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GOVERNMENT OF MANIPUR
SECRETARIAT: LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, the 10th September, 2015

No. 2/35/2015-Leg/L : The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on September 7, 2015 is hereby published in the Official Gazette:

THE MANIPUR ANATOMY ACT, 2015

(MANIPUR ACT NO. 12 OF 2015)

AN

ACT

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

BE it enacted by the Legislature of Manipur in the Sixty-sixth year of the Republic of India as follows :

1. (1) This Act may be called the Manipur Anatomy Act, 2015.
- (2) It shall extend to the whole of the State of Manipur.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

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

Definitions.

- (a) “authorised officer” means an officer authorised under Section 3;

- (b) "hospital" means any hospital established or maintained by the State Government or by local body and includes 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;
- (c) "near relative" means any of the following relatives of the deceased, namely, a wife, husband, parents, son, daughter, brother or sister and includes any other person who is related to the deceased (i) by lineal consanguinity within three degrees, or by collateral consanguinity within six degrees, or (ii) by marriage with any of the relatives aforesaid;

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

- (d) "person interested" means a near relative or any other person who is interested in disposal of the body of the deceased person in accordance with the religious usage or social customs of such deceased person;
- (e) "prescribed" means as prescribed by rules made under this Act;
- (f) "State Government" means the State Government of Manipur;
- (g) "teaching medical institution" means any of the institutions as may be declared by the State Government, by notification in the official Gazette, to be teaching medical institution for the purposes of this Act;
- (h) "unclaimed body" means the body of a person who dies in a hospital, prison or public place, which has not been claimed by any of his near relatives or personal friends within such time as may be prescribed.

Power of the
State
Government to
authorize
officers.

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 who shall be competent to act under the said section.

(2) Every officer authorised under sub-section (1) shall be

deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

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

Procedure to dispose unclaimed bodies.

(2) If a person dies in any public place in an area in which he had no permanent place of residence and the body of that person is not claimed by any of his near relatives or personal friends within such time as may be prescribed, the authorised officer shall take possession of the unclaimed body and except in the case referred to in sub-section (3) hand it over to the authority in charge of a teaching medical institution, if it is required by that authority, for the purpose specified in sub-section (1).

(3) When there is any doubt regarding the cause of death or when for any reason the authorised officer considers it expedient so to do, he shall forward the unclaimed body to the Police Officer referred to in Section 174 of the Code of Criminal Procedure, 1973.

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

5. (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 or her body or any part of his or her body be given to an approved institution for being used after his death for the purpose of conducting anatomical examination and dissection or other similar purpose, any person interested may, unless he has reason to believe that the said intention was subsequently revoked, authorize the removal of the dead body or such part thereof to any approved institution for use in accordance with the intention.

Donation of bodies or any part thereof of deceased persons for anatomical examination.

(2) Without prejudice to the provisions of sub-section (1) such person interested may authorize 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 reasons 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-sections (4) and (5), the removal and use of the whole body or any part of the 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) The body or any part of the body of any deceased shall not be removed for any purposes specified in sub-section (1) from any place where such person may have died:

(a) within forty eight hours from the time of such person's death; or

(b) until after twenty four hour notice, to be reckoned from the time of death, to the Executive Magistrate of the intended removal of the body; or

(c) 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 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 best 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.

(5) If the person interested has reason to believe that 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 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 postmortem under such law.

6. (1) If any doubt or dispute arises whether a person is or is not a near relative or a personal friend of the deceased for the purpose of section 4, the matter shall be referred to the concerned District Magistrate of the district where the death body is found or to any Judicial Magistrate of First Class.

Dispute on
near relative.

(2) Pending such decision, the body of the deceased person shall be preserved from decay in such manner as may be prescribed.

7. Whoever disposes of, or abets the disposal of an unclaimed body save as provided by this Act, or obstructs any authority in charge of a teaching medical institution or an authorised officer from handing over, or taking possession of, removing or using such dead body for the purpose specified in section 4, shall be punishable with fine which may extend to five thousand rupees.

Penalty.

8. All officers and servants of the Police, Medical and Public Health Departments, all officers and servants in the service of a local authority, and all village officers and servants shall be bound to take all reasonable measures to assist authorised officers in the discharge of their duties under this Act.

Duty of Police
officer.

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 Act or of any rules made there under.

Protection of
action taken in
good faith.

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

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 dead body should be claimed

by near relatives or personal friends under sub-section (1) and (2) of section 4:

- (b) the manner in which a dead body not required by a teaching medical institution shall be disposed of under sub-section (4) of section 4;
- (c) the manner in which the dead body shall be preserved pending decision of the Magistrate under sub-section (1) of section 5.

(3) Every rule made under this Act shall be laid as soon as may be after it is made, before the House of the Manipur Legislative Assembly while it is in session for a period of fourteen days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the sessions immediately following, the House agree in making any modification in the rule or the House agree that the rules shall not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.