

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 39/2025

INDIAN SOCIETY OF ORGAN TRANSPLANTATION

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[TO BE TAKEN UP AT END OF THE BOARD]

IA No. 16463/2025 - EXEMPTION FROM FILING O.T.

Date : 21-04-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) : Mr. K Parameshwar, Sr. Adv.
Ms. Kanti, Adv.
Mr. Mv Mukunda, Adv.
Mr. Shreenivas Patil, Adv.
Ms. Chitransha Singh Sikarwar, Adv.
Mr. Anand Dilip Landge, AOR

For Respondent(s) : Ms. Archana Pathak Dave, A.S.G.
Mr. Sudarshan Lamba, AOR
Ms. Mili Baxi, Adv.
Mr. Khushal Kolwar, Adv.
Mr. Misha Kumar, Adv.
Mr. Manish, Adv.

Mr. Varad Kilor, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.

Mr. Kunal Mimani, AOR
Mr. Prashant Alai, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

1. We find that it will be appropriate that the Union of India convene a meeting of the Chief Secretaries and Secretaries, Public

Health of all the State Governments and Union Territories and solicit the following information:-

- i. Which States have adopted the Transplantation of Human Organs and Tissues Act, 1994? If not, what is the reason for non-adoption?
- ii. Which States have adopted the Transplantation of Human Organs and Tissues (Amendment) Act, 2011 along with the Transplantation of Human Organs and Tissues Rules, 2014? If not, what is the reason for non-adoption?
- iii. Have all the States adopted and implemented all the policies/guidelines framed by the National Organ and Tissue Transplant Organization (NOTTO) to facilitate organ transplant? If not, why?
- iv. What is the percentage of transplant from a cadaver vis a vis live donor?
- v. The report by the Ministry of Health and Family Welfare, the number of female live donors are way higher than male but male donor recipients are more than female. What is the percentage of female donor vis a vis male donor in the State? Similarly, what is the percentage of female recipient vis a vis male recipient? What are the steps taken by the State to remove gender disparity in access to organ transplants?
- vi. Are the relatives of a brain dead patient being informed about the organ donation?
- vii. Do all States have policies for 'swap transplantation'? If yes, then is the policy aligned with the 1994 Act? If not, what are the reasons therefor?
- viii. What is the process followed by the States to allocate an organ to the recipient? Is the same in line with the point system framed by the NOTTO? Are there deviations from the points system framed by the NOTTO? If yes, then why?
- ix. How many government and private hospitals are available in every State which are equipped with organ transplant machinery, doctors and adequate infrastructure?

What is the present requirement in the State?

x. How many government hospitals are there in the State which are equipped to perform multi-organ transplants including liver, kidney, heart, lungs, pancreas etc.?

xi. What steps have been taken by the States to increase awareness about organ transplantation among people?

xii. Is the State government providing any financial assistance to the donor or the recipient?

xiii. Is there any National Level Portal where the information of donors and recipients are updated on regular basis to facilitate organ transplant?

2. We request the Union of India to convene the meeting at the earliest and furnish a report to this Court on or before 18.07.2025.

3. List the matter on 21.07.2025.

(NARENDRA PRASAD)
DEPUTY REGISTRAR

(ANJU KAPOOR)
ASSISTANT REGISTRAR