

THE HIMACHAL PRADESH ANATOMY ACT, 1966
ARRANGEMENT OF 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Amended, repealed or otherwise affected by,---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.

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 6 of the Punjab Re-organisation Act, 1966, by H. P. Act No. 25 of 1969; and for Authoritative Hindi Text see R. H. P. Extra, dated 12-12-1986 p. 2245.

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 of ¹[the areas comprised in Himachal Pradesh immediately before 1st November, 1966].

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;
- ²[(5) XXXXXXXXXXXXXXXXXXXXXXXXXXXXX]
- (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

1. Subs. for "the Union territory of Himachal Pradesh" by A.O. 1973.
 2. The definition of "State Government" Omitted, by A, O. 1973.

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 officer¹ 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 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 unclaimed, 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 unclaimed 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.

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

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).

**THE HIMACHAL PRADESH ANATOMY RULES, 1966 MEDICAL AND PUBLIC
HEALTH DEPARTMENT
NOTIFICATION**

Shimla-4, the 29th July, 1966

No. 2-43/65-Med. II. (I).- In exercise of the powers vested in him vide section 10 of the Himachal Pradesh Anatomy Act, 1966 (Act No. 4 of 1966), the Administrator (Lieutenant Governor) is pleased to make the following rules:-

1. These rules may be called the Himachal Pradesh Anatomy Rules, 1966.
2. In these rules, "the Act" means the Himachal Pradesh Anatomy Act, 1966 (Act No. 4 of 1966).
3. (1) All officers and servants of Police, Medical and Public Health Department, all officers and servants in the service of the local authority and all village officers and servants who come to know of the death of any person in any public place in an area in which he had no permanent place of residence, shall report the fact to the authorised officer with the least practicable delay.
 - (2) ⁶[Without prejudice to the generality of the foregoing provisions, the responsibility for immediately reporting the fact to the authorised officer shall be that of the officer-in-charge of the Police Station having jurisdiction of the area and the village headman of the area concerned. The In-charge of the Police Station concerned shall be responsible for arranging immediate removal of the dead bodies to the hospital for preservation from decay.]
 - (a) If any such person dies in hospital or in prison the authority in charge of such hospital or prison shall immediately report the fact to the nearest relative mentioned in the records of the patient or prisoner. If the said relative does not claim the body within 24 hours, in case where the relative is a resident out side the district, the dead body shall be disposed off in the manner laid down in section 5 of the Act.
 - (b) Pending receipt of the claim, if any, in pursuance of clause (a) of this sub-rule, the dead body shall be removed to the mortuary of the hospital or the teaching medical institution, as the case may be, for preservation from decay.
 - (c) If such body is not claimed within the period specified in clause (a) of this sub-rule the authorised officer shall proceed to dispose off the body in the manner laid down in section 5 of the Act.
4. The authorised officer for the purpose of deciding any doubt or dispute whether a person is or is not a near relative of the deceased for the purpose of section 3 of the Act shall hold a summary enquiry into the matter. Such officer need not record the oral evidence of witness but shall maintain a memorandum of evidence and a gist of the representation in the case on the basis of which he arrives at a decision.
5. Dead bodies which are received in the hospital under rule 3 of these rules shall be kept temporarily in the cold storage or mortuary, if available, until these are removed to the Anatomy Department. In the Anatomy Department they shall be washed and preserved by means of formal in or glycerine solution. Dead bodies which are not required for immediate use, shall be kept in a tank containing preservation solution or in the cold storage, if available.
6. Nothing contained in these rules shall apply to cases where death has taken place under suspicious circumstances and the body is subject to medico-legal examination. In such cases if the police have not taken possession of it themselves, the body shall be handed over to the police.

6. Subs for the original provision by Not. No. 2-98/68-Med. II, dated the 24th June, 1969, published in R. H. P. dated 5-7-1966 at p. 536.

the 7th December, 1968 P. 585)

(R. H. P. dated

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