

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

UNSTARRED QUESTION NO:477

ANSWERED ON:22.02.2006

SALE OF KIDNEYS

Gudhe Shri Anantrao;Jogi Shri Ajit;Pallani Shamy Shri K.C .

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether in the recent past several cases regarding selling of kidneys in the Hospitals have been reported;
- (b) if so, the details of cases reported so far;
- (c) the action taken against the doctors and hospitals involved in such illegal activities;
- (d) whether the Government has provided any assistance to the victims;
- (e) if so, the details thereof;
- (f) the details of foreign nationals who came to India for treatment during the last two years;
- (g) the number of such nationals out of them who underwent Kidney transplantation;
- (h) the stringent measures the Government proposes to take to keep a check on the incidents of selling of Kidneys;
- (i) whether the Transplantation of Human Organs Act enacted in 1994 has not yet been adopted by some of the States; and
- (j) if so, the details of such States and the reasons therefor?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH & FAMILY WELFARE (SMT. PANABAKA LAKSHMI)

(a): Some incidents of alleged illegal transplant of kidneys have come to the notice of Government of India.

(b)&(c): Under Section 13 of the Transplantation of Human Organs Act,(THOA) 1994, the Central and the State Governments are empowered to appoint Appropriate Authorities for the purpose of the THOA Act. The Appropriate Authorities appointed by the Central and the State Governments are empowered to investigate any complaints of breach of provisions of the Act including those pertaining to sale and purchase of human organs, including kidneys. Details of cases of illegal kidney and other organ transplantations in various Government/private hospitals reported and action taken during the last three years (2003, 2004 & 2005) from various States/UTs is Annexed.

(d) & (e): Sale and purchase of organs is not permissible under THOA Act, 1994. However in case it has been proved that organs of a person has been removed by the doctor without his/her consent, the concerned doctor/hospital is liable for legal action under the existing law. There is no provision under the Act to provide compensation by the Government to such victims.

(f) & (g): This information is not centrally maintained by the Ministry of Health & Family Welfare.

(h): Sale and purchase of human organs including kidneys is already banned under the provisions of the Transplantation of Human Organs Act, 1994. This Act already contains stringent provisions for punishing removal of human organ without authority and for commercial dealings in human organs.

(i) & (j): The Transplantation of Human Organ Act, 1994 have been adopted by all States/UTs. except the Government of Andhra Pradesh (who have their own Act), and Government of Bihar.

Annexure

DETAILS OF CASES OF ILLEGAL KIDNEY AND OTHER ORGAN TRANSPLANTATIONS IN VARIOUS GOVERNMENT/PRIVATE HOSPITALS REPORTED AND ACTION TAKEN DURING THE LAST THREE YEARS (2003, 2004 AND 2005) RECEIVED FROM VARIOUS STATES/UTs

S.No Name of State/ Union Territory Details of cases reported

1	Andhra Pradesh	Nil
2	Arunachal Pradesh	Nil
3	Assam	Nil
4	Chhattisgarh	Govt of Chhattisgarh have informed that no case of illegal transplant of kidney in Government and private hospitals has come to light during 2004.
5	NCT of Delhi	Delhi Police has registered six FIRs in respect of illegal kidney transplantations in Research and Referral Hospital, New Delhi, Indraprastha Apollo Hospital, New Delhi, Sir Ganga Ram Hospital, New Delhi and Kakkar Hospital, Amritsar. As a result, ten people were arrested by the Delhi Police. The Commissioner, Delhi Police has informed on 31.07.2005 that the cases included in the five out of the six FIRs are currently under investigation. The case included in the sixth FIR (No.186 dated 23.03.2004) has been filed as untraced for want of evidence.
6	Goa	Nil
7	Gujrat	Nil
8	Haryana	Nil
9	Himachal Pradesh	Nil
10	Maharashtra	Government of Maharashtra have informed that in January 2004 Dr. S.P. Trivedi of Bombay Hospital, Mumbai has been prosecuted for the charges of cheating and forgery that deal with illegal trafficking of human organs. The matter was sub-judice as on 3.12.2004.
11	Manipur	Nil
12	Mizoram	Nil
13	Meghalaya	Nil
14	Nagaland	Nil
15	Pondicherry	Nil
16	Punjab	Government of Punjab have reported that sale

of human organs for transplant, particularly kidneys was detected in a few cases in the State which are under investigation of the Special Investigating Team constituted for this purpose. As a result of the investigations, many people have been arrested and one hospital, namely, Ram Saran Dass Kishorilal Charitable Trust Hospital, Amritsar has been deregistered. However, there is no large scale exploitation of the poor in the name of organ transplant in the State.

17	Sikkim	Nil
18	Tamil Nadu	Govt of Tamil Nadu have informed that no case of illegal transplant of kidney in Government and private hospitals has come to light during 2004.
19	Tripura	Nil
20	Uttar Pradesh	Government of Uttar Pradesh have informed that no case of illegal transplant of kidney in Government and private hospitals has come to light between 1.1.2004 and 30.11.2004.
21	West Bengal	Govt of West Bengal have informed that no case of illegal transplant of kidney in Government and private hospitals has come to light during 2004.
22	Andaman and Nicobar	Nil
23	Chandigarh	Nil
24	Dadra and Nagar Haveli	Nil
25	Daman and Diu	Nil
26	Lakshadweep	Nil