



The Tamil Nadu Corneal Grafting Act, 1960

Act 11 of 1960

Keyword(s):

Near Relative, Eye Transplant

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[TAMIL NADU] ACT No. 11 OF 1960.

THE [TAMIL NADU] CORNEAL GRAFTING
ACT, 1960.

[Received the assent of the Governor on the 11th June 1960;
first published in the Fort St. George Gazette on
the 22nd June 1960 (Asadha 1, 1882).]

An Act to make provision with respect to the use of
the eyes of deceased persons for therapeutic purposes
in the ³[State of Tamil Nadu].

WHEREAS it is expedient to make provision with respect
to the use of the eyes of deceased persons for therapeutic
purposes in the ³[State of Tamil Nadu] ;

BE it enacted in the Eleventh Year of the Republic of
India as follows :—

1. (1) This Act may be called the ¹[Tamil Nadu] Short title,
Corneal Grafting Act, 1960. extent and
commence-
ment.

(2) It extends to the whole of the ³[State of Tamil
Nadu].

(3) It shall come into force on such date as the
State Government may, by notification, appoint.

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

(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 ;

¹ These words were 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.

² For statement of Objects and Reasons, see *Fort St. George
Gazette* Extraordinary, dated the 16th April 1960, Part IV-A,
page 139.

³ This expression was 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 Amen-
dment) Order, 1969.

(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.

Removal of the eyes of deceased persons.

3. (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.

short notice
of the
removal of
the eyes of
deceased
persons.

(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—

Definitions—

(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;

(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) Any 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 use for the purposes aforesaid, but no such removal shall be affected except by a medical officer possessing

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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. (1) The State Government may, by notification, ^{Power to} make such rules as may be necessary for carrying out ^{make rules.} 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 both Houses of the Legislature 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.

THE SCHEDULE.

[See clause (1) of section 2.]

1. The Government Ophthalmic Hospital, Madras.
2. The Government Stanley Hospital, Madras.
3. The Government Royapettah Hospital, Madras.
4. The Government Eriskine Hospital, Madurai.
5. The District Headquarters Hospitals at—

- | | |
|-----------------|----------------------|
| (a) Coimbatore. | (e) Thanjavur. |
| (b) Cuddalore. | (f) Tiruchirappalli. |
| (c) Ootacamund. | (g) Tirunelveli. |
| (d) Salem. | (h) Vellore. |