



The Punjab Corneal Grafting Act, 1963

Act 13 of 1963

Keyword(s):

Approved Institution, Near Relative, Eye Donation, Doctor

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THE PUNJAB CORNEAL GRAFTING ACT, 1963
(PUNJAB ACT No. 13 OF 1973).

Arrangement of sections.

SECTIONS.

1. Short title and extent.
2. Definitions.
3. Removal of eyes of deceased persons.
4. Authority when not to be given.
5. No authority for removal of eyes when body is entrusted to persons by another only for cremation, etc.
6. Authority to remove eyes, when body is lying in approved institutions.
7. Savings.

'THE PUNJAB CORNEAL GRAFTING ACT, 1963

PUNJAB ACT 13 OF 1963

[Received the assent of the Governor of Punjab on the 14th April, 1963 and was first published for general information in the PUNJAB GOVERNMENT GAZETTE (Extraordinary), dated the 16th April, 1963].

1	2	3	4
Year	No.	Short title	Whether affected by Legislation
1963	13	The Punjab Corneal Grafting Act, 1963	

An Act to make provision with respect to the use of eyes of deceased persons for therapeutic purposes.

BE it enacted by the Legislature of the State of Punjab in the Fourteenth Year of the Republic of India as follows :—

1. (1) This Act may be called the Punjab Short title and extent. Corneal Grafting Act, 1963.

(2) It extends to the whole of the State of Punjab.

2. In this Act, unless the context otherwise Definitions. requires,—

(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" means any of the following relatives of the deceased, namely, a wife,

¹For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1962, page 1599.

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 respectively in sections 25 and 26 of the Indian Succession Act, 1925;

- (c) “registered medical practitioner” means a practitioner registered with the Punjab Medical Council or the Medical Council of India.

Removal of eyes
of deceased per-
son.

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 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 use for those purposes.

(2) Without prejudice to the provisions of subsection (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 deceased's 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 registered medical practitioner working in an approved institution who had satisfied himself by a personal examination of the body that life is extinct.

4. The authority for the removal of the eyes not be given under section 3 if the person empowered to give such authority has reason to believe that an inquest may be required to be held on the body in accordance with the provisions of any law for the time being in force in that behalf. Authority when not to be given.

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 interment or cremation. No authority for removal of eyes when body is entrusted to persons by another only for cremation, etc.

6. In the case of a body lying in an approved institution any authority for removal of eyes under this Act may be given on behalf of the person having the control or management of the approved institution by any officer or person designated in that behalf by the first mentioned person. Authority to remove eyes, when body is lying in approved institution.

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 contravention of the provisions of section 297 of the Indian Penal Code.