

[TO BE INTRODUCED IN THE SENATE]

A

BILL

further to amend the Transplantation of Human Organs and Tissues Act, 2010 in its application to the Islamabad Capital Territory

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

It is hereby enacted as follows:-

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

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Amendment of section 3, Act VI of 2010.- In section 3 of the Islamabad Transplantation of Human Organs and Tissues Act, 2010 (VI of 2010), hereinafter referred to as the said Act, in section 3, after sub-section (1), the following new sub-section shall be inserted, namely:-

“(1A) Where the donor or recipient being close blood relative is a foreign national, prior approval shall be required of the Monitoring Authority before removing or transplanting human organ or tissue or both:

Provided that the Monitoring Authority shall not approve such removal or transplantation if the recipient is a foreign national and the donor is a Pakistani national unless they are close blood relatives.”

3. Amendment of section 5, Act VI of 2010.- In the said Act, in section 5, in sub-section (1), after the words “having a good record of social service” the words “and a legal expert who has held the position of Additional District Judge or is eligible to be appointed as Additional District Judge” shall be inserted.

4. Amendment of section 8, Act VI of 2010.- In the said Act, in section 8, in sub-section (2) after paragraph (a), the following new paragraph shall be inserted, namely:-

“(aa) monitor, supervise, authorize and approve the transplantation of human organs or tissue or both of foreign nationals where such foreign nationals are the close blood relatives of Pakistani donors.”

5. Amendment of section 10, Act VI of 2010.- In the said Act, in section 10, in sub-section (1), for the words "which may extend to ten years" the words "which may extend to fifteen years but which shall not be less than ten years" shall be substituted and for the words "which may extend to one million rupees" the words "which may extend to ten million rupees but which shall not be less than five million rupees" shall be substituted.

6. Amendment of section 11, Act VI of 2010.- In the said Act in section 11,-

(i) after clause (d) the following new clause shall be inserted, namely:-

"(e) abets in the preparation or submission of false documents including giving false affidavits to establish that the donor is making the donation of the human organs or tissues or both, as a close blood relative or by reason of affection or attachment towards the recipient."

(ii) for the words "which may extend to ten years" the words "which may extend to fifteen years but which shall not be less than ten years" shall be substituted and for the words "which may extend to one million rupees" the words "which may extend to five million rupees but which shall not be less than one million rupees" shall be substituted.

7. Amendment in section 12, Act VI of 2010.- In the said Act, in section 12, for the words "which may extend to three years" the words "which may extend to seven years but which shall not be less than five years" shall be substituted and for the words "which may extend to three hundred thousand" the words "which may extend to one million but shall not be less than five hundred thousand" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Transplantation of Human Organs and Tissues Act, 2010 was enacted to stop the illegal organ transplants. It is however a shocking fact that despite the presence of this law, organs trafficking and illegal organ transplant are still taking place. The commercial transplant of organs is prohibited under the present law, but sadly this unethical practice has not stopped. Recently it has also been unearthed that many foreigners also come to Pakistan to get transplant done with organs purchased from the black market. In the light of the present circumstances, there is an immediate need to amend the existing law on Transplantation of Organs in order to stop the unethical and illegal organ trafficking and also to enhance punishment for persons who violate the provisions of law. This Bill seeks to achieve the aforementioned objectives.

SENATOR MUHAMMAD AZAM KHAN SWATI

Member-In-Charge