News: The Punjab and Haryana High Court has directed the Centre and the states of Punjab and Haryana, as well as the Union Territory of Chandigarh, to implement ‘The Transplant of Human Organs and Tissues Act, 1994’ in letter and spirit, and to also consider the recommendations of an Expert Committee set up to give suggestions for an effective implementation of the law.

Prelims and mains focus: Key features of the act, recommendations made by the committee and issues associated with organ transplants.

Background:

The 1994 Act governs the transplantation of human organs and tissues in India, including the donation of organs after death.

In May 2019, the PGIMER was asked to constitute a committee of doctors for deliberations over the subject, and to submit a report containing measures to promote cadaver donations.

Key Recommendations made by the committee:

1. Create a National Registry of Donors, and a biometrics-based authentication of donors and recipients.
2. A database of all surgeons and medical experts sanctioned for the transplantation should also be maintained.
3. It recommended that the identity of the donor and the recipient be verified through a biometric system of authentication to prevent fabrication of identity or other fraud in the process.
4. All hospitals engaged in transplantation procedures must invest in a biometric system linked to the national database of Aadhaar and PAN numbers.
5. Mandatory informed consent should be taken in case of live donors after explaining to them the risks involved in donation surgery.
6. A right be given to the donor to withdraw consent any time before the surgery.
7. It has suggested a ‘wait period’ or cooling period to allow rethinking on the part of the live donor.
8. A lumpsum monetary reimbursement should be given to the donor towards expenses related to the transplantation, and suggested a payment of at least Rs 50,000 at the time of discharge.
9. It has also called for a system to provide for medical insurance of the donor, and also for their post surgical needs.
Remarks of the Committee about government institutions and awareness process?

Stating that the process of organ donation and consent involves religious beliefs, social taboos and certain apprehensions by the relatives, the Committee has said there needs to be the involvement of certified NGOs and religious bodies to create positive awareness.

It has said that government hospitals and transplant centres should be given priority attention to improve the deceased organ donation, and that measures should be taken to prevent the trend of employing visiting surgeons at private centres in violation of practice registration norms.