

Tamil Nadu Anatomy Act, 1951

TAMILNADU

India

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Act 18 of 1951

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Tamil Nadu Anatomy Act, 1951 Tamil Nadu Act 18 of 1951 Statement of Objects and Reasons. - Owing to the expansion of the Medical education in the State, there is now a great need for as large a number of dead bodies as possible for anatomical examination and dissection. The Bill provides for the supply of unclaimed dead bodies for that purpose. Received the assent of the President on the 4th August 1951 and first published in the Fort St George Gazette on the 14th August 1951. An Act to provide for the supply of unclaimed bodies of deceased persons [to teaching medical institutions and hospitals for the purpose of anatomical examination and dissection or medical relief or treatment.] [Substituted for the words 'to teaching medical institutions for the purpose of anatomical examination and dissection' by section 2 of the Tamil Nadu Anatomy (Amendment) Act, 1960 (Tamil Nadu Act 10 of 1960).] Whereas it is expedient to provide for the supply of unclaimed bodies of deceased persons [to teaching medical institutions and hospitals] [Section 1 came into force on the 14th August 1951. The rest of the Act came into force on the 1st July 1952.] for the purpose of anatomical examination and dissection or medical relief or treatment. It is hereby enacted as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969] Anatomy Act, 1951. (2) It extends to the whole of the [State of Tamil Nadu] [Substituted for the expression 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]. (3) This section shall come into force at once. (4) [The State Government may, by notification in the [Fort St. George Gazette] [Section 1 came into force on the 14th August 1951. The rest of the Act came into force on the 1st July 1952.], 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.] This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the First Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960

(Tamil Nadu Act 23 of 1960) repealing the corresponding law in force in that territory.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, - (a) "authorized officer" means an officer authorized under section 3; (b) "hospital" means any hospital established or maintained by the State Government, or by any municipal council, district board or panchayat and includes any other hospital which may be declared by the State Government by notification in the [Fort St. George Gazette] [Now the Tamil Nadu Government Gazette.], to be a hospital for the purposes of this Act; (c) "near relative" means any of the following relatives of the deceased, namely, a wife, husband, parent, son, daughter, brother or sister and includes any other person who is related to the deceased (i) by lineal consanguinity within three degrees or by collateral consanguinity within six degrees, or (ii) by marriage with any of the relatives aforesaid. Explanation. - The expressions "lineal consanguinity" and "collateral consanguinity" shall have the meanings assigned to them in the Indian Succession Act, 1925 (Central Act XXXIX of 1925), and degrees of relationship shall be computed in the manner laid down in that Act; (d) "prescribed" means prescribed by rules made by the State Government under this Act; (e) "teaching medical institutions" means any of the institutions specified in the Schedule to this Act and includes any other institution which may be declared by the State Government, by notification in the [Fort St. George Gazette] [Now the Tamil Nadu Government Gazette.], to be a teaching medical institution for the purposes of this Act; (f) "unclaimed body" means the body of a person who dies in a hospital, prison or public place, which has not been claimed by any of his near relatives within such time as may be prescribed.

3. Power of State Government to authorize officers to act under section 4.

(1) The State Government may, by notification in the [Fort St. George Gazette] [Now the Tamil Nadu Government Gazette.], authorize 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. (2) Every officer authorized under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

4. Unclaimed dead bodies in hospitals, prisons and public places how to be dealt with.

(1) If a person dies in a hospital or in a prison and his body is not claimed by any of his near relatives within such time as may be prescribed, the authority in-charge of such hospital or prison shall, with the least practicable delay, report the fact to the authorized officer, and the said officer shall take possession of the unclaimed body and except in the case referred to in sub-section (3), hand it over to the authority in-charge of [a teaching medical institution or a hospital, if it is required by the authority in-charge of that institution or hospital, for the purpose of anatomical examination and dissection or medical relief or treatment, as the case may be.] [Substituted for the words 'a teaching medical institution, if it required by that authority for the purpose of conducting anatomical

examination and dissection' by section 3(i) of the Tamil Nadu Anatomy (Amendment) Act, 1960 (Tamil Nadu Act 10 of 1960).](2)If a person dies in any public place in an area in which he had no permanent place of residence and the body of that person is not claimed by any of his near relatives within such time as may be prescribed, the authorized officer shall take possession of the unclaimed body and except in the case referred to in subsection (3), hand it over to the authority in-charge of [a teaching medical institution or a hospital] [Substituted by section 3(ii) of the Tamil Nadu Anatomy (Amendment) Act, 1960 (Tamil Nadu Act 10 of 1960).], if it is required by that authority, for the purpose specified in sub-section (1).(3)When there is any doubt regarding the cause of death or when for any reason the authorized officer considers it expedient so to do, he shall forward the unclaimed body to the police officer referred to in section 174 of the Code of Criminal Procedure, 1898 (Central Act V of 1898).(4)Where any unclaimed body taken possession of by the authorized officer under this section is not required by the authority in-charge of [a teaching medical institution or a hospital] [Substituted for the words 'a teaching medical institution' by section 3(ii) of the Tamil Nadu Anatomy (Amendment) Act, 1960 (Tamil Nadu Act 10 of 1960).] for the purpose specified in sub-section (1), it shall be disposed of in such manner as may be prescribed.

5. Doubt or disputes as to near relative to be referred to Presidency Magistrate or Magistrate of the First Class.

(1)If any doubt or dispute arises whether a person is, or is not a near relative of the deceased for the purposes of section 4, the matter shall be referred in the city of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] to a Presidency Magistrate, and elsewhere; a Magistrate of the First Class, and the decision of such Magistrate shall be final.(2)Pending such decision, the body of deceased person shall be preserved from decay in such manner as may be prescribed.

6. Penalty.

- Whoever disposes of, or abets the disposal of an unclaimed body save as provided by this Act, or obstructs any authority in-charge of a teaching medical institution [or a hospital] [Inserted by section 4 of the Tamil Nadu Anatomy (Amendment) Act, 1960 (Tamil Nadu Act 10 of 1960).] or an authorized officer from handing over, taking possession of, removing or using such dead body for the purpose specified in section 4, shall be punishable with fine which may extend to five hundred rupees.

7. Duty of Police and other officers to assist in obtaining possession of unclaimed bodies.

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

8. Protection of persons acting under this Act.

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

9. Power to make rules.

- [(1) The State Government may, by notification in the [Fort St. George Gazette] [Section 9 was re-numbered as sub-section (1) of that section, and sub-section 2 was added to that section by section 5 of the Tamil Nadu Anatomy (Amendment) Act, 1960 (Tamil Nadu Act 10 of 1960).], make rules for carrying out the purposes of this Act.](2)[All rules made under this Act shall, as soon as possible after they are made, be placed on the table of [Legislative Assembly] [Section 9 was re-numbered as sub-section (1) of that section, and sub-section 2 was added to that section hi section 5 of the Tamil Nadu Anatomy (Amendment) Act, 1960 (Tamil Nadu Act 10 of 1960).] and shall be subject to such modification by way of amendment or repeal as the [Legislative Assembly] [Substituted by the Tamil Nadu Adaptation of Laws and Order, 1987.] may make either in the same session or in the next session.]

Schedule

1. The College and School of Indigenous Medicine, [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).]

2. The [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] Medical College, [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).]

3. The Stanley Medical College, [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).]

[* * *] [Entries 4 and 5 were omitted by clause 3 of, and the Schedule to, the Madras Adaptation of Laws Order, 1954.]