



SENATE SECRETARIAT

Report No. 18

REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE



“THE TRANSPLANTATION OF HUMAN ORGANS AND TISSUES (AMENDMENT) BILL, 2018”

PRESENTED BY

**Senator Muhammad Javed Abbasi
Chairman
Standing Committee on Law and Justice**

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE TRANSPLANTATION OF HUMAN ORGANS AND TISSUES (AMENDMENT) BILL, 2018"

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The Transplantation of Human Organs and Tissues (Amendment) Bill, 2018", introduced by Senator Mian Muhammad Ateeq Sheikh in the Senate sitting held on 12th November, 2018, and reported by the Standing Committee on National Health Services Regulations and Coordination. The Reported Bill, upon consideration, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee on Law and Justice is as under:-

1.	Senator Muhammad Javed Abbasi	Chairman
2.	Senator Mian Raza Rabbani	Member
3.	Senator Farooq Hamid Naek	Member
4.	Senator Ghous Muhammad Khan Niazi	Member
5.	Senator Siraj ul Haq	Member
6.	Senator Syed Muzafar Hussain Shah	Member
7.	Senator Ayesha Raza Farooq	Member
8.	Senator Muhammad Ali Khan Saif	Member
9.	Senator Mustafa Nawaz Khokar	Member
10.	Senator Sana Jamali	Member
11.	Senator Walid Iqbal	Member
12.	Senator Zeeshan Khanzada	Member
13.	Minister for Law and Justice	Ex-officio Member

3. The Committee considered the Bill in its meetings held on 12th February, 2019, 18th April, 2019, 16th May, 2019, 17th July, 2019, 19th September, 2019, 28th November, 2019, 22nd January, 2020 and 13th February, 2020 under the Chairmanship of Senator Muhammad Javed Abbasi. Final consideration of the Bill was held in the meeting dated 13th February, 2020, which was attended by the following members:-

- i. Senator Muhammad Javed Abbasi
- ii. Senator Ghous Muhammad Khan Niazi
- iii. Senator Siraj ul Haq
- iv. Senator Syed Muzafar Hussain Shah

- v. Senator Zeeshan Khanzada
- vi. Senator Sana Jamali

4. Senator Mian Muhammad Ateeq Shaikh, Member-in-Charge briefed the Committee that there are so many accidental deaths while driving motor vehicles. During such deaths human body is mutilated, injured or damaged in such form that sanctity of human corpse like natural death is not possible and even routine rituals are also not performed. However, most of human organs or tissues are still active even after clinical death and some of such human organs or tissues may be transplanted to persons in need of such human organs or tissues. Such donation may give a new lease of life to person in need of such human organs or tissues. Therefore, there is need to make a provision in CNIC to facilitate the donation of human organs or tissues in case of accidental death.

5. The Committee sought input from the Council of Islamic Ideology and NADRA. The representative from NADRA informed the Committee that for the Computerized National Identity Card (CNIC), data is collected and maintained for 39 fields out of which 8 fields are printed on the CNIC. Due to limited space on the CNIC, it is not possible to indicate if the bearer of the card is an organ donor or not. Senators Muhammad Ali Khan Saif and Mustafa Nawaz Khokar suggested that NADRA should look into the possibility of indicating if the bearer of the CNIC is an organ donor by putting a dot instead of text which was endorsed by the Committee. NADRA informed that a dot can be provided in black colour. The representative from Human Organ Transplant Authority informed the members that consent of family members who have the lawful possession of the dead body is also solicited at the time of donation.

6. The Chief Research Officer, Council of Islamic Ideology informed that the Council in its previous recommendations has validated the provision of donation of organs, however, this is only a technical administrative matter on which relevant experts can decide.

7. In view of the deliberations and position taken by NADRA it was decided that instead of displaying the words "organ donor" a dot may be provided on the CNIC. For this reason in proposed Clause 4A, in sub-clause (2), for the words "**the words organ donors in red**", the words "**a visible dot**" shall be substituted.

8. The Bill as amended was supported by all Members present and voted.

9. Accordingly the Committee recommends that that "The Transplantation of Human Organs and Tissues (Amendment) Bill, 2018", as reported by the Committee", may be passed by the Senate of Pakistan. (The Bill reported by the Committee is annexed as "A" and the Bill reported by the Standing Committee on National Health Services Regulations and Coordination in the Senate is annexed as "B").



(RABEEA ANWAR)
J.S / Secretary Committee



(SENATOR MUHAMMAD JAVED ABBASI)
Chairman
Standing Committee on Law & Justice

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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, 2018.

(2) It shall come into force at once.

2. Insertion of section 4A, Act VI of 2010.- (1) In the Transplantation of Human Organs and Tissues Act, 2010 (VI of 2010), after section 4, the following new section shall be inserted, namely:-

"4A. Donation of human organs or tissues after accidental or brain death.- (1) The National Database and Registration Authority shall, for issuing National Identity Card, make a provision on front page of its application form to ask for consent for donation of an organ or tissue in case of accidental or brain death of the individual. The column shall also have provision to select any single or a combination of more than one organ or all organs, the individual consents to donate. Names of the organs to be donated shall appear in that column like kidney, liver, pancreas, lungs, heart, intestine or all.

(2) The National Identity Card may have a code displaying **a visible dot**.

(3) Whoever consents to donate the organ or tissue in case of his accidental or brain death shall sign the undertaking that his consented organs or tissues may be transplanted to any individual in need of that organs irrespective of colour, creed, caste, religion or sect in case of accidental or brain death of the individual and removed for the purpose by nearest medical institute or hospital duly recognized to do so by the Monitoring Authority.

(4) The Monitoring Authority, National Database and Registration Authority or any such authority in the field of public health shall publicize the importance of deceased organs 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 or brain death."

STATEMENT OF OBJECTS AND REASONS

There are so many accidental deaths while driving motor vehicles. During such deaths human body is mutilated, injured or damaged in such form that sanctity of human corpse like natural death is not possible and even routine rituals are also not performed. However, most of human organs or tissues are still active even after clinical death and some of such human organs or tissues may be transplanted to persons in need of such human organs or tissues. Such donation may give a new lease of life of person in need of such human organs or tissues. Therefore, there is need to make a provision in CNIC to facilitate the donation of human organs or tissues in case of accidental death.

2. The Bill seeks to achieve the above aims and objects.

SENATOR MIAN MUHAMMAD ATEEQ SHAIKH,
Member-in-Charge

[AS INTRODUCED IN THE SENATE]

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(2) The National Identity Card may have a code displaying the words "Organ Donor" in red.

(3) Whoever consents to donate the organ or tissue in case of his accidental or brain death shall sign the undertaking that his consented organs or tissues may be transplanted to any individual in need of that organs irrespective of colour, creed, caste, religion or sect in case of accidental or brain death of the individual and removed for the purpose by nearest medical institute or hospital duly recognized to do so by the Monitoring Authority.

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Member-in-Charge**