

## **Bombay ANATOMY ACT, 1949**

**11 of 1949**

**[22nd April 1949]**

### CONTENTS

1. Short title, extent and commencement.
2. Definitions.
3. 3
4. Power of Provincial Government to authorise officers to act under section 5.
5. Unclaimed dead bodies to be used for (therapeutic purpose or) anatomical examination.
- 5A. Doubt or dispute whether person claiming body is near relative to be referred to Coroner or Executive Magistrate and body to be preserved pending decision.
6. Penalty.
7. Duty of police and other officers to assist.
8. Protection of persons acting under the Act.
9. Officers to be public servants.
10. Rules
11. Repeal and saving.

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An Act to provide for 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 and dissection. WHEREAS it is expedient to provide for the supply of unclaimed bodies of deceased persons to hospitals and medical and teaching institutions 3[for therapeutic purposes or] for the purpose of anatomical examination and dissection; It is hereby enacted as follows :

### **1. Short title, extent and commencement. :-**

(1) This Act may be called the Bombay Anatomy Act, 1949 .

(2) <sup>1</sup>It extends to the whole of the State of <sup>2</sup>[Gujarat].

(3) This section shall come into force at once.

(4) The <sup>3</sup>[State] Government 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; <sup>4</sup>

[provided that on the date of commencement of Bombay Anatomy (Extension and Amendment) Act, 1959 (Bombay XLIL of 1959) the remaining provisions of this Act shall come into force in those local areas in the Vidharbha region, Hyderabad area and Saurashtra area of the State of Bombay in which the provisions of the Madhya Pradesh Anatomy Act, 1954 (M.P. XVI of 1954), the Hyderabad Pathology and Anatomy Act, 1955 (Hyd. X of 1955) or, as the case may be, the Saurashtra Anatomy Act, 1955 (Sau.-XXXII of 1955) were brought into force before such commencement.]

1. Sub-section (2) was substituted for the original by Bombay 44 of 1959.

2. Substituted by A.O. 1960(1-5-1960).

3. This word was substituted for the word "Provincial" by the Bombay Adaptation of Laws Order, 1950.

4. This proviso was added by Bombay 44 of 1959.

## **2. Definitions. :-**

In this Act, unless there is anything repugnant in the subject or context,

(1) "approved institution" means a hospital or a medical or teaching institution approved by the <sup>1</sup>[State] Government <sup>2</sup> [for all or any of the purposes of this Act;]

(2) "authorised officer" means an officer authorised to act under Section 5 ;

(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 expressions "lineal and collateral consanguinity" shall have the meanings assigned to them in the Indian Succession

Act, 1925 (XXXIX of 1925);

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

(5) "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.

1. This word was substituted for the word "Provincial" by the Bombay Adaptation of Laws Order, 1950.

2. These words were substituted for the words "to carry on Anatomical Examination and dissection" by Bombay 33 of 1957.

### **3. 3 :-**

Doubt or dispute as to near relative to be referred to Coroner or authorised officer.] Deleted by Bombay 44 of 1959, s.4.

### **4. Power of Provincial Government to authorise officers to act under section 5. :-**

The <sup>1</sup> [State] Government 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 5 and who shall be competent to act under the said section.

1. This word was substituted for the word "Provincial" by the Bombay Adaptation of Laws Order, 1950.

### **5. Unclaimed dead bodies to be used for (therapeutic purpose or) anatomical examination. :-**

(1) Where a person under treatment in a hospital whether established by or vesting in, or maintained by, the <sup>1</sup>[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 <sup>2</sup>[for any therapeutic purpose or] for the purpose of conducting 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, the authorities 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 handover the unclaimed body to the authorities in charge of an approved institution for the 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 shall take possession of the body and shall hand it over to the authorities in charge of an approved institution for the purpose specified in sub-section (1).

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(4) <sup>3</sup> Where 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 a police officer referred to in section 174 of the Code of Criminal Procedure, 1898 (V of 1898).]

1. This word was substituted for the word "Provincial" by the Bombay Adaptation of Laws Order, 1950.

2. The words were Inserted by Bombay 33 of 1957, S. 8(c).

3. Sub-section (4) was added by Bombay 44 of 1959.

**5A. Doubt or dispute whether person claiming body is near relative to be referred to Coroner or Executive Magistrate and body to be preserved pending decision. :-**

(1) If any doubt or dispute arises as to whether a person claiming the body of a deceased person under section 5 is a near relative of the deceased or not the matter shall be referred <sup>1</sup> [x x x] to the Executive Magistrate or such officer as may be appointed in this behalf by the State Government and his decision shall be final and conclusive.

(2) Pending such decision, the authorised officer shall take all reasonable care and steps to preserve the body of the deceased person from decay.]

1. Omitted by A.O. 1960 (Third Amendment) 11 -5-1960

**6. Penalty. :-**

Whoever disposes of, or abets the disposal or, 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 the Act, shall, on conviction, be punished with fine which may extend to five hundred rupees.

**7. Duty of police and other officers to assist. :-**

All officers and servants of the Police, Medical and Public Health Departments, all officers and servants in the employ of a local authority and all village officers and servants 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.]

**8. Protection of persons acting under the Act. :-**

No suit, prosecution or other legal proceedings shall be against any person for anything which is in good faith done or in-tended to be done under this Act.

**9. Officers to be public servants. :-**

All officers 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, 1860 (XLV of 1860).

**10. Rules :-**

(1) The <sup>1</sup> [State] Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the provisions of sub-section (1) such rule may prescribe the period within which a near relative shall claim the body of a deceased person.

1. Substituted by A.O.1950.

**11. Repeal and saving. :-**

<sup>1</sup> On the date commencement of the Bombay Anatomy (Extension and Amendment) Act, 1959 (Bombay XLIV of 1959) (hereinafter in this section referred to as "the said Act"), the following Acts, shall stand repealed, namely:-

(1) the Madhya Pradesh Anatomy Act, 1954 (M.P.XVI of 1954), in its application to the Vidharbha region of the State of Bombay ;

(2) the Hyderabad Pathology and Anatomy Act, 1955 (Hyd. X of 1955), in its application to the Hyderabad area of the State of Bombay and

(3) the Saurashtra Anatomy Act, 1955 (Sau. XXXII of 1955):

Provided that such repeal shall not affect,

(a) the previous operation of any enactment so repealed;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed;

(c) any penalty incurred in respect of any offence committed against any enactment so repealed; or

(d) any investigation, legal proceeding remedy in respect of any such right, privilege, obligation liability or penalty as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty may be imposed as if the said Act had not been passed:

Provided further that, subject to the preceding proviso, any officer appointed or authorised, or institution approved, or reference made by or under such enactment shall, in so far as it is not inconsistent with this Act, be deemed to have been appointed, authorised, approved or made under the corresponding provisions of this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act:

Provided also that the rules made under this Act and in force immediately before the date of commencement of the said Act, shall be deemed to be the rules made under this Act in relation to the whole of the State, unless and until superseded by anything done under this Act.]

1. Section 11 was added, by Bombay 44 of 1959.