

Legalities involved in organ transplants

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Why in News?

The transplantation of human organs has been one of the biggest advances in the medical sciences in the last century, India's organ transplant system faces challenges that hinders donations.

- **Organ donation** - It is the generous act of **giving healthy organs** (like heart, kidneys, liver) or tissues (like corneas, skin, bone) from one person (the donor) to another (the recipient) whose own organs have failed.
- It will save the lives or restore the function, and can occur when the donor is living (e.g., a kidney) or deceased (after brain death).
- **Governed by** - Organ donation in India is **legally regulated** by the Transplantation of Human Organs and Tissues Act (THOTA), 1994.
- By promoting **voluntary, non-commercial donation** after death (brain stem or cardiac) and from living donors (kidney, liver portion).
- **Managed by** - National Organ and Tissue Transplant Organization (NOTTO).
- **Types of Transplants** (this Act deals with both) —
 - **Transplants from deceased persons** - Organs have to be removed from a person whose brainstem is irreversibly damaged but vital organs are functioning.
 - **Live donations** - Functioning organ is removed from a healthy person and transplanted to another human being.
- **India's Low Donation Rates**
 - **India (2023)** - Only 0.77 per million.
 - **Impact** - About half a million Indians die every year in need of transplantation.
- **Brainstem Death Certification**
 - **Definition** - Brainstem death is the stage at which all functions of the brain-stem have permanently and irreversibly ceased and is so

certified.

- **Legal Status** - BSD certificates are valid death certificates under both the 1994 Act (equating it with cardiac death) and the Registration of Birth and Death Act, 1969.

Key Challenges

- **Legal ambiguity** - Confusion over BSD certification and dual death certificates.
- **Consent barriers** - Families often hesitate, reducing donor availability.
- **Infrastructure limits** - Only registered hospitals can certify BSD, shrinking the donor pool.
- **Administrative hurdles** - Doctor approval requirements discourage certification.

*World Organ Donation Day is observed on **13th August** every year.*

*Indian Organ Donation Day - **August 3** to commemorate the 1st successful deceased heart transplant in India on 1994.*

To know about National Organ and Tissue Transplant Organisation (NOTTO), Click [here](#)

References

[The Hindu | Legalities involved in organ transplants in India](#)