

Gujarat High Court Rejects State Domicile Priority For Deceased Donor Transplants

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The Gujarat high court overturned the state's policy that gave preference to Gujarat residents for transplanting organs from deceased donors.

The high court of Gujarat received three such petitions - Hemali Ajmera (who needed a kidney transplant), a Canadian citizen who has been living in India (Ahmedabad) for 13 years; Vidhya Shah (who needed a liver transplant), a Gujarati descent but a resident of Madhya Pradesh; Himanshu Shekhar (who needed a kidney transplant) from Jharkhand who had been living in Ahmedabad for seven years. All three of them were not registered on the state waitlist as they were denied the state domicile certificates.

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A person without Gujarat domicile status does not get priority on the list of recipients and cannot register on the state list under the Gujarat Deceased Donor Organ and Tissue Transplantation Guidelines (G-DOT). According to the state government, its policy of favouring locals for cadaver transplants was due to the shortage of organs and aimed at preventing organ transplant tourism.

However, the court rejected the statements made by the state. In its order issued in November 2022, the court directed the state that the right to life is above the domicile certificate. It added in its judgement that neither the right to health nor the right to life shall be restricted by the state, only to its domiciles.

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