



CIVIL

Altruistic Organ Donation: A Judicial Perspective

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The High Court of Kerala recently delivered a significant judgment in the case of *Uvais Muhammad K.C. & Another v. State of Kerala & Others*. This case revolved around the complexities of organ donation laws and the challenges faced by those attempting to donate altruistically.

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Background of the Case

The first petitioner, Uvais Muhammad, is a 20-year-old suffering from chronic kidney disease. His condition is life-threatening, and he urgently needs a kidney transplant. Unfortunately, none of his close relatives could donate. The second petitioner, Chippy S., is an acquaintance who volunteered to donate her kidney out of altruism. She had lost her younger brother to kidney disease and wanted to help Uvais avoid the same fate.

However, the process faced repeated roadblocks. Their joint application was rejected multiple times by the statutory authorities under the **Transplantation of Human Organs and Tissues Act, 1994 (THOT Act)**. Authorities suspected that the donation might be financially motivated rather than altruistic, citing concerns about Chippy's vulnerable financial and family background.

Legal Challenges

The THOT Act allows organ donation between non-relatives only if it is approved by the Authorization Committee. The committee must ensure that the donation is altruistic and not driven by financial transactions. Despite the petitioners' repeated submissions and supporting evidence, their application was denied on multiple occasions. Authorities pointed to the lack of concrete proof of their relationship and Chippy's financial struggles as reasons for rejection.

This led the petitioners to approach the High Court on several occasions. Despite court directions to reconsider the application fairly, the Authorization Committee continued to reject it, citing suspicions of a commercial transaction.

Key Legal Principles

The court referred to several important judgments to clarify the legal principles surrounding organ donation:

1. **Kuldeep Singh v. State of Tamil Nadu** – This case highlighted the need to prevent commercial dealings in organ donations and placed the burden on applicants to prove their altruistic intent.
2. **Soubiya v. District Level Authorization Committee** – The court held that financial struggles do not automatically imply a person is motivated by monetary gain, as such assumptions violate individual dignity.
3. **Shareef K.M. v. State of Kerala** – Financial disparity between donor and recipient cannot be the sole reason to reject an application. Altruistic intentions must be evaluated fairly.
4. **Association of Medical Super Speciality Aspirants v. Union of India** – The Supreme Court recognized the right to health as fundamental to the right to life under Article 21 of the Constitution.

The Court's Observations

The High Court criticized the Authorization Committee for its rigid and mechanical approach. The court observed that while the law aims to prevent exploitation and commercial organ transactions, it should also allow genuine altruistic donations. Authorities cannot base their decisions solely on suspicions or stereotypes, such as assuming financial need always leads to exploitation.

The court emphasized that the committee had failed to follow proper procedures. Instead of conducting thorough investigations or seeking further clarifications, the committee rejected the application without substantial evidence of any wrongdoing.

Final Decision

Given Uvais's critical condition and the repeated failures of the Authorization Committee, the court decided to intervene directly. It quashed the earlier rejection orders and directed the committee to grant approval within a week. The court stated that if the committee failed to comply, permission would be deemed granted, ensuring that the transplant could proceed without further delays.

A Landmark Judgment

This judgment safeguards the rights of the petitioners and sets a precedent for countless others in similar situations. By recognizing the altruistic intentions of donors and rejecting blanket assumptions based on financial disparity, the court has struck a delicate balance between preventing exploitation and enabling life-saving organ transplants.

For the thousands of patients waiting for organ transplants, this decision is real hope. It underscores the judiciary's commitment to ensuring that genuine acts of altruism are not hindered by procedural rigidity or unwarranted scepticisms. The ruling encourages a more empathetic and nuanced approach to organ donation approvals, potentially reducing the delays that many recipients face in critical situations.

This case reiterates the importance of a strong yet compassionate system that prioritizes the right to life and health, ensuring timely decisions for those at the brink of survival. It paves the way for a more inclusive and supportive organ transplant framework, offering a new lease on life to countless individuals waiting for the gift of hope and healing.

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