

এনাটমি এ্যাঙ্ক

অথবা

শব-ব্যবচ্ছেদ ও মানব কংকাল তৈরী / সংযোজন / সংরক্ষণ আইন (প্রস্তাবিত)

প্রস্তাবনা: এনাটমি মানুষের শারীরিক কাঠামো বিষয়ক অধ্যয়ন। এনাটমি চিকিৎসাশাস্ত্রের একটি গুরুত্বপূর্ণ মৌলিক বিষয়। এই বিষয়ের উপর সঠিক, স্বচ্ছ এবং ব্যবহারিক জ্ঞান ও দক্ষতা চিকিৎসাশাস্ত্রের অন্যান্য বিষয়সমূহের জ্ঞানার্জনের ভিত্তি তৈরী করে। এনাটমি বিষয়ের ব্যবহারিক শিক্ষার জন্য মানবদেহ প্রাচীনকাল হইতে ব্যবহার হইয়া আসিতেছে। দাবিহীন দেহ অথবা মরণোত্তর দেহদান এই মানবদেহের উৎস। বর্তমানে দাবিহীন দেহের উৎস কমিয়া যাওয়াতে অবৈধভাবে মানবদেহ সংগ্রহের সুযোগ সৃষ্টি হইয়াছে, যাহা সম্পূর্ণভাবে অনৈতিক। এনাটমি শিক্ষণ, প্রশিক্ষণ ও গবেষণার জন্য দাবিহীন দেহ এবং জীবিত ব্যক্তির মরণোত্তর দানকৃত দেহ ব্যবহারের নিমিত্তে আইন প্রণয়ন আবশ্যিক। পৃথিবীর বিভিন্ন দেশে চিকিৎসাবিদ্যায় মানবদেহের ব্যবহার এনাটমি এ্যাঙ্ক দ্বারা নিয়ন্ত্রিত। বাংলাদেশে অদ্যাবধি এই সম্পর্কিত কোনো বিধি প্রণয়ন করা হয় নাই। অতএব বাস্তবতার আলোকে চিকিৎসাশাস্ত্রের বিভিন্ন শাখায় মানবদেহের সঠিক এবং সর্বোত্তম ব্যবহারের জন্য বাংলাদেশে এনাটমি এ্যাঙ্ক প্রণয়ন করা অত্যাবশ্যিক।

মেডিকেল শিক্ষা ও গবেষণা ক্ষেত্রে মানবদেহ সংগ্রহ, ব্যবচ্ছেদ ও মানব কংকাল তৈরী / সংযোজন / সংরক্ষণ ও ব্যবহার সংক্রান্ত আইন, ২০২০ (প্রস্তাবিত)

মেডিকেল শিক্ষা ও গবেষণার ক্ষেত্রে মানবদেহ সংগ্রহ, ব্যবচ্ছেদ ও মানব কংকাল তৈরী / সংযোজন / সংরক্ষণ ও ব্যবহার এর উদ্দেশ্যে প্রণীত আইন।

যেহেতু মেডিকেল শিক্ষা ও গবেষণার নিমিত্তে মানবদেহ সংগ্রহ, সংরক্ষণ এবং মানব কংকাল তৈরী/ সংযোজন / সংরক্ষণ ও উহার আইনকানুন ব্যবহার নিশ্চিত করার উদ্দেশ্যে বিধান করা সমীচীন ও প্রয়োজনীয়, সেহেতু এতদ্বারা নিম্নরূপ আইন প্রণয়ন করা হইল:-

সংক্ষিপ্ত শিরোনাম:

১.০। এই আইন মেডিকেল শিক্ষা ও গবেষণা ক্ষেত্রে শব-ব্যবচ্ছেদ ও মানব কংকাল তৈরী/ সংযোজন / সংরক্ষণ সংক্রান্ত আইন, ২০২০ নামে অভিহিত হইবে।

১.১। এই আইন গণপ্রজাতন্ত্রী বাংলাদেশের সকল অনুমোদিত মেডিকেল শিক্ষা প্রতিষ্ঠানে কার্যকর হইবে।

২.০। সংজ্ঞা : বিষয় বা প্রসঙ্গের পরিপন্থি কোন কিছু না থাকলে এই আইনে-

ক) মানবদেহ অর্থ মৃতদেহ।

খ) 'মানবদেহ ব্যবচ্ছেদ' অর্থ শব-ব্যবচ্ছেদ বিদ্যা।

২.১। “অনুমোদিত প্রতিষ্ঠান” এর অর্থ হইল গণপ্রজাতন্ত্রী বাংলাদেশ সরকার কর্তৃক অনুমতি প্রাপ্ত সকল মেডিকেল শিক্ষা প্রতিষ্ঠান যেখানে এনাটমি শিক্ষণে শব-ব্যবচ্ছেদ ও মানব কংকালের প্রয়োজন হয়।

২.২। “এনাটমিকাল পরীক্ষা” এর অর্থ হইল মেডিকেল শিক্ষা ও গবেষণার জন্য মানবদেহের বিভিন্ন অংশ ব্যবচ্ছেদ করিয়া দেখা অথবা মানবদেহের বিভিন্ন অঙ্গপ্রত্যঙ্গ আলাদা করিয়া দেখা অথবা মানব কঙ্কাল ব্যবহার করা।

২.৩। “এনাটমিকাল নমুনা” মানে মেডিকেল শিক্ষা ও গবেষণার জন্য ব্যবহৃত দেহের কোন অংশ বা অঙ্গ।

২.৪। “অনুমোদিত ব্যক্তি” অর্থ হইল এনাটমির সকল শিক্ষক (অধ্যাপক, সহযোগী অধ্যাপক, সহকারী অধ্যাপক, কিউরেটর, প্রভাষক) এবং শিক্ষকের তত্ত্বাবধানে মেডিকেল শিক্ষার্থীরা।

২.৫। জীবিত ব্যক্তির মরণোত্তর দেহ দান: সুস্থ ও স্বাভাবিক জ্ঞানসম্পন্ন যেকোন ব্যক্তি তাহার দেহ মৃত্যুর পর দান করিতে পারিবেন, অর্থাৎ জীবিত অবস্থায় মেডিকেল শিক্ষা ও গবেষণার জন্য নিজ দেহ উৎসর্গ করিয়াছেন যাহা উইল করিয়া যাইতে পারেন অথবা নিকট আত্মীয়ের কাছে ইচ্ছা প্রকাশ করিয়া যাইতে পারেন | নিকট আত্মীয় বলিতে বোঝায় স্বামী, স্ত্রী, পুত্র, কন্যা, পিতা, মাতা, ভাই, বোন, পুত্রবধূ, জামাতা |

২.৬। "দাবিহীন দেহ" অর্থ এ অধ্যায়ে বর্ণিত মৃত ব্যক্তির দেহ।

৩.০। দাবিহীন দেহ :-

৩.১। ইহাকে এভাবে ব্যাখ্যা করা যাইতে পারে সরকারী হাসপাতালে মৃত্যুবরণকারী একজন মৃত ব্যক্তির দেহ যার কোন নিকটাত্মীয় নাই অথবা যার দেহ কোন আত্মীয় কর্তৃক মৃত্যুর পর দাবি করা হয় নাই(ন্যূনতম ৭২ ঘণ্টা পর্যন্ত) এবং মৃত্যুর পূর্বে তাহার দাফন/সৎকার বিষয়ে ইচ্ছা প্রকাশ করেন নাই। হাসপাতালের পরিচালক মেডিকেল শিক্ষা ও গবেষণা কার্যে ব্যবহার এর জন্য মৃতদেহ এনাটমি বিভাগে প্রদান করিবেন মৃত্যুসনদ সহ। সেখানে মৃত ব্যক্তির নাম, বয়স, লিঙ্গ, ধর্ম, হাসপাতালে ভর্তির তারিখ, মৃত্যু বরণের তারিখ এবং এনাটমি বিভাগে প্রদানের তারিখ উল্লেখ থাকিবে।

৩.২। দেহ গ্রহণকারী এনাটমি বিভাগ অবশ্যই রেকর্ড বইয়ে সকল তথ্য লিপিবদ্ধ করিবে।

অবশ্যই নিচের মানদণ্ড পরিপূর্ণ হইতে হইবে:

ক) মৃত ব্যক্তি অবশ্যই ১৮ অথবা এর চেয়ে বেশি বয়স্ক হইতে হইবে

খ) পুলিশ কেইস অথবা ময়না তদন্ত করিতে হইবে এমন দেহ এনাটমি বিভাগে প্রদান করা যাইবে না | তবে সরকার বা আদালত কর্তৃক যথাযথ মনে হইলে তাহা সরকারি বা আদালতের নির্দেশে প্রদান করা যাইবে।

গ) এনাটমি বিভাগে দেহ হস্তান্তর এর পরে কোনো পরিচিত আত্মীয় অথবা অনুমোদিত প্রতিনিধি এর দাবি এবং নিয়ন্ত্রণ নিতে আগ্রহ প্রকাশ করিতে পারিবে না।

৪.০। এনাটমিকাল পরীক্ষা

৪.১। কোন ব্যক্তিই এনাটমিকাল পরীক্ষা করিতে পারিবেনা যতক্ষন না পয়ন্ট।

৪.১.১। মানবদেহ যথাযথভাবে কেমিক্যাল দ্বারা সংরক্ষণ করা না হয়। সংরক্ষণের পর দেহ মিউজিয়াম অথবা ব্যবচ্ছেদ কক্ষে সংরক্ষণ করার জন্য তৈরী কৃত ট্যাঙ্ক এ সংরক্ষণ করিতে হইবে।

৪.২। এনাটমি বিভাগের প্রয়োজন অনুযায়ী দেহকে কঙ্কালে রূপান্তরিত করিতে হইলে অবশ্যই এনাটমি বিভাগের কোন নির্দিষ্ট কক্ষে তাহা করিতে হইবে এবং অবশ্যই উক্ত প্রতিষ্ঠানের এনাটমি বিভাগের শিক্ষকের তত্ত্বাবধানে করিতে

হইবে। অনুমোদিত মেডিকেল শিক্ষা প্রতিষ্ঠানের এনাটমি বিভাগ ব্যতীত কোথাও কংকাল তৈরী / সংযোজন / সংরক্ষণ করা সম্পূর্ণ নিষিদ্ধ।

৫.০ | দেহদান ও আইন :

৫.১। সুস্থ মস্কির ১৮ বছর অথবা তাহার চেয়ে বেশি বয়স্ক কোন ব্যক্তি তার সম্পূর্ণ দেহ মেডিকেল শিক্ষা ও গবেষণার উদ্দেশ্যে দান করিতে পারিবেন। তার মৃত্যুর পর এই দেহ গ্রহন করা হইবে।

৫.২। সকল দাতাকেই ২.১ ধারায় বর্ণিত অনুমোদিত প্রতিষ্ঠানে দেহ দান ফরম পূরণ করিয়া (ফরম সংযুক্ত) দুই বা তাহার অধিক সাক্ষীর উপস্থিতিতে স্বাক্ষর করিতে হইবে। মৃত্যুসনদ ও জাতীয় পরিচয়পত্রের কপি প্রদান করিতে হইবে।

৬.০। দেহদানের উপযোগিতা : কিছু কিছু ক্ষেত্রে মেডিকেল শিক্ষা ও গবেষণার জন্য দেহ দান উপযোগি হইবে না যেমন: মাত্রাতিরিক্ত পোড়া, অতিরিক্ত পচন, কোভিড-১৯, এইচআইভি/এইডস, হেপাটাইটিস বি, হেপাটাইটিস সি, গ্যাংগ্রিন এবং সেপসিসে আক্রান্ত রোগের ইতিহাস, যক্ষ্মা এবং লেপ্রসি, সিফিলিস ইত্যাদি। যেসব দাতার এই রোগগুলি আছে তাহাদের দেহ এনাটমি শিক্ষা কার্যক্রমে ব্যবহার করা যাইবে না।

৭.০ | এনাটমি পরিদর্শক : গনপ্রজাতন্ত্রী বাংলাদেশ সরকার প্রজ্ঞাপন জারির মাধ্যমে এই আইনের আওতাভুক্ত কোন পরিদর্শককে এই কাজের জন্য নিয়োগ প্রদান করিতে পারিবেন।

৮.০ | পরিদর্শনের ক্ষমতা ও প্রতিজ্ঞা :

৮.১। ২.১ ধারায় বর্ণিত যেকোন অনুমোদিত প্রতিষ্ঠানে সকল রেকর্ড, পরীক্ষাগার, হিমাগার, রাসায়নিক পদার্থ, দেহ ও নমুনা সবকিছুই পরিদর্শন ও অনুসন্ধান করিতে পারিবেন।

৮.২। তিনি অনুসন্ধান করিবেন যে, সঠিক পদ্ধতিতে সংরক্ষণ করা হইয়াছিল কিনা এবং তাহা নিবন্ধন খাতায় নথি ভুক্ত করা হইয়াছে কিনা।

৮.৩। ২.১ ধারায় বর্ণিত সকল অনুমোদিত মেডিকেল শিক্ষা প্রতিষ্ঠান তাহাদের নিজেদের নথিপত্র রাখিবে। দেহ গ্রহনের তারিখ, নাম, লিঙ্গ, বয়স, ধর্ম এবং মৃত ব্যক্তির জাতীয়তা নথিবদ্ধ করার জন্য এবং এই নথি পরিদর্শকের নিরীক্ষনের জন্য সবদা দেখাইতে বাধ্য থাকিবে।

৯.০ | খরচ : মানবদেহ সংগ্রহ ও অপসারণের জন্য সকল খরচ দেহ গ্রহণকারী সরকারী/বেসরকারী মেডিকেল কলেজ কর্তৃপক্ষ বহন করিবে।

১০.০। ব্যবহৃত দেহের নিরাপদ বিনাশ অথবা নিষ্পত্তি :

- ১০.১। দেহ ব্যবচ্ছেদ অথবা দেহ থেকে বিভিন্ন অঙ্গ নমুনা হিসেবে ব্যবহার করার পর এনাটমিকাল শিক্ষা ও গবেষণার জন্য যখন অনুপযুক্ত হইবে তখন দেহটিকে নিরাপদ নিষ্পত্তি করিতে হইবে।
- ১০.২। দেহ নিরাপদ নিষ্পত্তির জন্য মেডিকেল কলেজ অথবা শিক্ষা প্রতিষ্ঠানের একটি নির্দিষ্ট জায়গায় গভীর গর্ত করিয়া দেহ মাটি চাপা দিতে হবে এবং গর্তের মুখ ভালোভাবে বন্ধ করিয়া দিতে হইবে।
- ১০.৩। দেহের নিরাপদ নিষ্পত্তি অবশ্যই উক্ত প্রতিষ্ঠানের এনাটমি বিভাগের শিক্ষকের তত্ত্বাবধানে হইতে হইবে।

১১.০। মৃতদেহ অথবা মৃতদেহের অঙ্গ প্রত্যঙ্গ ক্রয়-বিক্রয় নিষিদ্ধ

- ১১.১। মৃতদেহ অথবা মৃতদেহের অঙ্গ প্রত্যঙ্গ ক্রয়-বিক্রয় বা এর বিনিময়ে কোন প্রকার সুবিধা লাভ এবং সেই উদ্দেশ্যে কোন প্রকার বিজ্ঞাপন প্রদান বা অন্য কোন রূপ প্রচারণা সম্পূর্ণ নিষিদ্ধ।

১২.০। অপরাধ ,তদন্ ও দন্ড :

- ১২.১। এই আইনের-অধীন উদ্দেশ্য সাধনকল্পে গৃহীত কোন পদক্ষেপের বিরুদ্ধে কোন আদালতে দেওয়ানী অথবা ফৌজদারি মামলা করা যাইবে না। উক্তরূপ মামলা করা হইলে সর্ব আদালতে তাহা অগ্রাহ্য হইবে।
- ১২.২। কোন ব্যক্তি এই আইনের কোন বিধান লঙ্ঘন করিলে অথবা লঙ্ঘনে সহায়তা করিলে তিনি অনূর্ধ্ব সাত বৎসর অথবা অনূর্ধ্ব তিন বৎসর মেয়াদী সশ্রম কারাদন্ডে অথবা নূনতম তিন লক্ষ টাকা অর্থদন্ডে অথবা উভয় প্রকার দন্ডে দন্ডিত হইবে।
- ১২.৩। কোন চিকিৎসক এই আইনের কোন বিধান লংঘন করিলে অথবা লংঘনের সহায়তা করিলে তিনি উপধারা (১২.২) এ বর্ণিত দন্ডে দন্ডিত হইবেন এবং এছাড়া চিকিৎসক হিসেবে তাহার রেজিস্ট্রেশন বাতিল হইবে।
- ১২.৪। এই আইনের অধীন কোন অপরাধের বিচারের ক্ষেত্রে Criminal Procedure Code 1898 (v of 1898) প্রযোজ্য হইবে।

১৩.০। হেফাজত: ইতোপূর্বে ও বর্তমানে ব্যবহৃত, উৎসর্গকৃত/দানকৃত/দাবিহীন দেহ এই আইনের অধীনে গৃহীত, ব্যবহৃত, নিষ্পত্তি, বিনাশকৃত মর্মে গণ্য হইবে।

১৪.০। বিধি প্রণয়নের ক্ষমতা: এই আইনের উদ্দেশ্য পূরণকল্পে সরকার সরকারী গেজেটে প্রজ্ঞাপন দ্বারা বিধি প্রণয়ন করিতে পারিবেন। সরকার এই আইন/ বিধি যে কোন সময় পরিবর্তন, পরিবর্ধন এবং পরিমার্জন করিতে পারিবেন।

মরগোতুর দেহদান- নিবন্ধনের নিয়মাবলী

বরাবর

অধ্যক্ষ

_____ মেডিকেল কলেজ,

বিষয়ঃ এনাটমি বিভাগে মরণোত্তর দেহ দানের নিমিত্তে রেজিস্ট্রেশন এর জন্য আবেদন

জনাব,

আমি ইচ্ছা পোষণ করিতেছি যে আমার মরণোত্তর দেহ, শিক্ষা এবং গবেষণার কাজে ব্যবহারের নিমিত্তে _____ মেডিকেল কলেজে, দান করিতে ইচ্ছুক। ইহার জন্য আমার নিবন্ধনের প্রয়োজন।

আমি আশা করি যে যিনি বা যাহারা আইনগতভাবে আমার মরণোত্তর দেহের দায়িত্বে থাকিবেন আমার মৃত্যুর পরে তাহারা আমার ইচ্ছাকে সম্মান প্রদর্শনপূর্বক যথাযথ নিয়ম অনুসরণ করিবেন। অতএব মহোদয়ের কাছে বিনীত নিবেদন এই যে আপনি আমাকে অনুমতি প্রদান করিয়া বাধিত করিবেন।

নিবেদক

.....

(দাতার পূর্ণ নাম এবং স্বাক্ষর)

মরণোত্তর দেহদান ফর্ম

এনাটমি বিভাগ

_____মেডিকেল কলেজ

ইমেইল:

টেলিফোন:

নাম:

(বাংলা এবং ইংরেজিতে)

পিতার নাম:

মাতার নাম:

বর্তমান ঠিকানা:

স্থায়ী ঠিকানা:

মোবাইল নাম্বার:

জাতীয় পরিচয়পত্র নাম্বার:

বরাবর

বিভাগীয় প্রধান

এনাটমি বিভাগ

_____মেডিকেল কলেজ,

জনাব,

আমি ইচ্ছা পোষণ করিতেছি যে আমার মরণোত্তর দেহ, শিক্ষা এবং গবেষণার কাজে ব্যবহারের নিমিত্তে _____ মেডিকেল কলেজে, দান করিতে ইচ্ছুক। ইহার জন্য আমার নিবন্ধনের প্রয়োজন।

আমি আশা করি যে যিনি বা যাহারা আইনগতভাবে আমার মরণোত্তর দেহের দায়িত্বে থাকিবেন আমার মৃত্যুর পরে তাহারা আমার ইচ্ছাকে সম্মান প্রদর্শনপূর্বক যথাযথ নিয়ম অনুসরণ করিবেন। অতএব মহোদয়ের কাছে বিনীত নিবেদন এই যে আপনি আমাকে অনুমতি প্রদান করিয়া বাধিত করিবেন।

নিবেদক

.....

(দাতার পূর্ণ নাম এবং স্বাক্ষর)

এনাটমি বিভাগ

মেডিকেল কলেজ

মরণোত্তর দেহদান- স্বজনদের* না দাবী পত্র

আমরা নিম্ন স্বাক্ষরকারী ঘোষণা করিতেছি যে, মৃত্যুর পরে শিক্ষা এবং গবেষণার কাজে ব্যবহারের নিমিত্তে _____ মেডিকেল কলেজ
জনাব/ জনাবা.....বয়স..... এর মরণোত্তর দেহ দানের সিদ্ধান্তে
কোনরূপ আপত্তি নাই।

ক্রমিক নং	স্বজনদের* নাম এবং মোবাইল নাম্বার	দাতার সাথে সম্পর্ক	স্বাক্ষর এবং তারিখ
০১			
০২			
০৩			

*স্বামী/স্ত্রী, পিতা/মাতা, পুত্র, কন্যা, পুত্রবধু, জামাতা, ভাই, বোন
দাতার যদি উপরিলিখিত কোন স্বজন না থাকে তবে মরণোত্তর দেহের আইনগতভাবে দায়িত্বপ্রাপ্ত ব্যক্তি/ব্যক্তিবর্গ স্বাক্ষর করিতে পারিবেন।

মরণোত্তর দেহদান- নিবন্ধনের নিয়মাবলী

১. দাতা নিজে ফর্ম পূরণ করিবেন
২. না দাবী পত্রে নিকট স্বজনগণ স্বাক্ষর করিতে পারিবেন। যেমন- স্বামী/স্ত্রী, পিতা/মাতা, পুত্র, কন্যা, পুত্রবধু, জামাতা, ভাই, বোন
৩. ২ কপি পাসপোর্ট আকারের ছবি এবং জাতীয় পরিচয়পত্র নিবন্ধন ফর্মের সাথে জমা দিতে হইবে।
৪. নিবন্ধন ফর্ম দাখিল সাপেক্ষে দাতাকে একটি রেজিস্ট্রেশন নাম্বারসহ নিবন্ধনের স্বীকৃতি স্বরূপ একটি কার্ড প্রদান করা হইবে।

এনাটমি বিভাগ

মেডিকেল কলেজ

মরণোত্তর দেহদান- নিবন্ধনের স্বীকৃতিপত্র

মেডিকেল কলেজ /এনাটমি/দেহদান/ / তারিখঃ

জনাব/ জনাবা

আপনাকে জানানো যাইতেছে আপনার নাম _____ মেডিকেল কলেজের দেহ দান তালিকায় নিবন্ধিত হইয়াছে।

আপনার এই দান নিঃসন্দেহে মহান এবং সম্মানের।

..... /..... /..... ইং তারিখ আপনার আবেদন গৃহীত হইয়াছে এবং আপনার রেজিস্ট্রেশন নাম্বার.....

ধন্যবাদান্তে

অধ্যাপক ও বিভাগীয় প্রধান
এনাটমি বিভাগ

মেডিকেল কলেজ

এনাটমি বিভাগ

মেডিকেল কলেজ

মরণোত্তর দেহদান- মৃত্যুর পরে দেহদানের নিয়মাবলী

নিবন্ধনের নিয়মঃ

১. ২ কপি আবেদনপত্র (একটি অধ্যক্ষ বরাবর এবং অন্যটি বিভাগীয় প্রধান বরাবর) আবেদন করিতে হইবে।
২. ১০০ টাকার স্ট্যাম্প কাগজে হলফনামা করিতে হইবে।
৩. নিবন্ধন স্বীকৃতি কার্ড অবশ্যই এনাটমি বিভাগ থেকে সংগ্রহ করিতে হইবে।

মরণোত্তরঃ

১. মৃত্যুর ৬ঘন্টার মাঝে মৃতদেহ এনাটমি বিভাগে আনিতে হইবে।
২. মৃতদেহ বহন করিয়া আনার ব্যবস্থা নিজেদেরকেই করিতে হইবে।
৩. এনাটমি বিভাগে মৃতদেহ গ্রহণ করিবার সময়সূচী
 - শনি থেকে বৃহস্পতি (সকাল ৮টা থেকে দুপুর ২টা)
 - সরকারি ছুটির দিন (আলোচনা সাপেক্ষে। শর্ত থাকে যে দাতার স্বজনগণ পরবর্তী কর্মদিবসে নিজ দায়িত্বে সমুদয় দাপ্তরিক আনুষ্ঠানিকতা সম্পন্ন করিবেন।)
৪. এনাটমি বিভাগে মৃতদেহ আনিবার পূর্বে স্বজনগণ অবশ্যই অধ্যক্ষের অফিসে _____ এই নাম্বারে যোগাযোগ করিবেন যাতে করে প্রয়োজনীয় ব্যবস্থা গ্রহণ করিয়া যায়।
৫. মৃতদেহের সাথে চিকিৎসক কর্তৃক প্রদানকৃত মৃত্যুর সনদ এবং জাতীয় পরিচয়পত্রের ফটোকপি অবশ্যই সঙ্গে আনিতে হইবে।
৬. দাতা যদি তার কোন অঙ্গ দানের জন্য নিবন্ধন করিয়া থাকেন তবে নির্ধারিত স্থানে নির্ধারিত সময়ের মাঝে অঙ্গ দান পূর্বক এনাটমি বিভাগে দেহ আনিতে হইবে।
৭. বিভাগে স্বজনদের জন্য দেহ দেখিবার ব্যবস্থা করা হইবে না।
৮. মাদ্রাতিরিক্ত পোড়া, অতিরিক্ত পচন, কোভিড-১৯, এইচআইভি/এইডস, হেপাটাইটিস বি, হেপাটাইটিস সি, গ্যাংগ্রিন এবং সেপসিসে আক্রান্ত রোগের ইতিহাস, যক্ষ্মা এবং লেপ্রসি, সিফিলিস দেহ গ্রহণ করা হইবেনা। একরূপ পরিস্থিতিতে দানকৃত দেহ গ্রহণে বিভাগ অস্বীকৃতি জানাইতে পারিবে।

৯. দানকৃত দেহ যথাযথ ভাবে সংরক্ষণ করা হইবে, এই প্রতিষ্ঠানের ছাত্রদের ব্যবহারিক ব্যবচ্ছেদ পাঠদানে, প্রতিষ্ঠানের জাদুঘরে প্রদর্শন করা, শিক্ষা সংশ্লিষ্ট যে কোন কাজ যেমন সোশ্যাল মিডিয়া তে শিক্ষামূলক ভিডিও তৈরীতে ব্যবহার করা হইবে। কক্ষাল তৈরীতে ব্যবহার হইতে পারে।

১০. বিভাগের সকল শিক্ষক কর্মচারী ছাত্র মৃতদেহ ব্যবহারের সময় যথাযথ সম্মান প্রদর্শন করিবেন। তাহাদের সকলকে মরণোত্তর দেহ দানের গুরুত্ব এবং দাতার মহান অবদানের কথা অবহিত করা হইবে। ব্যবহার অনুপযোগী হইলে দাতার ধর্ম অনুযায়ী তা সৎকার করা হইবে। কোনক্রমেই দাতার দেহ বা দেহের অংশ স্বজনদের ফেরত প্রদান সম্ভব হইবেনা

দাতার ইচ্ছার প্রতি সম্মান প্রদর্শন এবং দানের প্রতি যথাযথ বিচারে আমরা অঙ্গীকারবদ্ধ।



THE REPUBLIC OF KENYA

LAWS OF KENYA

ANATOMY ACT

CHAPTER 249

Revised Edition 2012 [1968]

Published by the National Council for Law Reporting
with the Authority of the Attorney-General

www.kenyalaw.org

CHAPTER 249

ANATOMY ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title.
 2. Interpretation.
 3. Licensing of practice of anatomy.
 4. Approval of schools of anatomy.
 5. Authority for anatomical examination of dead body.
 6. Authority for anatomical examination of body of person dying in public institution.
 7. Offences where no authority given.
 8. No anatomical examination if inquest likely to be required.
 9. Authorization sufficient authority for anatomical examination.
 10. Conditions to be complied with before body examined anatomically.
 11. Documentation.
 12. Disposal of body anatomically examined, and notice thereof.
 13. Illegal removal of parts of body.
 14. Inspection and information.
 15. Despatch of bodies between countries.
 16. Regulations.
 17. Savings.
-

CHAPTER 249**ANATOMY ACT**

[Date of assent: 18th August, 1967.]

[Date of commencement: 25th August, 1967.]

An Act of Parliament to regulate the practice of anatomy

[Act No. 21 of 1967.]

1. Short title

This Act may be cited as the Anatomy Act.

2. Interpretation

In this Act, except where the context otherwise requires—

“**approved school of anatomy**” means any school, college, hospital or other institution at which the practice of anatomy is authorized under section 3 of this Act;

“**body**” means human body;

“**examine anatomically**” includes dissect;

“**licensee**” means a person licensed to practice anatomy under section 4 of this Act;

“**medical officer**” means a public officer who would, if he applied, be entitled to be registered as a medical practitioner;

“**receive**” includes obtain possession of and be in possession of.

3. Licensing of practice of anatomy

(1) The Minister may grant a licence to practise anatomy in an approved school of anatomy upon such conditions, for such period and subject to revocation in such manner, as is therein expressed to—

- (a) a medical practitioner;
- (b) a medical officer;
- (c) a professor or teacher of anatomy, medicine or surgery; or
- (d) a person registered as a student of any approved school of anatomy.

(2) A licence issued under this section shall, during the period of its validity and subject to its terms and to this Act, entitle the licensee to examine anatomically in an approved school of anatomy, and to receive for the purpose of such examination, any dead body.

(3) Any person who—

- (a) not being a licensee, examines anatomically, or receives for the purpose of anatomical examination, any dead body; or
- (b) being a licensee, examines anatomically any dead body at a place other than an approved school of anatomy, or practises anatomy otherwise than under and in accordance with the terms of his licence,

4. Approval of schools of anatomy

(1) The Minister may issue a written authority authorizing the practice of anatomy by licensees in a particular school, college, hospital or other institution.

(2) An authority issued under this section shall be issued subject to such conditions as the Minister may think fit, and may be revoked by the Minister at any time.

(3) Any person who, being the owner, occupier or person in charge of any premises which are not an approved school of anatomy, permits anatomy to be practised therein shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and such imprisonment.

(4) Any person who, being the owner, occupier or person in charge of an approved school of anatomy, permits anatomy to be practised therein by any person who is not a licensee, or who permits anatomy to be practised therein by licensees otherwise than under and in accordance with the terms of the authority issued in respect of that school, shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment:

Provided that it shall be a defence for a person charged with an offence under this subsection to prove that the offence occurred without his consent or connivance and that he exercised all due diligence to prevent it.

5. Authority for anatomical examination of dead body

(1) If any person, either in writing signed by him at any time or orally in the presence of two or more witnesses during the illness whereof he died—

- (a) has directed that his body after his death be examined anatomically;
or
- (b) has nominated any licensee to examine his body anatomically after his death,

the person lawfully in possession of his body after his death shall, if such direction or nomination is made known to him before he has disposed of the body, in writing authorize the body to be examined anatomically or, in the case of a nomination, in writing authorize the licensee nominated to examine the body anatomically, in either case in an approved school of anatomy, unless the person lawfully in possession of the body has reason to believe that the direction or nomination was withdrawn by the deceased, or that the surviving spouse, or the nearest known relative, or one or more of the nearest known relatives of the same degree, of the deceased objects to the body being examined anatomically.

(2) Without prejudice to subsection (1) of this section the person lawfully in possession of the body of a deceased person (not being an undertaker or other person entrusted with the body of the person only of its interment or cremation) may, subject to section 7 of this Act, authorize the body to be examined anatomically in an approved school of anatomy unless such person has reason to believe that the deceased had, either in writing signed by him or orally in the

presence of two or more witnesses, expressed an objection to his body being examined anatomically after his death, and had not withdrawn it in the like manner, or that the surviving spouse or any relative of the deceased objects to the deceased's body being examined anatomically.

6. Authority for anatomical examination of body of person dying in public institution

- (1) The Minister may in writing grant authority to—
- (a) the Commissioner of Prisons, in respect of any prison; or
 - (b) the Director of Medical Services, in respect of any hospital; or
 - (c) the medical officer concerned with any public institution wholly or partly maintained from public funds;
 - (d) the officer in charge of any prison in which persons condemned to death are imprisoned,

to authorize the body of any person who dies in prison, hospital, institution or prison as the case may be, to be examined anatomically in an approved school of anatomy.

(2) An authority shall not be given under this section if to the knowledge of the person who may give the authority the deceased person has expressed the desire, either in writing signed by him or orally in the presence of two or more witnesses, that his body after death shall not be examined anatomically or if the surviving spouse or nearest known relative of the deceased person objects to the body being examined anatomically.

7. Offences where no authority given

Any person who—

- (a) being lawfully in possession of a dead body, delivers up such possession to another person knowing or having reason to believe that it will be examined anatomically, otherwise than as provided in section 5 or section 6 of this Act; or
- (b) receives for anatomical examination, or examines anatomically, any dead body in respect of which an authority has not been given under section 5 or section 6 of this Act,

shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

8. No anatomical examination if inquest likely to be required

(1) Notwithstanding sections 5 and 6 of this Act, no person shall examine a dead body anatomically, or permit or authorize a dead body to be examined anatomically if he has reason to believe that an inquest, investigation or inquiry into the death may be required to be held under Part XII of the Criminal Procedure Code (Cap. 75).

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

9. Authorization sufficient authority for anatomical examination

An authorization given under section 5 or section 6 of this Act in respect of a dead body shall be sufficient authority for that body to be examined anatomically in accordance with this Act.

10. Conditions to be complied with before body examined anatomically

(1) The body of a deceased person shall not be examined anatomically or removed for anatomical examination from the place where the person died unless—

- (a) at least twenty-four hours' written notice of intended anatomical examination has been given to the Director of Medical Services; and
- (b) the person intending to examine the body or the person intending to remove the body for anatomical examination, has obtained a death certificate in accordance with subsection (2) of this section; and
- (c) the person removing the body has first placed it in a decent coffin.

(2) The death certificate required for the purposes of subsection (1)(b) of this section shall state the cause of death and shall be signed—

- (a) by the medical practitioner or medical officer who was present at the death or attended the deceased person during his last illness (not being the person referred to in subsection (1)(b) of this section); or, where there is no such person,
- (b) by a medical practitioner or medical officer called in after the death to view the body, who shall in the certificate state the manner or cause of death according to the best of his knowledge and belief.

(3) Where the death certificate is obtained by the person who removes the body for anatomical examination, such person, on delivering the body for anatomical examination, shall deliver the certificate to the person who receives the body.

(4) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

11. Documentation

(1) Every person who receives the body of a deceased person for anatomical examination shall, within twenty-four hours thereafter—

- (a) deliver to the Director of Medical Services the following documents—
 - (i) the death certificate referred to in section 10 of this Act; and
 - (ii) a return stating at what day and hour he received the body and, where it was delivered to him, the name and address of the person who delivered it, the date and place of death, the sex and (as far as is known at the time) the name, age and last place of abode of the deceased person; and
- (b) enter or cause to be entered, in a book to be kept by him for that purpose, the aforesaid particulars and such other particulars as the

(2) Any person who fails to comply with any of the requirements of this section shall be guilty of an offence and liable to a fine not exceeding three thousand shillings.

12. Disposal of body anatomically examined, and notice thereof

(1) Every person who receives the body of a deceased person for anatomical examination shall, except as otherwise provided in subsection (3) of this section, make provision that such body, after being examined anatomically, shall be decently cremated, or be decently interred in consecrated ground or in some public burial ground devoted to persons of the deceased person's religion.

(2) After cremation or interment, the person who received the body for anatomical examination shall notify the Director of Medical Services of the cremation or interment in writing within six weeks, or such longer period as the Minister may allow, after the day on which he so received the body.

(3) Where the body which is anatomically examined is the body of a person who has been executed in pursuance of a death warrant issued under section 329 of the Criminal Procedure Code (Cap. 75), the person to whom the warrant was directed shall make provision that the body, after being anatomically examined, shall be disposed of in accordance with the directions contained in the warrant.

(4) Any person who fails to comply with subsection (1) or subsection (2) of this section shall be guilty of an offence and liable to a fine not exceeding three thousand shillings.

13. Illegal removal of parts of body

Any person who—

- (a) takes or removes from a dead body any part of the body before the body is received into an approved school of anatomy; or
- (b) takes or removes from an approved school of anatomy, except for cremation or burial, any part of a dead body; or
- (c) receives part of a dead body which has been taken or removed in contravention of this section,

shall be guilty of an offence and liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment:

Provided that this section shall not apply to a licensee who has been authorized in writing by the Director of Medical Services to take or remove, or to receive, a part of a dead body for educational, scientific or research purposes.

14. Inspection and information

(1) For the purpose of securing compliance with this Act, it shall be lawful for the Director of Medical Services or any person authorized by him in writing to do so, or any police officer of or above the rank of Sub-Inspector—

- (a) to enter without warrant and inspect at any time any approved school of anatomy and therein to examine any dead body which has

- (b) to require any person who has authorized a dead body to be examined anatomically, or any person who has examined anatomically a dead body, or any person who has received a dead body for the purpose of examining it anatomically, to give such information and produce such documents as he may reasonably require for the purpose of ascertaining whether this Act has been complied with.

(2) Any person who resists, hinders or obstructs any person acting in pursuance of subsection (1) of this section, or who on a requirement being made under subsection (1)(b) of this section, wilfully withholds any information, or gives any information which he knows or has reason to believe is false or misleading, shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment:

Provided that no person shall be required to answer any question the answer to which may expose him to any criminal charge, penalty or forfeiture.

15. Despatch of bodies between countries

(1) Where the Minister is satisfied that arrangements of a reciprocal nature or effect have been or will be made by the competent authority in a foreign country, he may make arrangements with that authority—

- (a) for the despatch from Kenya to that country of dead bodies for anatomical examination in a school of anatomy established under the laws of that country; and
- (b) for the reception in Kenya of dead bodies despatched from that country for anatomical examination in an approved school of anatomy.

(2) Any arrangements made under this section shall include a requirement that

- (a) the person in charge of the school of anatomy wherein a body despatched from Kenya is to be examined anatomically shall make provision that the body, after being anatomically examined, shall be decently cremated, or decently interred in consecrated ground or in some public burial ground in use for persons of the deceased person's religion; and
- (b) that a certificate of the cremation or interment of the body shall be transmitted to the Director of Medical Services within twelve weeks after the day on which the body was received in the foreign country for anatomical examination.

(3) It shall be lawful for any person authorized in writing by the Director of Medical Services to receive a dead body for the purpose of—

- (a) despatching it to a foreign country; or
- (b) conveying it to an approved school of anatomy,

in pursuance of arrangements made under this section:

Provided that no dead body shall be despatched or conveyed by the person so authorized unless it is accompanied by a death certificate given under section 10 of this Act or its equivalent under the law of the foreign country.

16. Regulations

The Minister may make regulations generally for the better carrying out of the provisions and purposes of this Act, and without prejudice to the generality of the foregoing, any such regulations may make provision for—

- (a) the conduct, equipment, inspection and control of approved schools of anatomy;
- (b) prescribing the forms of application, authority, licence, certificate and return to be used under this Act; and
- (c) prescribing the fees to be paid on the grant of a licence or authority.

17. Savings

Nothing in this Act shall apply to or affect—

- (a) the removal, disinterring or examination of a dead body under sections 386, 387 and 388 of the Criminal Procedure Code (Cap. 75); or
 - (b) the provisions of the Births and Deaths Registration Act (Cap. 149); or
 - (c) the provisions of the Human Tissue Act (Cap. 252).
-

DEPARTMENT OF ANATOMY

Seth G. S. Medical College & KEM Hospital, Parel, Mumbai – 400 012
e-mail: infoanatomy@kem.edu Tel: 022-24107447/022-24107594

BODY DONATION - REGISTRATION FORM

Name: _____

Address: _____

Age: _____ years Gender: _____

Phone: _____

Aadhaar card no: _____

Date: / / 20

To
Professor & Head
Department of Anatomy
Seth. G. S. Medical College & K.E.M. Hospital
Parel, Mumbai – 400 012

Paste 1
Photo Here
&
Submit 2 more
photos

Dear Sir / Madam,

I desire that, after my death, my body be donated for the purpose of study and / or research work at Seth G. S. Medical College, Parel, an undergraduate and post graduate teaching institution. Kindly register my name for the same.

I expect that the person / persons lawfully in-charge of my body after my death shall respect my wish and follow the guidelines for the same.

Yours sincerely,

(Donor's signature and full name)

BODY DONATION - NO OBJECTION FROM CLOSE RELATIVES *

We, the undersigned, have no objection to donate the body of
Shri / Smt. _____ aged _____ years,
after his / her death for educational and / or research purpose to Department of Anatomy, Seth
G. S. Medical College & KEM Hospital, Parel, Mumbai – 400 012 as per his/her desire.

	<u>Name</u>	<u>Relation</u>	<u>Signature</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

*Husband / wife, father/mother, son, daughter, daughter-in-law, son-in-law, brothers, sisters and also by family doctor. If the donor has no relatives as enumerated above, the person / persons who will have lawful possession of his / her body after his / her death can sign the declaration.

(For Office Record)

BODY DONATION – ACKNOWLEDGEMENT OF REGISTRATION

Anat / Body Donation/ / of 20 Date:

Mr / Ms _____

This is to acknowledge gratefully that your name has been registered for the Body Donation Programme. Your donation is indeed very noble and honorable.

Your letter dated ____/____/____ has been received and your registration no. is

BODY DONATION – GUIDELINES FOR REGISTRATION

1. A donor is expected to fill in the registration form.
2. The “No Objection” form can be signed by close relatives i.e. husband / wife, father/mother, son, daughter, daughter-in-law, son-in-law, brothers, sisters and / or family doctor.
3. Three (3) passport size photographs and copy of Aadhaar card of the donor should be submitted along with the registration form.
4. The donor will be given a “Body Donation Identity Card” with a registration number after submitting the registration form.

DEPARTMENT OF ANATOMY

Seth G. S. Medical College & KEM Hospital, Parel, Mumbai – 400 012
e-mail: infoanatomy@kem.edu Tel: 022-24107447/022-24107594

BODY DONATION – GUIDELINES FOR DONATING THE BODY AFTER DEATH

1. **The relatives should bring the dead body to the department within six hours after death.**
2. They have to arrange for the transport of the body on their own. The transport facility (Hearse) can be availed either from the Municipal Corporation of Greater Mumbai or from private trusts.
3. After death, body will be accepted in the Department of Anatomy
 - Between 10 am and 3 pm on Weekdays
 - Between 10 am and 12 noon on Saturdays

The relatives should inform the department on **022-24107447/022-24107594** before bringing the body to the department, so that necessary arrangements for accepting the body can be made.

4. If the body has to be brought on Sundays / Public holidays / beyond the hours mentioned in point 3, Casualty Medical Officer of KEM Hospital may be contacted on **022-24107816** for depositing the body in the mortuary of KEM Hospital. The relatives are requested to complete the formalities of body donation in the Department of Anatomy on the next working day.
5. While bringing the dead body, **photocopy of the “cause of death” certificate** issued by the attending doctor and **photocopy of Aadhaar card** should be brought along.
6. **An Affidavit has to be signed by close relatives** i.e. husband / wife, father/mother, son, daughter, daughter-in-law, son-in-law, brothers, sisters and / or family doctor.
7. If the donor has registered his / her name for eye/skin donation, then the eyes/skin should be donated at the registered place within the stipulated time and then the body should be brought here.
8. If any relative is expected from abroad or outstation, then they are permitted to see the dead body within seven days of death, but only once with due prior intimation. Therefore, relatives are requested to programme their visit accordingly.
9. Bodies of patients with HIV/AIDS, Hepatitis B, Hepatitis C, gangrene and sepsis, bodies after Post-mortem examination and police cases **cannot be accepted**. Registered donors should note that their bodies may be rejected under the above circumstances.
10. A donated body is preserved properly and is used for dissection by medical students in this institution, as display specimen/s in the museum and/or research purposes.
11. A body is given due respect during handling. Our students as well as staff members are given instructions about the same. They are made aware of the importance of the “Body Donation Programme” and the valuable contribution of the donor. Finally, body parts are incinerated collectively irrespective of caste or religion. Therefore it is **not possible** to provide “asthi” (ashes) to relatives.

We pray for your healthy & long life. We assure you we will respect your wish & do full justice to your donation.

-----x-----



GOVERNMENT OF MAHARASHTRA
LAW AND JUDICIARY DEPARTMENT

**BOMBAY ACT No. XI
OF 1949**

**THE MAHARASHTRA
ANATOMY ACT**

(As modified upto the 13th January 2014)

PRINTED IN INDIA BY THE MANAGER, YERAVDA PRISON PRESS, PUNE AND
PUBLISHED BY THE DIRECTOR, GOVERNMENT PRINTING, STATIONERY
AND PUBLICATIONS, MAHARASHTRA STATE, MUMBAI-400 004.

2014

[Price—Rs. 10]

1949 : Bom. XI]

THE MAHARASHTRA ANATOMY ACT

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. [*Deleted.*]
4. Power of State Government to authorize 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 Executive Magistrate and body to be preserved pending decision.
- 5B. Donation of dead bodies or any part thereof of deceased person to be used for therapeutic and certain other purposes.
- 5C. No authority for removal of body or part thereof when body is entrusted to another only for interment or cremation.
- 5D. Authority to remove body, etc., when body is lying in approved institution.
- 5E. Approved Institutions to receive with body, certificate of death, etc.
- 5F. Notice of place where body will be dealt with for all or any of the purposes of this Act.
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.
- 10A. Act not to prohibit *postmortem* examination.
- 10B. Saving.
11. Repeal and saving.

BOMBAY ACT No. XI OF 1949¹

[THE MAHARASHTRA ANATOMY ACT]*

(This Act received the assent of the Governor on the 13th April 1949; assent was first published in the *Bombay Government Gazette*, Part IV, on the 22nd April 1949.)

Adapted and modified by the Adaptation of Laws Order, 1950.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Amended by Bom. 33 of 1957.

Amended by Bom. 44 of 1959.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Mah. 35 of 1975 (1-9-1976) £

Amended by Mah. 45 of 2000 (4-12-2000) £

An Act to provide for the supply of unclaimed bodies of deceased persons ² [and for donation before death by a person of his body or any part thereof after his death] to hospitals and medical and teaching institutions ³ [for therapeutic purposes or] for the purpose of ⁴ [medical education or research including] anatomical examination and dissection.

WHEREAS it is expedient to provide for the supply of unclaimed bodies of deceased persons ² [and for donation before death by a person of his body or any part thereof after his death] to hospitals and medical and teaching institutions ³ [for therapeutic purposes or] for the purpose of ⁴ [medical education or research including] anatomical examination and dissection; It is hereby enacted as follows :—

1. (1) This Act may be called the ⁵ [Maharashtra Anatomy Act]

⁶ [(2) It extends to the whole of the ⁷ [State of Maharashtra.]]

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

(4) The ⁸ [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:

⁹ [Provided that on the date of commencement of the Bombay Anatomy (Extension and Amendment) Act, 1959 the remaining provisions of this Act shall come into force in those local areas in the Vidarbha region, Hyderabad area and Saurashtra area of the State of Bombay** in which the provisions of the Madhya Pradesh Anatomy Act, 1954, the Hyderabad Pathology and Anatomy Act, 1955 or, as the case may be, the Saurashtra Anatomy Act, 1955 were brought into force before such commencement.]

Short title,
extent and
commence-
ment.

Bom.
XLIV
of
1959.
M.P.
XVI of
1954.
Hyd. X
of 1955.
Sau.
XXXII
of
1955.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, Part V, Page 65.

* This Act was extended to that part of the State of Bombay to which, immediately before the commencement of Bom. 44 of 1959, it did not extend (*vide* Bom. 44 of 1959, s. 2).

[£] This indicates the date of commencement of Act.

² These words were inserted by Mah. 35 of 1975, s. 2(1).

³ These words were inserted by Bom. 33 of 1957, s. 8(a).

⁴ These words were inserted by Mah. 35 of 1975, s.2(2).

⁵ The short title was substituted for "The Bombay Anatomy Act, 1949" by Mah. 24 of 2012, s. 2, Schedule, w. e. f. 1-5-1960.

⁶ Sub-section (2) was substituted for the original by Bom. 44 of 1959, s. 3(1).

⁷ These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

⁸ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁹ This proviso was added by Bom. 44 of 1959, s. 3(2).

**The words "State of Bombay" stand unmodified, *ibid*.

Definitions.

2. 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 ¹[State] Government ²[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 ;

XXX-
IX 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.

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

Power of ¹[State]
Government to
authorise
officers to act
under section 5.

4. The ¹[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.

Unclaimed dead
bodies to be
used for
⁵[therapeutic
purpose or]
anatomical
examination.

5. (1) Where a person under treatment in a hospital whether established by or vested in, or maintained by the ¹[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 ³ [for any therapeutic purpose or] ⁴ [for the purposes of medical education or research including] 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 hand over 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).

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

² These words were substituted for the words “to carry on anatomical examination and dissection” by Bom. 33 of 1957, s. 8 (b).

³ These words were inserted by Bom. 33 of 1957, s. 8 (c).

⁴ These words were substituted for the words “for the purpose of conducting” by Mah. 35 of 1975, s. 3.

⁵ These words were inserted, by Bom. 44 of 1959, s. (2).

¹[(4) 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.]*

²[5A. (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 ³[* * *] 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.]

⁵[5B. (1) If any person either in writing at any time or orally in the presence of two or more witnesses during his last illness whereof he died, has expressed a request that his body or any part of his body be given to authorities in charge of an approved institution for being used after his death for therapeutic purposes or for the purpose of medical education or research including anatomical examination and dissection, the person lawfully in possession of his body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorise the removal of the dead body or such part thereof to any approved institution for use in accordance with the request.

(2) Without prejudice to the provisions of sub-section (1), the persons lawfully in possession of the body of a deceased person may authorise the removal of the whole body or any part from the body for use for the purposes specified in sub-section (1) unless such person has reason to believe —

(a) 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

(b) that any near relative of the deceased objects to the body being so dealt with.

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

(4) In no case shall the body or any part of the body of any person be removed for any of the purposes specified in sub-section (1) from any place where such person may have died until after forty-eight hours from the time of such person's decease, nor until after twenty-four hours' notice, to be reckoned from the time of such decease to ⁶[* * *] the Executive Magistrate, of the intended removal of the body, nor 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 a 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

Doubt or dispute whether person claiming body is near relative to be referred to transport of [* * *] Executive Magistrate and body to be preserved pending decision.

Donation of dead bodies or any part thereof of deceased person to be used for therapeutic and certain other purposes.

¹ Sub-section (4) was added by Bom. 44 of 1959, s. 5 (1).

² Section 5A was inserted by Bom. 44 of 1959, s. 5 (2).

³ The words and figures “ in Greater Bombay to the Coroner or an Additional Coroner appointed under the Coroners Act, 1871 and elsewhere” were deleted by Mah. 45 of 2000, s. 2 (a).

⁴ The words “ Coroner or” were deleted. *ibid.*, s. 2 (b).

⁵ Sections 5B to 5F were inserted by Mah. 35 of 1975, s. 4.

⁶ The words “ the Coroner or Additional Coroner or” were deleted by Mah. 45 of 2000, s. 3.

* See now the Code of Criminal Procedure, 1973 (II of 1974).

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 of the purposes aforesaid after 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 purposes aforesaid.

(5) If the person lawfully in possession of the body has reason to believe that an inquest or a *post-mortem* 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 a *post-mortem* under such law.

No authority for removal of body or part thereof when body is entrusted to another only for interment or cremation.

5C. No authority for the removal of the body or any part thereof for the purposes of this Act shall be given under section 5B in respect of any body of a deceased person by a person entrusted with the body for the purpose only of its interment or cremation;

Authority to remove body, etc., when body is lying in approved institution.

5D. In the case of a body lying in any hospital, nursing home or other institution, any authority for the removal of the body or any part thereof under section 5B may be given on behalf of the person having the control or management thereof by any officer or person designated for that purpose by the first-mentioned person.

Approved institutions to receive with body, certificate of death, etc.

5E. The authority in charge of an approved institution, on receiving the body of a deceased person for all or any of the purposes of this Act, shall demand and receive, together with the body, a certificate as aforesaid and shall, within twenty-four hours next after such removal, transmit ¹[* * *] to the Executive Magistrate or such officer as may be appointed in this behalf by the State Government, a copy of such certificate and also a return stating on what day and what hour and from whom the body was received, the date and place of death, the sex and (as far as is known at the time) the christian and surname, age and last place of abode of such person and shall enter, or cause to be entered, the aforesaid particular relating thereto, and a copy of the certificate and the approved authority received therewith, in a register to be kept by such authority for that purpose and shall produce such register whenever required to do so ²[* * *] by the Executive Magistrate or any officer aforesaid.

Notice of place where body will be dealt with for all or any of the purposes of this Act.

5F. Every dead body removed as aforesaid for any of the purposes of this Act shall, before such removal, be placed in a decent coffin or shell or any other thing for holding the dead body, and be removed therein; and that the party removing the same, or causing the same to be removed as aforesaid, shall make provision that such body, after being dealt with for any of the purposes of this Act, be decently cremated or interred in consecrated ground, or in some public cremation or burial ground in use for persons of that religious persuasion to which the person whose body was so removed belonged; and that a certificate of the cremation, interment or burial of such body shall be transmitted ³[* * *] to the Executive Magistrate, or any officer appointed by the State Government for the purposes, within six weeks after the day on which such body was received as aforesaid.]

¹ The words and figures " in Greater Bombay to the Coroner or Additional Coroner appointed under the Coroners Act, 1871, and elsewhere" were deleted by Mah. 45 of 2000 s. 4(a).

² The words "by the Coroner or Additional Coroner or, as the case may be," were deleted, *ibid* s.4 (b).

³ The words " in Greater Bombay to the coroner and elsewhere" were deleted, *ibid.*, s. 5."

6. Whoever disposes of, or abets the disposal of, ¹[a dead 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 ²[for all or any of the purposes of this Act] shall, on conviction, be punished with fine which may extend to five hundred rupees.

Penalty.

³ [7. 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.]

Duty of Police and other officers to assist.

8. 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.

Protection of persons acting under the Act.

XLV of 1860.

9. 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.

Officers to be public servants.

10. (1) The ⁴ [State] Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

Rules.

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

⁵[10A. Nothing contained in this Act shall be construed to extend to, or to prohibit, any *post-mortem* examination of any human body required or directed to be made under any law for the time being in force in the State.

Act not to prohibit *post-mortem* examination

10B. (1) Nothing in this Act shall be construed as rendering unlawful any dealing with the body or any part thereof of a deceased person which would have been lawful if this Act had not been passed.

Saving.

XLV of 1860.

(2) Any authority for the removal of the body or any part thereof given in accordance with the provisions of this Act shall not be deemed to be contravention of the provisions of section 297 of the Indian Penal Code.]

Bom. XLIV of 1959.

⁶[11. On the date of commencement of the Bombay Anatomy (Extension and Amendment) Act, 1959 (hereinafter in this section referred to as "the said Act"), the following Acts, shall stand repealed, namely:—

Repeal and saving.

M.P. XVI of 1954.

(1) the Madhya Pradesh Anatomy Act, 1954, in its application to the Vidarbha region of the State of Bombay*;

Hyd. X of 1955.

(2) the Hyderabad Pathology and Anatomy Act, 1955, in its application to the Hyderabad area of the State of Bombay*; and

Sau. XXX II of 1955.

(3) the Saurashtra Anatomy Act, 1955 :

¹ These words were substituted for the words " an unclaimed body " by Mah. 35 of 1975, s. 5(1).

² These words were substituted for the words " for the purpose specified in the Act", *ibid.*, s. 5(2).

³ Section 7 was substituted for the original by Bom. 44 of 1959. s. 7.

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁵ Sections 10A and 10B were inserted by Mah. 35 of 1975, s. 6.

⁶ Section 11 was added by Bom. 44 of 1959, s. 8.

* The words " State of Bombay " stand unmodified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

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 or 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 has 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.]

Maharashtra Government Publications can be obtained from —

- **THE DIRECTOR**

GOVERNMENT PRINTING, STATIONERY AND PUBLICATIONS
Maharashtra State
Netaji Subhash Road, MUMBAI-400 004.
Phone : (022) 23630695
(022) 23634049

- **THE MANAGER**

GOVERNMENT PHOTOZINCO PRESS AND BOOK DEPOT
Photozinco Press Area, Near G. P. O.
PUNE-411 001.
Phone : (020) 26125808
(020) 26124759

- **THE MANAGER**

GOVERNMENT PRESS AND BOOK DEPOT
Civil Lines
NAGPUR-440 001.
Phone : (0712) 2562615

- **THE ASSISTANT DIRECTOR**

GOVERNMENT STATIONERY, STORE AND BOOK DEPOT
Shaha Ganj, Near Gandhi Chowk
AURANGABAD-431 001.
Phone : (0240) 2343396
(0240) 2331468

- **THE MANAGER**

GOVERNMENT PRESS AND STATIONERY, STORE
Tarabai Park,
KOLHAPUR-416 003.
Phone : (0231) 2650402

AND THE RECOGNISED BOOKSELLERS

ANATOMY ACT, 1959

(Act XXII of 1959)

THE JAMMU AND KASHMIR ANATOMY ACT, 1959

Act No. XXII of 1959

CONTENTS

Preamble

Section	Section
1. Short title, extent and commencement.	6. Penalty.
2. Definitions.	7. Duty of Police and other officers to assist in obtaining possession of un-claimed bodies.
3. Doubt or dispute as to near relative to be referred to an officer appointed by the Government.	8. Protection of action taken under this Act.
4. Power of Government to authorise officers to act under section 5.	9. Officers to be public servants.
5. Unclaimed bodies to be used for anatomical examination.	10. Rules.
	11. Repeal.

Amendments made by Act No.—

1. Act No. XVIII of 1968.
 2. Act No. XV of 1970.
-

THE JAMMU AND KASHMIR ANATOMY ACT, 1959

Act No. XXII of 1959

[Received the assent of the Sadar-i-Riyasat on 23rd October, 1959 and published in the Government Gazette dated 23rd October, 1959].

An Act to provide for the supply of unclaimed bodies of deceased persons to hospitals and medical and teaching institutions for the purpose of ¹[anatomical examination, dissection & removal of health organs from the deceased for transplantation in living persons.]

Be it enacted by the State Legislature in the Tenth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Jammu and Kashmir Anatomy Act, 1959.

(2) It extends to whole of the State.

(3) This section shall come into force at once and the remaining sections shall come into force on such date and in such area as the Government may by notification in the Government Gazette, direct.

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

²(a) “approved institution” means a hospital or a medical institution approved by the Government to carry on anatomical examination, dissection and transplantation organs] ;

(b) “authorized officer” means an officer authorized by the Government to perform the functions of an authorized officer under this Act ;

(c) “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 by—

(i) lineal or collateral consanguinity within three degrees in lineal relationship and six degrees in collateral relationship,
or

1. Substituted by Act No. XVIII of 1968.

2. Substituted *ibid.*

(ii) marriage either with the deceased or with any relative specifically mentioned in this clause or with any other relative within the aforesaid degrees ;

(d) “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 ;

(e) “prescribed” means prescribed by rules made under this Act.

3. *Doubt or dispute as to near relative to be referred to an officer appointed by the Government.*—If any doubt or dispute arises whether a person is a near relative of the deceased, the matter shall be referred to such officer as may be appointed in this behalf by the Government and his decision shall be final and conclusive.

4. *Power of Government to authorise officers to act under section 5.*—The Government may, by notification in the Government 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.

5. *Unclaimed bodies to be used for anatomical examination.*—(1) Where a person under treatment in a hospital whether established by or vesting in, or maintained by, the Government or any local authority, dies in such hospital and his body is unclaimed, the authorities incharge 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 the purpose of conducting ¹[anatomical examination, dissection and removal of healthy organs for transplantation.]

(2) Where a person dies at a hospital other than a hospital referred to in subsection (1) or in a prison and his body is unclaimed, the authorities incharge of such hospital or prison shall, with the least practicable delay, report the fact to the authorised officer; and the said officer shall hand over 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

1. Substituted by Act No. XVIII of 1968 for “matrimonial examination and dissection”.

his body is unclaimed, the authorised officer shall take possession of the body and shall hand over to the authorities in charge of an approved institution for the purpose specified in sub-section (1).

¹[(4) Where in any case mentioned in sub-sections (1), (2) and (3) above the authority in charge of an approved institution certifies that an unclaimed body is not fit for anatomical examination or dissection or is not otherwise required for that purpose, the authorised officer shall dispose it of by cremation or burial on Government expenses.]

6. *Penalty.*—Whoever 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 in handing over, taking possession of, removing or using such dead body for the purpose specified in this Act, shall, on conviction, be punished 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 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 dead body.

8. *Protection of action taken 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 act under this Act shall be deemed to be public servants within the meaning of section 21 of the Jammu and Kashmir State Ranbir Penal Code, Svt. 1989.

10. *Rules.*—(1) The Government may, by notification in the Government 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 rules may prescribe the period within which a near

1. Sub-section (4) inserted by Act No. XV of 1970.

relative shall claim the body of a deceased person and embalming of dead bodies.

11. *Repeal.*—(1) The Jammu and Kashmir Anatomy Ordinance, 1959 (11 of 1959) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act were in force on the date such thing was done or action taken.
