

# Legal Developments in Transplantation in India and the 2011 Amendment of THOA1994

FU a Yg\ JUgUbh\]

Ö^]ælc { ^}çl[-ÄÜ~!\*^! "ÉÄÜæ-äæb~"} \*ÄP[•]jææ/ÉÄP^, ÄÖ^|@æÄQ) ääæ

É7cffYgdcXWYhc.ÄÜæ { ^•@ÄXæ•æ}c@æÄÖ^]ælc { ^}çl[-ÄÜ~!\*^! "ÉÄÜæ-äæb~"} \*ÄP[•]jææ/ÉÄP^, ÄÖ^|@æÄQ) ääæÄV^|KÄ|ÍÍÍIJHGFEÄÖÉ { æ|KÄçæ•|æ { ^•@ÍJO\* { æ|É&[ {

FYWY]jYX'XUHY.ÄCE~\*~\*•çHÉÉÄGÉGLÄ5WVYdhYX'XUHY.ÄCE~\*~\*•çHÉÉÄGÉGLÄDÍV]g\YX'XUHY.ÄCE~\*~\*•çHGHÉÄGÉGF

7cdfm] [ \h.Ä ÍÄGÉGFÄXæ•æ}c@æÄÜÉÄV@ä•Ää•Äæ}Ä [ ]^]Éæ&&^••Äælcä&^Ää•c|ä~c^äÄ~}ä^!Äc^Äc^! { •Ä [-Äc^Ä^Ö!^æcäç^ÄÖ [ { { }•ÄCæc|ä~cä [ ]ÄSä&^}•^ÉÄ, @ä&@Ä^! { äc^Ä~}!^•c|ä&c^äÄ~•^É ää•c|ä~cä [ ]Éæ} äÄ!^! [ ä~&cä [ ]Ää} Äæ} ^Ä { ^ä~ { ÉÄ [ ]ç|ä^äÄc^Ä [ ]ä\*ä} æ|Äæ~c@ [ ]Äæ} äÄ [ ]^!&^Äæ!^Ä&!^äæ^ÄÉ

**5VghfUWh**

Q)ÄQ) ääæÉÄ [ ]\*æ}ÄÄ [ ]æcä [ ]Äæ} äÄc|æ}•] ]æ}cæcä [ ]Ääæc^•Ääæ&^Äc [Ä [ç^!Ä@æ]-ÄæÄ^}c~!^Ä, @^]ÄWä~}æ]ä [ ]^!^!ÄÄc@^Ä\ää}^c|æ}•] ]æ}çl ä)Ä ÖPWEÄQcÄ & [ ]cä}~^ÄÄ \*æc@^!ä} \*Ää}Ääc^Ä, æ\^Ä•&æ} äæ|•Äæ} äÄ^ç [ ] [ äcæcä [ ]ÉÄ, äc}^••^ÄÄ, [ ]|ä, ää^ÉÄQ)Ä& [ ]^c|ä^•, äc@Äc^Ä&@) ä&æ|Ä&æ} æä|äc^Äæ} äÄ@^æ|c@Ää}~!æ•c|~&c~!^ÉÄæÄ { æb [ ]Ää [ ]^c~•Ää•Ä- [ ]Ä-!æ { ä} \*Ä|æ, •Äc [ ]ÄæäÄ!^••Ä [ ]\*æ}Ä•@ [ ]!cæ\*^Äæ} äæ { ^} ä { ^}c^Äc [Ää] & !^æ•^Ä [ ]\*æ}Ä!^Ä [ç^!~! [ { ]Ä} ääç|ä~} æ|•Ä ä^Ä^æ•^äÄ ä^Ä}^! [ ] [ ]\*ä&æ|Ä [ ]Ä&æ|ä|É!^•} ä|æc [ ]^Ä&æ~•^É V@^Ä & [ ]&^] çÄ^ç }æ} ä^ÄÄ c [Ä ]^\*äcä { ä: ^Ä |äçä} \*Ä ä [ ]æcä [ ]•Ä, äc@ [ ]^cÄ & [ ] [ ] [ ] { ä•ä} \*Ä ä [ ] [ ]!c^Ä |ä-ÉÄ V@äÄ} ^Ä^••äcæc^ÄÄ c@^]æ••æ\*^Ä [-Ä V|æ}•] ]æ}cæcä [ ]Ä [-Ä P~ { æ}Ä U! \*æ}•Ä ÇE&cÄ ÇVPUCEDA [ ]Ä |c@Ä R~|Ä FJJ|ÉÄ, @ä&@Ä { æ} ääæc^äÄ- [ ] { }æcä [ ]Ä [-æ] [ ] [ ]!äæc^Ä æ~c@ [ ]äcä^•ÉÄ æ~c@ [ ]ä: æcä [ ]Ä & [ { { äcc^Ä•ÉÄ !^\*ä•c|æcä [ ]Ä [-Ä c|æ}•] ]æ}çl æ} äÄ !^c|ä^çæ|Ä &^}c|Ä•ÉÄ ä^ä}ä} \*Ä %}^æ! !^|æcäç^Ä+Ä- [ ]Ä|äçä} \*ÄÄ [ ]æcä [ ]Äæ} äÄ&~!ä} \*Äç^} æ|Äæ&c•É

?YmkcfXg.ÄQ)-!æ•c|~&c~!^ÄWä~}æLÄVPUCÉLÄV|æ}•] ]æ}cæcä [ ]

## Introduction

## Discussion

World Health Assembly (WHA) through Resolution 63.2212 urged member states 'to strengthen national and multinational authorities and/or capacities to provide oversight, organization and coordination of donation and transplantation activities, with special attention to maximizing donation from deceased persons appropriate to the transplantation needs of each country'. This is included in WHO guiding principles for human cell, tissue and organ transplantation which specified the setting up of a national organisation for supervision and affirmed by the declaration of Istanbul on organ trafficking and transplant tourism. The establishment of the national human organs and tissues removal and storage network and the national registry was the most important addition of THOTA 1994, Sections 13C and 13D, leading to the setting up of NOTTO, in line with WHO recommendations. NOTTO launched its national registry NOTTR15 in November 2015 and updation is planned. States and Union Territories are reminded to upload their data real-time onto the NOTTO website for fair, equitable, digitized and transparent organ allocation [5].

Registration is not 100% since all centres have not registered with NOTTO and uploaded data. Only 428 transplant centres and 67 NTORC have registered of 550 transplant centres and 140 NTORC registered with the State Appropriate Authority (SAA). Write-ups in media and NGOs tarnishing NOTTO raise impediments in achieving targets<sup>16</sup>. Notwithstanding, NOTTO has collected data from all states and union territories. Analysis revealed 340 and 715 as the number of deceased donors 4990 and 12625 the total number of transplants in 2013 and 2019 (Table 1) respectively documenting the effects of the amendment. India is presently the third largest transplanting country in terms of the actual number of transplants done in 2019. Real-time data of deceased and live donors, recipients' Waiting List (WL) and transplants are to be shared by transplant centres, another area being worked upon. WL for organs and tissues updated real time, such that only the currently active patients are displayed, is crucial for allocation. Deaths while on waitlist and inactivity due to medical/other reasons are to be removed.

MYUfg	5WhiU' Xcbcfq	XYWYUgYX	HfUbgd'Ubhg'ifYWjd]Ybhgl			
			@]j]b[	8YWYUgYX	8ca]bc	HchU'
G€FH	Hl€	lFíH	ìHí	€	lJJ€	
G€Fl	l€l	íìì	F€H€	€	îJFî	
G€Fí	îîî	îîîJ	FîíJ	€	ìHì	
G€Fî	JH€	îîî	GGíí	F	J€GG	
G€Fî	îîH	îIGJ	GFF€	€	JíHJ	
G€Fì	ììí	ì€ìí	GGíI	F	F€Hl€	
G€FJ	îFí	F€í€€	G€GH	G	FGíGí	

State Organ and Tissue Transplant Organisations (SOTTOs) in all states are essential, achievable when the amended act is adopted.

implement the national organ transplant program as a statutory body and ensure accountability.

## References

1. Shroff S (2009) Legal and ethical aspects of organ donation and transplantation. *Indian J Urol* 25: 348-355.
2. Matesanz R (1998) Cadaveric organ donation: Comparison of legislation in various countries of Europe. *Nephrol Dial Transpl* 13: 1632-1635.
3. Fishman RHB (1998) Israeli kidney swap unites Jews and Muslims. *Lancet* 351: 1641.
4. White SL, Hirth R, Mahillo B, Dominguez-Gil B, Delmonico FL, et al. (2014) The global diffusion of organ transplantation: Trends, drivers and policy implications. *Bull World Health Organ* 92: 826-835.
5. Dominguez-Gil B, Delmonico F L, Shaheen F A, Matesanz R, O'Connor K, et al. (2011) The critical pathway for deceased donation: Reportable uniformity in the approach to deceased donation. *Transpl Int* 24: 373-378.