

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

UNSTARRED QUESTION NO:3081

ANSWERED ON:19.08.2011

ILLEGAL TRANSPLANTATION OF HUMAN ORGANS

Jaiswal Shri Gorakh Prasad ;Yadav Shri M. Anjan Kumar

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

(a) whether the illegal transplantation of human organs taken from poor people outside the immediate family members could not be effectively stopped through Transplantation of Human Organs Act, 1994 due to connivance of Doctors and touts;

(b) if so, the reaction of the Government in this regard;

(c) whether the Government has made any inquiry into it; and

(d) if so, outcome thereof alongwith remedial steps taken by the Government thereon?

Answer

THE MINISTER FOR HEALTH & FAMILY WELFARE (SHRI GHULAM NABI AZAD)

(a) & (e) No. However, some incidents of illegal transplant of human organs have come to the notice of Government of India. Information supplied by various States during the last few years regarding such incidents is at Annexure.

Sale and purchase of human organs including kidneys is already banned under the provisions of the Transplantation of Human Organs Act, 1994. Under Section 13 of the Transplantation of Human Organs Act, 1994, the Central and the State Governments are empowered to appoint Appropriate Authorities for the purpose of the Act. The Appropriate Authorities appointed by the Central and the State Governments are empowered to investigate any complaints of breach of provisions of the Act including those pertaining to sale and purchase of human organs, including kidneys.

The Director General of Health Services is the Appropriate Authority in respect of the Union Territories including 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. This Act already contains stringent provisions for punishing removal of human organ without authority and for commercial dealings in human organs.

The Transplantation of Human Organs (Amendment) Bill, 2011 has already been passed recently by the Lok Sabha. The proposed amendments provide more stringent and prohibitive punishment and penalty for those indulging in illegal dealings in human organs and tissues.