

[NATIONAL ASSEMBLY SECRETARIAT]

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BILL

further to amend the Transplantation of Human Organs and Tissues Act, 2010.

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

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Transplantation of Human Organs and Tissues (Amendment) Act, 2016.

(2) It shall come into force at once.

2. **Amendment of section 3, Act VI of 2010.**- In the Transplantation of Human Organs and Tissues Act 2010 (VI of 2010), hereinafter referred to as the said Act, in section 3,-

(i) In sub-section (2), after the expression "under sub-section(1)," the words and comma "on submission of affidavit of non-availability of related donor by the Patient to the Evaluation Committee," shall be inserted;

(ii) after sub-section 2, amended as aforesaid, the following new sub-sections shall be added, namely:-

"(3) The non-related donor who will donate his organ or tissue shall submit to the Evaluation Committee the complete medical record and an affidavit signed before the 1st Class Magistrate of his voluntary donation with the permission from his family member.

(4) Compensation of Rs.6,00,000/- shall be paid to the donor as reward money and to cover expenses of his family, the patient and his family members who will submit an affidavit to the Evaluation Committee or Human Organs and Transplantation Authority that they shall be responsible for the life time treatment of the donor. The amount shall be paid by cheque, demand draft or Pay Order by the Hospital under intimation to the Human Organs and Transplantation Authority (HOTA) and respective provincial authorities in case of a Province.

(5) The patients of foreign Muslim countries shall be allowed to come for transplantation up to five patients per month. If they have no relative to donate the organ, the hospital authority shall allow to arrange the donor from Pakistan to save his

life and an amount of Rs.500,000/- shall be paid to the Human Organs and Transplantation Authority for welfare. The non-related donor who will donate his organ or tissue shall submit to the Evaluation Committee the complete medical record and an affidavit signed before the 1st Class Magistrate of his voluntary donation with the permission from his family member.

3. **Amendment of section 5, Act VI of 2010.**- In the said Act, in section 5, after sub-section (2), the following new sub-section (3) shall be added namely:-

“(3) The recommendations of the Evaluation Committee shall be taken as final.”.

4. **Amendment of section 6, Act VI of 2010.**- In the said Act, in section 6, after sub-section (4), the following new sub-section (5) shall be added namely:-

“(5) Donor pool shall be maintained by the recognized institutions to avoid exploitation by the middle man.”.

5. **Insertion of new section 6A, Act, VI of 2010.**- In the said Act, after section 6, the following new section 6A, shall be added, namely:-

“6A. **Grievance Commission.**- The Federal and Provincial Commission shall appoint or designate Grievance Commissioner in their respective Health Commission to listen to the complaints of patients against hospital authorities for their redressal and taking necessary action. No other law enforcement authorities or Police shall be involved without the permission of Health Commission.”.

STATEMENT OF OBJECTS AND REASONS

In order to make the process of transplantation of human organs more transparent and to avoid misuse of the facility for commercial purposes. The condition of submission of affidavit before 1st Class Magistrate is proposed. Moreover it is also proposed to pay reasonable compensation to donors. For redressal of complaints of the patients against Doctors or hospital authority it is proposed that Federal and Provincial Governments shall appoint/nominate Grievance Commissioners in their respective health Commission.

2. The Bill seeks to achieve the aforesaid objectives.

Sd/-

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