

1961

THE ORISSA CORNEAL GRAFTING ACT, 1960

TABLE OF CONTENTS

PREAMBLE
SECTIONS

1. Short title, extent and commencement
2. Definitions
3. Removal of eyes of deceased person
4. Authority when not to be given
5. Person entrusted with body only for cremation, etc., not to give authority
6. Authority in respect of unclaimed body
7. Persons authorised to remove
8. Power of the State Government to make rules
9. Saving

ORISSA ACT 1 OF 1961

THE ORISSA CORNEAL GRAFTING ACT, 1960

[Received the assent of the Governor on the 11th January, 1961, first published in an extraordinary issue of the Orissa Gazette, dated the 19th January 1961]

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 Orissa in the Eleventh Year of the Republic of India as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Orissa Corneal Grafting Act, 1960.

(2) It extends to the whole of the State of Orissa

(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, appoint.

Definitions

2. 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, that is, wife, husband, parent, son, daughter, brother and sister and includes any other person who is related to the deceased—

(i) by lineal or collateral consanguinity within three degrees in lineal relationship and six degrees in 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, 39 of 1925 1925 ;

- (c) “prescribed” means prescribed by rules made under this Act ;
- (d) “recognised” means recognised for the purposes of this Act in such manner as may be prescribed ;
- (e) “registered medical practitioner” means a practitioner practising any system of medicine and registered as such 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.

Removal of eyes of deceased persons.

3. (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, authorise in writing the removal of the eyes from the body for the said purposes.

(2) The person so authorising shall, if he expresses his desire in writing at the time of authorisation, be paid such amount in such manner and subject to such conditions as may be prescribed.

(3) 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 eye 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 deceased’s eyes being so dealt with.

(4) 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 purposes aforesaid.

Authority when not to be given.

4. Authority for the 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.

Person entrusted with the body only for cremation, etc., not to give authority.

5. 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.

Authority in respect of unclaimed body.

6. 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.

Persons authorised to remove.

7. Removal of the eyes shall be effected only by a recognised registered medical practitioner who has satisfied himself by a personal examination of the body that life is extinct.

Power of the State Government to make rules.

8. (1) The State Government may, after previous publication, make rules 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 before the State Legislature for a total period of fourteen days which may be comprised in one or more sessions and shall be subject to such modification as the State Legislature may make during the said period.

Saving.

9. (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 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 an act in contravention of the provisions of section 297 of the Indian Penal Code. 15 of 1860