

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

UNSTARRED QUESTION NO:4553
ANSWERED ON:21.02.2014
DETERMINATION OF BRAIN DEATH
Meghe Shri Datta Raghobaji

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

- (a) the existing guidelines/procedures for diagnosis/determination of brain death in the country;
- (b) whether the Government propose to amend the aforesaid guidelines/ procedures to ensure the availability of advanced critical healthcare services in the country; and
- (c) if so, the details thereof and if not, the reasons therefor?

Answer

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABIAZAD)

(a): As per sub-section (d) of section 2 of the Transplantation of Human Organs Act 1994, the "Brain Stem death" means the stage at which all functions of the brain stem have permanently and irreversibly ceased and is so certified under sub-section (6) of section 3, which is reproduced below: Where any human organ is to be removed from the body of a person in the event of his brain-stem death, no such removal shall be undertaken unless such death is certified, in such form and in such manner and on satisfaction of such conditions and requirements as may be prescribed, by a Board of medical experts consisting of the following namely:

- (i) the registered medical practitioner in charge of the hospital in which brain-stem death has occurred;
- (ii) an independent registered medical practitioner, being a specialist, to be nominated by the registered medical practitioner specified in clause (i), from the panel of names approved by the Appropriate authority;
- (iii) a neurologist or a neurosurgeon to be nominated by the registered medical practitioner specified in clause (i), from the panel of names approved by the Appropriate Authority; Form No. 8 (for certification of Brain Stem Death) of the Rules in force, contains the guidelines/procedures for diagnosis/determination of brain-stem death.

(b) & (c): As per the Transplantation of Human Organ (Amendment) Act 2011, which has come into force with effect from 10-1-2014 in the State of Goa, Himachal Pradesh, West Bengal and the Union Territories, the provisions as stated in part (a) above, are also applicable to tissues. The amendment Act has further included the following provision: "where a neurologist or a neurosurgeon is not available, the registered medical practitioner may nominate an independent registered medical practitioner, being a surgeon or a physician and an anesthetist or intensivist subject to the condition that they are not members of the Transplantation team for the concerned recipient and to such conditions as may be prescribed" Other States/UTs may also adopt the amended provisions of the Act. Government has also decided to amend the Transplantation of Human Organ Rules accordingly.