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Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 12th May, 2016/Vaisakha 22, 1938 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS ANATOMY REGULATION, 2016

No. 1 OF 2016

Promulgated by the President in the Sixty-seventh Year of the Republic of India.

A Regulation to facilitate availability of unclaimed dead bodies of persons to medical colleges for the purpose of anatomical examination or dissection in the Union territory of Andaman and Nicobar Islands.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. (1) This Regulation may be called the Andaman and Nicobar Islands Anatomy Regulation, 2016.

Short title,
extent and
commencement.

(2) It shall extend to the whole of the Union territory of Andaman and Nicobar Islands.

(3) It shall come into force on such date as the Lieutenant Governor may, by notification in the Official Gazette, appoint.

2. In this Regulation, unless the context otherwise requires,—

Definitions.

(a) “authorised officer” means an officer authorised to exercise powers and discharge functions under this Regulation;

(b) “hospital” means any hospital established or maintained by the Andaman and Nicobar Administration and includes any other hospital, which may be declared by the Lieutenant Governor, by notification, to be a hospital for the purpose of this Regulation;

(c) “Lieutenant Governor” means the Lieutenant Governor of the Union territory of Andaman and Nicobar Islands appointed by the President under article 239 of the Constitution;

(d) “medical college” means the Andaman and Nicobar Islands Institute of Medical Sciences or any other institution as may be declared by the Lieutenant Governor, by notification, to be a medical college for the purposes of this Regulation;

(e) “near relative” in relation to a deceased means wife, husband, parent, son, daughter, brother or sister and in the absence of the said persons, includes any other person who is related to the deceased by—

(i) lineal consanguinity within three degrees; or

(ii) collateral consanguinity within six degrees; or

(iii) marriage with any of the relatives referred to in sub-clauses (i) and (ii).

Explanation.—For the purposes of this Regulation, the expressions “lineal consanguinity” and “collateral consanguinity” shall have the meanings respectively assigned to them in sections 25 and 26 of the Indian Succession Act, 1925 and the degrees of relationship shall be computed in the manner as laid down in that Act; 39 of 1925.

(f) “notification” means a notification published in the Official Gazette;

(g) “Official Gazette” means the Andaman and Nicobar Gazette;

(h) “prescribed” means prescribed by rules made by the Lieutenant Governor under this Regulation;

(i) “unclaimed dead body” means the body of the deceased who dies in a hospital, prison or public place, which has not been claimed by any of his near relatives or friends, within such time as may be specified by the Lieutenant Governor, by notification.

Authorised officers to obtain report of unclaimed dead bodies.

3. (1) The Lieutenant Governor may, by notification, authorise one or more officers to obtain report of any unclaimed dead body from such area and to exercise such powers and discharge such functions as may be specified in the notification.

(2) Every authorised officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

Report of unclaimed dead body.

4. (1) The person in charge of a hospital or prison shall make a report regarding any unclaimed dead body to the authorised officer, within such time as may be prescribed, and the authorised officer shall take possession of the unclaimed dead body forthwith, and, except in the case referred to in sub-section (3), hand it over to the authority in charge of a medical college which requires it for the purpose of conducting anatomical examination or dissection.

(2) The authorised officer shall take possession of any unclaimed dead body of a person who dies in a public place forthwith, and, except in the case referred to in sub-section (3), hand it over to the authority in charge of a medical college which requires it for the purpose of conducting anatomical examination or dissection.

(3) Where there is any doubt regarding the cause of death of the person or where for any reason the authorised officer considers it expedient so to do, he shall report the matter to the officer in-charge of a police station referred to in clause (o) of section 2 of the Code of Criminal Procedure, 1973. 2 of 1974.

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

5. (1) If any dispute arises as to whether a person is or is not a near relative or a friend of the deceased for the purpose of section 4, the matter shall be referred to the District Magistrate or to the Judicial Magistrate of the First Class having jurisdiction.

Dispute to be referred to District Magistrate.

(2) Pending decision under sub-section (1), the unclaimed dead body shall be preserved from decay in such manner as may be prescribed.

6. (1) If any person, at any time before his death, had expressed his intention in writing in the presence of two or more witnesses that his body or any part of his body be donated to any institution for being used after his death for the purpose of conducting anatomical examination or dissection or any research or other purpose, the near relative, or in the absence of any near relative, any other person or friend of the deceased who is lawfully in possession of the dead body of the donor, may, unless he has reason to believe that the said intention of the deceased was subsequently revoked or that any other near relative or friend of the deceased objects to the dead body being so dealt with, permit the donation of the dead body or any part thereof to the authority in charge of a medical college.

Donation of dead body for anatomical examination or dissection.

(2) The removal of the dead body in accordance with the permission given in pursuance of sub-section (1) shall be sufficient authority for the purpose of conducting anatomical examination or dissection under this Regulation.

(3) Anatomical examination or dissection of the dead body or any part of the dead body shall not be conducted under this section—

(a) within forty-eight hours of the ascertainable time of death of the person; or

(b) except twenty-four hours' notice, reckoned from the ascertainable time of death, given to the Executive Magistrate of the intended anatomical examination or dissection; or

(c) except a certificate obtained by the authority in charge of the medical college stating the reasons of death given by a registered medical practitioner who attended the dead person for any illness that led to his death or, if no registered medical practitioner attended the person during his illness, by a registered medical practitioner who certifies the probable cause of death.

(4) If the person lawfully in possession of the dead body has reason to believe that an inquest or a post-mortem examination of the body may be required to be conducted, in accordance with the provisions of any law for the time being in force, the anatomical examination or dissection of the dead body or any part thereof shall not be conducted under this Regulation, except with consent of the authority empowered to conduct an inquest or order post-mortem examination.

7. Whoever disposes of, or abets the disposal of an unclaimed dead body save as provided by this Regulation, or obstructs any officer or authority in charge of a medical college or an authorised officer from handing over, or taking possession of, or removing or exercising any power or discharging any duty under this Regulation, shall be punishable with fine which may extend to five hundred rupees.

Penalty.

8. Every officer in-charge of a police station and every other public servant shall be bound to take all reasonable measures to assist the authorised officer in the exercise of any power or discharge of any duty under this Regulation.

Duty of Police and other officers.

9. 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 Regulation or any rules or order made thereunder.

Protection of action taken in good faith.

10. (1) The Lieutenant Governor may, by notification, make rules for carrying out the purposes of this Regulation.

Power to make rules.

(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 person in-charge of a hospital or prison shall make a report regarding any unclaimed dead body under sub-section (1) of section 4;

(b) the manner in which an unclaimed dead body shall be disposed of under sub-section (4) of section 4;

(c) the manner in which an unclaimed dead body shall be preserved pending decision of the Magistrate under sub-section (2) of section 5;

(d) any other matter for which rules have to be or may be made under this Regulation.

PRANAB MUKHERJEE,
President.

DR. G. NARAYANARAJU,
Secretary to the Govt. of India.