

Lok Sabha Parliamentary Q & A on Organ Donation & Transplantation

GOVERNMENT OF INDIA

MINISTRY OF HEALTH AND FAMILY WELFARE

LOK SABHA

UNSTARRED QUESTION NO 417

ANSWERED ON 20.11.2009

AMENDMENTS IN TRANSPLANTATION OF HUMAN ORGAN ACT,1994

- 417. Shri ASADUDDIN OWAISI**
MILIND MURLI DEORA
NEERAJ SHEKHAR
ANAND PRAKASH PARANJPE

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.