roots of Crime* 125 (Pantheon Books, New York, 1st edn., 2013).

aviation disaster or trapped during a prolonged blockade.¹⁰

However, the law has historically taken a strict stance on such acts. In the landmark common law case of *R v Dudley and Stephens* (1884),¹¹ the court established that necessity cannot be used as a defence to murder, even in situations involving survival cannibalism. After a shipwreck in the nineteenth century, two defendants and two other sailors were stranded at sea with no fresh water and almost no food. One crew member fell into a coma after drinking seawater. Dudley subsequently killed him, and the remaining survivors consumed his body in order to survive. After their rescue, Dudley and Stephens were charged with murder. Despite the extreme circumstances and the likelihood that the victim would soon die, the court found them guilty and sentenced them to death, although the sentence was later commuted to six months' imprisonment.

CASE STUDY:

ELANTHOOR CASE:

One of the most shocking recent incidents linked to alleged cannibalism in India is the Elanthoor human sacrifice case from Pathanamthitta district, Kerala (2022). The accused — Bhagaval Singh, his wife Laila, and their associate Muhammad Shafi — allegedly lured two women, Padmam and Rosily Varghese, under false promises of employment and subjected them to ritualistic murder. The crime was reportedly motivated by superstitious beliefs that human sacrifice would bring financial prosperity and eliminate personal hardships.¹²

During the investigation, police indicated that parts of the victims' bodies were allegedly consumed as part of the ritual, raising allegations of cannibalism. The accused were charged with criminal conspiracy, abduction, murder, and destruction of evidence under the Indian Penal Code. The case highlighted not only the brutal consequences of blind faith but also the absence of a specific statutory provision in Indian law directly criminalising cannibalism as a

¹⁰ Thomas Eley, "Cannibalism: A Perfectly Natural History", 6(2) *The AAG Review of Books* 85-87 (2018).

¹¹ *Regina v. Dudley and Stephens* (1884) 14 Q.B.D. 273.

¹² "Second chargesheet in Elanthoor suspected human sacrifice case in Kerala filed", *The Hindu*, Jan, 2023, available at:

<https://www.thehindu.com/news/national/kerala/second-chargesheet-in-elanthoor-suspected-human-sacrifice-case-in-kerala-filed/article66434316.ece> (last visited on March 7, 2026).

distinct offence.¹³

NITHARI KILLINGS:

The Nithari serial killings came to light in December 2006 after numerous children from a Noida slum had gone missing over two years. Human skulls and skeletal remains were later recovered from a residential property in Noida, leading to the arrest of businessman Moninder Singh Pandher and his domestic worker Surinder Koli, sparking nationwide outrage. The victims were primarily children and young women from the nearby Nithari slum who had been missing for over a year.¹⁴

Koli was reported to have confessed to luring victims with sweets, strangling them, sexually assaulting the bodies, and dismembering the remains. Early media coverage and purported confessions also carried sensational allegations of cannibalism and necrophilia. However, his confessions were later challenged, as they were obtained during extended police custody, raising serious concerns about coercion and custodial torture.

Though both were initially awarded death sentences, the Allahabad High Court (2023) and later the Supreme Court of India (2025) acquitted them, citing a botched investigation and lack of conclusive forensic evidence by the Central Bureau of Investigation. The courts also noted that alternative theories, including possible illegal organ harvesting, as the parts of the body was removed with utmost precisions.¹⁵

KOLHAPUR MATRICIDE CASE:

The case centers on the brutal murder of 60-year-old Yallava Kuchkoravi by her son, Sunil Rama Kuchkoravi, in Kolhapur in 2017. Driven by a desire for his mother's pension money to fund his alcoholism, Sunil killed her using a *sattur* (chopper) and knives. The scene discovered by witnesses and the police was exceptionally horrific: the victim's body had been eviscerated,

¹³ Shaju Philip, "Kerala 'human sacrifice': police probe suspected cannibalism angle", *The Indian Express*, Oct. 13, 2022, available at: <https://indianexpress.com/article/cities/thiruvananthapuram/kerala-human-sacrifice-police-probe-suspected-cannibalism-angle-8203875/> (last visited on March 7, 2026).

¹⁴ Tamanna Naseer, "No One Killed the Children at Nithari: The Timeline of a Fraught Case", *The Wire*, Nov., 2025, available at: <https://m.thewire.in/article/law/no-one-killed-the-children-at-nithari-the-timeline-of-a-fraught-case> (last visited on March 7, 2026).

¹⁵ "Nithari killings: Men jailed for India 'house of horrors' murders freed", *BBC News*, Oct. 16, 2023, available at: <https://www.bbc.com/news/world-asia-india-67121232> (last visited on March 7, 2026).

her heart was placed on a platter, and other internal organs like the liver and intestines were removed and found scattered or stored in containers. Forensic evidence, including blood-smearred clothing and DNA matches, established that the convict was not only the killer but had engaged in "cannibalistic tendencies," as blood was found on his mouth and the evidence suggested he was preparing to consume her organs.

In its legal assessment, the Bombay High Court categorized this as a "rarest of rare" case that shocked the collective conscience of society. The defense attempted to argue for leniency based on the convict's alleged insanity or intoxication at the time of the crime; however, the court rejected these claims, noting that his actions—such as hiding the murder weapons—demonstrated a clear understanding of the nature of his acts. Ultimately, the Bench upheld the death sentence originally awarded by the Trial Court, ruling that the "grotesque, barbaric, and peerless" nature of the crime, combined with the violation of the sacred mother-son relationship, outweighed any mitigating factors like poverty or the potential for reform.¹⁶

ISSEI SAGAWA:

June 1981, Issei Sagawa, a 32-year-old Japanese graduate student studying comparative literature at the Sorbonne, murdered his 25-year-old Dutch classmate Renée Hartevelt in Paris. Sagawa had long harbored obsessive fantasies about cannibalism, which he later claimed were tied to a desire to "absorb" the beauty and vitality of others.¹⁷ On June 11, 1981, he invited Hartevelt to his apartment under the pretext of discussing poetry and shot her from behind while she was reading. Over the next two days, he committed acts of cannibalism and documented them. When he attempted to dispose of her remains in suitcases at the Bois de Boulogne, suspicious bystanders alerted authorities, leading to his arrest.¹⁸

Although Sagawa confessed, French medical authorities declared him legally insane and unfit to stand trial, committing him to a psychiatric institution. He was later extradited to Japan, but

¹⁶ Simranjeet, "'Act quite close to cannibalism'; Bombay HC confirms death sentence of a man who killed, intended to eat his mother", *SCC Online*, Oct. 4, 2024, *available at*: <https://www.sconline.com/blog/post/2024/10/04/bombay-hc-confirms-death-sentence-of-man-who-killed-intend-to-eat-his-mother/> (last visited on March 7, 2026).

¹⁷ "Popular Japanese cannibal — who killed, ate a student but was never punished — dies at 73", *The Hindu*, Dec. 2, 2022, *available at*: <https://www.thehindu.com/news/international/popular-japanese-cannibal-issei-sagawa-dies/article66214214.ece> (last visited on March 7, 2026).

¹⁸ "'Paris Cannibal' Sagawa reminisces over his grisly crime", *Japan Today*, Mar. 19, 2015, *available at*: <https://japantoday.com/category/feature/paris-cannibal-sagawa-reminisces-over-his-grisly-crime> (last visited on March 7, 2026).

because the French charges had been dropped, Japanese authorities could not prosecute him for the crime committed abroad. In 1986, he was released and lived as a free man in Japan. Until his death in 2022, Sagawa remained a controversial public figure, writing books and appearing in media, while his case continued to raise serious questions about international criminal jurisdiction, mental health defenses, and legal loopholes.¹⁹

THE LEGAL VOID

It is a profound legal paradox that despite several high-profile instances of cannibalism appearing in the national consciousness, the Indian legal framework still lacks a substantive, independent law to define or punish the act. Currently, the justice system is forced to address cannibalism through a fragmented lens, charging offenders for various components of the crime such as murder, trespass, or destruction of evidence, while the act of consuming human flesh itself remains legally unnamed.

When cannibalism involves the loss of life, the prosecution typically relies on **Section 103 of the BNS** (formerly Section 302 of the IPC). While this carries the heaviest penalties—life imprisonment or death—the law focuses solely on the act of murder. Within this framework, cannibalism is not a distinct charge; instead, it is relegated to an "aggravating factor" used by the courts to satisfy the "**rarest of rare**" doctrine during sentencing. In cases where the victim survives but has flesh removed, the act is prosecuted under **Section 117** (formerly Section 326 IPC) for causing "grievous hurt." Even here, the law emphasizes the physical assault and the weapon used, completely ignoring the predatory intent behind the consumption.

The most significant moral and legal gap occurs when flesh is consumed from an already deceased body. In such instances, the offense is relegated to **Section 121 or Section 301 of the BNS** (formerly Section 297 IPC), which addresses "indignity to a corpse." This carries a relatively light sentence of up to one year of imprisonment. By categorizing the consumption of human remains under the same umbrella as trespassing in a burial ground or disturbing a funeral service, the law fails to acknowledge the unique gravity of the act.

Furthermore, the procedural aspects of cannibalism—such as dismembering a body for cooking or storage, as seen in the notorious Kolhapur matricide case—are viewed merely as

¹⁹ Eponine Romo, "An Appetite for Crime: Case Studies of Cannibalism and the Criminological Theories that Explain It" (Undergraduate Honors Thesis, Central Washington University, 2022).

the "destruction of evidence" under **Section 238 of the BNS** (formerly Section 201 IPC). Depending on the primary offense, this carries a sentence of three to seven years. However, this interpretation views the preparation of a body for consumption as a logistical attempt to hide a crime, rather than recognizing cannibalistic preparation as a distinct and independent legal wrong.

THE WAY FORWARD

While the act of cannibalism is often viewed through a lens of shock and horror, addressing it effectively requires moving beyond reactive measures toward a structured, multidisciplinary framework. The current legal landscape suffers from a significant "legal gap," as the absence of a clear, substantive definition of cannibalism prevents the implementation of specific punishments and targeted legal policies. To address this at its root, we must recognize that cannibalistic behavior is rarely an isolated incident but rather the extreme end of a spectrum of social alienation and psychological decay. By codifying cannibalism as a distinct offense, the justice system can mandate specific forensic psychiatric interventions that a general "murder" or "desecration" charge might overlook.

Furthermore, integrating the principles of Deterrent Theory is a functional necessity in bridging the current gap between societal horror and statutory action. Criminal jurisprudence dictates that the law must transcend mere moral denunciation to act as a pragmatic preventive force, instilling a profound fear of legal consequences in the potential offender. By codifying a rigorous and specific punishment for cannibalism, the legal system constructs a calculated psychological barrier, ensuring that the 'pain' of state retribution decisively outweighs the deviant impulses or pathological drives of the perpetrator. Such a legislative shift does more than penalise an individual; it signals to like-minded segments of society that the 'Legal Silence' has ended, effectively reinforcing the sanctity of human life and re-establishing the moral order through the certainty of law

In cases where an individual is abducted or killed with the intention of consuming human flesh, the law should prescribe severe punishments such as the death penalty or life imprisonment without remission, treating cannibalistic intent as a central element of the offence rather than merely a factor considered during sentencing.

Similarly, in cases of necro-cannibalism, the punishment should be significantly stronger than

the existing minor penalties associated with offences relating to indignity to a corpse. A punishment of rigorous imprisonment may be prescribed so that the legal response is proportionate to the grave moral and social violation involved.

Central to understanding this deviance is the **Social Bond Theory**, which posits that individuals are less likely to engage in extreme criminal behavior when they maintain strong ties to family, community, and social institutions. When these bonds, attachment, commitment, involvement, and belief are severed, the internal and external moral constraints that govern human behavior collapse. Predicting and identifying this alienation at an early stage is essential. This requires a shift in our educational and social infrastructure, moving toward a system where psychological wellness assessments are normalized. By identifying delinquent or abnormal behaviors in schools and workplaces, society can provide timely mental health interventions before antisocial tendencies escalate into violent fantasies or actions.

Prevention further depends on a collaborative ecosystem involving government agencies, civil society, and specialized professionals. Strengthening family support systems and providing specialized training for teachers and community leaders allows for the early detection of "red flags," such as a fascination with extreme violence or severe social withdrawal. Furthermore, the regulation of harmful online content and the destigmatization of seeking psychiatric help for paraphilic or psychotic disorders are critical in stopping the reinforcement of deviant ideologies. Ultimately, a combination of legal reform, rigorous criminal profiling, and robust community-based monitoring creates a comprehensive safety net capable of reducing the risk of such extreme manifestations of deviance.

CONCLUSION

Cannibalism stands as one of the most profound violations of human dignity and the collective moral code. Despite the deep societal revulsion it provokes, the Bharatiya Nyaya Sanhita (BNS) still lacks a specific, independent provision to define or punish the act of consuming human flesh. Currently, the justice system is forced to view these horrors through a fragmented lens, charging offenders with murder, physical assault, or "indignity to a corpse." This "legal patchwork" fails to capture the unique predatory intent and psychological deviance that define cannibalistic behavior, often resulting in punishments that do not match the true gravity of the crime.

The absence of clear statutory recognition creates a significant legal gap. When an act so fundamentally offensive is never addressed by its true name in a court of law, it weakens the moral authority of the justice system. As society encounters increasingly complex forms of deviance, our criminal laws must evolve to provide clarity and ensure proportional accountability.

Ultimately, codifying cannibalism as a distinct offense is more than a legislative necessity; it is a moral imperative. By filling this vacuum, the legal framework can reaffirm the non-negotiable boundaries that protect the sanctity of human life and ensure that such "rarest of rare" acts are met with the precise and weighted justice they demand.

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