

राजस्थान रराज्रविशेष ांक	RAJASTHAN GAZETTE Extraordinary
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भाग-4(क)

राजस् थान ववधान मण् डल के अधिनमम।

विधि (विाीप्रारूण) विभाग

(यू-2)

अधिसूचना

जयूर, अगस्त 18, 2023

संख्या .2(26)विधि/2/2023.- राजस् थानराज मववधान-मण् डलकांनिम नांककतअधिनमम,
जजसेराजमपालमहोदमकीअनुमितददनांक 17 अगस् त, 2023 कोप्राप तहुई,
एतद्वारासववसाधारणकीसूचनाथवप्रकाशशतककमाजाताहै:-

राजस्थान रमृतशरीरकासममान रअधिनन रयम, 2023

(2023काअधिनन रयमसंख्यांक2)

(राजमपालमहोदमकीअनुमितददनांक 17 अगस् त, 2023 कोप्राप तहुई)

राजस् थानराज ममेंमृतशरीरकासम मानऔरउसकेमूलमानवअधिकारोंकोबनामेरखनेऔरउनसेसंसक
तऔरआनुषंगिकववषमोंकेशलएउपबंधकरनेहेतुअधिनमम।

भारतगणराज मकेचौहत तरवेंवषवमेंराजस् थानराज मववधान-मण् डलिनम
नशलखखतअधिनममबनाताहै:-

अध्याय-1

प्रारंभक

1. संक्षिप्तन राम, प्रसारऔरप्रारंभ.- (1) इसअधिनममकानामराजस् थानमृतशरीरकासम
मानअधिनमम, 2023 है।

(2) इसकाप्रसारसंपूणवराजस्थानराजममेंहोगा।

(3) महइसकेराजपत्रमेंप्रकाशनकीतारीखकोऔरसेप्रवृत्तहोगा।

2. ररभाषाएं.- (1) इसअधिनमममें, जबतककसंदभवसेअन मथाअपेक्षितनहो,-

(क) “संदहता” सेदण् डप्रकिमासंदहता, 1973 (1974 काकेन ट्रीमअधिनममसं. 2) अशभप्रेतहै; (ख)
“मृतशरीर” सेककसीमृतमानवकाशरीरअशभप्रेतहै;

(ग) “जजलापुशलसअधीक” सेककसीपुशलसजजलेकाभारसाधकअधिकारीअशभप्रेतहैऔर
महानगरित्रकेशलएइसमेंपुशलसउपामुक तसजममशलतहै;

(घ) “कुटुंबसदस् म” सेऐसासदस् मजोमृतकसेसमरक तता, वववाहमाववाहकीप्रकृतिमेंकसी
नातेदारी, दत तकग्रहणकेमाध ममसेसंबंधितहोमाअववभक तकुटुंबकेरूपमेंसाथरहरहा
कोईकुटुंबसदस् मअशभप्रेतहै;

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(ङ) “अंतिमसंस् कार” सेउससमुदाममाधमवकीपरंपरामारूदि, जजसेमृतकसंबंधितथा, के
अनुसारमृतशरीरकांनिपटानअशभप्रेतहै;

(च) “ववदहत” सेइसअधिनममकेअधीनबनामेगामेनिममोंद्वाराववदहतअशभप्रेतहै;

(छ) “लोकप्राधिकारी” सेमृतशरीरकाअंतिमसंस् कारसंपाददतकरनेकेशलएराज मसरकार
द्वारासमम-सममपरमथाववदहतकोईप्राधिकारीअशभप्रेतहै;

(ज) “ववरोध” सेककसीअभ मापजतत, अवज्ञा, आंदोलन, प्रकोपनइत माददकेद्वाराककसीमृतशरीर
केअंतिमसंस् कारकोरोकनेकेशलएमांगेंउठानामाककन हीमांगोंकोपूराकरनेकेशलए
सतानाअशभप्रेतहै;

(झ) “निमम” सेइसअधिनममकेअधीनबनामेगमेनिममअशभप्रेतहैं; और

(ज) “राज म” सेराजस् थानराज मअशभप्रेतहै।

(2) इसमेंप्रमुक्तककमेगमेऔरपररभावषतनहींककमेगमे, ककन तुदण् डप्रकिमासंदहता, 1973 (1974 काकेन द्रीमअधिनममसं. 2), भारतीमदण् डसंदहता, 1860 (1860 काकेन द्रीमअधिनममसं. 45), राजस् थानपुशलसअधिनमम, 2007 (2007 काअधिनममसं. 14) औरराजस् थानशारीरअधिनमम, 1986 (1986 काअधिनममसं. 12) मेंपररभावषतककमेगमेशब दोँऔरअशभव मजकतमोंकेवहीअथवहोंगे, जोउन हैंमिशः उनसंदहताओं/अधिनममोंमेंसमनुदेशशतककमेगमेहैं।

अध्याय-2

मृतवयक्तकेअधिकार

3.अनंतमसंस्कारकाअधिकार.- प्रत मेकमृतव मजकतको, तत सममप्रवृत तककसीभीअन मवविधपरप्रितकूलप्रभावडालेबबना, मथासंभवशीघ्र, उसकेसमुदाममाधमवकीज्ञातऔरप्रचशलतपरंपरामारूढ िकेअनुसारशशष टऔरमथासममअंतिमसंस् कारकाअधिकारहोगा।

अध्याय-3

मृतककेकुटुंबसदस्योंकेदानयति

4. कुटुंबसदस्योंद्वारामृतककाअनंतमसंस्कारसंदादतककयाजान रा.- मृतककेकुटुंबसदस् मोंद्वारा, महसुनिजचचतककमाजामेगाककअंतिमसंस् कारमथासंभवशीघ्रककमाजामे, जबतककिनकटसंबंधिमोंकेपहुंचनेमेंववलंबकेकारण, िचककत सा-वविधकारणोंसेमाककसीअन मआपवाददकारणसेऐसानहींककमाजानाआवच मकनहींहो।

5. कुटुंबसदस्योंद्वारामृतशरीरकाकबजालेन रा.- इसअधिनमममातत सममप्रवृत तककसीअन मवविधकेअधीनउपबंधितवविधकप्रकिमाकेसम म्कअनुपालनकेपच चात्, कुटुंबसदस् ममृतशरीरको, पुशलसमाककसीअन मलोकप्राधिकारीमाअस् पतालप्रशासनद्वारासौपेजानेपर, कब जेमेलेंगे।

6. मृतशरीरकाउद्योगविरोकिरण रेकेभलएन रहींककयाजान रा.-कुटुंबसदस् ममृतशरीरकाउपमोगववरोधकरनेकेशलएनहींकरेगामाऐसाकरनेकेशलएककसीअन मव मजकतकोसहमितनहींदेगा।

अध्याय-4

भलसअधिकारीऔरकाय्यालकमजस्ट्रेटकीशक्ततयां

7.मृतशरीरकोकबजेमेंलेन रेकीभलसअधिकारीकीशक्तत.- (1)

जबकभीपुशलसथानेकाकोईभारसाधकअधिकारीनिजीजानकारीसेमाअन मथामहववच वासकरनेकाकारणरखताहैऔरशलखलेताहैककवविधववरुद्धजमावमाकुटुंबसदस् मोंद्वाराककसीमृतशरीरकाउपमोगववरोधकरनेकेशलएककमाजारहा

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हैमाउपमोगककमेजानेकीसंभावनाहै, तोवहमृतशरीरकोअपनेकब

जेमेंलेगाऔरइसआशमकीसूचनासंबंधितकामवपालकमजजस् ट्रेटऔरजजलापुशलसअधीककोतत कालभेजेगा।

(2) पुशलसथानेकाभारसाधकअधिकारीमृतशरीरकोअपनेकब जेमेलेंनेकेपच चात्, उसेशवपरीाकेशलए, मददऐसाआवच मकहो, सरकारद्वाराप्राधिकृतिनकटतमअस् पतालमेंभेजेगा।

8. काय्यालकमजस्ट्रेटकीशक्तत.-(1) धारा 7 केअधीनसूचनाप्राप तहोनेकेपच चात्, संबंधितकामवपालकमजजस् ट्रेट, ऐसीरीतिसेजैसाककववदहतककमाजामे, मृतशरीरकेअंतिमसंस् कारकेशलएमृतककेकुटुंबसदस् मोंकोनोदटसभेजेगा।

(2) जबकभीककसीपुशलसअधिकारीकीरपोटवपरककसीकामवपालकमजजस् ट्रेटकामहसमाधानहोजाताहैकककुटुंबसदस् म, मृतशरीरकाअंतिमसंस् कारसंपाददतकरनेकेइच छुकनहींहैं, तोवहकुटुंबसदस् मोंको, मृतशरीरकाचौबीसघंटेकेभीतर-भीतरअंतिमसंस् कारसंपाददतकरनेकासशतवआदेशप्रदानकरेगा: परंतु, मददकामवपालकमजजस् ट्रेटकामहसमाधानहोजाताहैककमृतशरीरकाअंतिमसंस् कारसंपाददतनहींकरनेकेशलएकुटुंबसदस् मोंकेपासपमावप तकारणहै, तोवहसममबासकेगा:

परंतुमहऔरककमददकुटुंबसदस् ममृतशरीरकाअंतिमसंस् कारसंपाददतनहींकरतेहैंतोअंतिमसंस् कारलोकप्राधिकारीद्वाराककमाजामेगा।

(3) जबकभीकामवपालकमजजस् ट्रेटकोमहववच वासकरनेकाकारणहोककउसकेिेत्रािधकारकेभीतर, ववरोधकेशलएकोईवविधववरुद्धजमावएकत्रहोगमाहैमाएकत्रहोनेकीसंभावनाहैतो, वहअपनीरामकेआधारोंकाकथनकरतेहुए, शलखखतमेंआदेशजारीकरके, संदहताकीधारा 129 से 132 केअधीनववदहतशजकतमोंकाउपमोगकरसकेगा।

अध्याय-5

अदािाकृतमृतशरीरकाभंडारण, नन टर्न रऔरडाटासेटकाअन रुरिण

9. अदािाकृतमृतशरीरकाभंडारण.-अस् पतालप्रशासन,-

(क)अदावाकृतमृतशरीरकोिममािितसेबचानेकेशलएअदावाकृतमृतशरीरका सुरक्षितजस्थितमेंडीपफ्रीजरमें, भंडारणकरेगा;और

(ख)महसुििनजचचतकरेगाककशलंगकेआधारपरमृतशरीरोंकोअलग-अलगककमाजामेऔर िेरलगनेसेबचातेहुएगररमापूणवरीितसे, जैसाककववदहतककमाजामे, रखाजामे। 10.

शिरीणिकीीीडडयोग्राफीऔरफोटोग्राफी.-अशभरिमेंमृत मुमाअदावाकृतमृतशरीरकेप्रत मेकमामलेमें, मृतककेफोटोग्राफसशलमेजामेंगेऔरमृतककेशवपरीणिकीमथाववदहतरीितसेवीडडोग्राफीकीजामेगी।

11. आन रुिंभशकडाटासूचन राकासरिण.-अदावाकृतमृतशरीरकेआनुवंशकडाटाकीसूचना, डीएनएप्रोफाईशलंगद्वाराअशभप्राप तकीजामेगीऔरइसकीसावधानीपूववकऔरगोपनीमरूपसेदेखभालकीजामेगी, जोककअदावाकृतमृतशरीरकीपहचानकरनेकेशलएआवच मकहोसकतीहै।

12. डाटाबैक.- राज मसरकारमथाववदहतरीितसेअदावाकृतमृतशरीरोंकाआनुवंशक (जैनेदटक) डाटाऔरबामोलॉजकलसैपलकाभंडारणकरनेकेशलएकडाटाबैकस् थावपतकरेगी।

13. डाटाकाडडक्जटलाइजेशन र.- राज मसरकारबबनापहचानेगमेमृतशरीरोंकेमृत मुकेमामलोंकेशलएजलेवारडडजटलडाटासेटकासंधारणकरनेकेशलएकवेबपोटवलबनामेगी।ऐसाडाटाअशभश लखखतककमेगमेमामलोंकेअनुसार, लापताव मजकतकेडाटाकेसाथशमलानकरनेकेशलएउपमोगमेंशलमाजासकताहै।

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14. सूचन राकीगोन रीयता.-

कोईभीअप्रािधकृतव मजकत, मृतकसेसंबंधितनैदािनकअशभलेखोंकीकोईभीसूचना, जबतकवविधद्वाराअपेक्षितनहोमामहमृतककेदहतमेंनहो, कलंकलगनेऔरसामाजकआलोचनाकेिनवारणकेशलएप्रकटनहींकरेगा।

15. अदािाकृतमृतशरीरकानन टर्न र.- जबकोईमृतशरीरअदावाकृतबनारहताहैतो, उसकािनपटानराजस् थानशरीरअधिनमम, 1986 (1986 काअधिनममसं. 12) केउपबंधोंकेअनुसारककमाजामेगा।

अध्याय-6

आिऔरदणड

16. मृतशरीरकाकबजान रहींलेन रेकेभलएदणड.-कोईकुटुंबसदस् म, जोधारा 5 केउपबंधोंकेअनुसारमृतशरीरकोअपनेकब जेमेंनहींलेताहै, वहऐसीअविधकेकारावाससे,जोएकवषवतककाहोसकेगा,माजुमावनेसे, मादोनोंसे, दजण्डतककमाजामेगा।

17. कुटुंबसदस्यद्वाराविरोिकरन रेकेभलएदणड.-कोईकुटुंबसदस् म, जोमृतशरीरकाउपमोगववरोधकरनेकेशलएकरताहैमाककसीअन मव मजकतको, ववरोधकरनेकेशलएमृतशरीरकाउपमोगकरनेकीसहमितदेताहै, तोवहऐसीअविधकेकारावाससे,जोदोवषवतककाहोसकेगाऔरजुमावनेसे, दजण्डतककमाजामेगा।

18. कुटुंबसदस्यसेभभनन रककसीवयक्ततद्वाराविरोिकेभलएदणड.-कुटुंबसदस् मसेशभन नकोईव मजकत, जोमृतशरीरकाउपमोगववरोधकरनेकेशलएकरताहै, वहऐसीअविधकेकारावाससे,जोछहमाससेकमकीनहींहोगी, कंकंतुजोपांचवषवतककीहोसकेगी, औरजुमावनेसे, दजण्डतककमाजामेगा।

19. आन रुिंभशक (जैनेदटक) डाटासूचन राकेप्रकटन रऔरसूचन राकीगोन रीयताकेप्रकटन रेकेभलएदणड.-मददककसीप्रािधकृतव मजकतमाव मजकतमोंद्वाराककसीप्रकारकीजैनेदटक (आनुवंशक) डाटासूचनाऔरसूचनाकीगोपनीमताकोप्रकटककमाजाताहै, तोवहऐसीअविधकेकारावाससे,जोतीनवषवसेकमकीनहींहोगी, कंकंतुजोदसवषवतककीहोसकेगी, औरजुमावनेसे, दजण्डतककमाजामेगा।

20. दुषप्रेरण, प्रयतन रयाषडयंरकेभलएदण्ड.-

जोकोईभीइसअधिनममकेअधीनककसीअपराधकेकाररतककमेजानेकादुष प्रेरण, प्रमत नमाषडमंत्रकरताहै, तोवहउसीरीतिसेदण्डतककमाजामेगा, मानोउसनेस् वमंवहअपराधकाररतककमाहो।

अध्याय-7**विवि**

21. दण्डप्रक्रियासंदहता, 1973 कालागूहोन रा.-इसअधिनमममेंमथाअनमथाउपबंधितकेशसवाम, दण्डप्रक्रियासंदहता, 1973 (1974 काकेन द्रीमअधिनममसं. 2) केउपबंधइसअधिनममकेअधीनकामवादहमोंमेंलागूहोंगे।

22. अधिनन रयमकाकसीअनयविधिकेअनतररततहोन रा.- इसअधिनममकेउपबंध, शसवामउससीमातक, जहांतककइसअधिनममकेउपबंधककसीअन मवविधकेउपबंधोंसेअसंगतनहों, तत सममप्रवृत्त तककसीअन मवविधकेअतररक तहोंगेनककउसकेअल पीकरणमें।

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23.सद्भावि्यिककीगयीकारयिईकेभलएवयक्ततयोंकासरिण.-

इसअधिनममकेउपबंधोंमातद्धीनबनामेगमेिनममोंमाइसअधिनममकेअधीनसद्भावपूर्वककीगमीमाककमेजानेकेश लाएआशिमतककसीभीबातकेशलाए, ककसीभीव मजकतकेववरुद्धकोईवाद, अशभमोजनमाअन मवविधककामवाहीसंजस्थतनहींकीजामेगी।

24. नन रयमबन रान रेकीशक्तत.- (1) राज

मसरकारइसअधिनममकेप्रमोजनोंकोकामावजनवतकरनेकेशलाएिनममबनासकेगी।

(2) इसअधिनममकेअधीनबनामेगमेसमस्तिनमम, उनकेइसप्रकारबनामेजानेकेपच चात्माशकमशीघ्र, राजमववधान-मण्डलकेसदनकेसमि, जबवहसत्रमेंहो, कुलचौदहदवसकीकालाविधकेशलाए, जोएकसत्रमेंमादोउततरोततरसत्रोंमेंसमाववषटहोसकेगी, रखेजामेंगेऔरमददउससत्रकी, जजसमेंवेइसप्रकाररखेगमेहैंमाठीकअगलेसत्रकीसमाजपतकेपूर्ववराजमववधान-मण्डलकासदनऐसेककन हींभीिनममोंमेंकोईभीउपानतरणकरताहैमामहसंकलपकरताहैककऐसाकोईिनममनहींबनामाजानाचादहएतोतपच चात्ऐसेिनममकेवलऐसेउपानतररतरूपमेंप्रभावीहोंगेमा, मथाजस्थित, उनकाकोईप्रभावनहींहोगा, तथावप, ऐसाकोईभीउपानतरणमाबातिलकरणउसकेअधीनपूर्ववमेंकीगमीककसीबातकीवविधमानमतापरकोईप्रितकूलप्रभा वनहींडालेगा।

(3) इसअधिनममकेअधीनबनामागमाप्रत मेकिनममराज मसरकारद्वाराराजपत्रमेंप्रकाशशतककमाजामेगा।

25. कदिन राइयोंकानन रराकरणकरन रेकीशतनत.- (1)

मददइसअधिनममकेउपबंधोंकोप्रभावीबनानेमेंकोईकदठनाईउत पन नहोतीहैतोराज मसरकार, राजपत्रमेंप्रकाशशतआदेशद्वारा, ऐसेउपबंधबनासकेगीजोइसअधिनममसेअसंगतनहोंऔरजोउक तकदठनाईकािनराकरणकरनेकेशलाएउसेआवच मकमासमीचीनप्रतीतहों:

परन तुइसधाराकेअधीनकोईभीआदेशइसअधिनममकेप्रारंभकीतारीखसेतीनवषवकीसमाजपतकेपच चात्तहींककमाजामेगा।

(2)इसधाराकेअधीनजारीकीगमीप्रत मेकअधिसूचना, उसकेइसप्रकारजारीककमेजानेकेपच चात्, मथाशक मशीघ्र, राज मववधान-मण्डलकेसदनकेसमिरखीजामेगी।

ज्ञानप्रकाशगुप ता,
प्रमुखशासन रसधचि।

LAW (LEGISLATIVE DRAFTING) DEPARTMENT

(GROUP-II)

NOTIFICATION

Jaipur, August 18, 2023

No. F. 2(26)Vidhi/2/2023.- In pursuance of Clause (3) of Article 348 of the

Constitution of India, the Governor is pleased to authorise the publication in the Rajasthan Samman Adhiniyam, 2023 (2023 Ka Adhiniyam Sankhyank 21):-

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(Authorised English

Translation)

THE RAJASTHAN HONOUR OF DEAD BODY ACT, 2023**(Act No.21 of 2023)**(Received the assent of the Governor on the 17th day of August, 2023)*An**Act**to provide honour to dead body and uphold its basic human rights in the State of Rajasthan and matters connected therewith and incidental thereto.*

Be it enacted by the Rajasthan State Legislature in the Seventy-fourth Year of the Republic of India, as follows:-

CHAPTER-I**Preliminary****1. Short title, extent and commencement.-** (1) This Act may be called the Rajasthan Honour of Dead Body Act, 2023.

(2) It extends to the whole of the State of Rajasthan.

2. Definitions.- (1) In this Act, unless the context otherwise requires,-

(a) “Code” means the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974);

(b) “dead body” means the body of a dead human being;

(c) “District Superintendent of Police” means the police officer in charge of a Police District and includes Deputy Commissioner of Police in a Metropolitan Area;

(d) “family members” means any members who is related to deceased by consanguinity, marriage or through a relationship in the nature of marriage, adoption or any family member living together as joint family;

(e) “last rites” means the disposal of dead body as per the tradition or custom of the community or religion to which the deceased belonged;

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

(g) “Public Authority” means an authority as may be prescribed by the State Government, from time to time, for performing the last rites of the dead body; (h)

“remonstration” means raising demands or baiting for pursuing any demands to prevent the last rites of a dead body by way of any protest, disobedience, agitation, provocation etc.;

(i) “rules” means the rules made under this Act; and

भाग4(क) राजस् थानराज-पत्र,अगस् त 22,2023257 (j) “State” means the State of Rajasthan.

(2) Words and expressions used herein and not defined but defined in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), Indian Penal Code, 1860 (Central Act No. 45 of 1860), The Rajasthan Police Act, 2007 (Act No. 14 of 2007) and The Rajasthan Anatomy Act, 1986 (Act No. 12 of 1986) shall have the meaning respectively assigned to them in those Codes/Acts.

CHAPTER-II**Rights of Dead Person****3. Right to last rites.-** Without prejudice of any other law for the time being in force, every dead person shall have the right to a decent and timely last rites according to the known and prevailing tradition or custom of the community or religion, as soon as possible.

CHAPTER-III

Liabilities of Family Members of the Deceased

4. Family members to perform last rites of the deceased.- The family members of the deceased to ensure that the last rites are performed as soon as possible, unless the same is warranted for on account of delay in arrival of the next of kin, any medico-legal reasons or any other exceptional reason.

5. Family members to take possession of the dead body.- Family member shall take possession of the dead body when handed over by the police or any other public authority or hospital administration, after due compliance of legal procedure provided under this Act or any other law for the time being in force.

6. Dead body not to be used for remonstrance.- The Family member not to, use the dead body for remonstrance or give consent to any other person for the same.

CHAPTER-IV

Powers of Police Officer and Executive Magistrate

7. Power of Police officer to take possession of the dead body.- (1) Whenever an Officer-in-charge of the Police Station has reason to believe from personal knowledge or otherwise and taken down in writing that any dead body is being used or likely to be used by unlawful assembly or family members for remonstrance, he shall take possession of the dead body and information to this effect, shall be sent immediately to the concerned Executive Magistrate and District Superintendent of Police.

(2) After taking possession of the dead body, the Officer-in-charge of the Police Station shall send the body to the nearest Hospital authorized by the Government to conduct post mortem examinations; if so warranted.

8. Power of Executive Magistrate.-(1) The concerned Executive Magistrate, after receiving the information under section 7 shall send the notice, in the manner as may be 258 राजस् थानराज-पत्र, अगस्त 22, 2023 भाग 4 (क) 1/2 prescribed, to the family members of the deceased for the last rites of the dead body.

(2) Whenever an Executive Magistrate is satisfied on a report of a police officer that the family members are not willing to perform the last rites of the dead body, he shall make a conditional order to the family members to perform the last rites of the dead body within 24 hours:

Provided that the Executive Magistrate may extend the time if he is satisfied that family members have sufficient cause for not performing the last rites of the dead body:

Provided further that if the family members do not perform the last rites of the dead body, the last rites shall be performed by the Public Authority.

(3) Whenever the Executive Magistrate has reason to believe that, an unlawful assembly has gathered or is likely to be gathered for remonstrance, within his jurisdiction, he may use the power prescribed under section 129 to 132 of the Code, by issuing an order in writing, stating the grounds of his opinion.

CHAPTER-V

Storage, Maintenance of Dataset and Disposal of Unclaimed Dead Body

9. Storage of unclaimed dead bodies.- The hospital administration shall,-

(a) store the unclaimed dead body under safe conditions in the deep freezer to prevent any decay or damage to the dead body; and

(b)ensure that the bodies are segregated based on gender and are kept in a dignified manner by avoiding piling up as may be prescribed.

10. Videography and Photography of post-mortem examination.- In every case of custodial death or unclaimed dead body, photographs of the deceased shall be taken and post mortem examination of the deceased shall be videographed in the manner as may be prescribed.

11. Protection of Genetic Data Information.-The Genetic Data Information of unclaimed dead body shall be obtained through DNA profiling and must be handled carefully and confidentially as the same may be required to trace the identity of the unclaimed dead bodies.

12. Data bank.- The State Government shall establish a data bank to store the genetic data and biological samples of the unclaimed dead bodies in the manner as may be prescribed.

13. Digitalization of data.-The State Government shall create a web portal to maintain a district wise digital dataset of death cases for unidentified dead bodies. Such data can be used to tally with the missing person data as per the cases recorded.

14. Confidentiality of Information.-No unauthorized person shall disclose any information of clinical records related to the deceased to prevent stigmatization and social criticism unless required by the law or it is in the interest of deceased.

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15. Disposal of unclaimed dead body.-When a dead body remains unclaimed, the disposal shall be made in accordance with the provisions of the Rajasthan Anatomy Act, 1986(Act No.12 of 1986).

CHAPTER-VI

Offences and Punishments

16. Punishment for not taking possession of dead body.-Any family member, who does not take possession of the dead body as per the provisions of section 5, shall be punished with imprisonment for a term, which may extend to one year or with fine or with both.

17. Punishment for remonstrance by family member.-Any family member, who uses the dead body for remonstrance or gives consent to any other person for using the dead body for remonstrance, shall be punished with imprisonment for a term, which may extend to two years and with fine.

18. Punishment for remonstrance by any person, other than family member.-For any person, other than family members, who uses the dead body for remonstrance, shall be punished with imprisonment for a term, which shall not be less than six months, but which may extend to five years and with fine.

19. Punishment for Disclosure of Genetic Data Information and Confidentiality of Information.- If any authorized person or persons, discloses any kind of Genetic Data Information and Confidentiality of Information, shall be punished with imprisonment for a term, which shall not be less than three years, but which may extend to ten years and with fine.

20. Punishment for abetment, attempt or conspiracy.- Whoever abets, attempts or conspires to commit an offence under this Act shall be punished in the same manner as if he had himself committed that offence.

CHAPTER-VII

Miscellaneous

21. Application of the Code of Criminal Procedure, 1973.-Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) shall apply to the proceeding under this Act.

22. Act to be in addition to any other law.-The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force except to the extent the provisions of other laws are inconsistent with the provisions of this Act.

23. Protection of persons acting in good faith.- No suit, prosecution or other legal proceedings shall be instituted against any person for anything which in good faith is done or intended to be done under this Act or rules made thereunder the provisions of this Act.

24. Power to make rules.- (1) The State Government may make rules for carrying out the purpose of this Act.

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(2) All rules made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session for a period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which they are so laid, or of the session immediately following, the House of the State Legislature makes any modifications in any of such rules, or resolves that any such rule should not be made, such rules 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 thereunder.

25. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order in the Official Gazette, make such provisions, not inconsistent with this Act, as it deems necessary or expedient for removing the difficulty:

Provided that no order under this section shall be made after expiry of three years from the date of the commencement of this Act.

(2) Every notification issued under this section shall, as soon as may be after it is issued, be laid before the House of State Legislature.

ज्ञानप्रकाशगुप ता,

Principal Secretary to the Government.

राज्यकेनरीयमुरणालयपजयुर।