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PART-IV

GOVERNMENT OF MEGHALAYA
LAW (B) DEPARTMENT

NOTIFICATION

The 28th December, 2017.

No.LL(B)64/2016/10. - The Meghalaya Anatomy Act, 2017 (Act No. 13 of 2017) is hereby published for general information.

MEGHALAYA ACT NO. 13 OF 2017

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 21st December, 2017

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 28th December, 2017.

THE MEGHALAYA ANATOMY ACT, 2017**An
Act**

to provide for the supply of unclaimed bodies of deceased persons [or donated bodies or any part thereof of deceased persons] to hospitals and medical and teaching institutions for the purpose of anatomical examination and dissection and other similar purposes.

Whereas it is expedient to provide for the supply of unclaimed bodies of deceased persons (or donated bodies or any part thereof of deceased persons) to hospitals and medical and teaching institutions for the purpose of anatomical examination and dissection and other similar purposes:

Be it enacted by the [Meghalaya State] Legislature in the year of the Republic of India as follows:-

Short title, Extent and commencement.

1. (1) This Act may be called the [Meghalaya] Anatomy Act, 2017.
- (2) It extends to the whole of the [State of Meghalaya].
- (3) It shall come into force at once in the state of Meghalaya and on such [date or dates] as the State Government may by notification in the Official Gazette, specify from time to time.

Definitions

2. (1) In this Act, unless there is anything repugnant in the subject or context,-
 - (a) "Act" means the Meghalaya Anatomy Act, 2017;
 - (b) "approved institution" means a hospital or a medical college or an allied institution as may be declared by the State Government by notification in the Official Gazette, to be an approved institution for the purpose of this Act;
 - (c) "authorized officer" means an officer authorized under section 3;
 - (d) "hospital" means any hospital established or maintained by the State/Central Government or by any municipal corporation, municipal council, municipal borough, district municipality, district board or panchayat, and include any other hospital which may be declared by the " State Government by notification in the Official Gazette, to be a hospital for the purposes of this Act;
 - (e) "persons interested" means a near relative or any other person who is interested in the disposal of the body of the deceased person in accordance with the religious usage or social custom of such deceased.

"Explanation.- for purposes of this clause, "near relative" means any of the following relatives of the deceased, namely, wife, husband, parent, 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. The expressions " lineal consanguinity" and "collateral consanguinity" shall have the meaning assigned to them in the Indian Succession Act, 1925, (Central Act XXXIX of 1925) and degrees of relationship shall be computed in the manner laid down in that Act;
 - (f) "prescribed" means prescribed by rules made under this Act;
 - (g) "unclaimed body" means the body of a person who dies in a hospital, prison or public place or a place to which members of the public have got access and which has not been claimed by any person interested within such time as may be prescribed.
- (2) The (Indian) General Clauses Act, 1897, shall apply for the interpretation of this Act, as it applies for the interpretation of a Meghalaya Act.

Power of the State Government to authorize officers to act under section 4.-

3. (1) The State Government may, by notification in the official Gazette, authorize 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 such officer or officers shall be competent to act under the said section.

(2) Every officer authorized under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860.)

Unclaimed dead bodies in hospitals prisons and public places how to be dealt with

4. (1) If a person dies in a hospital or in a prison and his body is not claimed by any person or any police officer shall, with the least practicable delay report the fact to the authorized 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 an approved institution, if it is required by that authority, for the purpose of conduction anatomical examination and dissection or other similar purpose.

(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 person interested within the prescribed time, the authorized officer shall take possession of such unclaimed body and except in the case referred to in sub-section 93d), hand it over to the authority in charge of an approved institution, if it is required by that authority, for the purposes specified in sub section (1).

(3) Where there is any doubt regarding the cause of death or when for any reason the authorized 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 (Central Act V of 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 an approved institution for the purpose specified in sub-section (1) it shall be disposed of in such manner as may be prescribed.

Donation of bodies or any part thereof of deceased persons anatomical examination etc

4. A.(1) If any person at any time before his death had expressed an intention in writing in the presence of two or more witnesses, that his body or any part of his body be given to an approved institution for being used after his death for the purpose of conducting anatomical for examination and dissection or other similar purpose, any person interested may, unless he has reason to believe that the said intention was subsequently revoked institution for use in accordance with the intention.

(2) Without prejudice to the provisions of sub-section (1) such person interested 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 he 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 referred to the explanation to clause (d) of section 2 objects to the body being so dealt with.

(3) Subject to the provisions of sub-section (4) and (5), 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 it's use for the purposes of this Act.

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

- (i) Within forty eight hours from the time of such person's death; or
- (ii) Until after twenty-four hours notice,(to be reckoned from the time of such death) to the Executive magistrate of the intended removal of the body; or
- (iii) Unless a Certificate stating in what manner such person came by his death shall, previously to the removal of the body has been signed by the registered medical practitioner who attended such person during the illness whereof he died or, if no such practitioner attended such person during such illness, then by a registered medical practitioner who shall be called in after the death of such person to view his body and who shall state the manner and cause of death according to the bet of his knowledge and belief, but who shall not be concerned in dealing with the body for any of the purposes aforesaid 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.
- (iv) If the person interested has reason to believe the an inquest or a postmortem examination of such body may be required to be held, in accordance with the provisions of any law for the time being of 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 postmortem under such law.

Doubt or dispute as to near relative to be referred to Magistrate of the First Class.-

- 5 (1) If any doubt or dispute arises whether a person is or is not a person interested for the purpose of section 4 the matter shall be referred to a Magistrate of the First Class and the decision of such Magistrate shall be final.
- (2) Pending such decision, the body of the deceased person shall be preserved from decay in such manner as may be prescribed.

Penalty.-

- 6. Whoever disposes of, or abets the disposal of, an unclaimed body save as provided by this Act, or obstructs any authority in charge of an approved institution or an authorized officer from handing over, taking possession of, removing or using, such dead body for the purposes specified in section 4, shall be punishable with fine which may extend to five hundred rupees.

Duty of Police and officers to assist in obtaining possession of unclaimed bodies

- 7. All officers and servants of the Police, Medical and Public Health other 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 authorized officers in the discharge of their duties under this Act.

Protection of persons acting under this Act

- 8. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act.

Power to make rules

- 9. The State Government, may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to remove difficulties

- 10. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provision not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Provided no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this Section shall, as soon as may be after is made, be laid down before the State Legislature.

Savings Clause

11. Notwithstanding anything contained in this Act, any action taken or purported to have been done under any order or notifications issued under any other law before the commencement of the Act shall be deemed to have been taken or done under the corresponding provisions of this Act.

W. KHYLLEP,
Secretary to the Government of Meghalaya,
Law Department.