

An Act to make Provision with respect to the Use
of Eyes of Deceased Persons for Therapeutic
Purposes.

[19th October, 1954.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title and commencement.

1. This Act may be cited as the *Corneal Grafting Act* 1954 and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

Direction by person for use of his eyes after death for therapeutic purposes.

2. (1) Where a person has during his life time by writing in the prescribed form or to the like effect directed that his eyes be used for therapeutic purposes after his death, that direction shall be sufficient authority for the removal of the eyes from his body after his death and their use for the said purposes; but no such removal shall be effected except by a legally qualified medical practitioner who first satisfies himself by personal examination of the body that life is extinct.

(2) If any such medical practitioner has reason to believe that an inquest may be required to be held on the body he shall not proceed to remove the eyes without the consent of the coroner, and the coroner may in any such case give his consent subject to such conditions as he thinks proper.

3. (1) The

3. (1) The Governor in Council may make regulations for or with respect to prescribing forms and any other matters or things necessary or expedient for the purposes of this Act. Regulations.

(2) All such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting or if Parliament is not then sitting within fourteen days after the next meeting of Parliament and a copy of all such regulations shall be posted to each member of Parliament. Publication.

THE UTTAR PRADESH ANATOMY ACT, 1956¹
[U. P. ACT No. VI OF 1957]

[Passed in Hindi by the Uttar Pradesh Legislative Assembly on October 20, 1956, and by the Uttar Pradesh Legislative Council on December 21, 1956.

Received the assent of the Governor on January 14, 1957, under Article 200 of 'the Constitution of India' and was published in the Uttar Pradesh Gazette, Extraordinary, dated January 19, 1957.]

AN
ACT

to provide for the supply of unclaimed dead bodies of deceased persons to teaching medical institutions for the purpose of anatomical examination and dissection

WHEREAS it is expedient to provide for supply of unclaimed dead bodies of deceased persons to teaching medical institutions for the purpose of anatomical examination and dissection;

It is hereby enacted in the Seventh Year of the Republic of India as follows:

Short title,
extent and
commencement

1. (1) This Act may be called the Uttar Pradesh Anatomy Act, 1956.
- (2) It extends to the whole of Uttar Pradesh.
- (3) This section shall come into force at once and the remaining provisions of this Act shall come in to force on such date and in such area as the State Government may by notification² in the official Gazette specify in that behalf.

Definitions

2. (1) In this Act, unless there is anything repugnant in the subject or context-
 - (a) "authorized officer" means an officer authorized to act under section 5 ;
 - (b) "medical institution" means a hospital or a medical or teaching institution established, maintained or recognized as such by notification in the official Gazette, by the State Government to carry on anatomical examination or dissection, or both;
 - (c) "relative" means any person related to the deceased as wife, husband, parent, son, daughter, brother, or sister and includes any other person related to the deceased---
 - (i) by lineal consanguinity within six degrees or by collateral consanguinity within twelve degrees ; or
 - (ii) by marriage with any of the relatives specifically mentioned in this clause or with any other relative within the aforesaid degrees; or

1. For Statement of Objects and Reasons, see Uttar Pradesh, Gazette, Extraordinary, dated August 29, 1956.

2. Sections 2 to 11 of this Act came into force from April 15, 1959, vide notification no, 2037/(1) A/V- 507-1957, dated April 3, 1957, for Kanpur, Unnao, Jalaon, Lucknow, Bara Banki, Sitapur, Hardoi, Allahabad, Fatehpur, pratapgarh, Mirzapur, Agra, Jhansi, Mathura, Varanasi, Ghazipur, Jaunpur, Saharnpur, Meerut, Bulandshahr, Muzzfarnager, Pilibhit and Aligarh Districts.

[The Uttar Pradesh Anatomy Act, 1956]

[Section 3-5]

(iii) as preceptor or disciple within three degrees.

Explanation- The expression "lineal and collateral consanguinity" shall have the meaning assigned to them in the Indian Succession Act, 1925.

(d) "prescribed" means prescribed by Rules made under this Act;

(e) "State Government" means the Government of Uttar Pradesh; and

(f) "dead body" means the dead body of a human being.

(2) Body of a deceased person shall be deemed to be unclaimed if such person has no relative, or if it has not been claimed by any of his relatives, friends or servants within such period as may be prescribed in that behalf.

Power of State Government to authorize officers to act under section 4

3. The State Government may, by notification in the official Gazette, authorize for the area to which this Act is applied or any part thereof, one or more officers to whom a report shall be made under section 4 and who shall be competent to act under the said section.

4. Where the dead body of a person, dying in a hospital or a prison, is unclaimed, the authority incharge of the hospital, or, as the case may be, the prison, shall immediately give intimation of the fact to the authorized officer, who shall dispose it of in the manner laid down in section 5.

5. (1) The authorized officer shall, subject to the provisions of sub-sections (2) and (3), in the case of an unclaimed dead body of a person dying :

(a) in a hospital or a prison; or.

(b) in a public place, not being his place of residence; or

(c) after having dedicated in writing his dead body for the purpose of anatomical examination and dissection;

take possession of the unclaimed dead body and hand it over to a medical institution, requiring it for anatomical examination or dissection or both :

Provided that in cases falling under clause (a) or (b) the authorized officer shall where a relative is known to be alive but has for reason beyond his control failed to claim the body within the prescribed period, hand over the body to such religious or public institutions belonging to the religion of the deceased as maybe prescribed.

(2) The unclaimed dead body of a person who has prior to his death declared that his dead body shall not be subject to anatomical examination or dissection or both, shall be handed over by the authorized officer to such religious or public institution belonging to the religion of the deceased as may be prescribed.

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[Section 6-11]

(3) The authorized officer shall-

- (a) in case of doubt as to the cause of death of the deceased and in any other case where in his opinion it is expedient so to do dispose of the unclaimed dead body in the manner provided therefore, in section 104 of the Code of **Criminal Procedure, 1898** ;
- (b) in the case where the unclaimed dead body is not required by the authority incharge of a medical institution for anatomical examination or dissection or both, dispose it of in such manner as may be prescribed.

Doubt or dispute as to relative	6.	Where any doubt or dispute arises whether person is a relative of the deceased, the matter shall be referred to such officer as may be appointed in this behalf by the State Government and his decision thereon shall be final and conclusive, and, pending such decision, the unclaimed dead body shall be preserved from decay in such manner as maybe prescribed.
Penalty	7.	Whoever disposes of, or abets the disposal of, an unclaimed dead body, save as provided by this Act, or obstructs any authority in charge of a medical institution or an authorized officer from handing over, taking possession of, removing or using, such dead body for the purposes specified in this Act, shall, on conviction, be punished with fine which may extend to five hundred rupees.
Duty of police and other officials to assist in obtaining possession of unclaimed dead bodies	8.	Any authority or officer empowered to act under this Act shall, in the discharge of their duties, be given such assistance and help as he may reasonably require by all the officers and servants of the departments of Police, Medical, Public Health and of the local bodies.
Protection of persons acting under this Act	9.	No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.
Officers to be public servants	10.	All officers appointed or authorized to act under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.
Power to make rules	11.	<p>(1) The State Government may, by notification in the official Gazette, make rules for carrying out the purpose of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide- ----</p> <ul style="list-style-type: none"> (a) the period within which a relative may claim the dead body of a deceased person; (b) the period after which the dead body of a deceased person shall be- deemed to be unclaimed ;

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[Section 11]

- (c) the procedure for the disposal of an unclaimed dead body under section 5;
 - (d) the conditions under which institutions may be recognized for the purposes of sub-sections (1) and (2) of section 5 ;
 - (e) the manner in which an unclaimed dead body be preserved from decay ;
 - (f) the procedure of proceedings under section 6 ; and
 - (g) the matters which are to be and may be prescribed.
- (3) (a) all rules made under this Act shall be published in the official Gazette, and shall, unless some other date is appointed, come into force on the date of such publication.
- (b) all rules made under this Act shall, as soon as may be after they are made, be laid before the Legislature for 14 days and shall be subject to such modifications as the Legislature may make therein.



The Uttar Pradesh Corneal Grafting Act, 1964
Act 23 of 1964

Keyword(s):
Near Relative, Unclaimed Body, Eye Donation

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THE UTTAR PRADESH CORNEAL GRAFTING ACT, 1964*

[U. P. ACT No. XXIII OF 1964]

[*Authoritative English Text† of the Uttar Pradesh Corneal Grafting Adhinyam, 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 :—

Short title, extent and commencement.

1. (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. In this Act, unless the context otherwise requires—

Definitions.

(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.

(*For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette Extraordinary*, dated November 23, 1963.)

(Passed in Hindi by the Uttar Pradesh Legislative Council on March 31, 1964 and by the Uttar Pradesh Legislative Assembly on August 4, 1964.)

†(Received the Assent of the President on September 28, 1964 under Article 200, of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated October 3, 1964.)

Removal of eyes
of deceased
persons.

3. (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.

Authority when
not to be given.

4. 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.

Authority in res-
pect of an unclaim-
ed body.

5. 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.

Power of the
State Govern-
ment to make
rules.

6. (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. (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.

Saving.

(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.

Act
XL of
1860.

Click on the link for online services as per Acts mentioned below:

1. U.P. Anatomy Act 1956 and Rules 1959
2. U.P. Corneal Grafting Act 1964

<http://data-center.co.in/demo/med/index.html>