

वंदना जैन
संयुक्त सचिव

Vandana Jain
Joint Secretary



सत्यमेव जयते



आज़ादी का
अमृत महोत्सव

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

D.O. No. C.18018/11/2023-MS

Dated: 3rd May, 2024

Respected Sir/Madam,

The Hon'ble High Court of Delhi while disposing of Writ Petition (Civil) No. 3590/2020 and CM Appl. No. 12775/2020 in the matter of "Amar Singh Bhatia & Anr. versus Sir Ganga Ram Hospital & Others" has, *inter-alia*, directed to prescribe timelines for steps in the process of consideration of an application of case of living donor organ transplantation by the Authorization Committee.

In pursuance of the judgment in the case cited above, timelines prescribed by the Ministry of Health and Family Welfare, Government of India for functioning of the Authorization Committee constituted under clause (a) or clause (b) of sub-section (4) of Section 9 of 'The Transplantation of Human Organs and Tissues Act, 1994' are enclosed for guidance of State / UT Governments and Authorization Committee.

You will appreciate that the prescribed timelines will immensely help in expediting the decision making process regarding organ transplantation. Any suggestions in this context will be appreciated.

With regards,

Encl.: As above

Yours sincerely,


(Vandana Jain)

Additional Chief Secretary / Principal Secretary / Secretary / Special Secretary (Health)
(All States/UTs)

Annexure

Timeline for functioning of the Authorization Committee

S. No.	Steps	Timeline
1	Processing of application under Rule 10 of The Transplantation of Human Organs and Tissues Rules, 2014 including communication of deficiencies to the donor or / and recipient in respect of documents.	Maximum within 10 days from the date of the application.
2	<u>Documentation Completion</u> a) Within the prescribed timeline under the 2014 Rules, any opportunity given to the donor or recipient to complete the required documentation must be communicated. b) If further opportunities after expiry of 7 days need to be given, to complete the required documentation, the same ought to be given after due consideration of the representation by the donor or recipient, with a strict deadline.	a) Maximum 7 days should be given to the recipient or/and donor for responding to the deficiencies in respect of required documents.
3	Upon expiry of the above-mentioned timeline of 7 days or the extended time as applicable, the case should be presented to the Authorization Committee and the Authorization Committee shall decide regarding scheduling of interview or not for want of documents.	The decision of Authorisation Committee regarding scheduling of interview will be communicated to the donor and recipient within 3 days.
4	<u>Scheduling Interviews by the Authorization Committee</u> a) Schedule and Conduct the interview of the donor/recipient on one or two occasions. b) If there are deficiencies then the same will be communicated to the donor or/and recipient. c) Time to be given to donor/recipient to complete the deficiencies d) Documents related to the case shall be provided to the members the of Authorization committee (State/District/Hospital based authorization committee). e) Communication of final decision of Authorization Committee in respect of grant of permission or rejection for transplant as per Rule 23(3) of Transplantation of Human Organs and Tissues Rules, 2014 "Every authorized transplantation center must have its own website and the Authorization Committee is required to take final decision.	a) The interview ought to be scheduled within 7 working days from the date of receipt of all required documents or if otherwise permitted by Authorization Committee. b) Communication of deficiencies within 24 hours of conduct of interview. c) Maximum 7 days shall be given to the donor/recipient to complete the deficiencies. d) Atleast 3 days before the scheduled interview for scrutiny & necessary examination by the members of the Authorization committee. e) The decision of Authorization Committee should be displayed on the website of the hospital within 24 hours of holding its final meeting for the case.
5	Verification document as per Form 20 of the 2014 Rules	Form No. 20 by tehsildar must be issued within 14 days after the application has been made.
6	Form No. 21 should be issued by the concerned embassy in India after the application has been made by foreigner donor or recipient.	Within 7 days
7	The entire process, from submission of documents to decision.	Ought not to exceed 6 to 8 weeks

Notes:

1. e-Aadhar verification of identity of the donor and recipients should be mandatory in both near relative or other than near relative living donor.
2. Donation from a Minor living organ donor shall not be considered without the prior approval of the Appropriate Authority and the State Government concerned. It will be considered strictly as per the Guidelines as may be notified by MoHFW, Govt. of India.
3. No swap transplant between a pair of Foreigner donor and recipient and a pair of Indian donor and recipient shall be considered by the Authorization Committee as under THOTA 1994, no Indian donor can donate to a Foreigner unless he/she is a near relative and this is an overriding clause.

Appeal Process:

Under Rule 33, any appeal against an order of Authorization Committee should be decided within a maximum of 30 days (preferably within 7 days after documents are received) after receiving the application of appeal.