

The Orissa Anatomy Act, 1975

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Act 46 of 1975

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The Orissa Anatomy Act, 1975 Orissa Act No. 46 of 1975 Statement of Objects and Reasons - In Orissa there is no enactment providing for the supply of unclaimed bodies of deceased persons to the hospitals, medical and teaching institutions for therapeutic purpose or for the purpose of anatomical examinations, dissection, surgical operation and research work, though the need to provide increased facilities in the field of medical education and research is increasing day to day. Necessity has been felt to enact a law to empower the officers appointed by the State Government to take possession of unclaimed dead bodies by hospitals, prisons or in the public places for the aforesaid purposes and to preserve them to ensure that there is no decay and secure their disposal after the purpose is served. The bill seeks to achieve the above objects. For Statement of Objects and Reasons, and the Bill vide Orissa Gazette Extraordinary No. 1785 dated, 10.11.1975. Published in the Orissa Gazette Extraordinary No. 1951 dated 12.12.1975. [Received the assent of the Governor on the 3rd December, 1975, assent first published in an extraordinary issue of the Orissa Gazette, dated the 12th December, 1975] An Act to provide for the supply of unclaimed bodies of deceased persons to Hospitals and Medical and Teaching Institutions for therapeutic purposes or for the purpose of Anatomical Examination and Dissection Be it enacted by the Legislature of the State of Orissa in the Twenty-sixth year of the republic of India, as follows

1. Short title, extent and commencement.

(1) This Act may be called the Orissa Anatomy Act, 1975. (2) It extends to the whole of the State of Orissa. (3) It shall come into force on such date and in such areas as the State Government may by notification, appoint and different dates may be appointed for different areas.

2. Definitions.

- In this Act, unless the context otherwise requires- (a) "approved institution" means a hospital or a medical or teaching institution approved by the State Government for all or any of the purposes of this Act; (b) "Authorised Officer" means an officer appointed by the State Government under Section

4;(c)"near relative" means any of the following relatives of the deceased, namely, 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 the deceased or with any of the aforesaid relatives.Explanation - The expressions "lineal consanguinity" and "collateral consanguinity" shall have the same meanings as assigned to them respectively in Sections 25 and 26 of the Indian Succession Act, 1925.(d)"Prescribed" means prescribed by Rules made under this Act;(e)"Unclaimed body" means the body of a deceased person who has no near relatives or whose body has not been claimed by any of the near relatives within such time as may be prescribed

3. Doubt or dispute as to near relatives to be referred to Authorised Officer.

- If any doubt or dispute arises as to whether a person is or is not a near relative of the deceased, the matter shall be referred to the Authorised Officer whose decision on such reference shall be final and conclusive and pending such decision, the body of the deceased person shall be preserved from decay by such person and in such manner as may be prescribed.

4. Power of State Government to appoint Authorised Officer.

- The State Government may, by notification, appoint for such area as may be specified in the notification any person to perform the functions of an Authorised Officer under this Act and the rules made thereunder.

5. Unclaimed body in hospitals, prisons and public places how to be dealt with.

(1)Where a person under treatment in a hospital established or maintained by, or vesting in the State 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 who shall hand over the unclaimed body to the authorities in charge of an approved institution for the purpose of conducting post mortem or anatomical examination or for any therapeutic purpose, or for dissections, surgical operation or research work.(2)Where a person dies in 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 who shall hand over the unclaimed body to the authorities in charge of an approved institution for any of the purposes specified in Sub-section (1).(3)When a person having no permanent place of residence in the areas where his death has taken place dies in any public place in such area and his body is unclaimed, the Authorised Officer of that area shall take possession of such body and hand it over to the authorities in charge of an approved institution for any of the purposes specified in Sub-section (1).(4)Where there is any doubt regarding the cause of death or where the Authorised Officer considers it for any reason whatsoever 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, 1973.(5)Where any unclaimed body taken possession of by the Authorised

Officer under this section is not required by the authority in charge of an approved institution for the purposes specified in Sub-section (1) it shall be disposed of in the prescribed manner.(6)When a post mortem or anatomical examination or dissection or surgical operation or any research work on the unclaimed body is over, the remains thereof, if any, shall be disposed of in the prescribed manner.

6. Offence.

- Whoever with the intention of defeating the provisions of this Act, disposes of or abets the disposal of an unclaimed body, save as permitted by this Act or obstructs any Authorised Officer or authority in charge of an approved institution from handing over or taking possession of or removing or using such dead body for any of the purposes specified in this Act, shall on conviction, be punishable with fine which may extend to five hundred rupees and in default, with simple imprisonment for a period not exceeding six months.

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 employ of a local authority, and all village officers and servants shall be bound to take all reasonable measures to assist the Authorised Officer in taking possession of an unclaimed body.

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 under this Act or the rules made thereunder.

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.

10. Power to make rules.

(1)The State Government may, by notification make rules for carrying out the purposes of this Act(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:(a)the time within which the body of a deceased person may be claimed by a near relative;(b)the person by whom and the manner in which the body of a deceased person shall be preserved from decay;(c)the manner in which an unclaimed body or the remains thereof are to be disposed of ; and(d)any other matter which may be or is required to be prescribed under this Act.(3)Every rule made under this Act shall be laid as soon as may be after it is made, before the State Legislature while it is in seisin for a total period of fourteen

days, which may be comprised in one or more sessions, and if during the said period, the State Legislature makes modifications, if any, therein the rules shall thereafter have effect only in such modified form; so however, that any such modification shall be without prejudice to the validity of anything previously done under that rule.