

[ **45** INTRODUCED IN THE NATIONAL ASSEMBLY ]

A

**BILL**

further to amend the Transplantation of Human Organs and Tissues Act, 2010 (No.VI of 2010)

Whereas it is expedient further to amend the Transplantation of Human Organs and Tissues Act, 2010 for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title, commencement and extent.**- (1) This Act shall be called the Transplantation of Human Organs and Tissues (Amendment) Act, 2017.

(2) It shall come into force at once.

(3) It shall extend to the ICT, AJ&K and Federally Administered Tribal Areas (FATA).

2. **Amendment of Section 2, Act No.VI of 2010.**- In the Transplantation of Human Organs and Tissues Act, 2010, hereinafter referred to as the said Act, in section 2, after paragraph (k) the following new paragraph shall be added, namely;

“(1) “HOTA” means Human Organs Transplant Authority.”.

3. **Amendment of Section 3, Act No.VI of 2010.**- In the said Act, in section 3, after sub section (2) the following sub-sections shall be added namely;

“(3) Pakistani citizen shall not be allowed to carry out any transplant procedure outside Pakistan nor any foreigner be allowed to visit Pakistan for transplantation purpose except those procedures which are not available in Pakistan.

(4) Where the donor or recipient being closed blood relative is a foreign national, prior approval shall be required of the Monitoring Authority before removing or transplanting human organ or tissues or both:

Provided that the Monitoring Authority shall approve such removal or transplantation if the recipient is a foreign national and the donor is a Pakistani national where they are close blood relatives.”.

4. **Amendment of Section 4, Act No.VI of 2010.**- In the said Act, in section 4, after sub-section (3), the following sub-section(4) shall be added, namely;

“(4). Donation of human organs or tissues after accidental and/or brain death:-

- a) the authorities issuing CNIC shall make a provision on the front page of their application form to ask for consent for donation of an organ or tissue in case of accidental and/or brain death of the individual. The column shall also provide provision to select any single or a combination of more than one organ or "all" organs and individuals' consent to donate. Names of the following organs shall appear in the above mentioned column i.e. kidney, liver, pancreas, lung, heart, intestine and 'all';
- b) CNIC may have code displaying the word "Organ Donor" in red;
- c) whoever consents to donate the organ/tissue in case of his/her accidental and/or brain death shall sign the undertaking that his/her consented organs/or tissues can be transplanted to any individual in need of that organs without the discretion of colour, creed, caste, religion or sect by nearest medical institute or hospital duly recognized to do so by the Monitoring Authority;and
- d) the Monitoring Authority, NADRA or any such authority in the field of public health shall publicize the importance of decease organ donation for welfare of humanity from different scientific and religious aspects so that the people may contribute through voluntary donation of organs and tissues in case of their accidental and/or brain death."

5. **Amendment of Section 5, Act No.VI of 2010.-** In the said Act, in section 5, after sub-section (1) the following sub-section (1A) shall be inserted, namely;

"(1A). The Evaluation Committee shall have the additions of the following:-

- a) An oncologist and/or Hematologist (for Bone Marrow Transplant Centre)
- b) An Ophthalmologist (for Corneal Transplant Centre)
- c) A Hepatologist and/or Liver Surgeon (for Liver Transplant Centre)
- d) A Cardiologist and/or Cardiac Surgeon (for Heart Transplant Centre)."

6. **Amendment of Section 8, Act No.VI of 2010.-** In the said Act, in section 8, in sub-section (1),-

a) for entries (i) and (ii) the following shall be substituted, namely:-

“(i)	Concerned Minister	Chairman
“(ii)	Secretary of the concerned Ministry	Vice Chairman”;

b) entries at serial No. (iii), (v) and (vii) shall be omitted.

c) for entries at serial No entries (iv), (vi), (viii) and (ix), the following shall be substituted, respectively:-

“(iv)	Bone Marrow Transplant Specialist/Specialist/Surgeon To be nominated by Federal Government	Member
“(vi)	Ophthalmologists	Member

To be nominated by Federal Government

(viii) Liver Transplant Surgeon/Specialist

Member

To be nominated by Federal Government

(ix) Kidney Transplant Surgeon/Specialist

To be nominated by Federal Government

Member"; and

d) after sub-section (1) the following sub-section (1A) shall be inserted, namely:-

"(1A) Administrator HOTA shall be the Secretary of the Monitoring Authority".

7. **Amendment of Section 10, Act No.VI of 2010.-** In the said Act, in section 10, in sub-section (1),-

a) for the words "imprisonment for a term which may extend to ten years", the words "life time imprisonment provided that the relaxation contained in Jail Manual shall not be applicable to the convicted person" shall be substituted;

b) for the word "one" occurring before the word "million", the word "fifty" shall be substituted; and after the word "rupees" the words "and forfeiture of his property/Hospital" shall be inserted;

c) for sub-section (2), the following shall be substituted, namely:-

"(2) Where any person convicted under sub-section (1) is a registered medical practitioner his name shall also be reported to Pakistan Medical and Dental Council for removal of his name from the register of the Council permanently upon first offence."; and

d) for sub-section (3), the following shall be substituted, namely;

"(3) Where any private hospital or any premises are found to be used for illegal activities of transplantation of human organs, it shall be forfeited by the Government of Pakistan in favour of State.".

8. **Amendment of Section 11, Act No.VI of 2010.-** In the said Act, in section 11, in paragraph (d), in sub-paragraph (ii), for the word "ten years" the words "life time imprisonment provided that the relaxation contained in Jail Manual shall not be applicable to the convicted person" shall be substituted, and for the word "one" the word "fifty" shall be substituted.

9. **Amendment of section 14, Act No.VI of 2010:-** In the said Act, in section (14).-

(i) for sub-section(1), the following shall be substituted namely;

“(1) No Court inferior to that of Session under the Code of Criminal Procedure, 1898 (Act V of 1893) shall try an offence punishable under this act.”;

(ii) sub-section (3) shall be omitted; and

(iii) in sub –section(4),after the words “non-bailable” and the words “non-compoundable” shall be inserted.”.

### **STATEMENT OF OBJECTS AND REASONS**

In order to control the illegal transplantation of human organs and to give exemplary punishment to those doctors and hospitals involved in illegal transplantation of human organs, it is necessary to amend the Transplantation Of Human Organs And Tissues Act, 2010 by introducing more strenuous punishments for such doctors and hospitals. The amendments brought through this Bill will help to stop the illegal transplantation of human organs.

Sd/-

**MR. BABAR NAWAZ KHAN**  
**Member, National Assembly**