

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).

An Act to provide for ²[donation of bodies or any part thereof and] 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.

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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. For its Authoritative Hindi Text see R. H. P. Extra., dated 12-12-1986 p. 2245.
 2. Ins. vide Act No. 22 of 2011.

Amended, repealed or otherwise affected by,-

- (i) H. P. Act No. 25 of 1969¹ assented to by the President on 13th September, 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.
- (iii) H.P. Act No. 22 of 2011² assented to by the Governor on 31st January, 2011, published in Rajpatra, Himachal Pradesh both in Hindi and English on 5th February, 2011 at pages 8788-8791.

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 ³[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;

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1. For Statement of Objects and Reasons, see R. H. P. Extra, dated the 28th November, 1968, p. 1160 and for Authoritative Hindi Text see R. H. P. Extra., dated 25.3.1994 p. 422-428.
 2. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 20.12.2010, p. 7498 &5702.
 3. Subs. for "the Union territory of Himachal Pradesh" by A.O. 1973.

(4) "prescribed" means prescribed by rules made under this Act;

¹[(5) XXXXXXXXXXXXXXXXXXXXXXXXX]

(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;

²[(7) "donation of body" means donation of whole body or any part thereof by any person for the purpose of anatomical examination and research.]

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 officer ³ 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).

1. The definition of "State Government" omitted, by A. O. 1973.

2. Sub-section (7) ins. vide Act No. 22 of 2011.

3. Authorised Officers appointed vide Notification No. 2-43/65-Med. I (II), dated 29-7-1966, published in R.H.P. dated 18.3.1967, P.52.

¹[5-A. Donation of body or any part thereof of deceased persons for anatomical examination etc.- (1) If any person at any time before his death had expressed an intention in writing in the presence of two or more witnesses, that his body or any part thereof 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 near relative 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 the intention.

(2) The legal heir of a deceased person may also donate the body or any part thereof for the purposes specified in this Act.

(3) Subject to the provisions of sub-sections (4) and (5), the removal and use of whole body or any part thereof 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.

(4) The body or any part thereof of any deceased person shall not be removed for any of the purposes specified in sub-section (1) from any place where such person may have died,—

- (i) within forty-eight hours from the time of such person's death; or
- (ii) 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
- (iii) unless a certificate stating in what manner such person came by his death is obtained before the removal of the body, duly signed by the registered medical practitioner who attended such person during the illness whereof he died or, if no such practitioner attended such person during such illness, then, by a registered medical practitioner who shall be called in after the death of such person to view his body and who shall state the manner and cause of death according to the best of his knowledge and belief and 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 purposes aforesaid.

(5) If near relative 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

1. Section 5-A ins. vide Act No. 22 of 2011.

under this section except with the consent of the authority empowered to hold an inquest or order postmortem under such law.]

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.

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 anything previously done under that rule.

1. Rules framed vide Not No. 2-43/65-Med. II (II), dated the 29th July, 1966, published in R.H.P. dated 7.12.1968, p. 585.