



# Bill Summary

## The Transplantation of Human Organs (Amendment) Bill, 2009

- The Transplantation of Human Organs (Amendment) Bill, 2009 was introduced in the Lok Sabha on December 18, 2009. The Bill was referred to the Department related Standing Committee on Health and Family Welfare (Chairperson: Shri Amar Singh), which is scheduled to submit its report within three months.
- The Bill amends the Transplantation of Human Organs Act, 1994 which prohibits commercial dealings in human organs and regulates the removal, storage and transplantation of human organs for therapeutic purposes.
- The Bill seeks to increase the ambit of the Act by regulating transplantation of human tissues along with organs.
- Except in specified circumstances, the Act does not allow organs to be removed for transplantation unless the recipient is a near relative. The definition of “near relative” has been expanded to include grandfather, grandmother, grandson and granddaughter along with spouse, son, daughter, father, mother, brother or sister.
- The Act allows a donor to authorise the removal of organs before his death for therapeutic purposes. The Bill states that a registered medical practitioner working in any hospital shall find out from the person admitted to the Intensive Care Unit or from his near relative whether that person had authorised the removal of his organ or tissue before his death. If the person has not made any such declaration, he or his near relative should be made aware of the option to authorise or decline such donation.
- The hospital is required to inform the Human Organ Removal Centre for removal, storage or transplantation of human organs.
- If the donor or recipient is a foreign national, prior approval of the Authorisation Committee (constituted by the central government) is required. The Bill does not allow removal of organs or tissues from a minor before his death except in a manner to be prescribed.
- The Bills allows organs to be swapped if the two sets of donors and recipients come to an agreement and the agreement is approved by the Authorisation Committee.
- The central government and state governments provide for constitution of Advisory Committee for a period of two years to aid and advise the appropriate authority to discharge its functions.
- The central government may establish a National Human Organs and Tissues Removal and Storage Network at any place.
- The central government shall maintain a registry of the donors and recipients of human organs and tissues.
- The Bill seeks to appoint a “transplant coordinator” in all hospitals registered for organ retrieval and transplantation. It also provides for the registration of non-governmental organisations working in the field of organ retrieval, banking and transplantation.
- The Bill enhances penalties related to removal of organs without permission from prescribed authority and commercial dealings in human organs.

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