

Illegal organ trading

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Source: *The Hindu*

Manifest pedagogy:

Illegal organ trading has been making news since a year. Tamil Nadu illegal trade was big issue and now it is the issue of kidney racket at Delhi. Aspirants should not abound the sensationalism surrounding the issue and should be very clinical in their approach while analyzing the issue. They should look at the loopholes in governance and suggest reforms. This is what the article does!

In news: Over a dozen leading private surgeons, including top urologists of Delhi are under the scanner of Uttar Pradesh Police in connection with an international kidney transplant racket.

Placing it in syllabus: Issues related to organ transplantation in India (explicitly mentioned)

Static dimensions:

- Transplantation of Human Organs Act
- NOTTO
- Why illegal trading happens
- Solutions

Current dimensions: Recent issue in NCR about kidney racket

Content:

The Fortis hospital in NCR has been served notice in cases relating to the violation of Transplantation of Human Organs Act. So far, 13 people, including CEO of Pushpawati Singhania Research Institute (PSRI) Dr Deepak Shukla have been arrested. The investigation against another leading hospital located in

central Delhi is underway.

The poor people were being cheated by doctors and hospital administration through an organized chain of middlemen in kidney racket. The racket operated like a well-organized crime syndicate. For instance, the international (countries like Turkey, UAE and other places in the Middle East) clientele was approached by a different set of people while local kidney donors were trapped by touts already operating in the human organ transplant racket.

According to the police sources the accused removed kidneys of at least 12 donors for a huge amount of money taken from the recipients family. After extracting the kidneys, donors were paid just Rs 2 or 3 lakhs while recipients were charged Rs 70 to Rs 80 lakhs per transplant.

The accused persons have disclosed that they were running this racket for the last six months and trapped innocent and poor people of rural areas of Uttar Pradesh as donors. Earlier in 2016, the Delhi Police had busted a similar kidney racket in the national capital and had arrested five persons.

The international kidney racket came to light on February 17,2019 when a victim approached the Uttar Pradesh Police about the wrong done to him in PSRI Hospital.

Transplantation of Human Organs (THOA) Act:

- **The Transplantation of Human Organs Act, 1994** was enacted by the Parliament during 1994 and came into force on February 4, 1995 in the States of Goa, Himachal Pradesh and Maharashtra and all the Union Territories.
- It was adopted by all States except the States of Jammu & Kashmir and Andhra Pradesh, which have their own legislations to regulate transplantation of Human Organs.
- The main purpose of the Act is to **regulate the removal, storage and transplantation of human organs for**

therapeutic purposes and to prevent commercial dealings in human organs.

- The Act contains detailed provisions relating to
 - the authority for removal of human organs,
 - preservation of human organs,
 - regulation of hospitals conducting the removal,
 - storage or transplantation of human organs,
 - functions of appropriate authority,
 - registration of hospitals
 - punishment/penalties for offences relating to the aforesaid matters
- Under THOA, source of the organ may be:
 - Near Relative donor
 - Other than near relative donor: Such a donor can donate only out of affection and attachment or for any other special reason and that too with the approval of the authorization committee.
 - Deceased donor, especially after Brain stem death.
 - The THOA act was amended in 2009 to regulate transplantation of tissues of the body along with human organs.
 - The Government of India enacted the **Transplantation of Human Organs (Amendment) Act, 2011** that *allows swapping of organs and widens the donor pool by including grandparents and grandchildren in the list.*
 - Important amendments under this Act:
 1. Provision of **'Retrieval Centres'** for retrieval of organs from deceased donors and their registration under the amended Act.
 2. **Definition of near relative expanded** to include grandparents and grandchildren.

3. **Brain death certification Board** has been simplified and more experts have been permitted for this certification.
4. **'Mandatory' inquiry and informing option** to donate in case of unfortunate event of **brain stem death** of ICU patient for the purpose of organ donation.
5. **Mandatory 'Transplant Coordinator'** for coordinating all matters relating to removal or transplantation of human organs.
6. **National Human Organs and Tissues Removal and Storage Network** at one or more places and regional network.
7. National Registry of Donors and Recipients.
8. **Removal of eye has been permitted by a trained technician** to facilitate eye donation.

National Organ and Tissue Transplant Organization (NOTTO):

- NOTTO is a National level organization set up under Directorate General of Health Services, Ministry of Health and Family Welfare.
- It has following two divisions:
 1. "National Human Organ and Tissue Removal and Storage Network"
 2. "National Biomaterial Centre"
- National Human Organ and Tissue Removal and Storage Network has been mandated as per the THOA (Amendment) Act 2011.
- The network will be established initially for Delhi and gradually expanded to include other States and Regions of the country.
- Function/Activities
 - The following activities would be undertaken to facilitate Organ Transplantation in the safest way in the shortest possible time and to collect data to develop and publish National registry:-

At National Level:

- Lay down policy guidelines and protocols for various functions.
- Network with similar regional and state level organizations.
- All registry data from States and Regions would be compiled and published.
- Creating awareness, promotion of organ donation and transplantation activities.
- Coordination from procurement of organs and tissues to transplantation when organ is allocated outside the region.
- Dissemination of information to all concerned organizations, hospitals and individuals.
- Monitoring of transplantation activities in the Regions and States and maintaining data-bank in this regard.
- To assist in data management for organ transplant surveillance & organ transplant and Organ Donor registry.
- Consultancy support on the legal and non-legal aspects of donation and transplantation.
- Coordinate and Organize trainings for various cadres of workers.
- National Biomaterial Centre (National Tissue Bank) – The main thrust & objective of establishing the centre is to fill up the gap between 'Demand' and 'Supply' as well as 'Quality Assurance' in the availability of various tissues.

Why illegal organ trading happens?

Organ scarcity will grow rapidly in the coming years because of increasing life-span but there are a number of challenges exist in organ transplantation.

-> Lack of awareness of the concept of Brain Stem Death among stakeholders and lack of awareness and attitude towards organ donation persists.



- > Connectivity is a major issue in remote areas.
- > A lot of people also believe that organ donation is prohibited in their religion which, in reality, is untrue. No religion prohibits organ donation.
- > In the Indian state of Goa, foreign tourists who overstay after the expiry of their visas are targeted by loan sharks and are tricked into selling their kidneys.
- > In 2016, there were reports from Pandoli, a small community in rural Gujarat where villagers were allegedly pressured into selling their kidneys to solve their financial problems.
- > Diabetes is rife in India. Untreated diabetes leads to organ failure, necessitating a transplant, but there aren't enough donated organs to go around.
- > A huge gap persists between demand and supply of organs in India. India has a donation rate of 0.5 per million which is one of the lowest in the world.
- > Due to social media, harvesters are openly lurking on dozens of Facebook pages fashioned as kidney and transplant support groups.
- > Currently, only half a dozen states have active organ donation programmes. Most have no infrastructure in place.
- > Given the huge disparity between the number of patients requiring kidney transplant and available organs, corrupt practices thrive at all levels including at hospitals. Underground trade of organs and illicit rackets persists.
- > Majority of transplants in India are currently performed in the private sector which makes the process more expensive.

Solutions:

The WHO estimates only 10% of global needs for organ transplantation are currently met. To address the urgent and growing problems of organ sales, transplant tourism, and trafficking in organ donors in the context of the global shortage of organs, a **Summit Meeting** of more than 150 representatives of scientific and medical bodies from around the world, government officials, social scientists, and ethicists, was held in **Istanbul, Turkey**, in 2008. This Declaration builds on the principles of the Universal Declaration of Human Rights.

The WHO and supporters of the Declaration of Istanbul believe the best solution involves:

- Developing better systems of deceased organ donation;
- Encouraging altruistic living kidney donation;
- Preventing needs for transplantation by treating diseases that lead to organ failure such as diabetes and hepatitis;
- Implementing laws that prohibit organ trading and trafficking.
- To achieve these goals, countries must take responsibility for meeting their own transplant needs by pursuing self-sufficiency.

In 2017, an awareness drive "**Poochna Mat Bhoolo**" (don't forget to ask) was launched after a kidney racket involving a poor woman was busted in a top Mumbai hospital. Doctors in India will now get text alerts reminding them to ask families to donate organs of their deceased loved ones as part of a nationwide campaign to solve the country's organ shortage problem.

According to government data, 200,000 people are waitlisted for kidneys in India and 30,000 currently await a liver. Legal donations meet about 3 to 5 percent of the demand. The

“Poochna mat bhoolo” campaign is critical as it would have doctors speak to families, eliminating middlemen. Human trafficking for organs will stop if cadaver organ donations pick up.