

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

UNSTARRED QUESTION NO:3183
ANSWERED ON:14.12.2005
DONATION OF ORGANS
Patil Shri Balasaheb Vikhe

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

- (a) whether Hon`ble Supreme Court has recently passed an order and given directions to Government on donation of organs;
- (b) if so, the details thereof;
- (c) the reaction of the Government thereto;
- (d) whether the Government is contemplating to formulate some guidelines in this regard; and
- (e) if so, the details thereof?

Answer

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

(a) to (c) Hon`ble Supreme Court in their judgement dated 31.3.2005 in Writ Petition No. 156 filed by Shri Kuldip Singh and other versus State of Tamil Nadu and others has opined that in order to rule out commercial dealings in donation of organs, it would be desirable to require the donor and recipient to give details of their financial incomes and vocations for previous three years. This would help the Authorisation Committees to assess whether any commercial dealings are involved or not. It would be appropriate if the Rules and Form I are amended accordingly. The Hon`ble Court has also observed that it would be appropriate for all States to adopt this Act. A copy of the judgement dated 31.3.2005 of Hon`ble Supreme Court has been circulated to all hospitals/institutions in the Union Territories registered under the Transplantation of Human Organs Act, 1994 as well as to the Health Secretaries of all the States for information and appropriate necessary action.

(d) & (e) Review and updation of the existing guidelines on donation of human organs is a continuous process.