



**The Arunachal Pradesh Eyes (Authority for Use for Therapeutic Purposes)
Act, 1991**

Act 3 of 1992

Keyword(s):

Near Relative, Registered Medical Practitioner, Eyes, Eye Donation

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THE ARUNACHAL PRADESH EYES (AUTHORITY FOR USE
THERAPEUTIC PURPOSES) ACT, 1991
(Act No. 3 of 1992)

(Received the assent of the Governor on 4-2-92)

AN
ACT

to provide for the use of eyes of deceased persons for therapeutic purposes and for matters connected therewith.

BE it enacted by the Legislative Assembly of Arunachal Pradesh in the Forty-second Year of the Republic of India as follows :

1. (1) This Act may be called the Arunachal Pradesh Eyes (Authority for Use for Therapeutic Purposes) Act, 1991. Short title, extent and commencement.

(2) It extends to the whole of the State of Arunachal Pradesh.

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

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

(a) "Government" means the Government of Arunachal Pradesh,

(b) "near relative", in relation to a deceased persons, means any persons related to him as spouse, parent, son, daughter, brother or sister and includes any other person who is related to him—

(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 respectively assigned to them in the Indian Succession Act, 1925, and degrees of relationship shall be computed in the manner laid down in that Act ;

(c) "prescribed" means prescribed by rules made under this Act :

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(d) "registered medical practitioner (Ophthalmic)" means a medical practitioner who possesses any recognised medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956, and possesses a post-graduate qualification in Ophthalmology or a certificate showing that he had receive training in enucleation procedure in that Ophthalmic Department of a hospital or teaching institution for their practice purposes approved by the Government in this behalf and who is enrolled on a State Medical Register as defined in clause (k) of the said section.

Authority
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eyes of
deceased
persons.

3. (1) If any person had either in writing in the presence of two or more witnesses (at least one of whom is near relative of such person), unequivocally authorised, at any time before his death, the use of his eyes, after his death, for therapeutic purposes (such person being hereafter in this sub-section referred to as the donor), the person lawfully in possession of the dead body of the donor shall, unless he has any reason to believe that the donor had subsequently revoked the authorisation aforesaid, grant to a registered medical practitioner (ophthalmic) all reasonable facilities for the removal, for therapeutic purpose, of the eyes from the dead body of the donor.

(2) Where no such authorisation as is referred to in sub-section (1) was made by any person before his death but no objection was also expressed by such person to his eyes being used after his death for therapeutic purposes, the person lawfully in possession of the body of the deceased person may, unless he has reason to believe that any near relative of the deceased person has objection to the deceased person's eyes being used for therapeutic purposes, authorise the removal of the eyes of the deceased person for their use for therapeutic purposes.

(3) The authority given under sub-section (1) or as the case may be, under sub-section (2), shall be sufficient warrant for the removal, for therapeutic purposes, of the eyes from the body of the deceased person but no such removal shall be made by any person other than a registered medical practitioner (Ophthalmic) who had satisfied himself, before such removal, by a personal examination of the body from which eyes are to be removed, that life is extinct in such body.

Removal
of eyes
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autho-

4. (1) No facilities shall be granted under sub-section (1) of section 3 and no authority shall be given under sub-section (2) of that section for the removal of eyes from the body of a deceased person if the person

required to grant such facilities, or empowered to give such authority, has reason to believe that an inquest may be required to be held in relation to such body in pursuance of the provisions of any law for the time being in force.

rised in certain cases.

(2) No authority for the removal of eyes from the body of a deceased person shall be given by a person to whom such body has been entrusted solely for the purpose of interment, cremation or other disposal.

5. Where the body of person has been sent for postmortem examination, —

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

(a) for 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 postmortem examination, authorise the removal therefor 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. After the removal of the 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 and available

Preservation of eyes removed from dead bodies.

7. (1) Nothing in the foregoing provisions of this Act shall be construed as rendering unlawful any dealing with the body or with any part of the body of a deceased person if such dealing would have been lawful if this Act had not been passed.

Savings.

(2) Neither the grant of any facility or authority for the removal of eyes from the body of a deceased person in accordance with the provisions of this Act nor the removal of eyes from the body of a deceased person in pursuance of such authority shall be deemed to be an offence punishable under section 297 of the Indian Penal Code.

Protection 8. No suit, prosecution or other legal proceeding of action shall lie against any person for anything which is in good taken in faith done or intended to be done under this Act. good faith..

Power to 9. (1) The Government may, by notification in the make rules. Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, 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 5;

(b) the preservation of removed eyes, as required by section 7;

(c) the publicity which may be given to the provisions and objects of this Act,

(d) any other matter which is required to be of may be prescribed.