

# Tamil Nadu Corneal Grafting Act, 1960

TAMILNADU

India

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### Act 11 of 1960

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Tamil Nadu Corneal Grafting Act, 1960(Tamil Nadu Act 11 of 1960)Statement of Objects and Reasons. - The Central Council of Health at its meeting held at Bangalore in January 1958 has recommended to the State Governments the desirability of undertaking legislative and educational activity in the interest of promoting corneal grafting. The Madras Anatomy Act 1951 (Madras Act XVIII of 1951), provides for the supply of unclaimed bodies of deceased persons to teaching medical institutions for the purpose of anatomical examination and dissection. That Act does not help to make available material for corneal graft surgery. In order to provide for the removal of eyes of the deceased for the purpose of corneal grafting, it is suggested that that Act might be suitably amended. But even if this is done, sufficient material may not be forthcoming as removal of the eyes whilst they are still fresh, may not be practically possible since the dead body becomes available only if it is not claimed by any near relative of the deceased within the time prescribed under that Act. There is no law at present enabling a person wishing to bequeath his eyes after death for grafting purposes to do so. It is, therefore, proposed to undertake legislation on the lines of the (British) Corneal Grafting Act, 1952 (15 and 16 Geo. 6 and 1 Eliz. 2 Ch. 28) to enable voluntary bequest of eyes.2. The Bill is intended to give effect to the above objects.Published in Part IV-A, page 139 of the Fort St. George Gazette Extraordinary, dated the 16th April 1960.Received the assent of the Governor on the 11th June 1960 and first published in the Fort St, George Gazette on the 22nd June 1960An Act to make provision with respect to the use of the eyes of deceased persons for therapeutic purposes in the [State of Tamil Nadu] [Substituted for the expression 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws Second Amendment) Order, 1969.].Whereas it is expedient to make provision with respect to the use of the eyes of deceased persons for the therapeutic purposes in the [State of Tamil Nadu] [Substituted for the expression 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.];Be it enacted in the Eleventh Year of the Republic of India as follows:-

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

(1) This Act may be called the [TamilNadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969. as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Corneal Grafting Act, 1960. (2) It extends to the whole of the [State of Tamil Nadu] [Substituted for the expression 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]. (3) It shall come into force on such date as the State Government may, by notification, appoint.

## **2. Definitions.**

- In this Act, unless the context otherwise requires, - (1) "approved institution" means an institution specified in the Schedule and includes any other institution declared by the State Government, by notification, to be an approved institution for the purposes of this Act; (2) "near relative" means any of the following relatives of the deceased, namely, a wife, husband parent, son, daughter, brother or sister and includes, any other person who is related to the deceased (i) by lineal consanguinity within three degrees or by collateral consanguinity within six degrees, or (ii) by marriage with any of the relatives aforesaid. Explanation. - The expressions "lineal consanguinity" and "collateral consanguinity" shall have the meanings assigned to them in the Indian Succession Act, 1925 (Central Act XXXIX of 1925), and degrees of relationship shall be computed in the manner laid down in that Act.

## **3. Removal of the eyes of deceased persons.**

(1) If any person, either in writing at any time or orally in the presence of two or more persons during his last illness, has expressed an unequivocal request that his eye or eyes be used for therapeutic purposes after his death, the party lawfully in possession of his body after his death, may, unless the said party has reason to believe that the request was subsequently withdrawn, authorize the removal of the eye or eyes from the body for use for those purposes. (2) Without prejudice to sub-section (1), the party lawfully in possession of the body of a deceased person may authorize the removal of the eye or eyes from the body for the purposes aforesaid, unless that party has reason to believe - (a) that the deceased has expressed an objection to his eye or eyes being so dealt with after his death, and had not withdrawn it: or (b) that the surviving spouse or any near relative of the deceased objects to the eye or eyes of the deceased being so dealt with. (3) An authority given under this Act in respect of any deceased person shall be sufficient warrant for the removal of the eye or eyes from the body and its or their use for the purposes aforesaid; but no such removal shall be effected except by a medical officer possessing the prescribed qualifications and attached to, or employed in, an approved institution, who must have satisfied himself by a personal examination of the body that life is extinct and the eye or eyes shall, after such removal, be handed over by such medical officer to the nearest approved institution. (4) (a) No authority for the removal of the eye or eyes under this Act shall be given if the party empowered to give such authority has reason to believe that an inquest may be required to be held on the body. (b) Any person knowing, or having reason to believe, that an inquest may be required to be held over a dead body gives or abets the giving of any

authority under this Act shall, on conviction before a Magistrate, be liable to fine which may extend to two hundred rupees.(5)No authority shall be given under this Act in respect of the body of a deceased person by any person who has been entrusted with the body solely for the purpose of its internment, burial, cremation or disposal otherwise.(6)In the case of a body lying in a hospital, prison, nursing home or institution, and not claimed by any of the near relatives of the deceased within such time as may be prescribed, an authority under this Act may be given by the person having the control and management of the hospital, prison, nursing home or institution or by any person designated by the first mentioned person in that behalf.(7)Nothing in this Act shall be construed as rendering unlawful any dealing with the body of a deceased person, or any part thereof, which would have been lawful if this Act had not been passed.

#### **4. Power to make rules.**

(1)The State Government may, by notification, make such rules as may be necessary for carrying out, the purposes of this Act.(2)All rules made under this Act shall, as soon as possible after they are made, be placed on the table of [the Legislative Assembly] [Substituted for the words 'both Houses of the Legislature' by the Tamil Nadu Adaptation of Laws Order, 1987.] and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session.

### **Schedule**

[See clause (1) of section 2]

**1. The Government Ophthalmic Hospital, [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996)].**

**2. The Government Stanley Hospital, [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996)].**

**3. The Government Royapettah Hospital, [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996)].**

**4. The Government Erskine Hospital, Madurai.**

**5. The District Headquarters Hospitals at-**

(a)Coimbatore.(b)Cuddalore.(c)Ootacamund.(d)Salem.(e)Thanjavur.(f)Tiruchirappalli.(g)Tirimelveli.(h)Vel