

THE TRANSPLANTATION OF HUMAN ORGANS ACT, 1994

This Act repeals the Ear Drums and Ear Bones (Authority for use for therapeutic purposes) Act, and Eyes (Authority for use for therapeutic purposes) Act, 1982.

Various terms are defined in detail, some of the important terms are as follows: 1) Brain-stem death-the stage at which all functions of the brain-stem have permanently and irreversibly ceased and is so certified by registered medical practitioners or board of experts, or any authority which have power to do so. 2) Deceased person- a person, in whom permanent disappearance of all evidence of life occurs, by reason of brain-stem death or in a cardiopulmonary sense, at any time after live birth has taken place. 3) Donor - any person, not less than eighteen years of age, who voluntarily authorises the removal of any of his human organs for therapeutic purpose (Sec. 2).

Other terms like human organs, near relatives, therapeutic purpose, transplantation, and payment are also defined. Any person more than 18 years or parents in case of less than 18 years authorises the removal, before his death, of any human organ of his body. Any written authority given before his death or willingly given authority to any of his near relatives, can be accepted or he doesn't showed unwillingness before death, then person possessing his dead body is authorised for removal of organs. Before removal of body organs, at least registered medical practitioners should certified that life or brain-stem function have ceased.

A dead body lying in a hospital or prison and not claimed by any of the near relatives within 48 hours from the time of the death of concerned person, the person incharge or any other authorised person who strongly believe that body will not be claimed, authorises for removal of body organs. No hospital or place is eqally authorised to remove the human organs unless appropriate authority like state or central government authorises and register it (Secs. 10 -12 & 14 -17).

Any illegal supply or giving commitment or publishing / advertisement to supply of human organs or giving human organs on payment by an individual or society, or organisation, or agent are considered as an offense and punishment may be awarded (Secs 18 - 22).

Reference

International Digest of Health Legislation, 1995, 46 (1).