

**GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPARTMENT OF HEALTH AND FAMILY WELFARE**

**LOK SABHA
UNSTARRED QUESTION NO. 849
TO BE ANSWERED ON 14TH DECEMBER, 2018**

ORGAN TRANSPLANT

849. SHRI RAM CHARAN BOHRA:

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

- (a) whether the Government proposes to give preference to Indian patients over foreigners seeking organ transplant and if so, the details thereof along with the reasons therefor;
- (b) whether the medical fraternity has opposed the said proposal of the Government and if so, the reaction of the Government thereto;
- (c) whether the Government has noticed that the organ transplant system in the country is grappling with the shortage of organ donation and the situation is worse in the case of infant organ donation and if so, the details thereof and the reasons therefor;
- (d) whether the Government is aware of irregularities in organ donation system in the country and if so, the details thereof; and
- (e) the remedial steps taken/being taken by the Government in this regard?

ANSWER

**THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND
FAMILY WELFARE
(SMT. ANUPRIYA PATEL)**

(a): Yes. The Government of India has enacted Transplantation of Human Organs and Tissues Act (THOTA), 1994 (as amended in 2011) and made Transplantation of Human Organs and Tissues Rules, 2014 thereunder for regulation of removal, storage and transplantation of human organs and tissues for therapeutic purposes. Section 34(4) (e) of the said rules provides that “sequence of allocation of organs shall be in following order; State list, Regional list, National list, Person of Indian Origin”. Further, Allocation Criteria for major organs and tissues Kidney, Heart, Liver, Lung, Heart-Lung and Cornea Transplant (Guidelines) have also been formulated which are available in public domain on the website of National Organ and Tissue Transplant Organization (NOTTO) i.e www.notto.nic.in

(b): No

(c): Yes, the organ transplant system in the country is grappling with the shortage of organ donation. The demand for organs is more than availability. Estimated need for kidney, heart and liver donations and the number of organ transplants done is as under:

Organs	Need for transplants of new cases of organ failure every year	Estimated No. of Organ Transplants done per year (2017 Estimates)
Kidney	2,00,000	8000-10000
Liver	30,000	1800-2000
Heart	50,000	339

However, information in regard to infant organ donation is not known.

(d): Public health and hospitals being State subjects, come under the purview of State Government. Whatever, instances of illegal organ retrieval/transplantation come to the notice of the Ministry of Health and Family Welfare through complaints/media reports, these cases are forwarded to concerned State Governments for investigation and further action as per provisions of THOTA. Therefore, Details of all the cases are not available centrally.

(e): THOTA has provisions for imprisonment upto 10 years and fine upto Rs. 1.00 crore for commercial dealings in human organs. However, the enforcement of provisions of the Act is within the ambit of the respective State Government. Under National Organ Transplant Programme (NOTP), all stakeholders including private hospitals are sensitized regarding provisions of the Act and to prevent commercial dealings in human organs and criminal acts related to organ transplantation.