

# Awareness of Doctors About Organ Donation: Medical and Legal Processes in India

*A Comprehensive Review Based on Published Research (2017–2025)*

**Written by: Prashant Ajmera**

Advocate & Founder, OneIndiaOneLaw.org  
Mo: +91 98969 81848 | prashant@ajmeralaw.com

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**ABSTRACT:** India faces a critical shortage of transplantable organs, with a donation rate of approximately 0.52 donors per million population — far below global averages. A key factor underlying this crisis is the inadequate awareness among healthcare professionals about both the medical procedures and the legal framework governing organ donation. This article synthesises findings from multiple peer-reviewed studies and institutional reports published between 2017 and 2025 to assess the current state of knowledge, identify critical gaps, and recommend evidence-based interventions.

## 1. Introduction

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Organ donation is one of the most profound intersections of medicine, law, and ethics. In India, the legislative framework for organ transplantation was first established by the **Transplantation of Human Organs Act (THOA), 1994** — a landmark law that formally recognised brain death and criminalised the commercial trade of human organs.<sup>[5]</sup>

In 2014, the government issued updated regulations broadening the scope of the Act — now called the Transplantation of Human Organs and Tissues Act (THOT) — to encourage cadaveric organ donation.<sup>[1]</sup>

Despite this robust legal framework, India's organ donation rates remain critically low. Healthcare professionals — particularly doctors — occupy the most pivotal position in the entire organ donation chain. They are the first to identify potential donors, counsel grieving families, certify brain death, and navigate complex legal procedures. Their knowledge — or lack thereof — directly determines whether a donation materialises.

## 2. Overall Awareness: What the Data Shows

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A national-level cross-sectional survey conducted between July and September 2022 found that the overall awareness level regarding organ donation among healthcare professionals and students in India was approximately **69%**.<sup>[1]</sup>

This figure, while representing a majority, conceals enormous variation in *depth* of knowledge. Comparable studies report awareness levels ranging from 63% (North-East India) to as high as 97.6% (Andhra Pradesh), depending on the region, institution type, and professional level of the respondents.<sup>[7]</sup>

Critically, research consistently shows that awareness of organ donation law remains shallow — most professionals know the law exists, but are unfamiliar with its operational and procedural specifics. <sup>[3]</sup>

### 3. The Brain Death Knowledge Gap

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The single most critical knowledge gap among Indian doctors concerns Brain Death Certification (BDC) — the medical and legal prerequisite for deceased organ donation. Under Indian law, brain death must be certified by a panel of doctors before any organ can be retrieved.

Studies reveal a deeply troubling picture:

- Only 44.17% of survey participants were aware of the concept of a 'beating heart donor' (brain-stem death), a fundamental concept in deceased donation. <sup>[7]</sup>
- Many doctors — including those in neurosurgery — are either unfamiliar with the precise BDC procedure or apply it inconsistently across hospitals. <sup>[8]</sup>
- Under-reporting of brain-stem deaths is common, as healthcare professionals are not fully aware of the process or are reluctant to engage with the legal requirements. <sup>[4]</sup>

As Dr. Deepak Gupta, lead author of a recent AIIMS Delhi study, noted: *"These gaps in training and practice directly impact organ donation and transplantation outcomes in India."*<sup>[8]</sup>

The legal protocol requires:

- At least two doctors from the treating hospital — not involved in the transplant surgery — must certify brain death. <sup>[4]</sup>
- One of the certifying doctors must be a neurologist or neurosurgeon. <sup>[4]</sup>
- Certification must be repeated — typically after a six-hour interval — to confirm the diagnosis before organ retrieval may proceed. <sup>[4]</sup>

## 4. Legal Awareness: Depth vs. Surface Knowledge

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### 4.1 Awareness of the Law's Existence

Among third-year medical students surveyed at a tertiary care hospital, **80.6% were aware that a law regarding organ donation exists**. However, only **2%** correctly understood what 'swap organ donation' means — a stark indicator of how surface-level legal literacy actually is. <sup>[2]</sup>

### 4.2 Family Consent and the Absence of Presumed Consent

India does not follow a presumed consent model. Even if an individual has formally pledged their organs during their lifetime, **family approval remains mandatory** before any organ can be retrieved. <sup>[4]</sup>

Studies show that **66% of respondents** incorrectly believed that signing an organ donation card was irrevocable — a misconception that must be addressed in public awareness campaigns. <sup>[3]</sup>

### 4.3 Living Wills: A Recognized but Unknown Right

The Supreme Court of India, in the **Common Cause judgment of 2018**, formally recognised the Living Will as a legal document under Article 21 of the Constitution. However, public and professional awareness about this right remains extremely low due to administrative delays and procedural complexity in its execution. <sup>[4]</sup>

#### 4.4 Punishments Under THOT Act

The THOT Act prescribes stringent penalties for violations:

- Commercial dealings in organs: imprisonment up to 10 years and a fine up to ₹20 lakh. <sup>[4]</sup>
- Unauthorised removal or transplantation: criminal prosecution, loss of medical licence, and hospital blacklisting. <sup>[4]</sup>
- Repeated hospital offences: permanent licence cancellation. <sup>[4]</sup>

Despite these provisions, compliance culture has led to unintended consequences — many hospitals exhibit defensive practices and hesitate to accept borderline cases, fearing legal repercussions. <sup>[4]</sup>

### 5. Systemic and Practical Barriers

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Surveys conducted among physicians identify multiple compounding barriers:

- 43% of physicians cited lack of transplant facilities in hospitals as a primary barrier to donation. <sup>[8]</sup>
- 62% of respondents reported family resistance as the most significant obstacle to proceeding with a donation, even when the deceased had expressed consent. <sup>[8]</sup>
- 50% pointed to religious or cultural attitudes as contributing to indecisiveness among families. <sup>[8]</sup>
- Many families are unaware that brain death constitutes legal and medical death, even when the body is maintained on machines. <sup>[8]</sup>
- None of 250 participants interviewed in a Western India study had a donor card — despite 92% favouring promotion of organ donation. <sup>[10]</sup>

Dr. Sunil Shroff, Trustee of MOHAN Foundation, commented: *"We have been aware of this challenge ever since the Transplantation of Human Organs Act was passed. This publication provides much-needed scientific proof and should serve as a wake-up call for policymakers."* <sup>[8]</sup>

### 6. Donor Registration: A Critical Action Gap

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Despite reasonably high levels of awareness and overwhelmingly positive attitudes, the conversion to actual registration as donors remains dismally low:

- Only 3–10% of surveyed healthcare professionals had signed an organ donor registration form. <sup>[7]</sup>
- A Times of India survey across 8 major Indian cities found barely 5% of people had taken the final step of registering. <sup>[7]</sup>
- 92% of respondents in a 2022 national study favoured promotion of organ donation — yet actual pledges were rare. <sup>[1]</sup>

This gap between intent and action reflects not just public hesitation but systemic friction — the organ donation registration process remains cumbersome, with limited facilities available at the primary healthcare level. [1]

## 7. Summary of Awareness Levels at a Glance

Awareness Dimension	Level Among Doctors/HCPs
General awareness of organ donation	~69–79%
Awareness of THOA/THOT law (existence)	~80%
Knowledge of brain death / BDC procedure	~44% (inconsistent)
Specific legal details (swap donation, living will, etc.)	Very low (~2–41%)
Actually registered as a donor	~3–10%
Willingness to promote organ donation	~92%

Table 1: Awareness levels across key dimensions among Indian healthcare professionals

## 8. Recommendations

Based on synthesised research findings, the following evidence-based strategies are recommended:

- Mandatory, structured training on Brain Death Certification (BDC) must be integrated into medical education curricula at undergraduate and postgraduate levels, and reinforced through regular workshops for practicing clinicians. [8]
- Standardised national BDC protocols — including checklists, video documentation requirements, and the presence of trained transplant coordinators — should be implemented uniformly across all registered transplant hospitals. [8]
- The organ donation registration process must be streamlined, with registration facilities made available at the lowest feasible level of healthcare, including primary health centres. [1]
- Public and professional awareness campaigns should be culturally sensitive, involving religious leaders, media, and community health workers to improve family consent rates. [8]
- Medical and nursing college curricula should explicitly address both the medical and legal framework of organ donation — not merely its ethical importance. [9]
- The government should consider implementing incentive programmes — such as priority in employment or education for immediate relatives of deceased organ donors — to increase the donor pool. [1]
- Doctors, particularly in ICUs and neurosurgical wards, should receive specific training in family counselling regarding brain death and organ donation. [5]

## 9. Conclusion

India's organ donation crisis is multifaceted — rooted in insufficient medical training, fragmented legal literacy, cultural barriers, and systemic inefficiencies. While Indian doctors generally hold positive attitudes toward organ donation, their procedural and legal knowledge — particularly around brain death certification, the absence of presumed consent, and specific THOT Act provisions — remains inadequate.

The evidence is clear: every organ donor can save up to eight lives, and that possibility begins with a single act — a doctor who recognises brain death with certainty and compassion, and who can guide a grieving family through a process that is both medically sound and legally compliant.<sup>[8]</sup>

**Bridging the awareness gap among healthcare professionals is not merely an academic imperative — it is a moral and public health urgency.**

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## About the Author

**Prashant Ajmera** is an Advocate and the Founder of OneIndiaOneLaw.org, a platform dedicated to legal awareness, citizen rights, and law reform in India. His work spans public interest advocacy, legal education, and policy commentary on issues at the intersection of law, medicine, and social justice. **Contact:** +91 98969 81848 | [prashant@ajmeralaw.com](mailto:prashant@ajmeralaw.com) | [www.OneIndiaOneLaw.org](http://www.OneIndiaOneLaw.org)

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