GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE & COLLECTOR, HOOGHLY
(HEALTH SECTION)

Memo No. 56/23/1(3)/Health.  

From: The Additional District Magistrate (G), Hooghly.


To : 1. The Chief Medical Officer of Health, Hooghly.

2-5. The Sub-Divisional Officer,
Sadar / Chandernagore / Serampore
Arambagh, Hooghly.

6-23. The Block-Development Officer,
Chinsurah-Mogra / Pandua / Balagarh / Dhaniakhali / Polba-Dadpur / Haripal / Singur
Tarakeswar / Serampore-Uttarpara / Jangipara / Chanditala-I/Chanditala-II/Arambagh
Pursurah / Khanakul-I / Khanakul-II / Goghat-I / Goghat-II Block, Hooghly.

Sub: Constitution of Verification Committee to assist the Authorization Committee under the Transplantation of Human Organs Act, 1994.


Enclosed please find herewith the D.O. No. HS-92/13 Dated. 18/04/2013 of Sri Satish Ch. Tewary, IAS, Principal Secretary, Department of Health & Family Welfare, Govt. of West Bengal, Swastha Bhavan, Kolkata-700091 along with a copy of memorandum no. HF/O/MERT/419/HAD/10M-07-12 Dt. 12/04/2013 which is self-explanatory.

Therefore, the letter of Constitution of verification Committee & its work kindly be dealt with such importance as it deserves.

Enclo: As stated.

Memo No. 56/23/1(3)/Health.

Copy forwarded for information to:
1. The DIO, NIC, Hooghly to upload the documents in the website of Hooghly District.
2. C.A. to District Magistrate, Hooghly.
3. P.A. to Additional District Magistrate (G), Hooghly.

Additional District Magistrate (G), Hooghly.


For District Magistrate,
Hooghly.
D.O.No.HS-92/13

Dear Mammat,

You are aware that the State Government has constituted an Authorization Committee in terms of Section 9 of the Transplantation of Human Organs Act, 1994 for examining and approving cases of human organ transplantation between recipients and 'living' donors where the donor is not a near relative of the recipient for specially examining the reasons of affection or attachment towards the recipient or for any other special reasons for which the donor has agreed. This department felt the need to assist the said Authorization Committee (AC) by constituting local level/field level Verification Committees with additional inputs and information. The said two member Verification Committees have been constituted comprising the local BMHQ and BDO (convener) in each Block in rural (Panchayat) areas, Assistant Chief Medical Officer of Health and Sub-Divisional Officer (convener) in Municipality areas and the Chief Health Officer and Municipal Commissioner (convener) in Kolkata Municipal Corporation areas.

This department has accordingly issued a memorandum vide No.HF/O/MERT/419/ HAD/10M-07-12 dated 12th April, 2013, a copy of which is annexed herewith. The salient features of the said memo are as under:

1. On receipt of non-related organ donation proposals from the Director of Medical Education (chairman of the AC) through the Organ donor, the Verification Committee shall individually examine each donor and his next of kin separately, in camera, especially regarding the donor, his financial position, likelihood of his relationship with the recipient and whether there is any substance in his claim of affection or attachment towards the recipient or any other special reasons for which the donor expressed his willingness for organ donation having regard to the following issues (i) whether there is any commercial transaction between the donor and the recipient and that no pecuniary promises have been made to the donor or any other person for this organ donation, (ii) the nature of link between non-related donors and recipients, i.e., whether there is direct financial link between the donor and the recipient viz paid employee, domestic help, landlord - tenant, land owner-agricultural laborer, money lender-debtor etc., (iii) explanation of the link between the
donor and recipient which has led to the offer being made, (iv) documentary evidence of the link e.g. proof that they have lived together etc., (v) reasons why the donor is desirous to donate, (Motive may be verified by interviewing the next of kin of the donor), (vi) Identity photographs showing the donor and recipient together, (vii) whether there is any middlemen / tout involved, (viii) financial status of the donor and recipient by asking them to give appropriate evidence of vocation and income for the three preceding years – any gross disparity between the status of the two, must be evaluated in the backdrop of the objective of preventing commercial dealing, (x) whether the donor is a drug addict, (ix) interview of the next of kin of the proposed non-related donor regarding the awareness about his intention to donate, the authenticity of the link between the donor and the recipient and the reasons for donation.

2. The Verification Committee shall thereafter (Preferably within 30 days after the donor has approached) submit a report addressed to the Director of Medical Education, West Bengal, with a copy to the recipient. The Verification Committee, if needed, may seek information from the Officer-in-Charge of the concerned police station regarding the donor.

As this entire exercise is intended at preventing exploitative organ donation and inducting more transparency in the non-related organ donating procedure, you are requested to inform and advise all BDOs, SDOs, Assistant Chief Medical Officers and Block Medical Officers of Health in your district, so that the provisions of the above mentioned memo dated 12th April, 2013 are followed strictly. You may also like to upload the said memo in the official website of the Collectorate for wide publicity

With best wishes,

Yours sincerely,

Enclo: As stated

(S. C. Tewary)

To
Smt. Manmeet Nanda Kaur,
District Magistrate,
Hooghly
Government of West Bengal  
Department of Health & Family Welfare  
MERT Branch  
Swasthya Bhavan, GN – 29, Salt Lake City, Kolkata – 700091  
No. HF/O/MERT/419/HAD / 10M – 07 – 12  
Dated: 12th April 2013  

Memorandum

Subject: - Constitution of Verification Committee to assist the Authorization Committee under the Transplantation of Human Organs Act, 1994

This State Government has constituted an Authorization Committee in terms of Section 9 of the Transplantation of Human Organs Act, 1994 for examining and approving cases of human organ transplantation between recipients and 'living' donors where the donor is not a near relative of the recipient. It is laid down in Section 9 (3) of the Transplantation of Human Organs Act, 1994 that "(3). If any donor authorizes the removal of any of his human organs before his death under sub-section (1) of section 3 for transplantation into the body of such recipient, not being a near relative, as is specified by the donor by reason of affection or attachment towards the recipient or for any other special reasons, such human organ shall not be removed and transplanted without the prior approval of the Authorization Committee." It has been under consideration of the State Government in the Department of Health & Family Welfare for some time past that the statements/submissions made by the organ donor relating to the reason of affection or attachment towards the recipient or any other special reasons for which the donor expressed his willingness for organ donation may be examined by a committee to ascertain whether there is any substance in his claim of affection or attachment towards the recipient etc for better appreciation of such cases of organ transplantation between non-related persons by the State Level Authorization Committee.

2. After careful consideration of the matter in order to support the functioning of the Authorization Committee with additional inputs and information, the undersigned is directed by order of the Governor to say that a two member Verification Committee is hereby constituted comprising the local BMOH and BDO (convener) in each block in rural (Panchayat) areas, Assistant Chief Medical Officer of Health and Sub – Divisional Officer (convener) in Municipality areas and the Chief Health Officer and Municipal Commissioner (convener) in Kolkata Municipal Corporation areas, and the following procedure shall be adopted prior to placing cases of non-related organ transplantation before the Authorization Committee (AC):-

a. On receipt of proposals for non-related organ donation/transplantation, the Director of Medical Education, being the head the Authorization Committee, shall forward the cases of non-related organ transplantation to the concerned Verification Committee depending on the residential address of the organ donor, with intimation to the donor as well as the recipient.

b. The donor shall approach the convener of the Verification Committee with relevant documents pertaining to his claim.

c. The Verification Committee shall individually examine each donor and his next of kin separately, in camera, especially regarding the donor, his financial position, likelihood of his

[Signature]
relationship with the recipient and whether there is any substance in his claim of affection or attachment towards the recipient or any other special reasons for which the donor expressed his willingness for organ donation having regard to the issues indicated in paragraph 2 (e) as appearing hereinafter.

d. The Verification Committee shall thereafter (preferably within 30 days after the donor has approached) submit a report addressed to the Director of Medical Education, West Bengal, with a copy to the recipient. The Verification Committee, if needed, may seek information from the Officer – in – Charge of the concerned police station regarding the donor.

e. The Verification Committee will evaluate and incorporate in the report (i) whether there is any commercial transaction between the donor and the recipient and that no pecuniary promises have been made to the donor or any other person for this organ donation, (ii) the nature of link between non – related donors and recipients, i.e., whether there is direct financial link between the donor and the recipient viz paid employee, domestic help, landlord – tenant, land owner – agricultural laborer, money lender – debtor etc, (iii) explanation of the link between the donor and recipient which has led to the offer being made, (iv) documentary evidence of the link e.g. proof that they have lived together etc, (v) reasons why the donor is desirous to donate, (motive may be verified by interviewing the next of kin of the donor), (vi) identity photographs showing the donor and recipient together, (vii) whether there is any middlemen / tout involved, (viii) financial status of the donor and recipient by asking them to give appropriate evidence of vocation and income for the three preceding years — any gross disparity between the status of the two, must be evaluated in the backdrop of the objective of preventing commercial dealing, (ix) whether the donor is a drug addict, (ix) interview report of the next of kin of the proposed non – related donor regarding the awareness about his intention to donate, the authenticity of the link between the donor and the recipient and the reasons for donation.

f. The report of the Verification Committee shall thereafter be placed before the Authorization Committee together with all relevant documents.

g. The Authorization Committee, if not satisfied with the report, may send back the same to the Verification Committee for review or may also on its own discretion also examine each donor, in camera, whether there is any substance in his claim of affection or attachment towards the recipient or any other special reasons for which the donor expressed his willingness for organ donation and take a final view.

3. It is further clarified that the report and findings of the Verification Committee shall be an additional input for assistance of the Authorization Committee, and nothing shall construe from this memorandum to limit or abridge the authority, responsibility and function of the Authorization Committee as laid down in the Transplantation of Human Organs Act, 1994 and the Transplantation of Human Organs Rules, 1995, as amended from time to time.

4. All concerned are informed.

[Signature]

Special Secretary
Copy forwarded for information and necessary action to:-

1. Secretary, PHP Branch of this department;
2. Director of Health Services, West Bengal;
3. Director of Medical Education, West Bengal;
4. Principals, ________________________ (all medical colleges);
5. Municipal Commissioner, Kolkata Municipal Corporation, Kolkata;
6. Special Secretary, PHP Branch / TDE Branch / MA Branch of this department;
7. Joint Secretary, PHP Branch / TDE Branch / MA Branch of this department;
8. District Magistrate, ________________________ (all districts);
9. MSVP, ________________________ (all medical colleges);
10. Sub-Divisional Officer (SDO), ________________________ (all sub-divisions);
11. Chief Medical Officer of Health, ________________________ (all districts);
12. Assistant Chief Medical Officer of Health, ________________________ (all sub-divisions);
13. Chief Health Officer, KMUHO, Kolkata;
14. Superintendent, ________________________ (all Sub-divisional Hospitals / State General Hospitals / District Hospitals);
15. Superintendent, ________________________ (other hospitals);
16. DDHS (MERT), West Bengal;
17. ADHS (MERT), West Bengal;
18. Block Development Officer, ________________________ (all Blocks);
19. BMOH, ________________________ (all BPHC / RH)
20. TO, SPSRC, DH&FW, West Bengal;
21. IT Cell of this department for uploading this memo in the departmental website;
22. Guard file of this department.

Special Secretary