

## CHAPTER XVII

### TRANSPLANTATION OF HUMAN ORGAN ACT, 1994 (THOA)

(Appendix VIII)

17.1 The transplantation of human organ act, 1994 was promulgated (enacted) by Parliament on 8<sup>th</sup> July 1994. It is an act to provide for the regulation, storage and transplantation of human organs for therapeutic purposes and for the prevention of commercial dealings in human organs and for matters connected therewith or incidental thereto. It applies, in the first instance, to the whole of the states of Goa, Himachal Pradesh and Maharashtra and to all the Union Territories and it shall also apply to such other state, which adopts this act.

17.2 The THOA contains 7 chapters detailing various issues in the matter.

These are as follows :—

1. Preliminary
2. Authority for removal of Organs
3. Regulation of Hospitals
4. Appropriate authority
5. Registration of hospitals
6. Offences and penalties
7. Miscellaneous

17.3 The THOA has been enacted to curb the malpractices, which existed in the transplantation of human organs. The malpractices included sale of organs, insufficient facilities in terms of trained personnel, equipments for organ transplantation etc. There are severe penalties including the imprisonment up to five years for violations under the THOA.

17.4 The THOA provides framework/guidelines as to who can donate, where, by whom etc. Even there are guidelines for certifying brain death. Under the rules, no institution can perform organ transplant unless they take approval from the competent source defined in the act. e.g. DGHS

and/or Addl.DG (dealing with hospital) have been designated as Appropriate Authority for U.Ts' and Delhi. The state where the act is adopted, the Appropriate Authority is notified separately for the State. Any institution/hospital should apply to the Appropriate Authority for registration in the relevant form with the prescribed application fee. The appropriate authority gets the place inspected and if satisfied issues a registration certificate for organ transplantation of a particular organ. The certificate is valid for 5 years, which can be renewed on further application.

17.5 There are several documentation required to be kept by each institution, which are mandatory under the act.

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