

ITEM NO.39

COURT NO.5

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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 : 15-09-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr. K Parameshwar, Sr. Adv. (N.P.)
Ms. Kanti, Adv.
Mr. Mv Mukunda, Adv.
Mr. Shreenivas Patil, Adv.
Mr. Anand Dilip Landge, AOR

For Respondent(s) :

Ms. Archana Pathak Dave, A.S.G.
Ms. Madhulika Upadhyay, AOR
Ms. Mili Baxi, Adv.
Mr. Khushal Kolwar, Adv.
Mr. Misha Kumar, Adv.
Mr. Jagdish Chandra, Adv.
Mr. Manish, Adv.
Ms. Harshita Choubey, Adv.

Ms. Shirin Khajuria, Sr. Adv.
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Ms. Swati Tiwari, Adv.
Ms. Gunjan Rathore, Adv.
Mr. Chaitanya Sonkeria, Adv.
Ms. Aastha Harshwal, Adv.

Mr. Kunal Vajani, A.A.G.
Mr. Sanchit Garga, AOR
Mr. Shashwat Jaiswal, Adv.
Ms. Diksha Arora, Adv.
Mr. Bhanu Pratap Singh, Adv.
Mr. Vijender Kumar, Adv.

Ms. Oorja Goel, Adv.
 Mr. Guneet S. Sidhu, Adv.
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Mr. Bharat Bagla, Adv.
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Mr. Sameer Abhyankar, AOR
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 Ms. Arushi Chopra, Adv.
 Mr. Aakash Thakur, Adv.
 Mr. Nalin Talwar, Adv.

Ms. Jayasree Narasimhan, AOR

Mr. Nishant Awana, AOR
 Ms. Rini Badoni, Adv.
 Mr. G.s. Awana, Adv.
 Mr. Suraj Kundu, Adv.
 Mr. Amoug Pandey, Adv.

Mr. Sudarshan Lamba, AOR

Mr. Avijit Mani Tripathi, AOR
 Mr. Z.H. Isaac Haiding, Adv.
 Mr. Daniel Stone Lyugdoh, Adv.
 Mr. Manbian K., Adv.

Ms. Ankita Sharma, Adv.
 Mr. Arjun D. Singh, Adv.
 Ms. Ishika Neogi, Adv.
 Gargi Vishwakarma, Adv.

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

1. By our Order dated 19-11-2025, the following directions were issued:-

"i. We request the Union of India to persuade the State of Andhra Pradesh through its Chief Secretary or the Health to adopt the Principal Secretary 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 national level providing equal should be 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 transplantation facilities in India. 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 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 was ordered to be placed after six months to report compliance of the directions issued by this Court, referred to above.

3. Today, when the matter was taken up for further hearing, Ms. Archana Pathak Dave, the learned Additional Solicitor General appearing for the Union of India submitted that most of the directions issued by this Court, referred to above, have been complied with. However, she prays for further six months time to report full compliance of the directions issued by this Court, referred to above.

4. The present litigation is very sensitive. Very important directions have been issued by this Court.

5. We expect the Union to ensure that within next six months, all directions are complied with in their letter and spirit.

6. Post it after six months.

(VISHAL ANAND)
DEPUTY REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)