PRESSURES AND PROMISES: POLICIES AND LEGAL CATALYZERS FOR DECEASED ORGAN DONATION

REETA DAR
HEALTH EDUCATION OFFICER
CENTRAL HEALTH EDUCATION BUREAU,
DIRECTORATE GENERAL OF HEALTH SERVICES;
KOTLA ROAD: TEMPLE LANE -NEW DELHI- 110002

ABSTRACT- This paper deals with pressures and promises of legislative mechanisms that are designed for increasing organ donation from deceased donors. It reveals some factors responsible for the hyperactive legal system favoring deceased organ donation. The paper enunciates unease over the lack of a uniform universal standard protocol for deceased organ donation and highlights the nuances of different diagnostic procedures for different types of deceased donation in different parts of the world. While unveiling the promises of these legislative mechanisms for transplant professionals, medical industry and organ recipients this paper demonstrates apprehension over these promises deciphering into pressures on people and professionals on donation side. It further talks about opt -in and opt –out legislation of organ donation and views some legislative policies like mandatory choice in driving licenses, mandatory transplant coordinators, mandatory declaration of brain death and mandatory request as legal catalyzes trying to increase organ donation. It brings into focus how increasing need for organs is getting translated into greed for legislative revolutions like abandonment of Dead Donor Rule (DDR), bribing people through financial incentives, moving towards presumed consent and reducing gap of two diagnostic procedures in case of brain stem death declaration .It articulates serious hesitation over mandatory diagnosis of brain stem death and opposes move to go with the regime of presumed consent of organ donation in India. It sums up to say that all these legal mechanisms add to the pressures on people and professionals on donation side in order to benefit people and professionals on transplantation side. This paper appeals for inclusion of some health linked promises for intending donors and donor families too for making organ donation appealing to everyone.

KEY WORDS – Opt-In, Opt-Out, Deceased Donation, Cadaver Donation, Mandatory choice in driving licenses, Mandatory transplant coordinators, Mandatory declaration of brain death and Mandatory request, Heart Beat Transplant ,Non Heart Beat Transplant.

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