

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

**RAJYA SABHA
UNSTARRED QUESTION NO. 898
TO BE ANSWERED ON 03RD DECEMBER, 2024**

ILLEGAL ORGAN TRADE

898 SHRI ANIL KUMAR YADAV MANDADI:

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

- (a) whether Government is aware of the fact that illegal organ trade is rampant in the country;
- (b) if so, the details thereof;
- (c) whether Government has formulated any stringent policy to control the illegal trade in the country; and
- (d) if so, the details thereof and if not, the reasons therefor?

**ANSWER
THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY
WELFARE
(SHRI PRATAPRAO JADHAV)**

(a) to (d) 'Health' and 'Law & Order' are State subjects. Thus, it is primarily the responsibility of the State Government/ UT Administration to take action for prevention and control of organ trade and monitor the same. The Transplantation of Human Organs and Tissues Act (THOTA), 1994 provides for an appropriate authority to be appointed by every State for investigating any complaint or breach of any of the provisions of this act, or any of the rules thereunder. The State Appropriate Authority shall, for the purposes of this act, have all the powers of a civil court to try a suit under the Code of Civil Procedure, 1908(5 of 1908). Whenever any complaint regarding organ trade is received in this Ministry, the same is referred to the concerned State/UT for appropriate action. The data in this regard is not maintained in this Ministry.

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

- National Organ and Tissue Transplant Organization (NOTTO), a national apex level organization has been set up in pursuance of the mandate given to Central Government under THOTA 1994, for establishing a network for procurement and distribution of organs and tissues and to maintain a national registry for surveillance of organ donation and transplantation in the country. States/UTs have been requested

to ensure that every hospital performing organ transplantation or retrieval needs to be linked to the website of 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.

- NOTTO, along with Regional Organ and Tissue Transplant Organizations (ROTTOs), State Organ and Tissue Transplant Organizations (SOTTOs) and other institutions organize awareness programs across the country to disseminate information about provisions of The Transplantation of Human Organs and Tissues Act and rules, so that people are cognizant towards the Government recognized process of organ donation permitted by the law, along with the illegality and repercussions associated with indulgence in organ trade, in order to make it easy for them to comply with the provisions of law.
- All States/UTs have been advised to constitute an Advisory Committee as per provisions of the Transplantation of Human Organs and Tissues Act (THOTA), 1994 to aid and advise the Appropriate Authority in discharging its functions of controlling illegal organ transplant activities.
- A letter was sent by Ministry of Health and Family Welfare to 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 been shared with Ministry of External Affairs for dissemination to Indian Missions abroad and the same have also been displayed on ports and Airports.
