



Ethical Concerns of Organ Donation and Transplantation

For Prelims: Transplantation of Human Organs Act, 1994, National Organ Transplantation Guidelines 2023, WHO's Guiding Principles Related to Organ Donation

For Mains: Organ Donation and Transplantation - related ethical concerns, Deceased Organ Transplantation

Why in News?

Recently a man from Odisha, who was declared brain dead after a severe head injury, has given a **new lease of life to four people in three different states.**

- While organ transplantation **gives new life to someone it also surfaces ethical issues** such as the consent of the donor, human rights violation, organ trafficking etc.

What is the Scenario of Organ Donation and Transplantation in India?

- **Donation and Transplantation:** India conducts the **3rd highest number of transplants** in the world. Organs from deceased donors accounted for nearly **17.8% of all transplants in 2022.**
 - The total number of deceased organ transplants climbed from 837 in 2013 to 2,765 in 2022.
 - The total number of organ transplants - with organs from both deceased and living donors - increased **from 4,990 in 2013 to 15,561 in 2022.**

How is Organ Donation Regulated in India?

- In India, [Transplantation of Human Organs Act, 1994](#) provides various regulations for the removal of human organs and its storage. It also regulates the **transplantation of human organs for therapeutic purposes** and for the prevention of commercial dealings in human organs.
- In February 2023, the Ministry of Health and Family Welfare notified [National Organ Transplantation Guidelines](#), allowing those above **65 years of age to receive an organ for transplantation** from deceased donors.
 - The **guidelines have removed** the age limit for organ recipients, eliminated the domicile requirement, and **abolished registration fees previously charged** by certain states like Gujarat, Telangana, Maharashtra, and Kerala.

What are the Ethical Concerns Related to Organ Donation and Transplantation?

- **Living Persons:**
 - **Violates the Traditional Rule of Medicine:**
 - Kidney donors are known to live healthy lives. However, studies in the European Union and China have shown that **a third of them are vulnerable to urinary**

and chest infections, which violates the first traditional rule of medicine, **primum non nocere** (above all, do no harm).

- **One person becomes a patient** to benefit another person **who is already a patient.**
- **Donation is Prone to Trafficking:**
 - Organ **donation is susceptible to trafficking** when there is **illegal and unethical activity involved** in the acquisition, transportation, or transplantation of organs.
 - In its 1991 document "Guiding Principles on Human Organ Transplantation," the [World Health Organisation \(WHO\)](#) expresses concern over "the rise of commercial traffic in human organs, particularly from living donors who are unrelated to recipients."
- **Emotional Coercion:**
 - The relationship between the **donor and recipient influences the donor's motivation** for organ donation. Living related donors are genetically related to the recipient and often **feel obligated due to family ties and emotional bonds.**
 - Ethical concerns include the potential for undue influence, **emotional pressure, and coercion.**
- **Deceased Person:**
 - **Consent and Autonomy:**
 - It is important to determine whether the person had expressed their consent or **refusal for organ donation while they were alive.**
 - If the person's wishes are unknown, it can be ethically challenging to make decisions on their behalf.
 - **Allocation and Fairness:**
 - Determining how organs are **allocated fairly and equitably is an ongoing ethical concern.**
 - Ethical concerns can emerge when there are **disparities in access to transplantation based on factors such as wealth,** social status, or geographical location.
 - **Transparency and Public Trust:**
 - The ethical concerns related to disclosure of information, the handling of organ procurement and transplantation procedures, and the management of organ donation registries **are important considerations.**

Note:

- While both deceased and living organ transplantation **have their own ethical considerations,** the **absence of harm to living donors,** respect for autonomy, and fairness in allocation **make deceased organ transplantation generally considered more ethically preferable.**

What are the WHO's Guiding Principles Related to Organ Donation?

- There are eleven guiding principles some are as follows:
 - **Guiding Principle 1:**
 - Cells, tissues and organs may be removed from the **bodies of deceased persons for the purpose of** transplantation if:
 - Any consent required by law is obtained, and
 - There is no reason to believe that the deceased person objected to such removal.
 - **Guiding Principle 2:**
 - Physicians determining that a **potential donor has died should not be directly involved in cell, tissue or organ removal** from the donor or subsequent transplantation procedures; nor should they be responsible for the care of any intended recipient of such cells, tissues and organs.
 - **Guiding Principle 3:**
 - Deceased donations should **maximize therapeutic potential,** while living adult donors should comply with domestic regulations. Typically, living donors **should have a genetic, legal, or emotional connection** to their recipients.

- **Guiding Principle 4:**
 - No organs should be **taken from living minors for transplantation**, except for limited exceptions allowed by national law. Special measures must be implemented to safeguard minors, and whenever possible, their consent should be obtained before donation. The same principles apply to legally incompetent individuals (who are not able to testify or stand trial).
- **Guiding Principle 5:**
 - Donations of cells, tissues, and organs must be **voluntary and without monetary compensation**. The sale or purchase of these items for transplantation should be prohibited.
 - However, reasonable and verifiable expenses incurred by the donor, including loss of income, can be reimbursed.
 - Additionally, covering the costs of recovery, processing, preservation, and supply of human cells, tissues, or organs for transplantation is allowed.

Way Forward

- Surveys in most parts of the world show that people do appreciate the ethical need for organ donation. But their **altruism is also premised on the presumption that organs will be distributed in a fair manner** to those in need.
- Regulations in organ transplant **policy are crucial to uphold ethical principles**, protect the rights of donors and recipients, prevent organ trafficking, and maintain public trust.
- They provide a framework for a well-functioning, transparent, and morally sound organ donation and allocation system.

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