

ITEM NO.14

COURT NO.1

SECTION PIL-W

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

WRIT PETITION (CIVIL) NO. 39/2025

INDIAN SOCIETY OF ORGAN TRANSPLANTATION

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

(IA No. 16463/2025 - EXEMPTION FROM FILING O.T., IA No. 101090/2025  
- PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 19-11-2025 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr. K Parameshwar, Sr. Adv.  
Mr. M V Mukunda, Adv.  
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For Respondent(s) : Mr. Tushar Mehta, SG  
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Ms. Mili Baxi, Adv.  
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Mr. Varad Kilor, Adv.  
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Ms. Misha Rohatgi, AOR  
Mr. Nakul Mohta, Adv.  
Mr. Amulya Upadhyay, Adv.  
Mr. Ayush Kashyap, Adv.  
Ms. Sneha Menon, Adv.

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

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

1. Following directions are issued in terms of the signed reportable judgment:

"19. In light of the above, we issue the following directions:

- i. We request the Union of India to persuade the State of Andhra Pradesh through its Chief Secretary or the Principal Secretary of Health to adopt the *Transplantation of Human Organs (Amendment) Act, 2011* by explaining to them the importance of such adoption.
- ii. We also request the Union of India to, in a similar manner, persuade the States of

Karnataka, Telangana, Andhra Pradesh and Manipur to adopt the 2014 Rules.

iii. We direct the Secretary, Health and Family Welfare, Union of India to personally monitor the aforesaid points contained in sub-paragraphs (i) and (ii) of this paragraph.

iv. The Union of India is directed to constitute a SOTTO for the States of Meghalaya and Nagaland under the aegis of National Organ Transplant Program after due consultation with the concerned States.

v. The Union of India through NOTTO is requested to evolve model allocation criteria in consultation with all the States so as to ensure a uniform national policy for transplantation. The uniform national policy guidelines must include provisions to alleviate the concerns with respect to gender, class and regional discrimination and provide appropriate remedial provisions for the same. The policy must endeavor to have uniform criteria for the registration of patients, donors and formats throughout the country.

vi. We also request the Union of India through Ministry of Home Affairs in consultation with NOTTO, Ministry of Health and Family Welfare and the petitioner-organization to consider amending Form 4 and Form 4A of the *Registration of Births and Deaths Rules, 1999* so as to include a column on whether the deceased was a case of brain-stem death and if that be the case to indicate whether the option to donate organs was given to the relatives of the deceased.

Vii. We further request the Union of India

through NOTTO to evolve national swap transplantation guidelines in consultation with all States to implement Section 9(3) of the 1994 Act. The swap transplantation guidelines should be on a national level providing equal opportunities to all the persons for swap and must be done digitally through an accessible web portal.

Viii. The Union of India through NOTTO in consultation with all the States/Union Territories is requested to develop transplantation facilities where there are inadequate public health facilities. Further, the Union of India through the NOTTO is requested to develop a five-year plan mapping the course for development of transplantation facilities in India.

ix. We further request the Union of India to take on board all the States/Union Territories through the NOTTO and evolve guidelines for welfare of live donors, including measures to ensure an informed and voluntary consent, maintenance of a portal, mandatory follow-up with the doctors and to ensure they are cared for. This is to ensure that commercialization and exploitation of donors is prevented.

x. We request all the States/Union Territories to ensure that data related to organ donation and transplantation along with the details of donors and recipients of organs and tissues is reported by the concerned hospitals to the national registry maintained by the NOTTO as mandated under Section 13D of the 1994 Act.

xi. We further direct all the State

Governments/Union Territory Administrations to ensure that strict action is taken against the defaulting hospitals, who fail to furnish the data as has been directed by us in sub-paragraph no. (x) of this paragraph.

**2. The matter be placed after six months, preferably before a Bench of which K. Vinod Chandran, J., is a member.**

**(POOJA SHARMA)**  
**AR-CUM-PS**

**(ANJU KAPOOR)**  
**ASSISTANT REGISTRAR**

**(Signed reportable judgment is placed on the file.)**