



भारत सरकार  
स्वास्थ्य एवं परिवार कल्याण मंत्रालय  
निर्माण भवन, नई दिल्ली - 110011  
Government of India  
Ministry of Health & Family Welfare  
Nirman Bhavan, New Delhi - 110011

अपूर्व चन्द्रा  
सचिव

**Apurva Chandra**  
**Secretary**

D.O.No.O-16/377/Admin/NOTTO/2023  
30<sup>th</sup> January, 2024

*Dear Sir,*

As you may be aware that many foreign nationals are coming to India for various types of organ transplantation. They could be a prospective recipient or donor of organ and may be visiting on a Medical / Attendant VISA. Recent media report has highlighted that in some of such cases, the veracity of the documents to establish relationship between the Donor and the Recipient, their identity documents, proof of residence etc. cannot be established confidently and the same may not be genuine.

The current provisions, specifically for foreigners under the Transplantation of Human Organ and Tissue Act (THOTA)1994 & the Rules thereunder are as follows:

*Section 9(1A):*

*No human organ or tissue or both removed from the body of a donor before his death shall be transplanted into a recipient unless the donor is a near relative of the recipient.*

*(1A) Where the donor or the recipient being near relative is a foreign national, prior approval of the Authorisation Committee shall be required before removing or transplanting human organ or tissue or both:*

*Provided that the Authorisation Committee shall not approve such removal or transplantation if the recipient is a foreign national and the donor is an Indian national unless they are near relatives.*

*Rule 20:*

*When the proposed donor or the recipient are foreigners:*

- a. a senior embassy official of the country of origin has to certify the relationship between the donor and the recipient as per **form 21** (<https://notto.mohfw.gov.in/download-forms.htm>) and in case a country does not have an Embassy in India, the certificate of relationship, in the same format, shall be issued by the Government of that country;*
- b. the Authorization Committee shall examine the cases of all Indian donors consenting to donate organs to a foreign national (who is a near relative), including a foreign national of Indian origin, with greater caution and such cases should be considered rarely on case-to-case basis.*

.....contd/-

*PROVIDED that the Indian living donors wanting to donate to a foreigner other than near relative shall not be considered.*

*Further Section 19 of the THOTA 1994 has provisions of punishment for commercial dealings in organs and no payment in money or money's worth can be made or promised or offered for donation of organ(s). Rule 7(3)(1) of THOTA Rules 2014 provides that the Authorization Committee is required to evaluate the same during its examination.*

*The copy of the aforesaid Act and Rules are available on the website <https://notto.mohfw.gov.in>.*

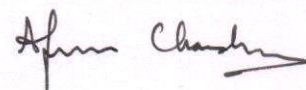
**In view of above, it is requested that above information may please be disseminated to all embassies/missions of foreign countries located in India and also to concerned Government, in case embassy/mission is not existing in India.**

It is also requested that a nodal officer may be identified by Ministry of External Affairs for coordinating the organ donation and transplantation of foreigners and his details may be shared with the Dr. Anil Kumar, Director NOTTO (email ID [dir@notto.nic.in](mailto:dir@notto.nic.in) and Telephone No. 011-26164770).

I seek your cooperation and support in establishing systems for monitoring of transplantation of foreigners with the objective to prevent any possible commercial dealing(s) in organ or tissue transplantation.

*with regards*

Yours sincerely,



**(Apurva Chandra)**

**Shri Vinay Kwatra**  
**Foreign Secretary**  
Ministry of External Affairs  
Govt. of India  
New Delhi