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ARUNACHAL PRADESH
LEGISLATIVE ASSEMBLY SECRETARIAT

The 6th March, 2017

No. LA/BILL-2/2017.—The following Bill introduced in the Arunachal Pradesh Legislative Assembly on the 6th March, 2017 is published under Rule 73 of the Rules of Procedure and Conduct of Business in Arunachal Pradesh Legislative Assembly for general information.

BILL NO. 2 OF 2017

THE ARUNACHAL PRADESH ANATOMY BILL, 2017
(As introduced in the Legislative Assembly on 6th March, 2017)

A

BILL

to provide for the supply of unclaimed bodies of deceased persons or donated bodies or any part thereof of deceased persons to hospitals and medical and teaching institutions for the purpose of anatomical examination and dissection and other similar purposes.

WHEREAS it is expedient to provide for the supply of unclaimed bodies of deceased persons or donated bodies or any part thereof of deceased persons to hospitals and medical and teaching institutions for the purpose of anatomical examination and dissection and other similar purposes.

BE it enacted by the Legislative Assembly of Arunachal Pradesh in the Sixty-eight Year of the Republic of India as follows.

1. (i) This Act may be called the Arunachal Pradesh Anatomy Act, 2017
- (ii) It extends to whole State of Arunachal Pradesh.
- (iii) It shall come into force in the State of Arunachal Pradesh from the date of its notification in the Official Gazette.
2. **Definition :-** In this Act, unless there is anything repugnant in the subject or context,-
 - (i) "Approved Institution" means a hospital or a medical or an allied institution as may be declared by the state Government by notification in the official Gazette to be an approved institution for the purpose of this Act.
 - (ii) "Authorized Officer" means an officer authorized to Act under this Act.
 - (iii) "Hospital" means any hospital established or maintained by the State Government or by any Municipal Council, Municipality, Board or Panchayat and includes any other hospital (private) which may be declared by the State Government by notification in the Official Gazette, to be such hospital for the purpose of this Act.
 - (iv) "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 expressions "lineal and collateral consanguinity" shall have the meanings assigned to them in the Indian Succession Act, 1925.

- (v) "Prescribed" means prescribed by rules made under this Act.
- (vi) "Unclaimed Body" means body of the 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.

3. Power of State Government to authorize officers to act under section 4 - (1) The State Government may, by notification in the Official Gazette, authorize, one or more officers to whom a report shall be made under section 4 and such officer or officers shall be competent to act under this Act.

(2) Every officer authorized under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code 1860.

4. Procedures in case of unclaimed dead bodies in hospitals, prisons, Jails and public places-

(1) If a person dies in a hospital or in prison, jails and his body is not claimed by any person interested within the prescribed time as may be laid down, the authority in-charge of the hospital or prison or police officer shall, with the least practicable delay report the fact to the authorized officer and the said officer shall take possession of the unclaimed body and except in the case of referred to in sub-section (3), hand it over to the authority in-charge of the an approved institution, if it is required by that authority, for the purpose of conducting anatomical examination and dissection or other similar purpose.

(2) If a person dies in a public place in an area in which he had no permanent place of residence and the body of that person is not claimed by any person interested within the prescribed time, the authorized officer shall take possession of such unclaimed body and except in the case referred to in sub-section (3), hand it over to authority in-charge of an approved institution, if it is required by that authority, for the purpose specific in sub-section (1).

(3) When there is any doubt regarding the cause of death or when for any reason the authorized officer considers it expedient so to do, he shall forward the unclaimed body to police officer referred to in section 174 of the Code of Criminal Procedure, 1973.

(4) Where any unclaimed body taken possession by authorized officer under this section is not required by the authority in-charge of an approved institution for the purpose specific in sub-section-(1) it shall be disposed of in the manner as may be prescribed.

5. Donation of bodies or part thereof deceased persons for anatomical examination etc., -(1) If any person at any time before his death had expressed an intention in writing or orally in presence of two or more witnesses that his body or any part of his body be given to an approved institution for being used after his death for the purpose of conducting anatomical examination and dissection or other similar purpose, any person interested may, unless he has reason to believe that the said intention was subsequently revoked, authorize the removal of the dead body or such part thereof to any approved institution for use in accordance with such intention.

(2) Without prejudice to the provision of sub-section -(1), such person interested may authorize the removal of whole body or any part of the body for use for the purposes specified in sub-section (1) unless he has reason to believe -

- (i) That the deceased had expressed an objection to his body or any part thereof being so dealt with after his death, and had not withdrawn such objection; or
- (ii) That any near relative of the deceased refused to the explanation of clause (iv) of section 2 objects to the body being so dealt with.
- (iii) Subject to the provision of sub-clause (iv) and (v), the removal and use of the whole body or any part of the body in accordance with an authority given in pursuance of this section shall be lawful, and shall be sufficient warrant for the removal of the body or any part thereof and its use for the purposes of this Act.
- (iv) The body of any part of the body of any deceased person shall not be removed for any of the purposed specified in sub-section (1) from any place where such person may have died,-
- (v) Within forty eight hours from the time of such person's death; or
- (vi) Until after twenty four hours notice (to be reckoned from the time of such death) to the Executive Magistrate of the intended removal of the body; or
- (vii) Unless a certificate stating in what manner such person came by his death shall, previously to the removal of the body has been signed by the registered medical practitioner who attended such person during the illness, then by a registered medical practitioner who shall be called in after the death of such state the manner and cause of death according to the best of his knowledge and belief but who shall not be concerned in dealing with the body for any purposes aforesaid removal and in case of such removal, such certificate shall be delivered together with the body to the authority in-charge of an approved institution receiving the same for any of the purpose aforesaid.

(3) If the person interested has reason to believe that an inquest or a postmortem examination of such body may be required to be held, in accordance with the provisions of any law for the time being in force, the authority for the removal of the body or any part thereof shall not be given under this section except with the consent of the authority empowered to hold an inquest or order postmortem under such law.

6. Doubt or dispute as to near relative to be referred to Magistrate of the First Class :-

(1) If any doubt or dispute arises whether a person is or is not a person interested for the purpose of section 4, the matter shall be referred to a Magistrate of the First Class at the Head Quarter and the decision of such Magistrate shall be final.

(2) Pending such decision, the body of the deceased person shall be preserved from decay for a period of two weeks in such manner as may be prescribed.

7. Penalty :- Whoever disposes of or abets the disposal of, an unclaimed body save as provided by this Act, or obstructs any authority in-charge of an approved institution or an authorized officer from handing over, taking possession of, removing or using, such dead body for the purposes specified in section 4, shall be punishable with fine which may extend to five thousand rupees.

8. Duty of Police and other officers to assist in obtaining possession of unclaimed bodies :- Every staff of the Police, Medical and Public Health Departments, Local authority, and all village authorities shall be bound to take all reasonable measures to assist authorized officers in the discharge of their duties under this Act.

9. Protection of persons acting under this 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 in pursuance of this Act.

10. Power to make rules - The State Government, may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Dated Naharlagun,
the 6th March, 2017

M. Lasa,
Secretary,
Legislative Assembly,
Arunachal Pradesh,
Naharlagun.