

The Andhra Pradesh Corneal Grafting (Amendment) Act, 1986

Act 10 of 1986

Keyword(s):

Approved Institution, Near Relative, Recognised, Registered medical Practitioner, Unclaimed Body

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**THE ANDHRA PRADESH CORNEAL GRAFTING
(AMENDMENT) ACT, 1986.***

ACT No. 10 OF 1986.

[24th April, 1986]

An Act to amend the Andhra Pradesh Corneal Grafting Act, 1963.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Andhra Pradesh Short title. Corneal Grafting (Amendment) Act, 1986.

2. In the Andhra Pradesh Corneal Grafting Amendment of section 2, Act 22 of 1963. Act, 1963 (hereinafter referred to as the principal Act), in section 2, for clause (b), the following clause shall be substituted, namely:—

“(b) “near relative” means any of the following surviving relatives of the deceased, namely, spouse, parent, son, daughter, brother or sister.”

3. In section 3 of the principal Act— Amendment of section 3.

(i) in sub-section (1),—

(a) in clause (a), for the words “authorise in writing the removal of the eyes”, the words “allow the removal of the eyes” shall be substituted ;

(b) in clause (b), for the words “authorise in writing the removal of the eyes” the words, “allow the removal of the eyes” shall be substituted ;

(ii) in sub-section (2), for the words “authorise in writing the removal of the eyes” the words, “allow the removal of the eyes” shall be substituted;

4. In section 6 of the principal Act, for the Amendment of section 6. portion beginning with the words “but where any near relative” and ending with the words “fo

*Received the assent of the Governor on the 24th April, 1986. For Statement of Objects and Reasons, please see the *Andhra Pradesh Gazette*, Part, IV-A, Extraordinary, dated the 1st April, 1986, at page 6.

such removal", the following shall be substituted, namely :—

"unless any near relative of the deceased who is present in the institution at the time of the death or who is available in the city, town or village, where the institution is situated, objects, within a period of two hours immediately after the death, for such removal."

Insertion of
new section
6-A, 6-B, 6-C
and 6-D.

5. After section 6 of the principal Act, the following sections shall be inserted, namely :—

6A. (1) In the case of a dead body lying in a hospital or prison and not claimed by any of the near relatives of the deceased person, the authority for the removal of the eyes from the dead body which so remains unclaimed may be given, subject to the provisions of sub-section (2), in the prescribed form, by the person-in-charge, for the time being of the management or control of the hospital or prison or by an employee of such hospital or prison, authorised in this behalf by the person-in-charge of the management or control thereof.

*Authority
for removal of
eyes in case
of unclaimed
bodies in
hospitals or
prisons.

tion (2), in the prescribed form, by the person-in-charge, for the time being of the management or control of the hospital or prison or by an employee of such hospital or prison, authorised in this behalf by the person-in-charge of the management or control thereof.

(2) The authority referred to in sub-section (1) shall not be given except after the expiry of—

(i) half-an-hour from the time of death of the concerned person, in cases where no facility for cold storage of the dead body is available in the hospital or prison ; or

(ii) two hours from the time of the death of the concerned person, in cases where facility for cold storage of the dead body is available in the hospital or prison.

(3) No authority shall be given under sub-section (1), if the person empowered to give such authority has reason to believe that any near relative of the deceased is likely to claim the dead body eventhough such near relative has not come forward to claim the body of the deceased within the time specified in clause (i) or, as the case may be clause (ii) of sub-section (2).

Explanation.—For the purposes of this section “hospital” includes a nursing home, medical or teaching institution for therapeutic purposes or other like institution.

6B. Where the body of a person has been sent for post-mortem examination

Authority for removal of eyes from bodies sent for post-mortem examination for medico legal or pathological purposes.

(a) for a medico-legal purposes by reason of the death of such person having been caused by accident or any other unnatural cause; or

(b) for pathological purposes, the person competent under this Act to give authority for the removal of the eyes from such dead body may, if he has reason to believe that the eyes will not be required for the purposes for which such body has been sent for post-mortem examination, authorise the removal for therapeutic purposes of the eyes of such deceased person provided that he is satisfied that the deceased person had not expressed, before his death, any objection to his eyes being used for therapeutic purposes after his death or, where he had granted an authority for the use of his eyes for therapeutic purposes after his death, such authority had not been revoked by him before his death.

6-C. After the removal of eyes from the body of the deceased person, the registered medical practitioner (Ophthalmic) shall take such steps for the preservation of the eyes so removed as may be prescribed.

Preservation of eyes removed from dead bodies.

6-D. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

Insertion of
new section 9

6. After section 8 of the principal Act, the following section shall be added, namely :—

9. (1) The Government may, by notification,
“Power to make rules. make rules for carrying out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the form in which removal of eyes from unclaimed bodies may be authorised, as required by section 6-A ;

(b) the preservation of removed eyes, as required by section 6-C ;

(c) any other matter which is required to be or may be prescribed.

(3) Every rule made under this Act shall, immediately after it is made, be laid before the Legislative Assembly of the State if it is in Session and if it is not in Session, in the Session immediately following for a total period of fourteen days which may be comprised in one Session, or in two successive sessions and if, before the expiration of the Session in which it is so laid or the Session immediately following, the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form, or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule”.