

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

**RAJYA SABHA
UNSTARRED QUESTION NO. 903
TO BE ANSWERED ON 30TH JULY, 2024**

ILLEGAL ORGAN DONATIONS IN KERALA

903. SMT. JEBI MATHER HISHAM:

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

- (a) whether Government will initiate a probe into the organ donation scam in the State of Kerala;
- (b) whether Government proposes to introduce new legislation/stringent provisions in the existing laws to meticulously monitor the procedures related to organ donations so as to put an end to illegal organ donations; and
- (c) whether Government of Kerala has approached Central Government demanding enquiry into the matter?

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

(a) to (c) 'Health' and 'Law & Order' are State subjects. The Transplantation of Human Organs and Tissues Act (THOTA), 1994 provides for an Appropriate Authority to be appointed by every State, who is empowered to investigate any complaint of breach of any of the provisions of this Act, or any of the Rules made thereunder. Thus, it is primarily the responsibility of the concerned State to take actions for prevention and control of any organ donation scam. As per information received from the Executive Director, State Organ and Tissue Transplant Organization (SOTTO) Kerala, a criminal case has been registered against the accused person in organ donation scam under section 370 IPC and section 19 (a),(b),(c) and (d) of THOTA, 1994.

The following steps have been taken by the Government to curb illegal organ transplant activities:

- The States/UTs have been requested to ensure that every hospital performing organ transplantation or retrieval needs to be linked to the website of National Organ & Tissue Transplant Organization (NOTTO) and data related to both deceased and living donors and recipients of transplants is required to be uploaded in the National Registry maintained by NOTTO. Further, each donor and recipient of human organ will have a

unique NOTTO ID in cases of both deceased as well as living donor transplant and the same is to be generated by the concerned Hospitals.

- A letter was sent by the Ministry of Health and Family Welfare (MoHFW) to the Ministry of External Affairs (MEA) after which, a note verbale has been circulated by MEA to all the Embassies/ Foreign Missions in India apprising them about the legal provisions of organ transplant Act in India so as to prevent illegal organ transplants involving foreigners. Rules for Transplants involving foreigners have also been shared with MEA for dissemination to Indian Missions abroad and the same have also been displayed on ports and airports.
- All States/UTs have been advised to constitute an Advisory Committee as per provisions of the THOTA, 1994 to aid and advise the Appropriate Authority in discharging its functions of controlling illegal organ transplant activities.
