



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 6th April, 2011, is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 10 OF 2011.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 8th April, 2011).

AN ACT

to provide for the supply of unclaimed bodies of deceased persons and for donation by a person of his body after his death to hospitals and medical teaching institutions for therapeutic purposes or for the purpose of medical education or research including anatomical examination and dissection.

It is hereby enacted in the Sixty-second Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Anatomy Act, 2011.

Short title and commencement

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

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

(a) "approved institution" means a hospital or medical, teaching institute approved by the State Government for all or any of the purposes of this Act;

(b) "authorised officer" means an officer authorised under section

"relative" means any of the following relatives of the deceased, namely :-

parents, children, brother, sister or spouse; and includes any other person who is related to the deceased.



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- (i) by lineal or collateral consanguinity within three degrees in lineal relationship and six degrees in collateral relationship, or
- (ii) 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 in the Succession Act, 1925;

- (d) "natural death" means the death that occurs from natural causes such as disease or old age and not caused by suicide or killing by another or by an animal or by machinery or by an accident or death not caused under circumstances raising a reasonable suspicion that some other person has killed the deceased;
- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "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 period as may be prescribed.

Power of State Government to authorise officer to act under section 4.

3. The State Government may, by notification in the *Official Gazette* authorise one or more officers to whom a report shall be made under section 4.

Unclaimed dead bodies to be used for anatomical teaching.

4. (1) Where a person, under treatment in a hospital dies of natural death in such hospital and his body is unclaimed, the authority 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, in the manner as may be prescribed, the unclaimed body to the authority in-charge of an approved institution for the purpose of conducting anatomical dissection and teaching.

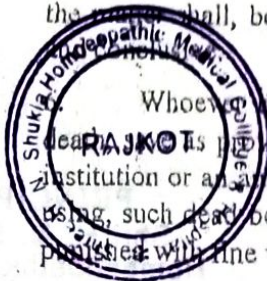
(2) Where a person dies of a natural death, in any public place or at his residence other than a hospital and his body is unclaimed, the authorised officer shall take possession of such unclaimed body and shall hand it over, in the manner as may be prescribed, to the authority in-charge of an approved institution for the purpose specified in sub-section (1).

(3) (i) Where there is any doubt as to the natural death or when for any other reason the authorised officer considers it expedient so to do he shall forward the unclaimed body to a police officer referred to in section 174 of the Code of Criminal Procedure, 1973.

(ii) If the death appears to be natural death to the police inquest the unclaimed body may be handed over to the Anatomy Department of the approved institute without performing post-mortem. Whether the unclaimed body is suitable for embalming and can be used for anatomical dissection and teaching purpose shall be decided by a senior officer of the Anatomy Department.

5. If any doubt or dispute arises whether a person is a near relative of the deceased, the doubt or dispute shall, be referred to the Executive Magistrate and his decision shall be final as near relative to be referred.

Whoever disposes of or abets the disposal of an unclaimed body of a natural death as provided by this Act, or obstructs any authority in-charge of an approved institution or an authorised officer from handing over, taking possession of, using, such dead body for all or any of the purposes of this Act, shall on conviction be punished with fine which may extend to five thousand rupees.



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7. All officers and employees of the Police, Health and other Government Departments, all officers and servants of a local authorities and all village officers and employees shall be bound to take all reasonable measures to assist the authorities and officers authorised under this Act in the discharge of their duties under this Act. **Duty of police and other officers to assist.**
8. If any person, either in writing at anytime or orally in the presence of two or more witnesses during his illness whereof he dies, has expressed a request that his body be given to authorities in-charge of an approved institution for being used after his death for therapeutic purposes or for the purposes of medical education or research including anatomical examination and dissection, the near relative lawfully in possession of donor's dead body may, unless he has reason to believe that the request was subsequently withdrawn by the donor, bring the dead body to any approved institution for use in accordance with the request. **Donation of a dead body of deceased person.**
9. The approved institute may refuse, to accept an unclaimed body or a body brought to it under section 8, if a senior officer decides that the body is not suitable for educational purposes or that the body is not required by the said institute. Only intact dead bodies without any type of mutilation can be accepted for embalming and for teaching purpose. **Refusal to accept dead body.**
10. If any of the approved institutes does not accept a dead body as provided in section 9 or after the use of it for the purposes specified in this Act, the same shall be disposed of or caused to be disposed by it in the manner as may be prescribed. **Disposal of dead body.**
11. (1) The authority in-charge of the approved institute shall maintain a register of the dead bodies it received, used and disposed of in such form and in such manner as may be prescribed. **Registers, returns, etc.**
- (2) Every authority in charge of the approved institution shall submit a periodical return to authorised officer in such form and in such manner as may be prescribed.
12. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act. **Protection of action taken in good faith.**
13. All officers and employees 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. **Officers and employees to be public servants.**
14. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act, **Power to make rules.**
- (2) All rules made under this section shall be laid for not less than thirty days before the State Legislature, as soon as may be after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the Session in which they are so laid or the Session immediately following.
- (3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.
15. (1) The Bombay Anatomy Act, 1949, in its application to the State of Gujarat is hereby repealed. **Repeal and savings.**

45 to 1860.

Bom. XI of
1949.



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PART IV-B

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made
by the Government of Gujarat under the Gujarat Acts

HEALTH AND FAMILY WELFARE DEPARTMENT

Notification

Sachivalaya, Gandhinagar, 7th February, 2014

Gujarat anatomy Act, 2011.

No. MIS/03/102003/5522/J:— In exercise of power conferred by section - 14 of the Gujarat Anatomy Act, 2011 (Guj. 10 of 2011), the Government of Gujarat hereby makes the following rules to provide for the supply of unclaimed bodies of deceased persons and for donation by a person of his body after his death to the hospitals and medical teaching institutions for therapeutic purposes or for the purpose of medical education or research including anatomical examination and dissection, namely:-

1. **Short Title and Commencement:-** (1) These rules may be called the Gujarat Anatomy Rules, 2013.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions:-** In these rules, unless the context otherwise requires,-
 - (a) "Act" means the Gujarat Anatomy Act, 2011;
 - (b) "Form" means a form annexed to this Rules;
 - (c) "registered medical practitioners" means allopathic doctors with M.B.B.S. or equivalent degree as referred in the Medical Council Act 1956;
 - (d) "Section" means a section of the Act.
 - (e) Words and expression used and not defined in these rules, but defined in the Act, shall have the meanings respectively assigned to them in the Act.
3. **Approved Institutions/Colleges:-** (1) All the recognized Medical and Dental Colleges shall be the "approved institutions" for receiving and embalming of dead bodies (unclaimed or donated) for the purpose of anatomical dissection and teaching. The status of "approved" shall automatically be discontinued, when the same is de-recognized by regulatory or competent authority.

(b) Other Paramedical Institutions or Colleges as referred to in Gujarat Professional Medical Educational colleges or Institutions (Regulations of Admission and Fixation of Fees) Act, 2007 which conduct the professional courses such as Physiotherapy, Aryurveda, Homeopathy, Nursing, Optometry etc. are authorized to conduct only anatomical examination and dissection for teaching purpose and shall not collect embalmed dead bodies from the approved institutions.

4. Duty of Police and Authorized Officers:-

(1) Police officer and employees of Police Department, Medical and Public Health Department, all officers and employees in the services of the local authority and village officers and employees who come to know of the death of any person in any public place in any area in which he had no permanent place of residence, shall report the fact to the authorized officer with the least practicable delay.

(2) Without prejudice to the generality of the foregoing provisions, the responsibility for immediate reporting the fact to the authorized 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 in the following manner,-

- (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 record of the patient or prisoner. If the said relative does not claim the body within-
- (i) 24 hours, if the relative resides inside the district;
 - (ii) 48 hours, if the relative resides outside the district but within the State;
 - (iii) 72 hours, if the relative resides outside the State;
 - (iv) 120 hours, if the relative resides outside the territory of India.
- (v) If there is no record of relatives of the dead, the authority in-charge may take appropriate decision after 48 hours of the death,

Then, the dead body shall be disposed off by the authorized officer in the manner laid down in rule 6 of these rules;

- (b) Pending receipt of the claim, if any, in pursuance of clause (a) above, a dead body shall be shifted to the mortuary of the hospital or the teaching medical institution, as the case may be, for preservation from decay,
- (iii) If such body is not claimed within the period specified in clause (i) of this sub-rule the authorized officer shall proceed to dispose off the body in the manner laid down in rule 7 of this rules.

(3) The authorized 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 4 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.

(4) Dead bodies which are received in the hospital under sub rule 1 of this rule shall be kept temporarily in the cold storage or mortuary, if available, until these are shifted to the Anatomy Department.

(5) Notwithstanding anything 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 no possession of it themselves, the body shall be handed over to the Principal.



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5. **Donation of a Dead Body of deceased person :-** (1) If any person has expressed the desire to donate body, the relatives of the deceased shall have to inform the approved institution. The relative shall be reimbursed road transport charges maximum for 300 k.m. at the rate as may be determined by the Government from time to time provided the approved institute is informed within two hours of the death and body is accepted by authorized officer.

(2) The Post-mortem performed body may be accepted by approved institute for use other than anatomical dissection, such as research or teaching activities.

(3) Once the body is donated, the relatives of the body shall have no claim over the body.

(4) (i) The written consent/declaration showing the pledge in Form A appended to these rules shall be submitted by the donor to donate his/her body after death and the authorized person of the Anatomy Department shall receipt the same in Form B appended to these rules : or

(ii) The written consent as specified in Form C appended to these rules, of the near relatives should be produced at the time of donation.

(5) The Death certificate showing cause of death issued by Registered Medical Practitioner, who has attended the deceased during last illness, should be produced at the time of donation.

6. **Disposal of Dead Body :-** (1) If the senior officer of the approved institute decides that the body is not suitable for educational purpose or not required by the said Institute then the same shall be disposed off in the following manner, namely:-

- (i) unclaimed body shall be disposed by the police officer and
- (ii) body brought by relative/s can be disposed off, if so desired by the relative, by approved institution with the assistance of voluntary organizations.

(2) The parts of the body, after dissection, may be disposed in the following manner namely:

- (i) by concerned hospital authorities.
- (ii) be processed to collect hard bony structures.
- (iii) be preserved for teaching purpose.

7. **Use for Medical Research:-** (1) Human dead body/part of body/human organ/human tissue removed before or after anatomical dissection shall be preserved according to current and accepted scientific method in order to ensure responsible use for medical research and education by the approved Government/Semi Government/Grant-in aid teaching Institutions.

(2) Anatomy department of approved Government / Semi Government / Grant-in aid teaching Institutions can use human dead body for the purpose of mummification and can keep in museum as teaching aid.

(3) Responsible use for medical research shall be taken up after the approval of registered Institutional Ethic Committee.

8. **Registers, Returns etc.:-** The authorized, officer of the approved institute shall maintain a Register of the dead bodies it received by it in Form D appended to these rules and also maintain records of Annual Returns pertaining to dead bodies as per Form E and Form F appended to these rules.

9. **Transitory Provision:-** Subject to the provision of this Part, with effect on from the date on which the Act is commenced, the earlier any Act or Rules related to this shall stand repealed.

By order and in the name of the Governor of Gujarat,

PRINCIPAL,

DINESH K. ARMA BHUKIA

Under Secretary
Homoeopathic Medical
College & Hospital
RAJKOT



FORM A

(See Rule 5(4) (i))

ANATOMY DEPARTMENT

COLLEGE

DEAD BODY DONATION

SANKALP PATRA

Photo

Name : _____

Address : _____

Pin : _____

Phone : _____

Date : _____

To, Professor & Head,
Anatomy Department,

Sir,

I aged years, hereby declare,
my willingness to donate my dead body, posthumously, to anatomy department of _____
College, for teaching purpose. My relatives will act accordingly after my death.

Signature

In the Presence of :

(1) Name of close relative : _____ Age : _____ Address : _____ _____ Signature : _____	(2) Name of close relative : _____ Age : _____ Address : _____ _____ Signature : _____
---	---



[Signature]
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FORM A

(See Rule 5(4) (i))

એનેટોમી વિભાગ

કોલેજ

દેહદાન સંકલ્પ પત્ર

ફોટો

નામ : _____

સરનામું : _____

પિન કોડ : _____

ફોન નં. : _____

તારીખ : _____

પ્રતિ,
પ્રાધ્યાપક અને વડા,
એનાટોમી વિભાગ,

માનનીય,

હું નામે ઉંમર વર્ષ આથી પ્રતિજ્ઞા પુર્વક જાહેર કરું છું કે મૃત્યુ પ્રશ્નાત મારા દેહને શૈક્ષણિક હેતુસર ના એનાટોમી વિભાગને સોંપવો. આ સાથે મારા વારસદારના નામે અને તેમને આપેલ સંમતિ સૂચક સહીઓ સામેલ છે. તેઓ એનાટોમી વિભાગને મૃત્યુબાદ સત્વરે માહિતગાર કરશે.

સહી :

નીચે જણાવેલ સ્વજનની હાજરીમાં,

(૧) નીકટના સ્વજનનું નામ :	(૨) નીકટના સ્વજનનું નામ :
_____	_____
ઉંમર : _____	ઉંમર : _____
સરનામું : _____	સરનામું : _____
_____	_____
_____	_____
સહી : _____	સહી : _____



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Homeopathic Medical
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FORM B
(See Rule 5(4)(i))
RECEIPT

Registration No. :

Date :

Name : _____

Birth date : _____

Age : _____

Sex : Male/Female

Office Address : _____

Residence : _____

Signature of Authorized Person
Anatomy Department,
_____ College

એનેકાર - બી

પહોંચ

એનેટોમી વિભાગનો નોંધણી નં. :

તારીખ :

નામ : _____

જન્મ તારીખ : _____

ઉંમર : _____

ઓફિસનું સરનામું : _____

જાતિ : પુરુષ/સ્ત્રી

રહેઠાણનું સરનામું : _____



અધિકૃત વ્યક્તિની સહી
એનેટોમી વિભાગ

કોલેજ
PRINCIPAL,
Shri H. N. Shukla
Homoeopathic Medical
College & Hospital
RAJKOT

FORM C

(See Rule 5(4) (ii))

ANATOMY DEPARTMENT

COLLEGE

CONSENT LETTER FOR DONATION OF DEAD BODY

I, the undersigned, _____ of the deceased hereby donate the dead body of late _____ to anatomy department, as per his/her wish.

I also confirm that his/her death was natural.

Date : / 20

Place : _____

Signature :

Name : _____

Address : _____

Phone : _____

In the presence of :

Signature :

Name : _____

Address : _____

Phone : _____

FORM C

(See Rule 5(4) (ii))

એનેટોમી ડિપાર્ટમેન્ટ

કોલેજ

દેહદાન સંમતિ-પત્ર

આથી આ સંમતિ-પત્ર દ્વારા અમો નીચે સહી કરનાર, અમારા _____ શ્રી _____ નું દેહદાન, અત્રેના એનેટોમી વિભાગને, સ્વર્ગસ્થની ઇચ્છા અનુસાર કરીએ છીએ.

અમો એ પણ બાંહેધરી આપીએ છીએ કે, સ્વર્ગસ્થનું મૃત્યુ કુદરતી રીતે થયેલ છે.

તારીખ :

સ્થળ :

આપનો

_____ (સહી)

_____ (નામ)

_____ (સરનામું)

_____ (ફોન)

નીચે જણાવેલ સ્વજનની હાજરીમાં,

સહી : _____

નામ : _____

રહેઠાણ સરનામું : _____

ફોન : _____



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FORM D
(See Rule 8)

PROFORMA OF REGISTER

Sr. No.	Name of Donor (Deceased/ Unclaimed body)	Age	Sex	Address	Identification Mark	Date of Transfer	Brought by Whom	Identified by	Date of Issue for Dissection	Date of receipt	Date of Disposal	Photo	Signature of authorized officer

FORM E

(See Rule 8)

**PROFORMA OF ANNUAL RETURN
DEAD-BODY INFORMATION (ACCEPTED)
ANATOMY DEPARTMENT
_____ COLLEGE**

YEAR: _____

PART-I

Name :-	Dr.
Designation:-	Head of department
Institute address :	
Phone No :-	
Mobile No :-	
E-Mail :-	

PART-II

Opening Balance as on 1 st August	Received during the period (1 Aug. to 31 July)	Issued for Dissection	Transferred to other colleges	Closing Balance as on 31 July
	Unclaimed			
	Donated			



Signature of Head Anatomy Department
Principal,
Shree H. N. Shukla
Homoeopathic Medical
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FORM A

(See Rule 8)

PROFORMA OF ANNUAL RETURN

DEAD-BODY INFORMATION (NOT ACCEPTED)

ANATOMY DEPARTMENT

_____ COLLEGE

YEAR : _____

Sr. No.	Date	Donor Name	Age	Sex	Address	Brought by Whom	Reasons for non-acceptance	Signature of Authorized officer



Government Central Press, Gandhinagar.

[Signature]
PRINCIPAL,
Shri H. N. Shukla
Homoeopathic Medical
College & Hospital.
RAJKOT