

13 JUL 2003

POLICE NOTICE 29th July 2003 (released in both English and Marathi)

Special Para for Police Notice

Dy. Commissioner of Police (H.Q.1)

SUB.: - REMOVAL OF EYES IN POST MORTEM CASES IN MUMBAI

Under the Transplantation of Human Organs Act 1994 authority has been given for removal of eyes from bodies sent for post mortem examination for medico-legal or pathological purposes.

The Act specifies that the person competent under this Act shall have the authority to remove or allow removal of the eyes if:-

1. he feels these are not required for the purposes for which such body as been sent for post-mortem examination (i.e. will not affect findings of the post mortem) and
2. he is satisfied that the deceased person had not expressed before his death any objection to any of his human organs being used, for therapeutic purposes, after his death.

An effort to retrieve undamaged corneas from deceased donors in hospital wards after obtaining written consent of relatives and before PM proceedings has to be undertaken within 3 to 6 hours after death. In this regard a decision has been taken that there should be no objection to the removal of the cornea before Post Mortem except in such cases where the preservation of the corneas is essential and would lead to evidence throwing light on the facts of the case under investigation and the circumstances of the death. In all other cases NOC for removal of corneas should be given by the police immediately in consultation with the doctor on duty.

These instructions should be brought to the notice of all Police Stations for immediate compliance.

Signed: **Rajnish Seth**

(Deputy Commissioner of Police, H.Q.1, Mumbai)

12 JUL 2004

No.DGP/24/34/Eye Bank/2003,
Mumbai, dt. 12-7-2004.

Sub : Facilitating eye donation in post-mortem cases within Maharashtra State.

CIRCULAR

Under the " Transplantation of Human Organs Act, 1994" authority has been given for removal of eyes from the body sent for post-mortem examination for medico-legal or pathological purposes subject to certain terms & conditions as specified in the said Act.

2. Section 6 of the Transplantation of Human Organ Act, 1994, reads as under :-

"Authority for removal of human organs from bodies sent for post-mortem examination for medico-legal or pathological purposes. - Where the body of a person has been sent for post-mortem examination -

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

d) b) for pathological purposes;

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

3. An effort to retrieve undamaged corneas from the deceased donors after obtaining written consent of relatives and before post-mortem examination has to be undertaken within 3 to 6 hours after the death. In this connection, Eye Bank Association of India has requested to issue instructions to all the concerned that police may allow removal of corneas immediately with the consultation of Doctors from Eye Bank before performing a post-mortem to facilitate the donation of a healthy eye/corneas only in cases where preservation of eye / corneas is not essential for normal police investigation or legal proceedings.

4. All unit commanders are requested that they may issue suitable instructions to all the officers working under them that after satisfying themselves about (a) that the request is made by the consenting relatives of the deceased for donation of eyes, (b) the doctors from the Eye Bank registered with the State Govt. have produced such written consent from the relative of the deceased patient, (c) it complies with the relevant provisions of Transplantation of Human

Organ Act, 1994, (d) preservation of eyes / corneas is not essential and would not interfere with the normal police investigation or legal proceedings, may allow removal of such eyes / corneas immediately in consultation with the concerned medical officer, as prescribed above.

(K.L. Bishnoi)

Dy. Inspector General of Police (L & O),
For Director General of Police, M.S., Mumbai.

To

All Comms. of Police
All Supdts. Of Police.

Copy to :-

All Range Spl. Is. G. of Police.

2. For information & necessary action.

Copy w.cs. to :-

The Director General,
Health Services, St. George Hospital, Mumbai-1.

3. With a request to intimate all the registered Eye Banks in Maharashtra State accordingly.

Copy to :

Shri Suresh Guptan,
Life Member of Eye Bank of India,
16, Shivaji Park, Dadar,
Mumbai-400 028.

Copy to :-

The D.O., D.No.14 of D.G's office.

R.05. Cr.