

## **ABSTRACT**

Health and Family Welfare Department - Cadaver Organ transplantation - Post-mortem examination in medico legal cases – Procedure prescribed - Revised Orders Issued.

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### **Health and Family Welfare (Z1) Department**

G.O. (Ms) No:86

Dated : 26.02.2011  
Thiruvalluvar Aandu: 2042  
Masi: 14.  
Read

G.O.Ms.No.259, Health and Family Welfare (Z1) Department,  
Dated 14.09.2010

**-:o0o:-**

### **ORDER:-**

The Government of Tamil Nadu have revamped the methodologies and issued several orders, streamlining the procedures for "Cadaver Organ Transplantation", an attempt to give "life" a new lease after death. Many of the cadaver organ donors are victims of road traffic accidents or other unnatural deaths, which are Medico-Legal cases and necessitate police inquest followed by post-mortem examination.

2. Sections 4 and 6 of the Transplantation of Human Organs Act, 1994 (Central Act 42 of 1994) outline the need for procedural clearances that are required to be made prior to organ retrieval from a person who is brain dead and whose body may be required for post-mortem examination, it being a medico-legal case. Currently the procedure required to do post-mortem in such cases has proved to be a major impediment in popularizing cadaver organ donation. Therefore in the Government Order read above, orders were issued devising certain procedures for facilitation of organ transplantation in Medico-legal cases.

3. A State level workshop was held at Government General Hospital, Chennai on 21<sup>st</sup> October 2010 regarding further streamlining of the Cadaver Organ Transplant programme (COTP) in Tamil Nadu and certain Modifications were proposed to facilitate implementation of the said programme. It was viewed that incorporation of certain modifications would create a better environment for promoting organ donation and comply the procedural formalities without much difficulty.

4. The Government have examined the modifications and decided to issue modified orders to the Government Order read above by incorporating the modifications suggested in the workshop held at 21.10.2010 at Government General Hospital, Chennai, which are as below.

- (i) As and when a suspected brain-death takes place, the authorized doctors shall conduct the first brain stem death test as prescribed in G.O. (Ms) No.75, Health and Family Welfare Department, dated 03.03.2008.
- (ii) Should this first test prove positive, the near relatives namely spouse, son, daughter, father, mother, brother or sister of the patient (potential organ donor) shall be consulted and their consent would be sought for organ donation.
- (iii) After consent is obtained from the near relatives of the patient, the Investigation Officer of the medico-legal case concerned shall immediately be requested by the Transplant hospital concerned, in Form - I annexed to this Order, to come to the hospital, in order to expedite the conduct of the inquest, through the police outpost or designated police station of the hospital.
- (iv) The second brain-stem death test on the potential organ donor shall then be carried out according to the Transplantation of Human Organs Rules, 1995 and Form 8 of the said Rules (as in Annexure I of G.O. (Ms) No.75, Health and Family Welfare Department, dated 3.3.2008), will be signed by the authorized doctors, and this shall be independent of the other inquest formalities.
- (v) On receipt of 'Death Intimation' along with Form 6 and Form 8 of the said Rules, the Investigation Officer shall conduct the inquest and determine whether a post-mortem is required. If the post-mortem examination is not required, then the Investigating Officer shall inform the near relatives of the potential organ donor and accordingly the organ retrieval may take place.
- (vi) In case the Investigating Officer decides that a post-mortem is needed, he shall submit:-
  - a) a requisition for conducting the post-mortem;
  - b) 'Organ functional Status Certificate' signed by any one of the doctors authorized by the medical Superintendent in the Form II annexed to this order.
  - c) Copies of Form 6 and Form 8 of the said Rules, to the Medical Officer who will conduct the post-mortem examination.
- (vii) The medical officer who will conduct the post-mortem shall then authorize the organ retrieval, as per section 6 of the Transplantation of Human Organs Act 1994, in Form - III annexed to this order.
- (viii) The organ retrieval shall take place, following which the post-mortem shall be conducted by the Medical Officer designated to do the post-mortem. Any duly authorized Transplant hospital (Government or Private) will utilize, for the purpose of post-mortem, the services of the Medical Officer(s) from the Forensic Medicine Department of the Government Medical Colleges or any other qualified Forensic Medicine Expert(s) or any Government medical Officer(s) or Pathologists posted in the Forensic Medicine department or any Government Medical Officer (serving or retired) who has/have had experience in post-mortem work.

After completion of the post-mortem, the body shall be handed over to the Police who shall then complete the necessary procedures.
- (ix) A diagrammatic presentation to facilitate understanding of the steps involved in the above procedures is annexed to this order.

The conduct of post-mortem in the above procedure will be done by qualified persons as contemplated in section 174 (3) of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

This order issues with the concurrence of Home Department vide its U.O. No.1228/POI-VII/2011, dated 21.02.2011.

(BY ORDER OF THE GOVERNOR)

V.K.SUBBURAJ,  
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Director of Medical Education, Chennai - 10.

The Director of Medical and Rural Health Services, Chennai - 6.

The Dean, Government General Hospital, Chennai - 3.

The Dean, Government Stanley Hospital Chennai - 1.

The Dean, Government Kilpauk Medical College Hospital, Chennai -10.

**Copy to:-**

The Home Department, Chennai - 9.

The Director General of Police, Chennai - 4.

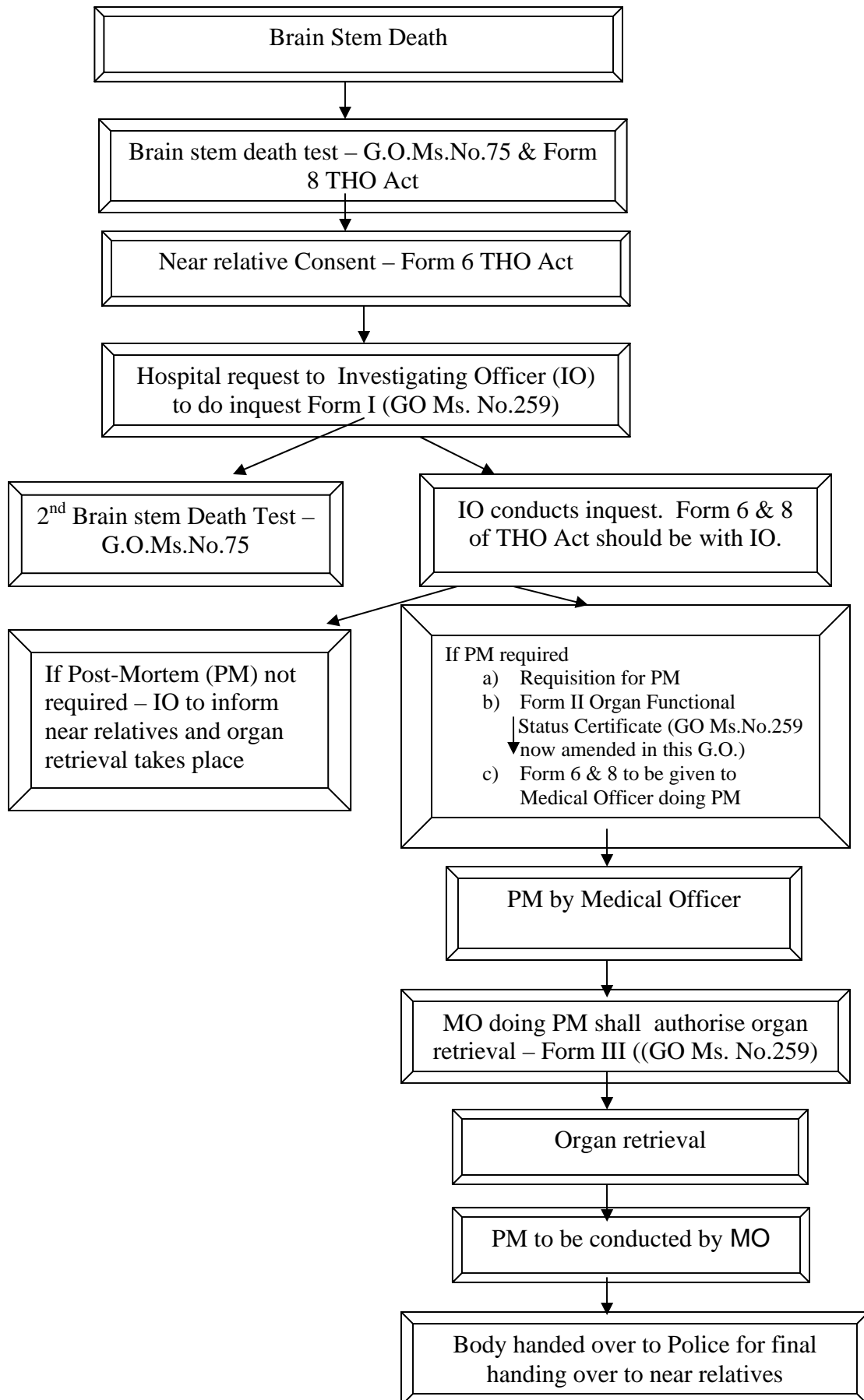
The Convenor, Cadaver Organ transplantation Programme, Madras Medical College, Chennai-3.

SF/SC

/ FORWARDED BY ORDER /

SECTION OFFICER

# ANNEXURE



**Form - I**  
**Police Intimation Form**

From  
Chief Medical Officer / Residential Medical Officer,

----- Hospital,

Address

To

The Inspector of Police / Investigating Officer

----- Police Station.

Address: )

Sir,

Thiru/Tmt-----aged-----years of-----

-----  
(Address) sustained injuries (details) and was admitted in-----

hospital on----- (dd/mm/yy).

2. The near relatives of the patient have expressed a positive inclination to donate the organs of the patient in the event of the patient's Brain death. The Brain Death Certification process is now in progress, as per the Transplantation of Human Organs Act, 1994 (Central Act 42 of 1994).

3. You are requested to immediately come to the hospital in order to expedite the conduct of the inquest and carry out necessary procedures to enable the Cadaver Organ donation.

Yours faithfully,

Copy to:

Concerned Commissioner of Police

or

District Superintendent of Police

// True Copy //

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**Form –II**

**Organ(s) functional status certificate.**

This is to state that Thiru / Tmt \_\_\_\_\_ S/o /  
D/o \_\_\_\_\_ who had been admitted in our hospital  
on \_\_\_\_\_ (date) (IP No. \_\_\_\_\_.) has been certified as Brain dead on \_\_\_\_\_  
(date) at \_\_\_\_\_ A.M. / P.M. as per the THO Act, 1994.

It is certified that the following organs of this brain dead potential organ donor are  
in functioning status:

- 1)
- 2)
- 3)
- 4)
- 5)

(Signature by anyone of the doctors authorized by the Medical Superintendent of  
the hospital.)

// True Copy //

SECTION OFFICER

**Form – III**

**Organ Retrieval Authorization Form**

I / We, Dr. ----- hereby authorize, as per  
Section 6 of the Transplantation of Human Organs Act, 1994, (Central Act 42 of 1994)  
for the retrieval, of the under mentioned organs, for the purpose of transplantation from  
the Brain Cadaver of Thiru / Tmt-----  
-----s/o / d/o-----

whose Brain Death was certified as per the said Act 1994 and the functioning status of  
the organs intended to be retrieved for transplantation purpose have been certified.

**organ authorized for retrieval:**

- (1)
- (2)
- (3)
- (4)
- (5)

(Signature of the Post – mortem Medical Officer who will conduct Post-mortem)

// True Copy //

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