

**Lok Sabha Parliamentary Q & A on Organ Donation &
Transplantation**

**GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE**

**LOK SABHA
UNSTARRED QUESTION NO 6972
ANSWERED ON 11.05.2005**

LAWS ON ORGAN DONATION

6972 . Smt. INGRID MCLEOD

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

- (a) whether the Hon`ble Supreme Court has given some suggestions in relation to organ donation;
- (b) if so, the details thereof; and
- (c) the steps being taken by the Government to make law in this regard?

ANSWER

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

(a): Yes, Sir.

(b): Hon`ble Supreme Court vide their judgement dated 31.3.2005 in Writ Petition No. 156 filed by Shri Kuldip Singh and others v/s State of Tamil Nadu has suggested that in the case of donor`s willingness to donate the organ, the approval for donation is to be given by the state of his/her residence and before granting permission for donation of organ, recipient and donors may be requested to furnish income particulars for the previous three financial years and their vocations and accordingly rules/act may be amended.

(c): The suggestions given by Hon`ble Supreme Court have been referred to the Committee constituted by the Government on the directions of Hon`ble Delhi High Court (as per the judgement dated 6.9.2004 in W.P. No. 813/2004) to review the provisions of the Transplantation of Human Organs Act, 1994 and the Transplantation of Human Organs Rules,1995 for necessary action.