

The Jammu and Kashmir Anatomy Act, 1959

JAMMU & KASHMIR

India

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Act 22 of 1959

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The Jammu and Kashmir Anatomy Act, 1959 Act No. 22 of 1959 [Received the assent of the Sadar-i-Riyasat on 23rd October, 1959 and published in the Government Gazette dated 23rd October, 1959.] An Act to provide for the supply of unclaimed bodies of deceased persons to hospitals and medical and teaching institutions for the purpose of [anatomical examination, dissection & removal of health organs from the deceased for transplantation in living persons.] Be it enacted by the State Legislature in the Tenth Year of the Republic of India as follows :

1. Short title, extent and commencement.

(1) This Act may be called the Jammu and Kashmir Anatomy Act, 1959. (2) It extends to whole of the State. (3) This section shall come into force at once and the remaining sections shall come into force on such date and in such area as the Government may by notification in the Government Gazette, direct.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context :-(a) "approved institution" means a hospital or a medical institution approved by the Government to carry on anatomical examination, dissection and transplantation organs ;(b) "authorised officer" means an officer authorised by the Government to perform the functions of an authorised officer under this Act ;(c) "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 by-(i) lineal or collateral consanguinity within three degrees in lineal relationship and six degrees in collateral relationship, (ii) marriage either with the deceased or with any relative specifically mentioned in this clause or with any other relative within the aforesaid degrees ;(d) "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 relatives within such period as may be prescribed ;(e) "prescribed" means prescribed by rules made under this Act.

3. Doubt or dispute as to near relative to be referred to an officer appointed by the Government.

- If any doubt or dispute arises whether a person is a near relative of the deceased, the matter shall be referred to such officer as may be appointed in this behalf by the Government and his decision shall be final and conclusive.

4. Power of Government to authorise officers to act under section 5.

- The Government may, by notification in the Government Gazette authorise for the area in which this Act comes into force or any part thereof, one or more officer's to whom a report shall be made under section 5 and who shall be competent to act under the said section.

5. Unclaimed bodies to be used for 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 the purpose of conducting [anatomical examination dissection and removal of healthy organs for transplantation.] [Substituted by Act No. XVIII of 1968.](2)Where a person dies at a 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; and the said officer 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 over to the authorities in charge of an approved institution for the purpose specified in sub-section (1).(4)[Where in any case mentioned in sub-sections (1), (2) and (3) above the authority in-charge of an approved institution certifies that an unclaimed body is not fit for anatomical examination or dissection or is not otherwise-required for that purpose, the authorised officer shall dispose it of by cremation or burial on Government expenses.] [Sub-section (4) inserted by Act No. XV of 1970.]

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 in handing over, taking possession of, removing or using such dead body for the purpose specified in this Act, shall, on conviction, be punished 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 of the Departments of Police and Public Health and all officers in the employ of a local authority and all village officers shall be bound to take all reasonable measures to assist any authority or officer authorised under this Act to obtain the possession of an unclaimed dead body.

8. Protection of action taken under this 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 Jammu and Kashmir, State Ranbir Penal Code, Svt. 1989.

10. Rules.

(1)The Government may, by notification in the Government 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 and embalming of dead bodies.

11. Repeal.

(1)The Jammu and Kashmir Anatomy Ordinance, 1959 (11 of 1959) is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act were in force on the date such thing was done or action taken.