

The U.P. Antomy Act, 1956

UTTAR PRADESH

India

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Rule THE-U-P-ANTOMY-ACT-1956 of 1956

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The U.P. Antomy Act, 1956U.P. Act No. VI of 1957

037.

[14th January, 1957]An Act to provide for the supply of unclaimed dead bodies of deceased persons to teaching medical institution for the purpose of anatomical examination and dissectionWhereas it is expedient to provide for supply of unclaimed dead bodies of deceased persons to teaching medical institutions for the purpose of anatomical examination and dissection;It is hereby enacted in the Seventh Year of the Republic of India as follows:

1. For Statement of Objects and Reasons please see U.P. Gazette, Extraordinary, dated August 29, 1956. It received the assent of the Governor on January 14, 1957, and published in Uttar Pradesh Gazette Extraordinary, dated January 19, 1957.

1. Short title, extent and commencement.

(1)This Act may be called the U.P. Anatomy Act, 1956.(2)It extends to the whole of Uttar Pradesh,(3)This section shall come into force at once and the remaining provisions of this Act shall come into force on such date and in such area as the State Government may by notification in the official Gazette specify in that behalf.

2. Definitions.

(1)In this Act, unless there is anything repugnant in the subject or context -(a)"authorized officer" means an officer authorized to act under section 5;(b)"medical institution" means a hospital or a medical or teaching institution established, maintained or recognized as such by notification in the

Official Gazette by the State Government to carry on anatomical examination or dissection", or both;(c)"relative" means any person related to the deceased as wife, husband, parent, son, daughter, brother, or sister and includes any other person related to the deceased -(i)by lineal consanguinity within six degrees or by collateral consanguinity within twelve degrees; or(ii)by marriage with any of the relatives specifically mentioned in this clause or with any other relative within the aforesaid degrees; or(iii)as preceptor or disciple within three degrees.Explanation. - The expression 'lineal and collateral consanguinity' shall have the meaning assigned to them in the Indian Succession Act, 1925.(d)"prescribed" means prescribed by Rules made under this Act;(e)"State Government" means the Government of Uttar Pradesh; and(f)"dead body" means the body of a human being.(2)Body of deceased person shall be deemed to be unclaimed if such person has no relative, or if it has not been claimed by any of his relatives, friends or servants within such period as may be prescribed in that behalf.

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

- The State Government may, by notification in the official Gazette, authorize for the area to which this Act is applied 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.

Where dead body of a person dying in a hospital or a prison, is unclaimed, the authority incharge of the hospital, or, as the case be, the prison, shall immediately give intimation of the fact to the authorized officer, who shall dispose it of in the manner laid down in section 5.

5.

(1)The authorized officer shall, subject to the provisions of sub-sections (2) and (3), in the case of an unclaimed dead body of a person dying-(a)in a hospital or a prison; or(b)in a public place, not being his place of residence; or(c)after having dedicated in writing his dead body for the purpose of anatomical examination and dissection,take possession of the unclaimed dead body and hand it over to a medical institution; requiring it for anatomical examination or dissection or both:Provided that in cases falling under clause (a) or (b) the authorized officer shall where a relative is known to be alive but has for reason beyond his control failed to claim the body within the prescribed period, hand over the body to such religious or public institutions belonging to the religion of the deceased as may be prescribed.(2)The unclaimed dead body of a person who has prior to his death declared that this dead body shall not be subject to anatomical examination or dissection or both, shall be handed over by the authorized officer to such religious or public institution belonging to the religion of the deceased as may be prescribed.(3)The authorized officer shall -(a)in case of doubt as to the cause of death of the deceased and in any other case where in his opinion it is expedient so to do, dispose of, the unclaimed dead body in the manner provided thereof, in section 104 of the Code of Criminal Procedure, 1898;(b)in the case where the unclaimed dead body is not required by the authority in charge of a medical institution for anatomical examination or dissection, or both, dispose it of in such manner as may be prescribed.

6. Doubt or dispute as to relatives.

- Where any doubt or dispute arises whether person is a relative of the deceased, the matter shall be referred to such officer as may be appointed in this behalf by the State Government and his decision thereon shall be final and conclusive, and, pending such decision, the unclaimed dead body shall be preserved from decay in such manner as may be prescribed.

7. Penalty.

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

8. Duty of Police and other officials to assist in obtaining possession of unclaimed dead bodies.

- Any authority of officer empowered to act under this Act shall, in the discharge of their duties, be given such assistance and help as he may reasonably require by all the officers and servants of the departments of police, Medical, Public Health and of the local bodies.

9. Protection of persons acting under this Act.

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

10. Officers to be public servants.

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

11. Power to make Rules.

(1)The State Government may, by notification in the official Gazette make rules for carrying out the purpose of this Act.(2)In particular and without prejudice to the generality of the foregoing powers such rules may provide -(a)the period within which a relative may claim the dead body of a deceased person; .(b)the period after which the dead body of a deceased person shall be deemed to be unclaimed;(c)the procedure for the disposal of an unclaimed dead body under section 5;(d)the conditions under which institutions may be recognized for the purposes of sub-sections (1) and (2) of section 5;(e)the manner in which an unclaimed dead body be preserved from decay;(f)the procedure of proceedings under section 6; and(g)the matters which are to be and may be prescribed.(3)(a)All rules made under this Act shall be published in the official Gazette and shall, unless some other date is appointed, come into force at the date of such publication.(b)All rules

made under this Act shall, as soon as may be after they are made, be laid before the Legislature for 14 days and shall be subject to such notifications as the Legislature may make therein.