

Human Organ Trasplant Act 1994  
Declaration of brain death

**Government of Maharashtra**  
**Public Health Department**  
Government Resolution No.Maapra-2012/CR-289/Health-6  
Mantralaya, Mumbai- 400 032  
Date:- 13<sup>th</sup> September, 2012

**Read :-** The Transplantation of Human Organs Act,1994 and The Transplantation of Human Organs Rules 1995

**Government Resolution:-**

It has been brought to the notice of the Government that Brain death is not declared promptly. Further, doubts have arisen in medical circles on the authority by which doctors may declare "Brain Death" whenever required. Several patients who are brain dead have been kept on life support systems in the Hospitals needlessly, thereby delaying/pre-empting Organ Transplant to needy patients. It is also a fact that failure to declare brain death even when all the conditions for such a condition are evident , has led to prolonged but avoidable anxiety for the concerned family members and friends of the patients.

Due to lack of clarity on this issue and the optional nature of the current situation, it has become necessary to issue orders making it mandatory to declare "Brain Death" and certify it accordingly.

The following orders are therefore issued in the matter:-

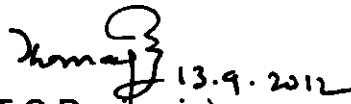
It is now made mandatory that whenever the medical condition (clinical and medical criteria prescribed) of a patient has reached a brain death stage, brain death certification shall be done by the authorized

medical personnel and immediately thereafter the details of the brain death certification shall be conveyed to the Zonal Transplantation Co-ordination committee for distribution of the Organs.

The above order shall come into force in Hospitals which are registered under Human Organ Transplant Act 1994 & Non Transplant organ Retrieval Centres In the state with immediate effect .

The procedures to be followed for declaring brain death and the authorized personnel for undertaking the same will be issued separately.

By order and in the name of the Governor

  
(T.C. Benjamin)

Additional Chief Secretary

To,

Secretary Medical Education and Drugs Department Mantralaya  
Mumbai

The Director of Health Mumbai

The Director of Medical Education and Research Mumbai

Zonal Transplant Coordination Center Mumbai Pune Nagpur

Deputy Director Health Services Thane/Pune

/Kolhapur/Akola/Aurangabad/Latur/Nagpur

Civil Surgeon (all )

All Transplant Center Hospitals

Dean Government Medical Collages

Members of Advisory committee