

THE KARNATAKA ANATOMY ACT, 1957.

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STATEMENT OF OBJECTS AND REASONS

I

Act 23 of 1957.- Since considerable difficulty is experienced in obtaining bodies of deceased persons for educational purposes in medical institutions it is considered necessary to provide for the supply of unclaimed bodies of deceased persons to hospitals and medical and teaching institutions. Similar Acts are already in force in the areas of the former Madras, Bombay and Hyderabad States which have since integrated with the Mysore State. It is necessary that these Acts are repealed and a new Act is enacted so as to have a uniform law in the matter, applicable to all the areas of the State.

Hence this Bill.

(Obtained from L.A. Bill NO.5661 dated 21st June 1957) (LAW 47 LGN 57).

II

Amending Act 15 of 1999.- It is considered necessary to amend the Karnataka Anatomy Act, 1957 to make provision for enabling a person before his death, to express an intention, in writing in the presence of two or more persons, to donate his body or part of his body for the purpose of anatomical examination or dissection or other similar purpose

Hence the Bill.

(Obtained from L.A. Bill No. 1 of 1998. File No. ಸಂಶ್ಲಷಾಇ 25 ಶಾಸನ 97.)

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¹[KARNATAKA ACT]¹ No. 23 OF 1957.

(First published in the ¹[Karnataka Gazette]¹ on the Nineteenth Day of September 1957.)

THE ¹[KARNATAKA]¹ ANATOMY ACT, 1957.

(Received the assent of the Governor on the Thirteenth Day of September 1957.)

(As amended by Act 15 of 1999)

An Act to provide for the supply of unclaimed bodies of deceased persons ²[or donated bodies or any part thereof of deceased persons]² 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 ²[or donated bodies or any part thereof of deceased persons]² to hospitals and medical and teaching institutions for the purpose of anatomical examination and dissection and other similar purposes:

BE it enacted by the ¹[Karnataka State]¹ Legislature in the Eighth Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

2. Inserted by Act 15 of 1999 w.e.f. 01.08.2001 by notification No. HFW 189 PTD 99, dated: 28.7.2001 .

1. Short title, extent and commencement.- (1) This Act may be called the ¹[Karnataka]¹ Anatomy Act, 1957.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

(2) It extends to the whole of the ¹[State of Karnataka]¹.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

(3) It shall come into force at once in the South Kanara District; and on such ¹[date or dates]¹ and in such other area of the State as the State Government may by notification in the Official Gazette, specify from time to time.

1. The Act has come into force in Mysore and Bellary districts on 04.09.1958, in Bangalore, Coorg, Hasan, Mandya, Chikmagalur, Chitradurga, Tumkur, Kolar, Shimoga, Raichur on 02.08.1960 and in Gulbarga and Bidar district on 01.06.1961. The Act has come into force throughout the State on 11.07.2000 by notification by notification No. HFW 189 PTD 99 dated: 11.7.2000.

2. Definitions.- (1) In this Act, unless there is anything repugnant in the subject or context,—

(a) “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;

(b) “authorised officer” means an officer authorised under section 3;

(c) “hospital” means any hospital established or maintained by the State Government or by any municipal corporation, municipal council, municipal borough, district municipality, district board or panchayat, 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;

(d) “person 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;

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

(f) “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 ¹[Karnataka]¹ General Clauses Act, 1899, (Karnataka Act III of 1899) shall apply for the interpretation of this Act, as it applies for the interpretation of a Karnataka Act.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

3. Power of State Government to authorise officers to act under section 4.- (1)

The 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 4 and such officer or officers 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 (Central Act XLV of 1860).

4. Unclaimed dead bodies in hospitals, prisons and public places how to be dealt with.- (1) If a person dies in a hospital or in a prison and his body is not claimed by any person interested within the prescribed time, the authority in charge of such hospital or prison or any police officer 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 an approved institution, if it is required by that authority, for the purpose of conducting 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 authorised officer shall take possession of such 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 purposes 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, 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.

¹[4A. Donation of bodies or any part thereof of deceased persons for anatomical examination etc.,- (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 examination and dissection or other similar purpose, any person interested may, unless he has reason to believe that the said intention was subsequently revoked authorised the removal of the dead body or such part thereof to any approved 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 its 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 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.]¹

1. Section 4A Inserted by Act 15 of 1999 w.e.f. 01.08.2001 by notification.

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

1. Certain words in the heading Omitted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973

6. Penalty.- 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 authorised 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.

7. Duty of Police and other officers to assist in obtaining possession of unclaimed bodies.- 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.

8. Protection of persons acting under this Act.- 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.

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

10. Repeal.- The Madras Anatomy Act, 1951 (Madras Act XVIII of 1951) in force in Bellary District and the '[Mangalore and Kollegal Area]', the Bombay Anatomy Act, 1949 (Bombay Act XI of 1949) in force in the '[Belgaum Area]' and the Hyderabad Pathology and Anatomy Act, 1955 (Hyderabad Act No. X of 1955) in force in the '[Gulbarga Area]' are hereby repealed:

Provided that, anything done or any action taken (including any appointment or rules made, notification, order, or direction issued) under the said Acts shall be deemed to have been done or taken 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.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

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NOTIFICATIONS

I

Bangalore, dated 1st September 1958. [No. LLH 12 MDR 58]

In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Anatomy Act 1957 (Mysore Act No. 23 of 1957), the Government of Mysore hereby specifies 4th September 1958 as the date on which the said Act shall come into force in the Districts of Mysore and Bellary.

By Order and in the name of the Governor of Mysore,

(M. VASUDEVA RAO)

Secretary to Government,
Local Self-Government and Public Health Department.

(Published in PART IV—2-C of the Gazette dated 04.09.1958 at p. 591.)

II

Bangalore, dated the 30th May, 1961.[No. PLM 167 MDA 60]

In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Anatomy Act, 1957 (Mysore Act No. 23 of 1957), the Government of Mysore hereby specify 1st June 1961 as the date on which the said Act shall come into force in the following Districts namely:—

1. Gulbarga and
2. Bidar.

By Order and in the name of the Governor of Mysore,

(O. V. RAMAIAH)

Under Secretary to Government, P.H. Labour and Municipal
Administrative Department.

(Published in PART IV—2-C of the Gazette dated 04.9.1958 at p. 591.)

III

Bangalore, dated the 13th July 1960 (Ashadha 22, Saka Era 1882). [No. LLH 23 MDA 60],

In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Anatomy Act, 1957 (Mysore Act 23 of 1957), the Government of Mysore hereby specifies 2nd August 1960 as the date on which the said Act shall come into force in the following Districts:—

- | | |
|------------------|-----------------|
| (1) Bangalore | (6) Chitradurga |
| (2) Coorg | (7) Tumkur |
| (3) Hassan | (8) Kolar |
| (4) Mandya | (9) Shimoga |
| (5) Chickmagalur | (10) Raichur |

By Order and in the name of the Governor of Mysore,

(M. CHINNASWAMY)

Under Secretary to Government, L.S.G.
and P.H. Department.

IV

Bangalore dated 11th July, 2000 [No.HEW 189 PTD 99]

In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Anatomy Act 1957 (Karnataka Act No.23 of 1957), the Government of Karnataka hereby specify Eleventh day of July 2000 as the date on which the said Act shall come into force in the State.

By Order and in the name of the Governor of Karnataka

(J. SRINIVASAN)

Under Secretary to Government,
Health & Family Welfare Department.

V

Bangalore dated 28th July, 2001 [No.HFW 189 PTD 99]

In exercise of the powers conferred by sub-section (2) of Section 1 of the Karnataka Anatomy (Amendment) Act ,1999 (Karnataka Act 15 of 1999), the Government of Karnataka hereby appoints the first day of August 2001 to be the day on which the said Act come into force.

By Order and in the name of the Governor of Karnataka

(J. SRINIVASAN)

Under Secretary to Government,
Health & Family Welfare Department.