

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

UNSTARRED QUESTION NO:417

ANSWERED ON:20.11.2009

AMENDMENTS IN TRANSPLANTATION OF HUMAN ORGAN ACT,1994

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

- (a) whether the Government proposes to amend the Transplantation of Human Organ Act, 1994;
- (b) if so, the details thereof;
- (c) whether the number of donated organ is not sufficient to meet the demand in the country;
- (d) if so, the number of patients who require organ transplant and the number of organs transplanted during the last three years and the current year;
- (e) the total number of patients who die every year due to non-availability of timely transplantation in the country;
- (f) whether the Government is planning to launch National Transplantation Programme to regulate organ transplants in the country; and
- (g) if so, the details thereof?

Answer

THE MINISTER OF HEALTH AND FAMILY WELFARE(SHRI GHULAM NABI AZAD)

(a): Yes.

(b): The broad areas involving amendments to the Act are:

1. To rename the Act as the "Transplantation of Human Organs and Tissues Act";
2. To expand the definition of the term 'near relatives' to include grandparents and grandchildren;
3. To provide for the enucleation of corneas by a trained technician;
4. To enable a surgeon/physician and an anesthetist/intensivist to be included in the medical board in the event of non availability of a neurosurgeon/ neurologist for certification of brain death;
5. To make it mandatory for the ICU/Treating Medical Staff to request relatives of brain dead patients for organ donation;
6. To provide for Swap Donations of organs;
7. To empower the Central Government to prescribe the composition of Authorisation Committees and to empower Union Territories to set up their own authorization committees;
8. To regulate the transplantation of organs for foreign nationals;
9. To prevent the exploitation of minors;
10. To provide for the establishment of Advisory Committees for Appropriate Authorities;
11. To vest in Appropriate Authorities, the power to summon persons, seek production of documents, issue search warrants etc;
12. To establish a National Organ Retrieval, Banking & Transplantation Network;
13. To provide for the development and maintenance of a national registry of the recipients of organ transplants;
14. To create the position of a 'Transplant Coordinator' in all hospitals registered for organ retrieval and or transplantation;
15. To provide for the registration of Non Government Organisations working in the field of organ retrieval and or transplantation in any manner whatsoever;
16. To enhance the penalties under the act; and
17. To expand the rule making powers of the Central Government.

(c) to (g): Health is a state subject. Data regarding Organ Transplantation is not maintained centrally.