

GOVERNMENT OF MIZORAM  
HEALTH & FAMILY WELFARE DEPARTMENT

NOTIFICATION

*Dated Aizawl, the 24<sup>th</sup> September, 2018.*

No.A.17014/11/2013-HFW : In the interest of public service and as per the approval of the Council of Ministers vide Memo No.J.11011/1/2018-POL/Vol-II dt.16<sup>th</sup>August,2018, the Governor of Mizoram is pleased to promulgate the Mizoram Anatomy Ordinance, 2018 for the Mizoram Institute of Medical Education & Research (MIMER) as appended and it shall come into effect from the date of publication in the Mizoram Gazette.

Sd/-LALRINLIANA FANAI  
Commissioner & Secretary to the Government of Mizoram  
Health & Family Welfare Department.


Memo No.A.17014/11/2013-HFW

*Dated Aizawl, the 24<sup>th</sup> September, 2018.*

Copy to:-

1. Secretary to the Governor, Mizoram.
2. P.S. to Chief Minister, Mizoram.
3. P.S. to all Ministers/ Speaker, Mizoram.
4. P.S. to all Ministers of States/Dy. Speaker, Mizoram.
5. Sr.P.P.S. to Chief Secretary, Govt. of Mizoram.
6. P.S. to Secretary, Mizoram Information Commission.
7. All Administrative Departments.
8. All Heads of Departments.
9. Controller, Printing & Stationery with six (6) spare copies for publication in the official Gazette.
10. Principal Director, Health & Family Welfare Department.
11.  Director of Health Services, Mizoram for information.
12. Director, Hospital & Medical Education, Mizoram for information.
13. Director, Mizoram Institute of Medical Education & Research (MIMER).
14. All Chief Medical Officers/Principal-Medical Officer, Kulikawn, Aizawl.
15. All Medical Superintendents, Mizoram.
16. Guard File.

*Zonudanga  
Website Manager.*

  
(DR LALNGURA TLAU)  
Deputy Secretary to the Government of Mizoram  
Health & Family Welfare Department.

**THE MIZORAM ANATOMY  
ORDINANCE, 2018  
No. 1 OF 2018**

WHEREAS the Government of Mizoram is setting up a medical college, Mizoram Institute of Medical Education & Research (MIMER) with permission from Ministry of Health & Family Welfare on the 25<sup>th</sup> May, 2018 vide letter no. U-12012/37/2018-ME-1(FTS.3154165).

AND WHEREAS it is expedient to have in the State of Mizoram a law to facilitate availability of unclaimed dead bodies of persons to medical colleges for the purpose of anatomical examination or dissection in a medical college/institution and as the Mizoram Institute of Medical Education & Research will start classes from August, 2018 for the academic session 2018-19, cadavers are required immediately for teaching purposes.

AND WHEREAS the Legislative Assembly of the State of Mizoram is not in session and the Governor of Mizoram is satisfied, on the advice of the Council of Ministers, Mizoram, that circumstances exist which render it necessary for him to take immediate action.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Mizoram is pleased to promulgate the following Ordinance in the Sixty Ninth year of the republic of India :-

1. (1) This Ordinance may be called the Mizoram Anatomy Ordinance, 2018.  
(2) It shall extend to the whole of the State of Mizoram.  
(3) It shall come into force on such date as the Governor may, by notification in the Official Gazette, appoint.
2. In this Ordinance, unless the context otherwise requires,—
  - (a) “authorized officer” means an officer authorized to exercise powers and discharge functions under this Ordinance;
  - (b) “hospital” means any hospital established or maintained by the Mizoram Administration and includes any other hospital, which may be declared by the Governor, by notification, to be a hospital for the purpose of this Ordinance;
  - (c) “Governor” means the Governor of the State of Mizoram appointed by the President under article 155 of the Constitution;
  - (d) “medical college” means the Mizoram Institute of Medical Education & Research or any other institution as may be declared by the Governor, by notification, to be a medical college for the purposes of this Ordinance;
  - (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) marriage with any of the relatives referred to in sub-clauses (i).



*Explanation.*—For the purposes of this Ordinance, the expressions “lineal consanguinity” shall be defined as the relation which subsists between two persons, one of whom is descended in a direct line from the other, as between a man and his father, 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 direct descending line.

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

(g) “Official Gazette” means the Mizoram Gazette;

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

(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 Governor, by notification.

3. (1) The Governor may, by notification, authorize 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 authorized officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

4. (1) The person incharge of a hospital or prison shall make a report regarding any unclaimed dead body to the authorized officer, within such time as may be prescribed, and the authorized 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/ institution which requires it for the purpose of conducting anatomical examination or dissection.

(2) The authorized 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 authorized 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.

(4) Where any unclaimed dead body taken possession of by the authorized 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, the matter shall be referred to the District Magistrate having jurisdiction for ascertaining the facts and making a decision thereof.

(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.  
(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 Ordinance.  
(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 Ordinance, 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 Ordinance, or obstructs any officer or authority in charge of a medical college or an authorized officer from handing over, or taking possession of, or removing or exercising any power or discharging any duty under this Ordinance, shall be punishable with fine, which may extend to five hundred rupees.
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 authorized officer in the exercise of any power or discharge of any duty under this Ordinance.
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 Ordinance or any rules or order made thereunder.

10. (1) The Governor may, by notification, make rules for carrying out the purposes of this Ordinance.
- (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:—
- (b) The period within which a relative may claim the dead body of a deceased person;
  - (c) The period after which the dead body of a deceased person shall be deemed to be unclaimed
  - (d) 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;
  - (e) the manner in which an unclaimed dead body shall be disposed of under sub-section (4) of section 4;
  - (f) The conditions under which institutions/colleges may be recognized for the purpose of subsection (1) and (2) of section 4 and section 6
  - (g) the manner in which an unclaimed dead body shall be preserved pending decision of the Magistrate under sub-section (2) of section 5;
  - (h) any other matter for which rules have to be or may be made under this Ordinance.
11. In the event of unavailability donated/unclaimed dead bodies, the Government is allowed to purchase cadaver from other reliable source.

**KUMMANAM RAJASEKHARAN**  
*Governor,*

**LALRINLIANA FANAI**  
Commr. & Secretary to the Govt. of Mizoram.