

2. Organ Transplantation – Science & Technology

Supreme Court calls for uniform national mechanism for organ transplantation, after-care. The Supreme Court has directed the Centre to implement a uniform, transparent national policy for organ transplantation to ensure equitable access and curb commercial trade. Additionally, the Court mandated the establishment of state-level bodies (SOTTOs) across India and emphasized the right to adequate post-transplant medical care for living donors.

1. Understanding Organ Transplantation

Definition – Organ transplantation is a medical procedure wherein a failing, diseased, or damaged organ is surgically replaced with a healthy organ obtained from a donor.

Scope of Transplantable Organs –

Most Common – Kidney.

Vital Organs – Liver, Heart, Lungs, Pancreas, Intestines.

Tissues – Corneas (eyes), Skin, Bones.

Classification of Transplants and Donors

To clearly differentiate the terminology used in the medical framework –

Type of Transplant	Description
Autograft	Transplantation of tissue/organ from one part of the body to another within the same person (e.g., skin graft).
Allograft	Transplantation between two genetically non-identical individuals of the same species (e.g., human-to-human kidney transplant).
Xenograft	Transplantation between different species (e.g., pig valve to human heart). This is rare and often experimental.

2. Legal Framework – The 1994 Act

The primary legislation governing this sector is the Transplantation of Human Organs and Tissues Act (THOTA), 1994.

Primary Objectives –

Ethical Regulation – To oversee the removal, storage, and transplantation of human organs.

Prevention of Malpractice – To strictly prohibit the commercial dealing or "sale" of human organs.

Legal Safeguards – To protect the rights of both the donor and the recipient.

Key Provisions of the Act –

Criminalization of Trade – Buying or selling organs is a punishable criminal offense involving imprisonment and heavy fines.

Informed Consent – Organ retrieval is illegal without the explicit, informed consent of the donor or their

Donor Category	Description
Living Donors	Typically a relative or close acquaintance who donates a paired organ (like a kidney) or part of an organ (like a liver segment) while alive.
Deceased Donors	Organs harvested from individuals declared brain-dead (irreversible loss of brain stem function) or after irreversible cardiac death.

immediate family.

Brain Death Standardization – The Act legally defines "Brain Death" as the irreversible loss of all brain functions (including the brainstem), thereby legitimizing cadaveric organ retrieval.

Family Authority – In cases of brain death, the family has the legal right to consent to organ harvesting.

3. Evolution of the Law – The 2011 Amendment

To address gaps in the original law, significant amendments were introduced in 2011.

Major Changes Introduced –

Inclusion of Tissues – The scope was widened from just "Organs" to "Organs and Tissues," bringing tissue banks (corneas, heart valves, skin) under strict regulation.

Expanded "Near Relative" Definition – The definition of relatives eligible to be living donors was expanded to include Grandparents and Grandchildren (previously restricted to parents, spouses, siblings, children).

Mandatory Roles & Infrastructure – Appointment of a designated Transplant Coordinator is mandatory for all registered hospitals. Mandatory registration for Tissue Banks.

4. Regulatory Infrastructure

The framework operates through a tiered organizational structure to ensure coordination –

NOTTO (National Organ and Tissue Transplant Organisation) – The apex body responsible for national-level coordination, policy enforcement, and maintaining the national registry of donors and recipients.

SOTTO (State Organ and Tissue Transplant Organisation) – State-level bodies responsible for local implementation, coordination with hospitals, and enforcing ethical standards within the state.

5. Supreme Court's Observations & Directives

The Supreme Court identified critical gaps in the current system and issued specific directions to the Centre and States.

A. The Need for Uniformity

One Nation, One Policy – The Court observed that the mechanism for transplantation must be uniform across India.

Removing Barriers – The process must be free from discrimination based on gender, region, or socio-economic class.

Standardized Criteria – There should be equal criteria for organ allocation and transplant procedures for all individuals, ensuring no state-specific hurdles prevent a patient from receiving an organ.

B. Focus on Donor Welfare (Post-Transplant Care)

Addressing Neglect – The Court condemned the practice of neglecting living donors once the organ is retrieved.

Mandatory Follow-up – Medical institutions must ensure adequate post-transplant medical care for donors to monitor their health recovery.

Protecting the Altruistic – Since donors give up valuable organs (often kidneys/liver segments), their long-term health is a state responsibility.

C. Administrative & State-Specific Directions

Adoption of Amendments – The Centre was directed to persuade Andhra Pradesh to adopt the 2011 Amendments to the 1994 Act.

Adoption of Rules – Karnataka, Tamil Nadu, and Manipur were urged to quickly adopt the Transplantation of Human Organs and Tissues Rules, 2014.

Establishment of SOTTOs – The Centre must set up SOTTOs in all states that currently lack them under the National Organ Transplantation Programme.

D. Strengthening Documentation

Death Registration Reform – The government must consult NOTTO to revise Death Registration Forms.

Mandatory "Choice" Recording – The new forms should include a mandatory column to record whether the family of the deceased was given the option/choice to donate organs.

6. Implications of the Directions

Institutional Strengthening – The establishment of SOTTOs in every state will create a seamless national network, reducing wastage of organs due to logistical failures.

Holistic Care – By mandating follow-up care, the medical system shifts from being "recipient-centric" to "donor-inclusive," potentially encouraging more living donors who fear post-surgery neglect.

Cultural Shift – Modifying death registration forms to include organ donation queries will force a societal conversation about donation at the institutional level, potentially increasing India's low organ donation rate.

Source – <https://www.thehindu.com/news/national/supreme-court-asks-centre-to-frame-national-policy-uniform-rules-on-organ-transplantation/article70298218.ece>