



भारत सरकार / Government of India

सरकारी राजपत्र OFFICIAL GAZETTE

संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन
U.T. ADMINISTRATION OF DADRA AND NAGAR HAVELI AND
DAMAN AND DIU

असाधारण EXTRAORDINARY

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U.T. Administration of Dadra and Nagar Haveli
and Daman and Diu
Department of Law and Justice
Vidyut Bhawan, Nani Daman

NOTIFICATION

No. LAW/U.T. Merge (4) /Adapt. State Law/2022/72

Dated: 30/03/2022

In exercise of the powers conferred by section 19 of the Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Act, 2019 (44 of 2019) and in pursuance of the Dadra and Nagar Haveli and Daman and Diu (Adaptation of Central Law, State Laws and Presidential Regulations) Orders, dated 18th January, 2022 a copy of “**The Dadra and Nagar Haveli and Daman and Diu Anatomy Act, 1976 (Act No. 21 of 1976)**” dated 22/03/2022 is hereby publish in the Official Gazette of this Union territory of Dadra and Nagar Haveli and Daman and Diu for implementation and for general information.

Sd/—
(Rohit P.Yadav)
Secretary Law
Dadra and Nagar Haveli and
Daman and Diu

The ¹[Dadra and Nagar Haveli and] Daman and Diu Anatomy Act, 1976

(Act No. 21 of 1976)

[Dated 6th November, 1976]

An act to provide for the supply of unclaimed dead bodies of deceased persons to hospitals and medical and teaching institutions for therapeutic purpose or for the purpose of anatomical examinations or dissections.

1. Short title, extent and commencement. - (1) This Act may be called the ²[Dadra and Nagar Haveli and] Daman and Diu Anatomy Act, 1976.

(2) It extends to the whole of the Union territory of ³[Dadra and Nagar Haveli and] Daman and Diu.

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

(4) The 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.

2. Definitions. - 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 Government for all or any of the purposes of this Act;

(2) "*authorised Officer*" means an Officer authorised to act under section 4;

(3) "*Collateral consanguinity*" means that which subsists between two persons who are descended from the same stock or ancestor, but neither of whom is descended in direct line from the other;

Note:- For the purpose of ascertaining in what degree of kindred any collateral relative stands to a person deceased, it is necessary to reckon upwards from the person deceased to the common stock and then downwards to the collateral relative, a degree being allowed for each person, both ascending and descending.

⁴[(4) "Government" means the Union Territory Administration of Dadra and Nagar Haveli and Daman and Diu headed by the Administrator appointed by the President under article 239 of the Constitution;]

(5) "*Lineal consanguinity*" means that which subsists between two persons, one of whom is descended in a direct line from the other, as between a man and his father,

¹ Substituted for the word and expression "Goa," by the Dadra and Nagar Haveli and Daman and Diu (Adaptation of State Laws) Second Order, dated 18th January, 2022. herein after referred to as (Adaptations of State Laws) Second Order, 2022.

² Substituted for the word and expression "Goa," by the (Adaptation of State Laws) Second Order, 2022

³ Substituted for the word and expression "Goa," by the (Adaptation of State Laws) Second Order, 2022

⁴ Substituted for the words and expression ""Government means the Government of Goa, Daman and Diu", by the (Adaptation of State Laws) Second Order, 2022.

grandfather and great-grandfather, and so upwards in the direct ascending line; or between a man and his son, grandson, great-grandson and so downwards in the direct descending line;

Note:- (a) Every generation constitutes a degree, either ascending or descending;

(b) A person's father is related to him in the first degree, and so likewise is his son; his grandfather and grandson in the second degree; his great-grandfather and great-grandson in the third degree, and so on;

⁵[(5A) "natural death" means the death that occurs from natural causes such as disease or old age and not caused by suicide or killing by another or by an animal or by machinery or by an accident or death not caused under circumstances raising a reasonable suspicion that some other person has killed the deceased;]

(6) "*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;

(7) "*prescribed*" means prescribed by rules made under this Act;

(8) "*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 relative within such period as may be prescribed.

3. Power of Government to authorise officers to act under section 4. - The 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 who shall be competent to act under the said section.

4. Unclaimed dead bodies to be used for therapeutic purpose or 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 ⁶[of natural death] 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 authorized officer and such officer shall then hand over the unclaimed body to the authorities in charge of an approved institution for any therapeutic purpose or for the purpose of conducting anatomical examinations and dissection.

(2) Where a person dies ⁷[of natural death]at 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

⁵ Inserted by the (Adaptation of State Laws) Second Order, 2022.

⁶ Inserted by the (Adaptation of State Laws) Second Order, 2022.

⁷ Inserted by the (Adaptation of State Laws) Second Order, 2022.

authorised officer who 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 his⁸[natural] death has taken place/ dies⁹[of natural death] 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).

¹⁰ [(i)] Where there is any doubt¹¹[as to the natural] 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, 1973 (Central Act 2 of 1974).

¹²[(ii) If the death appears to be natural death to the police inquest the unclaimed body may be handed over to the Anatomy Department of the approved institute without performing post-mortem, whether the unclaimed body is suitable for embalming and can be used for anatomical dissection and teaching purpose shall be decided by a senior officer of the Anatomy Department.]

5. Doubt or dispute whether person claiming body is near relative to be referred to Executive Magistrate and body to be preserved pending decision. - (1) If any doubt or dispute arises as to whether a person claiming the body of a deceased person under section 4 is a near relative of the deceased or not the matter shall be referred to the Executive Magistrate or such officer as may be appointed in this behalf by the 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.

¹³[5A. Donation of dead bodies or any part thereof of deceased person to be used for therapeutic and certain other purposes. - (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-

⁸ Inserted by the (Adaptation of State Laws) Second Order, 2022.

⁹ Inserted by the (Adaptation of State Laws) Second Order, 2022.

¹⁰ Re-numbered the sub-section (4) as clause 4(i) by the (Adaptation of State Laws) Second Order, 2022.

¹¹ Substituted the word for "regarding the cause of" by the (Adaptation of State Laws) Second Order, 2022.

¹² Inserted by the (Adaptation of State Laws) Second Order, 2022.

¹³ Inserted by the (Adaptation of State Laws) Second Order, 2022.

(a) that the deceased has 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 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 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.

5B. Authority to remove body, etc., when body is lying in approved institution. -

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 5A 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.

5C. Approved institutions to receive with body, certificate of death, etc. -

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 to the Executive Magistrate or such officer as may be appointed in this behalf by the 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 name and surname, age and last place of abode of such person and shall enter, or cause to be entered, the aforesaid particulars 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 by the Executive Magistrate or any officer aforesaid.

5D. Notice of place where body will be dealt with for all or any of the purposes of this Act. - 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 to the Executive Magistrate, or any officer appointed by the Government for the purposes, within six weeks after the day on which such body was received as aforesaid.]

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 from handing over, taking possession of, removing or using, such dead body for the purpose specified in the Act, shall, on conviction, be punished with fine which may extend to ¹⁴[fifty thousand] rupees.

7. Duty of Police and other officers to assist. - 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.

¹⁵**[7A. Registers, returns, etc.** - (1) The authority in-charge of the approved institute shall maintain a register of the dead bodies it received, used and disposed of in such form and in such manner as may be prescribed.

(2) Every authority in charge of the approved institution shall submit a periodical return to authorized officer in such form and in such manner as may be prescribed.]

8. Protection of persons acting under the 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.

¹⁴ Substituted for the words "five hundred", by the (Adaptation of State Laws) Second Order, 2022.

¹⁵ Inserted by the (Adaptation of State Laws) Second Order, 2022.

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 Indian Penal Code, 1860 (Central Act 45 of 1860).

10. Power to make Rules. - (1) The Government may, by notification in the Official 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 relative shall claim the body of a deceased person.

¹⁶[...]

By order and in the name of the
Administrator of U.T. of Dadra &
Nagar Haveli and Daman & Diu.

Secretariat,
Daman.

Dated: 22nd March, 2022

Sd/-
(Rohit P. Yadav)
Law Secretary
Department of Law & Justice

¹⁶Omitted "(3). Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of the Union territory of Goa, Daman and Diu while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly agrees in making any modification in the rule or the Assembly agrees that the rule should 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". by the (Adaptation of State Laws) Second Order,2022.
