



Standing Committee Report Summary

The Transplantation of Human Organs (Amendment) Bill, 2009

- The Standing Committee on Health and Family Welfare (Chairperson: Shri Amar Singh) tabled its 44th Report on 'The Transplantation of Human Organs (Amendment) Bill, 2009' on August 4, 2010. The Bill was introduced in the Lok Sabha on December 18, 2009.
- The Bill amends the Transplantation of Human Organs Act, 1994, which regulates removal, storage and transplantation of human organs. The Committee recommended that instead of having a general provision for inclusion of tissues along with human organs in the entire Act, specific provisions relating to tissues may be incorporated in the Act. The definition of "tissue bank" should be included in the Bill.
- The Committee recommended that the transplant co-ordinator needs to possess specialised qualifications for counseling patients. These should be specified in the Rules. Also, the transplant coordinator should be given the task of requesting patients or their relatives to donate organs (required request) instead of the treating doctor.
- The Committee recommended that as eyes can be harvested even post-death, required request procedure in respect of eye donation may be done after the death of a patient.
- The Committee observed that although the Bill makes it mandatory for the hospital with ICU to inform in writing to the Human Organ Removal Centre for removal, storage or transplantation of human organs or tissues, neither the term 'Human Organ Removal Centre' has been defined nor specific functions assigned to it indicated. Thus, it recommended that the term should be defined and its functions specified.
- The Committee recommended that all hospitals with ICUs should be registered and 'required request' should not be allowed in hospitals that are not registered.
- The Committee suggested that there should be a larger pool of experts, duly approved by the Appropriate Authority, in order to ensure that the Board of Medical Experts does not face manpower crunch in its functioning.
- The Committee recommended that in order to protect minors and mentally challenged people, the circumstances under which they can donate organs should be specified in the Bill itself.
- The Committee proposed that the Authorisation Committee of a State/District/Hospital where the organ transplant is taking place should have jurisdiction over the case.
- The Committee stated that representatives of NGOs working in the field of Organ Donation should be included in the Advisory Committee.
- The Committee is of the opinion that there should be state level networks along with the Nation Human Organs and Tissue Removal and Storage Network.
- The information should be put on a dedicated websites of all state health departments.
- The Committee recommended maintaining state registries of donors and recipients along with the national registry.
- The Committee noted that the penalty for illegal removal of tissues should be lower than for organs since it is less harmful.
- The Committee recommended that tissues can be taken from unclaimed dead bodies. Therefore, the issue should be examined for a viable solution.
- The Committee proposed that the post-mortem could simultaneously be carried out with the retrieval of the organs so as to minimise the delay in handing over body of the deceased to his relatives.
- The Committee suggested that organ retrieval from cadavers should be allowed from unregistered hospitals but the team should be from a registered hospital.
- The Committee felt that cadaveric donations should be promoted in the country through publicity drives such as pamphlets, advertisements, and documentaries. Also, families of cadaveric donors should be given due recognition. A National Organ Donation Day may be declared to generate awareness.

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