

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

STARRED QUESTION NO:110

ANSWERED ON:08.12.2004

KIDNEY RACKET

Channappa Shri Kunnur Manjunath;Shukla Smt. Karuna

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

- (a) whether the Government proposes to enact new laws to amend Kidney Transplantation Act so as to take action against the persons involved in illegal removal and transplantation of kidney as reported in the 'Rashtriya Sahara' dated October 2, 2004;
- (b) whether cases of illegal human organ transplantation has also come to the notice of the Government;
- (c) if so, whether some prestigious hospitals in the country are also involve in the above such activities;
- (d) if so, the names of such hospitals, State-wise;
- (e) the action taken/proposed to be taken by the Government against such hospitals;
- (f) whether several gangs are operating in this trade of clandestine kidney/organ transplantation;
- (g) if so, whether the Government proposes to conduct an enquiry into the matter; and
- (h) if so, the details thereof?

**Answer**

THE MINISTER OF HEALTH AND FAMILY WELFARE (DR. ANBUMANI RAMADOSS)

(a)to(h): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 110 FOR 8TH DECEMBER, 2004

Some cases of alleged illegal transplant of kidneys have come to the notice of the Government of India. The news-report in the "Rashtriya Sahara" dated 2nd October, 2004, pertains to some such cases of alleged illegal transplant of kidneys in Delhi.

In regard to the above news item, Delhi Police has registered five FIRs during this year in respect of illegal kidney transplantation in Research & Referral Hospital, New Delhi; Indraprastha Apollo Hospital, New Delhi; and Sir Ganga Ram Hospital, New Delhi. As a result, ten people have been arrested by the Delhi Police. The cases are currently under investigation by the Delhi Police.

As regards other instances, action has been taken by the Government of Maharashtra under the Transplantation of Human Organs Act, 1994, against a doctor of Bombay Hospital, Mumbai. The matter is sub-judice. The Government of Punjab has also taken action against the Ram Saran Dass Kishori Lal Charitable Trust Hospital, Amritsar, under the Transplantation of Human Organs Act, 1994. The Punjab Government has further decided to form a high power Committee under the Chairmanship of Chief Secretary to Government of Punjab to review and make suggestion and has issued Guidelines to protect the donor from exploitation.

Sale and purchase of human organs including kidneys is banned under the provisions of the Transplantation of Human Organ 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, including kidney. The Director General of Health Services is the Appropriate Authority appointed by the Central Government in respect of Union Territories including the National Capital Territory of Delhi. However, in respect of the States, action under the Transplantation of Human Organs Act, 1994, has to be taken by the concerned Appropriate Authority.

As far as amendment in the Transplantation of Human Organs Act, 1944, is concerned, a Committee has been constituted by the Ministry of Health & Family Welfare, Government of India, in September, 2004, under directions of Delhi High Court in Case No. WP(C) 813/2004, to look into various aspects relating to transplantation of human organs and to suggest corrective measures. The Committee has been asked to give its report by January, 2005.