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THE RAJASTHAN ANATOMY ACT, 1986¹

[Act No. 12 of 1986]

[Received the assent of the President on the 26th day of February, 1986.]

An Act to provide for the supply of unclaimed bodies of deceased persons to teaching medical institutions for therapeutic purposes or for the purpose of anatomical examination and dissection.

Be it enacted by the Rajasthan State Legislature in the Thirty-sixth Year of the Republic of India, as follows -

1. **Short title and commencement** - (1) This Act may be called the Rajasthan Anatomy Act, 1986.

(2) This section shall be deemed to have come into force on the 18th day of November, 1985 and the remaining² provisions of this Act shall, and shall be deemed to have, come into force on such date and in such area as the State Government may, by Notification in the Official Gazette, specify and different dates may be specified for different areas.

2. **Definitions** - In this Act, unless there is anything repugnant in the subject or context,-

- (a) "Authorised Officer" means an officer appointed by the State Government under Section 3;
- (b) "near relative" means any of the following relatives of the deceased, namely, wife, husband, parent, son, daughter, brother and sister and includes any other person who is related to the deceased,-
 - (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 expressions "lineal consanguinity" and "collateral consanguinity" shall have the same meanings as respectively assigned to them in Sections 25 and 26 of the Indian Succession Act, 1925.

- (c) "prescribed" means prescribed by rules made under this Act;
- (d) "teaching medical institution" means any of the institutions specified in the schedule to this Act and includes any other institution which may be declared by the State Government, by notification in the official Gazette, to be a teaching medical institution for the purpose of this Act; and
- (e) "unclaimed body" means the body of a deceased person which is not claimed by any of his near relatives or any person of his caste, creed or religion within seven days of death.

1. Pub. in Raj. Gaz. Ex-ord. 4(Ka), dt. 28-2-1986.

2. Came into force w.e.f. 27-3-86 vide Notification No. S.O. 230/F-8(17) MPH/Gr. 1765, dt. 2-3-1986.
pub. in Raj. Gaz. Pt. IV-C(III), Ex-ord. dt. 27-3-1986

3. Power of State Government to appoint Authorised Officers – The State Government may, by notification in the official Gazette, appoint for the areas in which this Act comes into force or any part thereof, one or more officers, to be called Authorised Officer, to whom a report shall be made under Section 4 and who shall exercise the powers and perform the duties conferred and imposed on the authorised officer under this Act.

lays down detailed procedure of disposal of unclaimed body

4. Unclaimed bodies to be used for therapeutic purposes or anatomical examination – (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, thereupon, it shall be lawful for such officer to take possession of the unclaimed body and hand it over to the authorities in-charge of a teaching medical institution for therapeutic purpose or for the purpose of conducting post-mortem or anatomical examination and dissection.

(2) Where a person dies at a hospital other than a hospital referred to in sub-section (1) or in a prison and his body is unclaimed, authorities in-charge of such hospital or prison, shall, with the least practicable delay, report the fact to the authorised officer and thereupon, it shall be lawful for such officer to take possession of the unclaimed body and hand it over to authorities in-charge of a teaching medical institution for the purpose specified in sub-section (1).

(3) Where a person dies in any public place in an area in which he had a permanent place of residence and his body is not claimed by any of his near relatives or by any person of his caste, creed or religion, the authorised officer shall take possession of the unclaimed body and shall hand it over to the authorities in-charge of a teaching medical institution for the purpose specified in sub-section (1).

(4) When there is any doubt regarding the cause of death or when for any other reason the authorised officer considers it expedient so to do, he shall forward the unclaimed body to the Police Officer referred to in Section 174 of the Code of Criminal Procedure, 1973.

(5) Where any unclaimed body taken possession of by the authorised officer under this section is not required by the authority in-charge of a teaching medical institution for the purpose specified in sub-section (1), it shall be disposed of in such manner as may be prescribed.

(6) During the period within which claim may be raised against treating the body of a deceased person as unclaimed body, the authorised officer shall arrange for the preservation of the body of such person from decay in such manner as may be prescribed.

5. Doubt or dispute as to near relatives to be referred to the officer appointed by the State Government – (1) If any doubt or dispute arises whether a person is or is not a near relative of the deceased for the purpose of Section 4, the matter shall be referred to such officer as may be appointed by the State Government by notification in the official Gazette in this behalf and his decision thereon shall be final and conclusive.

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

6. 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 a teaching medical institution, or an authorised officer from handling over, taking possession of, removing or using such dead body or the purpose specified in the Act, shall, on conviction, be punishable with fine which may extend to five hundred rupees.

7. Duty of Police and other Officers to assist in obtaining possession of unclaimed bodies – All officers of the Police Department and the Medical and Health Department and all officers in the employ of a local authority and all village officer 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 persons acting under this Act – 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.

9. Officers to be public servants – All Officers appointed or authorised to appoint under this Act shall be deemed to be public servants within the meaning of Section 11 of the Indian Penal Code.

10. Power to make rules – (1) The State Government may, by notification in the official Gazette, make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing possession of such unclaimed body provide for, -

- (a) the manner in which bodies may be preserved from decay;
- (b) the disposal of dead bodies when not required by the authority in-charge of a teaching medical institution;
- (c) the manner in which an enquiry under this Act should be held; or
- (d) any other matter which may be or is required to be prescribed.

(3) All rules made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rules should not be made, such rules 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 thereunder.

11. Repeal and Savings – (1) The Rajasthan Anatomy Ordinance, 1985 (Ordinance No. 9 of 1985) is hereby repealed.

(2) Notwithstanding such repeal, all things done, actions taken or orders made under the said Ordinance shall be deemed to have been done, taken or made under this Act.