

DELHI ANATOMY ACT, 1953

5 of 1953

[21st April, 1953]

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SCHEDULE 1 :- SCHEDULE

DELHI ANATOMY ACT, 1953

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An Act to provide for the supply of unclaimed bodies of deceased persons to teaching medical institutions for the purpose of anatomical examination and dissection. Be it enacted as follows:

1. Short title, extent and commencement :-

- (1) This Act may be called the Delhi Anatomy Act, 1953.
- (2) It extends to the whole of the Union Territory of Delhi.
- (3) This section shall come into force at once.
- (4) The Chief Commissioner may by notification in the Official Gazette, direct that the remaining provisions of this Act shall come into force on such date and in such area as may be specified in the notification.

2. Definitions :-

In this Act, unless the context otherwise requires :

- (a) "authorised officer" means an officer authorised under section 3;
- (b) "Chief Commissioner" means the Chief Commissioner, Delhi;
- (c) "Hospital" means any hospital established or maintained by the ¹ [Delhi Administration] or by any Municipal Committee, District Board or Panchayat and includes any other hospital which may be declared by the Chief Commissioner, by notification in the official Gazette, to be a hospital for the purpose of this Act;
- (d) "near relative" means any of the following relatives of the deceased, namely, a wife, husband, parents, son, daughter, brother or sister and includes any other person who is related to the deceased (i) by lineal consanguinity within three degrees, or by collateral consanguinity within six degrees, or (ii) by marriage with any of the relatives aforesaid;

Explanation. The expression "lineal consanguinity" and "collateral consanguinity" shall have the meanings assigned to them in the Indian Succession Act, 1925 and degrees of relationship shall be computed in the manner laid down in that Act.

- (e) "Prescribed" means prescribed by rules made under this Act;
- (f) "Teaching medical institution" means any of the institutions specified in the Schedule to this Act, and includes any other institution as may be declared by the Chief Commissioner, by notification in the official Gazette, to be teaching medical institution for the purposes of this Act;
- (g) "unclaimed body" means the body of a person who dies in a hospital, prison or public place, which has not been claimed by any of his near relatives or personal friends within such time as may be prescribed.

1. Substituted for the words "Delhi State Government" by 'Adaptation Order (No. 5) of 1957.

3. Powers of Chief Commissioner to authorise officers to act under section 4 :-

- (1) The Chief Commissioner may, by notification in the official

Gazette, authorise for the area in which this Act comes into force or any part thereof, one or more officers to whom a report shall be made under section 4 and who shall be competent to act under the said section.

(2) Every officer authorised under sub-section (1) shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860.

4. Unclaimed dead bodies in hospitals, prisons and public places how to be dealt with :-

(1) If a person dies in a hospital or in prison and his body is not claimed by any of his near relatives or personal friends within such time as may be prescribed, the authority in charge of such hospital or prison shall, with the least practicable delay, report the fact to the authorised officer, and the said officer shall take possession of the unclaimed body and except in the case referred to in sub-section (3) hand it over to the authority in charge of a teaching medical institution, if it is required by the authority for the purpose of conducting anatomical examination and dissection.

(2) If a person dies in any 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 of his near relatives or personal friends within such time as may be prescribed, the authorised officer shall take possession of the unclaimed body and except in the case referred to in sub-section (3) hand it over to the authority in charge of a teaching medical institution, if it is required by that authority, for the purpose specified in sub-section (1).

(3) When there is any doubt regarding the cause of death or when for any 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, 1898.

(4) 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.

5. Doubt or dispute as to near relatives or personal friends to be referred to the District Magistrate :-

(1) If any doubt or dispute arises whether a person is or is not a near relative or a personal friend of the deceased for the purpose of section 4, the matter shall be referred to the District Magistrate, Delhi, or to any Magistrate of the 1st class authorised by him.

(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 handing over, or taking possession of, removing or using such dead body for the purpose specified in section 4, shall 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 and servants of the Police, Medical and Public Health Departments, all officers and servants in the service of a local authority, and all village officers and servants shall be bound to take all reasonable measures to assist authorised officers in the discharge of their duties under this Act.

8. Protection of action taken in good faith :-

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 in pursuance of this Act or of any rules made thereunder.

9. Power to make rules :-

(1) The Chief Commissioner may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :

(a) the time within which the dead body should be claimed by near relatives or personal friends under sub-section (1) and (2) of section 4;

(b) the manner in which a dead body not required by a teaching medical institution shall be disposed of under sub-section (4) of section 4;

(c) the manner in which the dead body shall be preserved pending decision of the Magistrate under sub-section (1) of section 5.

SCHEDULE 1

SCHEDULE

1. The Lady Harding Medical College, New Delhi. 2. Ayurvedic and Unani Tibbia College, Delhi.
