



The Orissa Anatomy Act, 1975

Act 46 of 1975

Keyword(s):

Near Relative, Unclaimed Body

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

ORISSA ACT 46 OF 1975
THE ORISSA ANATOMY ACT, 1975

CONTENTS

PREAMBLE

SECTIONS

1. Short title, extent and commencement
2. Definitions
3. Doubt or dispute as to near relatives to be referred to Authorised Officers
4. Power of State Government to appoint Authorised Officer
5. Unclaimed body in hospitals, prisons and public places how to be dealt with
6. Offence
7. Duty of Police and other officers to assist in obtaining possession of unclaimed bodies.
8. Protection of persons acting under this Act
9. Officers to be public servants
10. Power to make rules

ORISSA ACT 46 OF 1975

[THE ORISSA ANATOMY ACT, 1975]

[Received the assent the Governor on the 3rd December 1975, 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. (1) This Act may be called the Orissa Anatomy Act, 1975. Short title, extent and commencement.

(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. In this Act, unless the context otherwise requires— Definitions

(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

1. For Statement of Objects and Reasons, see *Orissa Gazette*, Extraordinary, dated the 10th November, 1975 (No. 1785).

(Secs. 3-5)

(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, 39 of 1925 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 his near relatives within such time as may be prescribed.

Doubt or dispute as to near relatives to be referred to Authorised Officers.

3. 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.

Power of State Government to appoint Authorised Officer.

4. 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.

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

5. (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 incharge of such hospital shall, with the least practicable delay, report the fact to the Authorised Officer who shall handover the unclaimed body to the authorities incharge of an approved institution for the purpose of conducting post-mortem or anatomical examination, or for any therapeutic purpose, or for dissection, 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 incharge of such hospital or prison shall, with the least practicable delay, report the fact to the Authorised Officer

(Secs. 5—7)

who shall handover the unclaimed body to the authorities incharge 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 area 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 incharge 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 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). 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 incharge of an approved institution from handing over or taking possession of or rere-moving 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. 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.

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

(Secs. 8—10)

Protection
of persons
acting under
this Act.

8. 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.

Officers to
be Public
Servants.

9. 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^{45 of 1860}.

Power to
make rules.

10. (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 session 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.