

The U.P. Corneal Grafting Act, 1964

UTTAR PRADESH

India

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Act 23 of 1964

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The U.P. Corneal Grafting Act, 1964(U.P. Act No. 23 of 1964)[Dated 28th September, 1964]Received the assent of the President on September 28, 1964 and published in the U.P. Gazette (Extraordinary), dated October 3, 1964.An Act to make provision with respect to the use of eyes of deceased persons for therapeutic and research purposes.It is hereby enacted in the Fifteenth Year of the Republic of India as follows :

1. Short title, extent and commencement.

(1)This Act may be called the Uttar Pradesh Corneal Grafting Act, 1964.(2)It extends to the whole of Uttar Pradesh.(3)This Act shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires,-(1)"approved institution" means a hospital or a medical teaching or research institution which the State Government may, by notification in the Gazette, approve for the purposes of this Act;(2)"near relative" in relation to a deceased person, means any person related to the deceased as wife, husband, parent, son, daughter, brother, sister and includes any other person who under the personal law governing the deceased may be the heir of the deceased;(3)"prescribed" means prescribed by rules made under this Act;(4)"recognised" means recognised by the State Government for the purposes of this Act in such manner as may be prescribed;(5)"registered medical practitioner" means a practitioner registered under the provisions of the Uttar Pradesh Medical Act, 1917; and(6)"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 two hours of the death of the deceased.

3. Removal of eyes of deceased persons.

(1) If any person either in writing at any time, or orally in the presence of two or more witnesses during his last illness has expressed a request that his eyes be used for therapeutic or research 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in possession of his body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorise the removal of the eyes from the body for the said purposes.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 he has reason to believe that—(a) the deceased had expressed an objection to his eyes being so dealt with after his death, and had not withdrawn such objection; or (b) any near relative of the deceased objects to the deceased's eyes being so dealt with. (3) The eyes of a still-born child may be removed for the aforesaid purposes with the consent of his parents or parent as the case may be. (4) An authority given under 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; but no such removal shall be effected except by a recognised registered medical practitioner working in an approved institution 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 the eyes shall not be given under Section 3—(a) if the person empowered to give such authority has reason to believe that an inquest may be held on the body in accordance with the provisions of any law for the time being in force; (b) by a person entrusted by another person with the body of the deceased person for the purposes only of its interment or cremation.

5. Authority in respect of an 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 in such manner as may be prescribed, by the person having the control or management of such institution or by any other person authorised by him in this behalf.

6. Power of the State Government to make rules.

(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 each House of the State Legislature while it is in session, for a total period of fourteen days extending in its one session or more than one successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the Gazette, subject to such modifications or annulments as the two houses of the Legislature may agree to make; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

7. 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 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.