

Lok Sabha Parliamentary Q & A on Organ Donation & Transplantation

GOVERNMENT OF INDIA

MINISTRY OF HEALTH AND FAMILY WELFARE

LOK SABHA

UNSTARRED QUESTION NO 3081

ANSWERED ON 19.08.2011

ILLEGAL TRANSPLANTATION OF HUMAN ORGANS

3081. Shri M. ANJAN KUMAR YADAV

GORAKH PRASAD JAISWAL

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.

ANNEXURE

DETAILS OF CASES OF ILLEGAL KIDNEY AND OTHER ORGAN
TRANSPLANTATIONS IN VARIOUS GOVERNMENT/ PRIVATE HOSPITALS
REPORTED AND ACTION TAKEN – AS RECEIVED FROM VARIOUS STATES/ UNION
TERRITORIES:

S. No.	Name of State / Union Territory	Details of cases reported
1.	NCT of Delhi	12 cases have been registered by the Delhi Police under Transplantation of Human Organs Act, 1994, since the enactment of the Act. However, out of these 12 cases, two cases have been dropped.
2.	Maharashtra	Government of Maharashtra have informed that in January 2004 Dr. S.P. Trivedi of Bombay Hospital, Mumbai was prosecuted for the charges of cheating, forgery and illegal trafficking of human organs.
3.	Punjab	Government of Punjab have reported that sale of human organs for transplant, particularly kidneys was detected in a few cases in the State which are under investigation of the Special Investigating Team constituted for this purpose. As a result of the investigations, many people have been arrested and one hospital, namely, Ram Saran Dass Kishorilal Charitable Trust Hospital, Amritsar has been deregistered. However, there is no report of large scale exploitation of the poor for illegal/commercial organ trade in the State.
4.	Gurgaon, Haryana	CBI has registered two cases pertaining to Gurgaon (Haryana) and Moradabad (Uttar Pradesh). CBI has arrested 8 suspected doctors and their associates.
5.	Moradabad , Uttar Pradesh	
6.	Madhya Pradesh	In the year 2008 in Ujjain district an International gang was exposed for carrying out illegal kidney transplantations. The case was Registered in thana Mahkal as crime No. 408/27.6.08 under sect. 420, 467, 468, 471, 120-B IPC and 18, 19 under Human Organ Transplantation Act. Ujjain Police has arrested six (6) persons.
Other States/ Union Territories have not reported any instance of commercial dealings in respect of human organs.		