

## **Bihar Corneal Grafting Act, 1960**

**17 of 1960**

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## **Bihar Corneal Grafting Act, 1960**

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### PREAMBLE

An Act to make provision for the removal of eyes of deceased persons for therapeutic purposes.

Be it enacted by the Legislature of the State of Bihar in the Eleventh Year of the Republic of India as follows:-

1. Published in the Bihar Gazette, Extraordinary of the 21st October, 1960.

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

- (1) This Act may be called the Bihar Corneal Grafting Act, 1960.
- (2) It extends to the whole of the State of Bihar.
- (3) This section shall come into force at once and the remaining provisions of this Act shall come into force in such area and on such date as the State Government may, by notification in the Official Gazette, appoint.

### **2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context:-

- (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", in relation to a deceased person, means any of the following relatives of the deceased, namely, wife, husband, parent, son, daughter, brother and sister and including any other person who is related to the deceased-

(i) by lineal or collateral consanguinity within six degrees in lineal or collateral relationship; or

(ii) by marriage either with the deceased or with any relative specifically mentioned in this clause or with any other relative within the aforesaid degrees;

Explanation.--The expression "lineal and collateral consanguinity" shall have the meanings assigned to them in the Indian Succession Act, 1925 (39 of 1925).

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

(d) "recognized" means recognised for the purposes of this Act in such manner as may be prescribed;

(e) "registered medical practitioner" means a practitioner practicing any system of medicine and recognised as a registered medical practitioner under any law for the time being in force in India; and

(f) "unclaimed body" means the body of a deceased person who has no near relative or which has not been claimed by any of his near relatives within such time as may be prescribed.

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

(1) If any person has expressed in writing a request that his eyes be used for therapeutic purposes after his death, the person lawfully in possession of his body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorize in writing the removal of the eyes from the body for those purposes.

(2) Without prejudice to the provisions of sub-section (1), the person lawfully in possession of the body of a deceased person may authorise 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 a near relative of the deceased objects to the deceaseds eyes being so dealt with.

(3) An authority given under the provisions of this section in

respect of any deceased person shall be sufficient warrant for the removal of the eyes from the body and their use for the purpose aforesaid; but no such removal shall be effected except by a recognised registered medical practitioner who has satisfied himself by a personal examination of the body that life is extinct.

#### **4. Authority when not to be given :-**

Authority for removal of eyes under Section 3 shall not be given:-

- (i) if the person empowered to give such authority has reason to believe that an inquest may be required to be held on the body; or
- (ii) after the body has been removed to the burial or cremation ground for the purpose of burial or cremation.

#### **5. Person entrusted with the body only for cremation, etc., not to give authority :-**

No authority for the removal of eyes shall be given under Section 3 in respect of the body of a deceased person by a person entrusted by another person with the body of a deceased person for the purpose only of its burial or cremation.

#### **6. Authority in respect of unclaimed body :-**

In the case of an unclaimed body lying in an approved institution an authority for removal of eyes under this Act may be given by the person having the control or management of such institution in such manner as may be prescribed.

#### **7. Power of the State Government to make rules :-**

(1) The State Government may, after previous publication, make rules not inconsistent with this Act for carrying out the purposes of this Act.

(2) All rules made under this Act shall, as soon as may be after they are made, be laid for not less than fourteen days before both Houses of the State Legislature and shall be subject to such modification as the State Legislature may make.

#### **8. Saving :-**

(1) Nothing in the foregoing provisions of this Act shall be construed as rendering unlawful any dealing with the body or any part thereof, of a deceased person which would have been lawful it

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 contravention of the provisions of Section 297 of the Indian Penal Code, 1860 (45 of 1860).