



The Himachal Pradesh Anatomy Act, 1966

Act 4 of 1966

Keyword(s):

Approved Institution, Authorised Officer, Near Relative, Unclaimed Body

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THE HIMACHAL PRADESH ANATOMY ACT, 1966

ARRANGEMENT OF SECTIONS

SECTIONS :

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THE HIMACHAL PRADESH ANATOMY ACT, 1966

(ACT No. 4 OF 1966)¹

(Received the assent of the President of India on the 30th March, 1966 and was published in R.H.P. Extra, dated the 28th April, 1966 at p. 341-343).

Amended, repealed or otherwise affected by,—

- (i) H. P. Act No. 25 of 1969, published in R.H.P. Extra, dated the 13th October, 1969 at p. 883-887.
- (ii) A. O. 1973, published in R.H.P. Extra, dated the 20th January, 1973 at p. 91-112.

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, dissection surgical operation and research work.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Seventeenth Year of the Republic of India as follows :—

1. Short title and extent.—(1) This Act may be called the Himachal Pradesh Anatomy Act, 1966.

(2) It extends to the whole of² [the areas comprised in Himachal Pradesh immediately before 1st November, 1966].

1. For Statement of Objects and Reasons, see R.H.P. Extra, dated the 8th Feb. 1966, p. 144. The Act extended to the areas added to Himachal Pradesh under section 7 of the Punjab Re-organisation Act, 1956, by H. P. Act No. 25 of 1969; and for Authoritative Hindi Text see R.H.P. Extra, dated 12-12-1966 p. 2245.
2. Subs. for "the Union territory of Himachal Pradesh" by A. O, 1973.

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

- (1) “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 ;
- (2) “authorised officer” means an officer appointed under section 4;
- (3) “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—
 - (a) by lineal or collateral consanguinity within three degrees in lineal relationship and six degrees in collateral relationship; or
 - (b) by marriage either with the deceased or with any relative specifically mentioned in this clause or with any other relative within the aforesaid degrees ;

Explanation.—The expression “Lineal and collateral consanguinity” shall have the meanings assigned to them respectively in sections 25 and 26 of the Indian Succession Act, 1925 ;

- (4) “prescribed” means prescribed by rules made under this Act ;

- (5) * * * *
- (6) “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 periods as may be prescribed.

3. Doubt or dispute as to near relative to be referred to authorised officer.—If any doubt or dispute arises whether a person is 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.

4. Power to appoint authorised officers.—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 officer² under this Act and the rules made thereunder.

5. Unclaimed dead bodies to be used for therapeutic purposes, anatomical examinations, etc.—(1) Where a person under treatment in a hospital, whether established by, or vesting in, or maintained by, 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 and such officer shall then hand over the unclaimed body to the authorities in charge of an approved institution for any therapeutic purpose or for the purpose of conducting anatomical examination, 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 in charge of such hospital or prison shall with the least practicable delay report

1. The definition of “State Government” Omitted, by A. O. 1973.

2. Authorised Officers appointed *vide* Noti. No. 2-43/65-Med. II (II), dt. 29-7-1966 (Appended)

the fact to the authorised officer, and such officer shall hand over the unclaimed body to the authorities in charge of an approved institution for any 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 un-claimed, the authorised officer of that area shall take possession of the body and shall hand it over to the authorities in charge of an approved institution for any purpose specified in sub-section (1).

6. Penalty.—Whoever with the intention of defeating the provisions of this Act, disposes of, or abets the disposal of, an un-claimed body save as permitted by this Act, or obstructs any authority in charge of an approved institution or an authorised officer from handing over, taking possession of, removing or using, such dead body for the purpose, specified in this Act, shall, on conviction, be punishable with fine which may extend to two 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 body.

8. Protection of person acting under the 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 under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

10. Rules.—(1) The State Government may, by notification, make rules¹ for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the period within which a near relative shall claim the body of a deceased person.

(3) Every rule made under this section 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 ten days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the legislature requires any modifications in the rule or desires that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of any thing previously done under that rule.

1. Rules framed vide Not No. 2-43/65-Med. II(II), dated the 29th July, 1966 (appended).