



**ODISHA POLICE
SPECIAL TASK FORCE
BHUBANESWAR**

POLICE CIRCULAR ORDER NO. 365 /2016

Instances have come to notice that IsIC/OsIC of various Police Stations of the State are taking up enquiries under the Transplantation of Human Organs Act, 1994 on the basis of requests received from Director, Medical Education & Training (DMET), Odisha, Bhubaneswar. Reports are being issued from Police Stations not only verifying the identity and residence of the persons concerned but also certifying that there is no financial transaction for such proposed organ transplantation. On the basis of such reports from Police Station, DMET often is allowing organ transplantations.

I. On the basis of extant rules/laws/Acts i.e. The Transplantation of Human Organs Act, 1994, The Transplantation of Human Organs (Amendment) Act, 2011 and The Transplantation of Human Organs and Tissues Rules, 2014, this issue was carefully examined and the following are hereby clarified:-

- (1)** That, no express provision exists in any of the aforesaid Act/Rule authorizing police to undertake verification before approval of transplantation of organ by the authorized committee.
- (2)** That, no executive instruction has been issued by Government or State Police Headquarters authorizing police to take up such enquiry upon a request by DMET or any other authority.
- (3)** That, Police is not authorized or professionally equipped to take up verification of the health condition of donor and/or recipient or any possibility of money transaction between them under any Act/Rule referred above.

II. It is further clarified that, the role and responsibility of a police officer in the matter of transplantation of human organs is very limited, which has been illustrated below on the basis of existing Rules/Acts:-

Sec. 17 (2) of the Transplantation of Human Organs and Tissues Rules, 2014 which deals with "Scrutiny of applications by Authorization Committee" says:-

"At the time of meeting, the Authorization Committee should take note of all relevant contents and documents in the course of its decision making process and in the event any document or information is found to be inadequate or doubtful, explanation should be sought from the applicant and if it is considered necessary that any fact or information requires to be verified in order to confirm its veracity or correctness, the be ascertained through the concerned officer(s) of the State Government or Union Territory Administration."

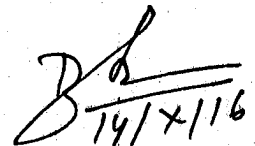
Similarly, Sec. 14 of the rule deals with "Verification of residential status, etc", which says:-

"When the living donor is unrelated and if donor or recipient belongs to a State or Union Territory, other than the State or Union Territory where the transplantation is proposed to be undertaken, verification of residential status by Tahasildar or any other authorized officer for the purpose with copy marked to the Appropriate Authority of the State or Union Territory of domicile of donor or recipient for their information shall be required, as per Form 20 and in case of any doubt of organ trafficking, the appropriate authority of the State or Union territory of domicile or the Tahasildar or any other authorized officer shall inform police department for investigation and action as per the provision of the Act"

Thus, as per the provisions of the Act, when the living donor is unrelated to the recipient and lives in a State other than the State, where the transplantation is proposed to be undertaken, there is necessity to verify the residential status by Tahasildar or any other authorized officer for the purpose (but no specific mention of police). Further, only when there is suspicion of commission of organ trafficking, the matter shall be referred to police for investigation. Besides this there is no provision of any verification by police.

III. In view of the above, it is hereby instructed that no police official shall take up any such verification go give "No Objection" prior to transplantation of human organ.

IV. This may be brought to the notice of all field level staff, including Police Station personnel for strict compliance.


14/10/16
(K.B.Singh)

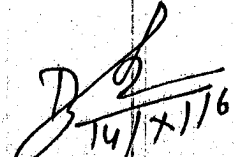
Director General of Police,
Odisha.

Memo No. 3938 /STF

Date: 17-10-2016

Copy to

- All district SsP/Dy. Commissioners of Police, Bhubaneswar & Cuttack/SsRP, Rourkela & Cuttack
 - Commissioner of Police, Bhubaneswar-Cuttack, Bhubaneswar/All Range IsGP/ Range DISGP including IGP, Railways
 - SP, CID, CB, Cuttack
- for information and necessary action please.


14/10/16
(K.B.Singh)

Director General of Police,
Odisha.

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