

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

UNSTARRED QUESTION NO:1052
ANSWERED ON:09.03.2005
ORGAN DONATION
Kharventhan Shri Salarapatty Kuppusamy

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

- (a) whether the Government is aware that there is large scale exploitation of poor people in the country in the name of organ donation ;
- (b) if so, the action taken by the Government thereon ;
- (c) whether the Government has proposed for the creation of a fund to give incentive to the honest donors and various measures providing for stringent punishment to the offenders ; and
- (d) if so, the details thereof?

Answer

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

(a) & (b): Some cases of alleged illegal transplantation of kidneys have come to the notice of the Government of India. Sale and purchase of human organs is banned under the provisions of the Transplantation of Human Organs Act, 1994. The Act contains stringent provisions for punishing any one who commits such offences. Under Section 13 of the Transplantation of Human Organs Act, 1994, the Central and State Governments are empowered to appoint Appropriate Authorities for the purpose of the Act who are empowered to investigate any complaints of breach of provisions of the Act including those pertaining to sale and purchase of human organs. The Director General of Health Services is the Appropriate Authority appointed by the Central Government in respect of Union Territories. In respect of States, action under the Transplantation of Human Organs Act, 1994 has to be taken by the concerned Appropriate Authority.

(c) & (d): A Committee has been constituted by the 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. The creation of such a fund is, inter-alia, included under the terms of reference of the said Committee. The recommendations of the said Committee are awaited. However, as regards stringent punishment to the offenders, as already stated, the Act contains stringent provisions for punishing any one who commits such offences.