

## **ANDHRA PRADESH CORNEAL GRAFTING ACT, 1963**

**22 of 1963**

**[28th December, 1963]**

### CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Removal of eyes of deceased person
4. Authority to remove eyes when not to be given
5. Authority to remove eyes not to be given by a person who is entrusted with body only for interment or cremation
6. Authority to remove eyes when body is lying in approved institution
- 6A. Authority for removal of eyes in case of unclaimed bodies in hospitals or prisons
- 6B. Authority for removal of eyes from bodies sent for postmortem examination for medico legal or pathological purposes
- 6C. Preservation of eyes removed from dead bodies
- 6D. Protection of action taken in good faith
7. Authority to remove eyes to be sent to the eye specialist, Eye Bank or approved institution
8. Saving
9. Power to make rules

## **ANDHRA PRADESH CORNEAL GRAFTING ACT, 1963**

**22 of 1963**

**[28th December, 1963]**

An Act to make provision with respect to the use of eyes of deceased persons for therapeutic purposes. Be it enacted by the Legislature of the State of Andhra Pradesh in the Fourteenth Year of the Republic of India as follows:

### **1. Short title, extent and commencement :-**

- (1) This Act may be called the Andhra Pradesh Corneal Grafting Act, 1963.
- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) It shall come into force on such date and in such area as the

State Government may, by notification in the Andhra Pradesh Gazette, appoint, and they may appoint different dates for different areas.

## **2. Definitions :-**

In this Act, unless the context otherwise requires,

(a) "approved institution" means a hospital or a medical or teaching institution for therapeutic purposes, approved by the State Government for the purposes of this Act;

\*[(b) "near relative" means any of the following surviving relatives of the deceased, namely, spouse, parent, son, daughter, brother or sister].

(c) "registered medical practitioner" means a person, practising the allopathic system of medicine or any other modern scientific system of medicine, who is borne on the rolls of the register maintained under the law relating to the registration of medical practitioners for the time being in force in India and has undergone such training as may be specified by the State Government in this behalf and is working in an approved institution; and includes any eye specialist notified by the State Government in the Andhra Pradesh Gazette as a Registered Medical Practitioner for the purposes of this Act.

## **3. Removal of eyes of deceased person :-**

(1)

(a) If, at any time, any person has expressed a request in writing that his eyes be used for therapeutic purposes after his death, the person lawfully in possession of his body after his death shall, unless such request had been subsequently withdrawn in writing, \* [allow the removal of the eyes] from the body for those purposes.

(b) Where any such request has been expressed orally in the presence of two or more witnesses during his last illness, the person lawfully in possession of the body of the deceased may, unless he has reason to believe that the request was subsequently withdrawn, \* [allow the removal of the eyes] from the body for the purposes aforesaid.

(2) Without prejudice to the provisions of subsection (1), the person lawfully in possession of the body of a deceased may, \* [allow the removal of the eyes] from the body for the purposes aforesaid, unless that person has reason to believe-

(a) that the deceased had expressed an objection to his eyes 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 deceased's eyes being so dealt with.

(3) An authority given under the provision of this Act in respect of any deceased shall be sufficient warrant for the removal of the eyes from the body of the deceased and their use for the purposes aforesaid; but no such removal shall be effected except by a Registered Medical Practitioner who shall satisfy himself by a personal examination of the body that life is extinct.

**4. Authority to remove eyes when not to be given :-**

The authority for the removal of eyes shall not be given under this Act if the person empowered to give such authority has reason to believe that an inquest may be required to be held on the body of the deceased in accordance with the provisions of any law for the time being in force in that behalf.

**5. Authority to remove eyes not to be given by a person who is entrusted with body only for interment or cremation :-**

No authority for the removal of eyes shall be given under this Act in respect of the body of a deceased by a person entrusted by another person with the body of the deceased for the purposes only of its interment or cremation.

**6. Authority to remove eyes when body is lying in approved institution :-**

In the case of a body of the deceased which is lying in an approved institution, the person having the control or management of such institution, or an officer or person designated by him in this behalf, may authorise in writing the removal of the eyes from the body of the deceased; \*[unless any near relative of the deceased who is present in the institution at the time of the death or who is available in the city, town or village where the institution is situated, objects, within a period of two hours immediately after the death, for such removal.]

**6A. Authority for removal of eyes in case of unclaimed bodies in hospitals or prisons :-**

(1) In the case of a dead body lying in a hospital or prison and not

claimed by any of the near relatives of the deceased person, the authority for the removal of the eyes from the dead body which so remains unclaimed may be given, subject to the provisions of subsection (2), in the prescribed form, by the person in charge, for the time being of the management or control of the hospital or prison or by an employee of such hospital or prison authorised in this behalf by the person in charge of the management or control thereof.

(2) The authority referred to in subsection (1) shall not be given except after the expiry of-

(i) half-an-hour from the time of death of the concerned person, in cases where no facility for cold storage of the dead body is available in the hospital or prison; or,

(ii) two hours from the time of the death of the concerned person in cases where facilities for cold storage of the dead body is available in the hospital or prison.

(3) No authority shall be given under subsection (1) if the person empowered to give such authority has reason to believe that any near relative of the deceased is likely to claim the dead body even though such near relative has not come forward to claim the body of the deceased within the time specified in clause (i) or, as the case may be clause (ii) of subsection

(2). Explanation:- For the purposes of this section "hospital" includes a nursing home, medical or teaching institution for therapeutic purposes or other like institution.

**6B. Authority for removal of eyes from bodies sent for postmortem examination for medico legal or pathological purposes :-**

Where the body of a person has been sent for postmortem examination.

(a) for a medicolegal purpose by reason of the death of such person having been caused by accident or any other unnatural cause; or

(b) for pathological purposes, the person competent under this Act to give authority for the removal of the eyes from such dead body may, if he has reason to believe that the eyes will not be required for the purposes for which such body has been sent for postmortem examination, authorise the removal for therapeutic purposes of the

eyes of such deceased person provided that he is satisfied that the deceased person had not expressed, before his death any objection to his eyes being used for therapeutic purpose after his death or, where he had granted an authority for the use of his eyes for therapeutic purposes after his death, such authority had not been revoked by him before his death".

**6C. Preservation of eyes removed from dead bodies :-**

After the removal of eyes from the body of the deceased person, the Registered Medical Practitioner (Ophthalmic) shall take such steps for the preservation of the eyes so removed as may be prescribed.

**6D. Protection of action taken in good faith :-**

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 under this Act."]

**7. Authority to remove eyes to be sent to the eye specialist, Eye Bank or approved institution :-**

An authority for the removal of eyes given under this Act shall, immediately after the death of the deceased, be sent to any eye specialist notified under clause (c) of Section 2 or to the nearest Eye Bank or, where there is no such Eye Bank, to the nearest approved institution. The person having the control or management of the Eye Bank or the approved institution as the case may be, or an officer or the person designated by him in this behalf or the said eye specialist shall, immediately on receipt of such authority, arrange for the removal of the eyes from the body of the deceased for use for the purposes of this Act.

**8. Saving :-**

(1) Nothing in this Act shall be construed as rendering unlawful any dealing with, or with any part of, the body of a deceased which would have been lawful if this Act had not been passed.

(2) Any authority for the removal of eyes given in accordance with the provisions of this Act shall not be deemed to be a contravention of the provisions of Section 297 of the Indian Penal Code.

**9. Power to make rules :-**

(1) The Government may, by notification make rules for carrying out all or any of the purposes of this Act.

(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 :-

(a) the form in which removal of eyes from unclaimed bodies may be authorised, as required, by Section 6-A;

(b) the preservation of removed eyes, as required by Section 6C;

(c) any other matter which is required to be or may be prescribed.

(3) Every rule made under this Act shall, immediately, after it is made, be laid before the Legislative Assembly of the State if it is in session and if it is not in session, in the session immediately following for total period of fourteen days which may be comprised in one session, or in two successive sessions and if, before the expiration of the session, in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or in the annulment is notified, have effect only in such modified form or shall stand annulled, 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.]