

Is Documentary Evidence of Friendship Mandatory - Asks Madras High Court

Poonam Sharma, Sujatha Suriyamoorthi
MOHAN Foundation, India

The Madras High Court advocated a practical approach to unrelated kidney donations while also questioning the requirement for documentation for authentication of a friendship which is to be done in accordance with the Transplantation of Human Organs Act, 1994.

Justice N. Anand Venkatesh led the bench which overruled the rejection by the authorisation committee that turned down the request of a donor to give a kidney to a close family friend on the basis of lack of documents. The committee would only accept that the pair of donor and recipient can show relationships if they produce proof of their bond. The Court reasoned that "How can friendship or good relationship be proved through documentary evidence?" and pointed out that the law allowed organ donation from unrelated donors as long as it was voluntary, out of love and compassion, and devoid of any monetary inducement or coercion.

The Court directed the committee to re-evaluate its decision based on the underlying principle of the Act, which is preventing exploitation, not rejecting true acts of altruism. This ruling indicates a change of attitude towards a gentler and more adaptable way of handling the unrelated donations - one that gives priority to the will and ethical preventive measures rather than paperwork.

Corresponding Author: Dr. Sunil Shroff,
MOHAN Foundation, Chennai, Tamil Nadu, India
Email: shroff@mohanfoundation.org

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