

## Cadavers for anatomical dissection

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Recent media reports – some on the sale of cadavers between medical colleges, and one of police intercepting an ambulance carrying cadavers – force us to examine questions on the law and ethics of cadavers for anatomical dissection.

Cadavers are required for studying the human anatomy in all systems of medicine. As medical institutions of various systems mushroom, the need for cadavers has increased proportionately. Each batch of 100 students needs one dead body. A medical college will require about 10 cadavers per year.

Cadavers used by these institutions are usually unclaimed bodies obtained by the police. Occasionally they are donated by relatives of the deceased, to teaching institutions, according to the dead person's wishes.

An unclaimed cadaver can be obtained legally for purpose of dissection. However, cadavers have also been erroneously or unethically labelled 'unclaimed'. These have been distributed for teaching – a practice doing injustice to the dead and their next of kin.

Some important interests to keep in mind are the ethical and humanitarian need to inform surviving relatives; and the need to record facts of the death for official, statistical and legal purposes, such as discharging legal claims for life insurance and survival pension.

To begin with it is necessary to understand the meaning of 'unclaimed body', 'unidentified body', and 'donated body'.

### The law relating to cadavers

The Anatomy Act, enacted by various states in India and applicable to these states, provides for the supply of unclaimed bodies to hospitals and medical and teaching institutions for the purpose of anatomical examination and dissection and other similar purposes.

The Mysore Anatomy Act, 1957, later amended as the Karnataka Anatomy (Amendment) Act, 1998 (KAA), and enacted by Karnataka State, defines 'unclaimed body' as "the body of a person who dies in a hospital, prison or public place or a place to which members of the public have access, and which has not been claimed by any person interested within such time as may be prescribed." (1,2)

The Human Organs Transplantation Act (THOA) provides for the regulation of removal, storage and transplantation of human organs for therapeutic purposes. Sec.5 (1) defines an 'unclaimed

body' as one in a hospital or prison and "not claimed by any of the near relatives of the concerned person within 48 hours from time of death..."(3)

Section 4 A of the KAA states that a body may be donated if the 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 it be given to an approved institution after his death for the purpose of conducting anatomical examination and dissection or other similar purposes.

An unidentified body is a dead body found in a public place, where the identity of the person could not be established except for the sex and approximate age. It may be an intact or mutilated or skeletonised body.

As per the Karnataka Act Sec 4 (1) if a dead body is found in a public place, hospital, or prison 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" who shall take possession of the unclaimed body. If there is any doubt regarding the cause of death the officer should forward the unclaimed body to the police authorities. Otherwise, he may hand the body to the authority in charge of an approved institution for the purpose of conducting anatomical examination and dissection or other similar purposes.

Under the KAA (Sec 3), the state government may by notification in the official gazette name more officers who shall be competent to act under the said section.

### Discussion

The definition of unclaimed body as per THOA is more scientific and ethical compared to KAA. The body of a person dying in the hospital or in prison, with no claimants, would be ideal for dissection because the identity and cause of death are known.

Labelling a dead body found in a public place "unclaimed" as per the KAA has problems. The cause of death is not known and any concealed injuries are likely to be missed.

At present labelling a dead body found in a public place "unclaimed" or "unidentified" is the discretion of the police. However no such mention is found in the Karnataka police manual.

The working procedure followed now is: if a dead body is found in a public place the police with jurisdiction conduct an enquiry. If they believe that the deceased is a destitute and if there are no

injuries on external examination, it is presumed that the person died of natural causes and the body is labelled as unclaimed. Otherwise it is labelled 'unidentified' and as per the Karnataka police manual (4) a detailed search for the next of kin is made, based on any personal belongings or particulars available on the body, and the body is sent for post mortem examination to determine the cause of death. After autopsy this body cannot be used for dissection and the police disposes of it as an unidentified body.

The KAA is not clear about the 'reasonable waiting period' after a person's death to label it unclaimed. The Kerala Anatomy Rules, 1960, define this as 24 hours if the nearest relative is in the same district and 72 hours if the relative is outside the district. (5)

Imagine a tourist travelling alone from Delhi to Bangalore. If the tourist dies in a public place after coming to Bangalore and if his personal belongings are lost, the body is labelled either unclaimed or unidentified and shifted to a mortuary by the police. The police preserve the available particulars of the deceased, clothes, etc., and if they are able to trace an address the next of kin will be informed. Otherwise, after three days the body will be subjected to post mortem and disposed of. If the police labels it an unclaimed body it will land up on a dissection table. It may be difficult for relatives to claim the body within 72 hours. There is no provision in the KAA for a record of the efforts made by the concerned authority.

The KAA specifically mentions that an "authorised officer" is to take over "unclaimed bodies" and decide whether the body is to be supplied to a medical college or, if foul play is suspected, to inform the police so that they order a post mortem to determine the cause of death. However, in this state no such officer is designated. The police officer has taken the above role.

There is nothing mentioned in the KAA regarding the procedure the medical college must follow when receiving an unclaimed body – documenting the source, any identification marks, providing the necessary certificates, etc. Some colleges even have an excess of bodies but there is no provision in the Act for this excess to be transferred to other colleges or for the body to be sold for value. Nor is there anything on the disposal of body parts after dissection. There is no authority at present to monitor these activities.

In the late 1920s, two men in Edinburgh, Scotland, killed 16 people and sold their bodies for anatomic dissection. There were no external injuries. If one of the men had not turned in evidence, the precise mechanism of this racket might not have been discovered. (6) Similarly in the existing system it is not very difficult to dispose of the body of a murdered person for anatomical dissection.

### Remedial measures

1. The central government should enact an Act applicable to all states and issue guidelines on identifying 'unclaimed bodies' and their distribution to teaching or medical institutions.
2. The government should appoint an independent authority along with the police to monitor the distribution and disposal of unclaimed dead bodies to medical colleges to keep a check on the source of dead bodies in these colleges and prevent an illegal trade in bodies.
3. The government should make it mandatory for recipient colleges to maintain a register on the source of the body, date of receipt, identification marks, photographs and any findings such as injuries for further identification of cases if required.
4. The government should encourage and promote voluntary donation of dead bodies, and the public should be made aware that donating a cadaver for dissection or for other similar purposes is a worthwhile cause.

The dead body is the legitimate subject of human emotion and every step should be taken to identify it. Identification is an individual's birthright.

### References

1. The Mysore Anatomy Act, 1957, *Anatomica Karnataka* 2002; 1(3): 66-69.
2. The Karnataka Anatomy (Amendment) Act, 1998. *Anatomical Karnataka* 2000; 1(1): 32-33.
3. Subramaniam B.V. Law in relation to medical men. In: *Modi's Medical Jurisprudence and Toxicology*. 22 editions, New Delhi, Butterworths, 1999: 724-725
4. Section 1388, *The Karnataka Police Manual*, Vol. II. Government of Karnataka, 1965: 305
5. Jayapalan V.K. Extract from the Kerala Anatomy Rules 1960 In: *Medico Legal Bulletin* 1<sup>st</sup> edition, Trivandrum, 1985: 25.
6. Narayan Reddy. K.S. Raghunath Reddy T. Mechanical Asphyxia In: *Legal medicine for lawyers and doctors*. 1<sup>st</sup> edition, Hyderabad, K Sugunadevi, 1998: 401.