

Goa, Daman and Diu - West Bengal Prevention of Defacement of Property Act, 1976

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Act 21 of 1976

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The Goa, Daman and Diu Anatomy Act, 1976(Act No. 21 of 1976)[Dated 6th November, 1976]An act to provide for the supply of unclaimed dead bodies of deceased persons to hospitals and medical and teaching institutions for therapeutic purpose or for the purpose of anatomical examinations or dissections.Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the Goa, Daman and Diu Anatomy Act, 1976.(2)It extends to the whole of the Union territory of Goa, Daman and Diu.(3)This section shall come into force at once.(4)The Government may by notification in the Official Gazette, direct that the remaining provisions of this Act shall come into force on such date and in such area as may be specified in the notification.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context-(1)"approved institution" means a hospital or a medical or teaching institution approved by the Government for all or any of the purposes of this Act;(2)"authorised Officer" means an Officer authorised to act under section 4;(3)"Collateral consanguinity" means that which subsists between two persons who are descended from the same stock or ancestor, but neither of whom is descended in direct line from the other.Note:- For the purpose of ascertaining in what degree of kindred any collateral relative stands to a person deceased, it is necessary to reckon upwards from the person deceased to the common stock and then downwards to the collateral relative, a degree being allowed for each person, both ascending and descending.(4)"Government" means the Government of Goa, Daman and Diu;(5)"Lineal consanguinity" means that which subsists between two persons, one of whom is

descended in a direct line from the other, as between a man and his father, grandfather and great-grandfather, and so upwards in the direct ascending line; or between a man and his son, grandson, great-grandson and so downwards in the direct descending line; Note:- (a) Every generation constitutes a degree, either ascending or descending; (b) A person's father is related to him in the first degree, and so likewise is his son; his grandfather and grandson in the second degree; his great-grandfather and great-grandson in the third degree, and so on; (6) "near relative" means any of the following relatives of the deceased, namely, a wife, husband, parent, son, daughter, brother and sister and includes, any other person who is related to the deceased (a) by lineal or collateral consanguinity within three degrees in lineal relationship, and six degrees in collateral relationship, or (b) by marriage either with the deceased or with any relative specifically mentioned in this clause or with any other relative within the aforesaid degrees; (7) "prescribed" means prescribed by rules made under this Act; (8) "unclaimed body" means the body of a deceased person who has no near relative or whose body has not been claimed by any of his near relative within such period as may be prescribed.

3. Power of Government to authorise officers to act under section 4.

- The Government may, by notification in the Official Gazette authorise for the area in which this Act comes into force or any part thereof, one or more officers to whom a report shall be made under section 4 and who shall be competent to act under the said section.

4. Unclaimed dead bodies to be used for therapeutic purpose or anatomical examination.

(1) Where a person under treatment in a hospital whether established by or vesting in, or maintained by, the Government or any local authority, dies in such hospital and his body is unclaimed, the authorities in charge of such hospital shall with the least practicable delay report the fact to the authorised officer and such officer shall then hand over the unclaimed body to the authorities in charge of an approved institution for any therapeutic purpose or for the purpose of conducting anatomical examinations and dissection. (2) Where a person dies at hospital other than a hospital referred to in sub-section (1) or in a prison and his body is unclaimed, the authorities in charge of such hospital or prison shall with the least practicable delay report the fact to the authorised officer who shall hand over the unclaimed body to the authorities in charge of an approved institution for the purpose specified in sub-section (1). (3) Where a person having no permanent place of residence in the area where his death has taken place/ dies in any public place in such area and his body is unclaimed, the authorised officer shall take possession of the body and shall hand it over to the authorities in charge of an approved institution for the purpose specified in sub-section (1). (4) Where there is any doubt regarding the cause of death or when for any other reason the authorised officer considers it expedient so to do, he shall forward the unclaimed body to a police officer referred to in section 174 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

5. Doubt or dispute whether person claiming body is near relative to be referred to Executive Magistrate and body to be preserved pending decision.

(1) If any doubt or dispute arises as to whether a person claiming the body of a deceased person under section 4 is a near relative of the deceased or not the matter shall be referred to the Executive Magistrate or such officer as may be appointed in this behalf by the Government and his decision shall be final and conclusive. (2) Pending such decision, the authorised officer shall take all reasonable care and steps to preserve the body of the deceased person from decay.

6. Penalty.

- Whoever disposes of, or abets the disposal of, an unclaimed body save as permitted by this Act, or obstructs any authority in charge of an approved institution or an authorised officer from handing over, taking possession of, removing or using, such dead body for the purpose specified in the Act, shall, on conviction, be punished with fine which may extend to five hundred rupees.

7. Duty of Police and other officers to assist.

- All officers and servants of the Police, Medical and Public Health Departments, all officers and servants in the employ of a local authority and all village officers and servants shall be bound to take all reasonable measures to assist the authorities and officers authorised under this Act in the discharge of their duties under this Act.

8. Protection of persons acting under the Act.

- No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

9. Officers to be public servants.

- All officers appointed or authorised to act under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

10. Power to make Rules.

(1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. (2) Without prejudice to the generality of the provisions of sub-section (1) such rules may prescribe the period within which a near relative shall claim the body of a deceased person. (3) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of the Union territory of Goa, Daman and Diu while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly agrees in making any modification in the rule or the Assembly agrees that the rule should

not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.