



\$~28

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of Decision: 29th June, 2026**

+ W.P.(C) 4045/2026

PRATIK SHAW MINOR THROUGH HIS MOTHER AND
NATURAL GUARDIAN SMT VANDANA SHAWPetitioner

Through: Mr. Utkarsh Singh, Adv. (Through
VC)

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Siddhartha Panda, Adv for R-2
(ICBS), mobile no. 9891488088, e-
mail-
siddharthpandaasso@gmail.com.

Mr. Dhananjai Rana (CGHS) for R-1.
Ms. Avni Singh, Panel Counsel for
GNCTD & Mr. Vaibhav Sharma,
Adv.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL):

1. The present petition has been filed seeking issuance of directions to respondent nos. 1 and 2 to grant necessary permission under Section 9 (1B) of the Transplantation of Human Organs and Tissues Act, 1994 (“**THO Act**”)



and Rule 5(3)(g) of the Transplantation of Human Organs and Tissues Rules, 2014 (“**THO Rules**”) to the petitioner, who is a minor, to donate a part of his liver to his ailing father, i.e., Mr. Uttam Kumar Shaw, in view of the exceptional medical grounds as mentioned in the petition.

2. This Court notes that the petitioner was born on 13th September, 2008, and is a minor, aged about 17 years 6 months at the time of filing of the present petition.

3. The minor petitioner has approached this Court through his mother and natural guardian, Mrs. Vandana Shaw, and is willing to donate a portion of his liver to save the life of his father, who is undergoing treatment for chronic liver disease with cirrhosis, portal hypertension, mild ascites and liver cell carcinoma (hepatocellular carcinoma) at respondent no. 2 – Institute, i.e., Liver and Biliary Sciences (“**ILBS**”), Vasant Kunj, New Delhi.

4. Today, learned counsel appearing for the Government of NCT of Delhi (“**GNCTD**”), i.e., respondent no. 3 has handed over to this Court a letter dated 29th June, 2026, which records approval of the Lieutenant Governor of Delhi and the appropriate authority to permit the petitioner herein for donating part of his liver to his father. The said permission letter dated 29th June, 2026 reads as under:

“xxx xxx xxx



File No. AA/THOTA CELL/ 2026/Court Case/11008 / 1443-1448

Date: 29/06/2026

To

Head Operation (Medical)
Institute of Liver and Biliary Sciences (ILBS)
D-1, Vasant Kunj, New Delhi

Subject: Permission for Living Donor Liver Transplant under Rule 5(3)(g) of the Transplantation of Human Organs and Tissues Rules, 2014.

Sir/Madam,

Reference your letter no. F.15(2)/2/03/2026/OM/ILBS date 01.06.2026, I am directed to convey that, in pursuance of the approval accorded by the Hon'ble Lieutenant Governor, Delhi, and with the approval of the Appropriate Authority under the Transplantation of Human Organs and Tissues Act, 1994, Mr. Pratik Shaw has been permitted to donate a part of his liver (living donor liver transplantation) in accordance with the provisions of Rule 5(3)(g) of the Transplantation of Human Organs and Tissues Rules, 2014, subject to fulfillment of all statutory and medical requirements under the Act and Rules.

You are, therefore, requested to proceed with the transplantation process in accordance with the provisions of the THOTA Act, 1994 and the Rules framed thereunder, ensuring compliance with all applicable legal, ethical, and clinical protocols before undertaking the transplant procedure.

This issues with the approval of the Competent Authority.

Thanking you,

Yours faithfully,

Dr. Satyajit Kumar
State Nodal Officer
THOTA CELL, GNCT of Delhi

File No. AA/THOTA CELL/ 2026/Court Case/11008 / 1443-1448

Date: 29/06/2026

Copy to:

1. P.S. to Hon'ble LG, Office of Hon'ble LG, Raj Niwas Marg, New Delhi for information
2. Secretary to Hon'ble CM, Office of Hon'ble CM, 3rd floor, GNCT of Delhi, Delhi Secretariat
3. Secretary to Hon'ble HM, Office of Hon'ble HM, 7th floor, GNCT of Delhi, Delhi Secretariat
4. Secretary, H&FW, 9th floor, GNCT of Delhi, Delhi Secretariat
5. Special Secretary, H&FW, 9th floor, GNCT of Delhi, Delhi Secretariat
6. Guard File

Yours faithfully,

Dr. Satyajit Kumar
State Nodal Officer
THOTA CELL, GNCT of Delhi

Office Address: Room No. 531, 5th Floor, (A-Wing), D-Block,
G. B. Pant Institute of Post Graduate Medical Education & Research,
JL Nehru Marg, New Delhi -110002,
Tele Fax: 91-11-23237267, Email: organtransplant.delhi@nic.in

xxx xxx xxx"

5. This Court notes that as per Rule 5(3)(g) of the THO Rules, donation of living organs or tissues by minors shall not be permitted except on exceptional medical grounds. The said Rule reads as under:

"xxx xxx xxx

5. Duties of the registered medical practitioner.—

xxx xxx xxx

(3) The registered medical practitioner shall, before removing any



human organ or tissue from a living donor, shall satisfy himself –

(a) that the donor has been explained of all possible side effects, hazards and complications and that the donor has given his or her authorisation in appropriate Form 1 for near relative donor or Form 2 for spousal donor or Form 3 for donor other than near relative;

(b) that the physical and mental evaluation of the donor has been done, he or she is in proper state of health and it has been certified that he or she is not mentally challenged and that he or she is fit to donate the organ or tissue: Provided that in case of doubt regarding mentally challenged status of the donor the registered medical practitioner may get the donor examined by a psychiatrist and the registered medical practitioner shall sign the certificate as prescribed in Form 4 for this purpose;

(c) that the donor is a near relative of the recipient, as certified in Form 5, and that he or she has submitted an application in Form 11 jointly with the recipient and that the proposed donation has been approved by the competent authority as defined at rule 2(c) and specified in Form 19 and that the necessary documents as prescribed and medical tests, as required, to determine the factum of near relationship, have been examined to the satisfaction of the registered medical practitioner and the competent authority;

(d) that in case the recipient is spouse of the donor, the donor has given a statement to the effect that they are so related by signing a certificate in Form 2 and has submitted an application in Form 11 jointly with the recipient and that the proposed donation has been approved by the competent authority under the provisions of sub-rule (2) of rule 7;

(e) that in case of a donor who is other than a near relative and has signed Form 3 and submitted an application in Form 11 jointly with the recipient, the permission from the Authorisation Committee for the said donation has been obtained;

(f) that if a donor or recipient is a foreign national, the approval of the Authorisation Committee for the said donation has been obtained;

(g) living organ or tissue donation by minors shall not be permitted except on exceptional medical grounds to be recorded in detail with full justification and with prior approval of the Appropriate Authority and the State Government concerned.

xxx xxx xxx”

(Emphasis Supplied)



6. Thus, it is apparent that only in exceptional medical circumstances, a minor can be permitted to donate live tissues and organs. While there is no absolute statutory bar for donation of living organ by a minor, adherence to statutory framework, i.e., the conditions as stipulated in the THO Act as well as THO Rules, which regulate the donation of living organs and tissues by minors, have to be rigorously met.

7. This Court notes that the father of the petitioner is suffering from advanced chronic liver disease, with hepatocellular carcinoma. This Court is informed that the recipient's condition is life threatening and time sensitive, and in view of the medical condition of the father of the petitioner, he has been advised liver transplantation by the respondent no. 2 – Hospital, as the only viable and lifesaving treatment.

8. The suitable living donors from among near relatives and family members of Mr. Uttam Kumar Shaw have been evaluated. The petitioner being the biological son, has been found to be the only suitable donor available. No other medically suitable relative donor is available.

9. This Court notes that the petitioner falls within the definition of “*near relative*” under Section 2(i) of the THO Act, being the son of Mr. Uttam Kumar Shaw.

10. This Court is informed that the petitioner, though a minor, is physically fit and he is willing to donate a portion of his liver to his father, out of his own volition, natural love and affection.

11. Since the petitioner, i.e., the minor son of the recipient is the only compatible donor, and he is willing to donate a part of his liver to his ailing father, purely out of filial obligation, without any commercial or coercive



element, this Court finds no impediment in allowing the present petition. It is to be noted that similar orders have been passed by this Court on earlier occasions as well, after considering the facts and circumstances of the respective cases.

12. Considering the medical condition of the father of the petitioner, as also the permission granted by way of letter dated 29th June, 2026 issued by the Ministry of Health and Family Welfare Department, containing the approval of the appropriate authority as well as the Lieutenant Governor, GNCTD, this Court is of the view that the balance of convenience and equities, in the present case, overwhelmingly lie in favour of permitting the proposed liver donation and transplantation. In case, this Court denies such permission, it may lead to loss of life of the petitioner's father.

13. Accordingly, in view of the submissions made before this Court, this Court deems it fit to exercise its discretion under Article 226 of the Constitution of India, 1950 in the present case, and allow the petitioner to donate a part of his liver to his father.

14. This Court is informed by the learned counsel appearing for respondent no. 2 - Hospital, i.e., ILBS, Vasant Kunj, New Delhi, that the hospital was awaiting the order of this Court and shall now expeditiously fix a date for the operation.

15. Accordingly, it is directed that the procedure upon the petitioner, i.e., minor son, shall be carried out properly, in compliance with all legal, ethical and clinical protocols, in order to ensure the health and safety of the minor petitioner.

16. With the aforesaid directions, the present writ petition is accordingly



allowed and disposed of.

**MINI PUSHKARNA, J
(VACATION JUDGE)**

JUNE 29, 2026/da